THE

LEGISLATIVE ASSEMBLY DEBATES

Official Report

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Volume IV, 1945

(2nd April to 12th April, 1945)

TWENTY-SECOND SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1945

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LEGISLATIVE ASSEMBLY

Monday, 2nd April, 1945

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

MEMBERS SWORN.

Sir George Richard Frederick Tottenham, C.S.I., C.I.E., I.C.S., **M.L.A.** (Government of India: Nominated Official); and

Mr. Chandulal Madhavlal Trivedi, C.S.I., C.I.E., O.B.E., I.C.S., **M.L.A.** (Secretary, War Department).

STARRED QUESTIONS AND ANSWERS

(*a*) ORAL ANSWERS

HEALTH OF MR. UTTAM CHAND MALHOTRA

1486. *Mr. Abdul Qaiyum: Will the Honourable the Home Member please state:

(a) the latest report about the health of the security prisoner, Mr. Uttam Chand Malhotra, now detained in the Dera Ghazi Khan jail;

(b) whether he is laid up in hospital; and, if so, the nature of his trouble, and

(c) whether he proposes to send him to a jail in the North West Frontier Province?

Sir Richard Tottenham: (a) and (b). The latest report about the health of Mr. Uttam Chand shows that it is satisfactory. He was discharged from hospital on March 10th after undergoing a detailed examination. The conclusions formed after that examination were that there was no trace of kidney trouble or of any other serious complaint.

(c) No.

Mr. Abdul Qaiyum: In view of the fact that almost all the prisoners have been sent back to their provinces, may I know whether Government will reconsider the question of sending back this prisoner to the North West Frontier Province?

Sir Richard Tottenham: I have no objection to reconsidering it, but I doubt whether it will make any difference.

Mr. Abdul Qaiyum: We are told that the Members of the Working Committee have also been sent to their provinces. Why should an exception be made in the case of this prisoner?

Sir Richard Tottenham: There are certain reasons.

Mr. Abdul Qaiyum: Will the Honourable Member disclose the reasons?

Sir Richard Tottenham: I am afraid I cannot.

Mr. T. S. Avinashilingam Chettiar: What are the general reasons which make the Government keep prisoners belonging to other provinces in different provinces?

Sir Richard Tottenham: There are confidential reasons.

ENCOURAGEMENT TO RAW FILMS INDUSTRY

1487. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if it is a fact that a company applied for registration for the manufacture of photographic goods and equipments in India during the postwar period, more specifically for the manufacture of raw films?

(b) Was the answer of Government in the following terms:—

"It is premature to invite the public to subscribe capital before experimental work has been carried to such a stage that it is possible for the Government and the public to form some sort of judgment as to the prospects of the venture"?

LEGISLATIVE ASSEMBLY

President :

The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President :

Mr. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

Mr. Abdul Qaiyum, M. L. A.
Syed GHULAM BHIK NAIRANG, M.L.A.
Mr. K. C. NEOGY, M.L.A.
Sir HENRY RICHARDSON, M.L.A.

Secretary :

Mian MUHAMMAD RAFI, Barrister-at-Law.

Assistants of the Secretary :

Mr. M. N. KAUL, Barrister-at-Law.
Khan Bahadur S. G. HASNAIN.

Marshal :

Captain Haji Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

Mr. AKHIL CHANDRA DATTA, M.L.A. (*Chairman*).
Syed GHULAM BHIK NAIRANG, M.L.A.
Mr. GOVIND V. DESHMUKH, M.L.A.
Mr. N. M. JOSHI, M.L.A.
Sardar SANT SINGH, M.L.A.

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(c) What efforts are they making, or do they propose to encourage private parties to make raw films, and can they give an assurance that an industry for the manufacture of raw films will arise in India as early as possible after the war?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) It is a fact that consent to the issue of capital was refused in the terms quoted.

(c) An industrial panel is being set up to investigate and report on the possibilities of manufacture of raw films in India after the war.

Mr. Manu Subedar: May I know what equipment the Controller of Capital Issues has got to judge whether a particular industry has prospects, or not?

The Honourable Sir Jeremy Raisman: It is not the Controller of Capital Issues alone; it is the various departments who between them possess a considerable amount of technical knowledge or at any rate familiarity with trade conditions who advise whether the prospects are such that Government should sanction the issue.

Mr. Manu Subedar: Are Government guaranteeing the prospects? In fact Government are declaring that Government do not guarantee the prospects of a particular industry because the capital is issued, and, if so, may I know why Government is discouraging this enterprise?

The Honourable Sir Jeremy Raisman: The Honourable Member is quite right that Government publicly disclaim any guarantee of the soundness of issues which have been permitted. At the same time Government feel it to be their duty to ascertain that there is a certain minimum content of prospect of success or feasibility before they allow any public floatation.

Mr. Manu Subedar: May I know what steps Government will take to dispel the feeling among the public that Government are discouraging certain forms of industries with a view to maintain Indo-British trade in films and photographic goods?

The Honourable Sir Jeremy Raisman: There is no foundation whatsoever for the suggestion contained in the Honourable Member's remarks. But I must point out that this is a highly technical and scientific industry and that without considerable and careful investigation, it is not possible to allow promoters to go to the public and say, we are going to manufacture films. Government would be lending themselves to something about which they had certainly not satisfied themselves in the interest of the public.

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

RUPEE DEBT OF INDIA HELD BY BRITISHERS AND OTHER FOREIGNERS

1488. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member please state:

(a) the extent of the rupee debt of India held by Britishers and British Companies and other foreign agencies; and

(b) whether any attempts have been made to liquidate these debts?

The Honourable Sir Jeremy Raisman: (a) Government have no information.

(b) No, except in the course of the ordinary programme of repayment of maturing loans.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that a certain knowledge in this matter is necessary, may I know whether Government will try to go into the matter and find out the extent of the rupee debt of India held by Britishers in this country.

The Honourable Sir Jeremy Raisman: I must point out that these loans are freely negotiable and it is not practicable to ascertain with any exactitude at any particular moment in whose hands they are and it certainly is not possible to determine in whose hands they will be on any future date.

INSTITUTIONS AND PREMSIES RAIDED AND SEIZED AT HARMARA AJMER)

1489. *Mr. Sri Prakasa: Will the Honourable the Home Member be pleased to state:

(a) the names of the institutions and premises raided and seized at Harmara (Ajmer) in August, 1942;

(b) if the *Gazette of India*, of August, 15, 1942, containing Government notifications in that behalf does not mention Khadi Ashram which also was seized; if so, what other notification was issued in that behalf;

(c) if Government have sold all the goods seized in the said Khadi Ashram; if so, what the amount of money realized from such sale was; and

(d) if Government propose to consider the desirability of paying back to the Managers the sum so realized?

Sir Richard Tottenham: (a) to (d). I have nothing to add to the reply to the Honourable Member's Question No. 695 on November 21st, 1944, except that I understand that the Chief Commissioner, Ajmer, has received notice of a suit on the subject.

Mr. Sri Prakasa: I should like to know, if I may, whether Khadi Ashram was specifically mentioned in the Gazette Notification.

Sir Richard Tottenham: I think that was answered on the last occasion; I do not think it was particularly mentioned.

Mr. Sri Prakasa: In view of the fact that Khadi Ashram was not specifically mentioned in the Gazette Notification, may I know why it was seized?

Sir Richard Tottenham: It is obvious that a dispute has arisen as to the legality of certain action in this case; and on the last occasion, when the question was raised, the Honourable the Home Member suggested that there was a legal remedy through which this dispute could be thrashed out. That legal remedy has now been taken by giving notice of a suit and I think we should be well advised to leave the matter to the Court to decide.

Mr. Sri Prakasa: With regard to the Honourable Member's reply to part (d) of the question, may I know whether they would pay back the money that they have realized by the sale of the goods seized from Khadi Ashram?

Sir Richard Tottenham: That would depend on the decision of the Court when the case comes before it.

WORK OF RUSSIAN EXPERTS ON HEALTH

1490. *Mr. Sri Prakasa: Will the Honourable Member for Planning and Development please state:

(a) if Government are satisfied with the work of Russian Experts who were invited to give advice on health; and if his department has benefited by that advice; and

(b) if it is the intention of Government to invite experts from Russia to advise his department on matters of planning, administration, jails, agriculture, industry, and other subjects?

The Honourable Sir Ardeshir Dalal: (a) One Russian expert, Professor Ognev, was invited at the request of the Health Survey and Development Committee to assist them in their investigations. We have not received their report as yet, and so have no knowledge how far Prof. Ognev was able to help them.

(b) No proposal on the lines indicated is under consideration at the present time but Departments concerned will no doubt consider the possibility of inviting Russian as well as other foreign experts if and when the need arises.

Mr. Sri Prakasa: In view of the fact that planning has been carried on with the greatest success in Russia and in view further of the fact that Russia is now a friendly country, will the Honourable Member consider seriously the desirability of importing some expert Russians to advise the departments concerned on the various points mentioned in the question?

The Honourable Sir Ardeshir Dalal: Government will consider the desirability of inviting Russian experts as I have already stated in answer to part (d) of the question.

INSTRUCTIONS *RE* COLLECTIONS FOR DEFENCE SAVINGS DRIVE

1491. *Mr. Sri Prakasa: Will the Honourable the Finance Member please state:

(a) if he had issued any instructions to the Provinces regarding the manner in which money should be collected in the course of Defence Savings Drive;

(b) if the lowest unit for which a certificate can be issued is Rs. 10;

(c) how receipts for sum of less than rupees ten were given and how much have been accounted for; and

(d) how the money realised in amounts of less than Rupees ten is to be paid off in the future?

May I say that there is a little mistake, no doubt due to my own bad handwriting. In the latter part of part (c) of the question I said ".....how such has been accounted for" instead of "how much".

The Honourable Sir Jeremy Raisman: (a) I would refer the Honourable Member to my remarks during the debate on the 10th February 1945 on Maulvi Muhammad Abdul Ghani's motion for adjournment of the House and to the proceedings of the Legislative Assembly dated the 27th March 1945, relating to the Supplementary Grant for Finance Department.

(b) No. The lowest unit is Rs. 5.

(c) and (d). The Government of India are not in possession of detailed information regarding the exact procedure followed by different Provincial Governments for the collection of money during the Savings Drive and the grant of receipts therefor. When money is collected by an Authorised Agent for investment in National Savings Certificates, he gives a temporary receipt for the amount and this is taken back from the investor at the time of handing over the certificate. In cases where persons can invest only sums less than Rs. 5 or Rs. 10, the Savings Card system has been introduced. Persons can buy savings stamps from an authorised agent or through the Post Office and affix them on the Savings Card which is supplied free. When the total value of the stamps reaches Rs. 5 or Rs. 10, the card is exchanged for a National Savings Certificate of the appropriate value.

Where the amount realised is less than Rs. 5 it may be deposited in the Defence Savings Bank account in lieu of cash.

Mr. T. S. Avinashilingam Chettiar: With reference to clause (a), what are the definite instructions that he has issued?

The Honourable Sir Jeremy Raisman: I have already referred to the subject more than once. I made it clear that the precise instructions that should be issued are a matter for careful consideration. Our position is that we cannot afford to discourage the drive. We are anxious to prevent excesses of the type to which notice has been drawn in this House but the instructions must be so worded as to make it clear that the Government of India still attach the utmost importance to continuing the small savings drive.

Mr. T. S. Avinashilingam Chettiar: May I take it that he will place on the table of the House the instructions when he issues them?

The Honourable Sir Jeremy Raisman: That suggestion will be taken into consideration.

Mr. Sri Prakasa: In view of the fact that licences for guns have been refused and shops have been closed, of persons who refused to give money for such purposes, would the Honourable Member kindly consider the desirability of giving fairly detailed instructions to Provincial Governments telling them that the Government of India do not like such particular methods and they prefer certain other methods which the Honourable Member may lay down specifically?

The Honourable Sir Jeremy Raisman: My Honourable friend's question illustrates the type of matter which has to be taken into consideration before instructions can be issued.

Mr. President (The Honourable Sir Abdur Rahim): Nawab Siddique Ali Khan.

DEATH OF JAGABANDU SEN OF MAINANDA VILLAGE DUE TO GUN SHOT WOUND BY AMERICAN SOLDIER

1492. *Nawab Siddique Ali Khan: Will the Honourable the Home Member please state:

(a) if he has read the editorial of *Dawn*, dated the 15th March, 1945; and

(b) if it is true that the parliamentary Secretary to the Home Minister replied to a question in the Bengal Legislative Assembly on the 1st March, as follows "Jagabandu Sen of Mainanda village in the district of Tippera had received a gun shot wound on October, 17, 1944, through the gun of the American soldier and he had died on the following day"?

Sir Richard Tottenham: (a) and (b). I have seen the editorial in question. It seems to have been based on a regrettable error by which the death was attributed to the fun, whereas it should have been the gun, of an American soldier.

Nawab Siddique Ali Khan: May I know what steps were taken to punish the offender?

Sir Richard Tottenham: I am not sure of the exact circumstances in which this regrettable incident took place, but I understand that it was a pure accident. I know that the question of compensation has been taken up.

Sir Muhammad Yamin Khan: What was the "fun" if it was not "gun".

The Honourable Sir Jeremy Raisman: There was no question of "fun".

Sir Muhammad Yamin Khan: Did not the Honourable Member say that it is a misprint for the word "fun"?

Sir Richard Tottenham: No.

CASES OF UNAUTHORISED ENTRY INTO HOUSES BY FOREIGN AND INDIAN MILITARY MEN

1493. *Nawab Siddique Ali Khan: (a) Is the War Secretary aware that in the Bengal Assembly on February, 21, Sir Nazimuddin, the Premier, referred to eight cases of unauthorised entry into houses by foreign and Indian Military personnel?

(b) Is it true that the Premier added that two Europeans in naval uniform had forced an entry into house, intimidated the inmates with revolvers and assaulted a young woman?

(c) Will the War Secretary please state in detail what steps Government has taken or propose to take to prevent such outrages?

Mr. C. M. Trivedi: (a) and (b). Yes Sir.

(c) I would invite the attention of the Honourable Member to my reply on the 1st March to starred question No. 587.

OUTRAGE OF INDIAN WOMEN IN CALCUTTA STREET BY AMERICAN SOLDIERS

1494. *Nawab Siddique Ali Khan: (a) Will the Honourable the Home Member be pleased to state if it is a fact that three Indian women were pulled out of a taxi in broad daylight in a street of Calcutta by three American soldiers and driven off in a jeep with two women, having left behind the third who had fainted?

(b) Is it a fact that these two helpless women were raped and thrown out in Asansol?

(c) Is it true that this affair was reported to police by a European?

Sir Richard Tottenham: (a), (b) and (c). The Government of India have no information. I have ascertained that no such incident was reported either to the Calcutta or to the Asansol police.

HARDSHIP UNDER CENTRAL EXCISE RULES TO BETEL-NUT GROWERS AND TRADERS

1495. *Sri K. B. Jinaraja Hegde: Will the Honourable the Finance Member be pleased to state:

(a) whether he is aware that hardship and harassment are caused by enforcing the Central Excise Rules in the case of betel-nut growing and trading; and

(b) whether permits to grow betel-nut palm are being enforced; if so, what the fee is and whether any exemption is permitted to small growers; if so, what the conditions are?

The Honourable Sir Jeremy Raisman: (a) No. The rules are being as applied as not to interfere with the growing of and trade in betel-nuts.

(b) No permit is required for growing the betel-nut palm.

Mr. T. S. Avinashilingam Chettiar: May I know whether he has received any complaints of harassment and hardship caused by the application of this rule?

The Honourable Sir Jeremy Raisman: I have heard several remarks in this House and as I said the other day, I am having certain matters investigated.

PERFORMANCE BY RESERVE BANK OF INDIA OF FUNCTIONS OF A CENTRAL BANK

1496. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member be pleased to state:

(a) whether the Reserve Bank of India has performed or is performing all the functions of a Central Bank for exercising full consolidation and control over the credit of the country?

(b) Whether it has submitted definite and final proposals for the extension of the provisions of the Reserve Bank of India Act relating to Scheduled Banks, to all institutions and persons engaged in British India in the business of banking?

(c) Whether it has adopted and carried out any definite scheme for the improvement of the machinery for dealing with agricultural finance and methods for effecting a closer connection between agricultural enterprise and the operations of the Bank?

(d) Whether it has adopted and carried out a definite scheme for co-ordinating the operations of the Bank in connection with agricultural credit and it's relation with all institutions engaged in the business of agricultural credit?

(e) What particular functions it has assigned to it's Agricultural Credit Department and how they are being performed?

The Honourable Sir Jeremy Raisman: (a) The Reserve Bank of India is performing as far as is practicable the functions of a Central Bank assigned to it by the Reserve Bank of India Act 1934.

(b), (c) and (d). The attention of the Honourable Member is invited to the Statutory Report submitted by the Bank in 1937 under Section 55(1) of its Act.

(e) The functions of the Agricultural Credit Department are defined by Section 54 of the Reserve Bank Act; as regards the manner in which they are being performed the attention of the Honourable Member is drawn to the Annual Reports of the Bank under Section 14 of its Act.

Mr. Manu Subedar: Will the Honourable Member explain why the Reserve Bank is not engaging any funds in rediscounting and for discounting commercial paper?

The Honourable Sir Jeremy Raisman: I answered a question the other day on the extent to which the Reserve Bank comes to the assistance of other ranks. I am afraid I cannot go into details of the policy in the matter of discounting various types of paper.

Mr. Akhil Chandra Datta: With reference to part (d), so far as the question of linking of the indigenous bankers with the Reserve Bank is concerned, is the Honourable Member aware that his most distinguished predecessor, Sir George Schuster was very strongly of the opinion that this is one of the greatest problems of India and that unless it was solved—in other words, unless the indigenous bankers were linked up with the Reserve Bank—it was impossible for the Reserve Bank to perform its functions as a central Bank, namely, full control of the currency and credit of the country?

The Honourable Sir Jeremy Raisman: I am aware that that was the attitude of the Government of the time. But a good deal has happened since then and various efforts have been made to find a solution of this difficult problem. The report of the bank that was published in 1937 gives some indication of the difficulties then encountered and the proposals of the bank to deal with them.

Mr. Manu Subedar: Will the question of the linking up of the indigenous bankers with the Reserve Bank be included in the consideration of the Banking Bill by the Select Committee?

The Honourable Sir Jeremy Raisman: I think the Committee would be undertaking a very difficult problem. As far as I remember I said at the time when I introduced that Bill that the Bill did not seek to tackle that particular problem because it was too difficult to be dealt with within the scope of such a measure.

Mr. Akhil Chandra Datta: Isn't it a fact that the greatest problem according to Sir George Schuster still remains unsolved and all attempts have been given up in that direction since 1941.

The Honourable Sir Jeremy Raisman: It is a fact that there are problems unsolved but that has not been for lack of efforts on the part of the Bank.

Dr. Sir Zia Uddin Ahmad: With reference to part (c) of the question, may I ask whether the Reserve Bank has reserved a certain amount for the development of rural areas by giving grants to rural banks as demanded during the discussion on the Reserve Bank and agreed to by the Government?

The Honourable Sir Jeremy Raisman: I should require notice of that question.

PERFORMANCE BY RESERVE BANK OF INDIA OF FUNCTIONS OF A CENTRAL BANK

1497. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member please state whether the Reserve Bank is at present a representative of Agriculture, Trade, Industry and other business interests of India and whether it conforms to the ideal of a Central Bank so far as the representation on the controlling administration of the Banks is concerned?

The Honourable Sir Jeremy Raisman: The question is not quite clear but if the Honourable Member has in his mind the representation of agricultural and other interests on the Local Boards of the Bank, I would invite a reference to the proviso to section 9(1) of the Reserve Bank Act.

Mr. Akhil Chandra Datta: Is it a fact that the number of shareholders of the Reserve Bank is very fast decreasing and the bank is really coming into the hands of a group of shareholders and therefore it has ceased to be representative of all interests in the country?

The Honourable Sir Jeremy Raisman: The Honourable Member, I am afraid, is trenching very much on matters which can only be said to be expressions of opinions . . . .

Mr. Akhil Chandra Datta: It is a fact, not an expression of opinion. I can give the figures.

The Honourable Sir Jeremy Raisman: . . . . But I seem to remember that some Legislation was undertaken in order to try and correct the tendency to which he referred.

Mr. Akhil Chandra Datta: Do the Government contemplate any action to restrict this tendency of the Bank going into the hands of a selected group of people.

The Honourable Sir Jeremy Raisman: Government have at present no plans for altering the constitution of the Board of the Reserve Bank.

Mr. T. S. Avinashilingam Chettiar: May I know whether this fact that the shares are being concerned by a few individuals has come to the notice of the Government?

(No answer was given.)

Mr. G. W. Tyson: Is the Honourable the Finance Member aware that the shares of the Bank are, getting into the hands of a few people in Bombay, and that the Bombay register is expanding very rapidly at the expense of the Calcutta and Madras registers.

The Honourable Sir Jeremy Raisman: Yes, Sir, there is a tendency. I cannot remember exactly at the moment, but I seem to remember that we brought before this House a measure in order to counteract to some extent its effect on the voting power.

EXAMINING OF WORKING OF RESERVE BANK OF INDIA

1498. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member please state if Government propose to examine the working of the Reserve Bank and take steps for making suitable amendments in the Reserve Bank of India Act, 1934?

The Honourable Sir Jeremy Raisman: Government is in close touch with the working of the Bank and of the Reserve Bank Act and amendments to the Act are made whenever found necessary.

FACILITIES *RE* IMPORT OF MACHINERY, ETC.

1499. *Sri K. B. Jinaraja Hegde: Will the Honourable the Finance Member be pleased to state:

(a) whether he has seen the following passage in the presidential speech delivered by Sir M. Visveswarayya in the Fifth All-India Manufacturer's Conference in New Delhi on 24th February, 1945 (page 9): "what is needed is that the people of this country should have the same liberty to import machinery, to deal with foreign exchange, to obtain freight facilities in the same manner and to the same extent as the Dominion of Canada and Australia are doing at present";

(b) the difference between the liberty enjoyed by the Government of India and that enjoyed by Governments of Australia and Canada; and

(c) whether the Honourable Member has ever bargained on behalf of Government of India to obtain the same facilities as are enjoyed by Dominion Governments; if he has done so, with what results?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) and (c). India is, in these matters, in exactly the same position as the Dominions.

A difference arises, however, in the case of Canada from the fact that she is outside the sterling area, and her exchange problems are therefore of a different character from those of the other Dominions.

COWS, ETC., KILLED FOR MILITARY PURPOSES

1500. *Mr. Ram Narayan Singh: Will the War Secretary be pleased to state:

(a) the total number and also separately the number of cows, sheep and goats killed through-out the country for military purposes since 1939;

(b) the total number and also separately the number of these animals killed for the same purpose at Ramgirh in the Hazaribagh District since 1939; and

(c) whether he is aware of the fact that there is a great dearth of milk and bullocks for agricultural purposes in the districts round about Ramgirh; and if he propose to take any steps to remove these difficulties of the agriculturists there?

Mr. C. M. Trivedi: (a) I am unable to give figures showing the number of cows slaughtered since 1939, but the number of cattle slaughtered for military purpose during the five years from the beginning of 1940 to the beginning of 1945 is 859, 220. Similarly I am unable to give separate figures for sheep and goats but the total number of both slaughtered during 1942 and 1943 was about 20 lakhs.

(b) Information is being collected and a statement will be laid on the table.

(c) Government are aware that in some parts of the country milch cattle and bullocks for agricultural purposes are not available; but they have no specific information about the position in the districts round about Ramgirh. Provinces have taken steps to prohibit the slaughter of useful cattle and steps are being taken to advise the cultivators to conserve their livestock.

Mr. Manu Subedar: Does the figure include those slaughtered by the military in their own organisations and also those killed by military contractors to supply meat?

Mr. C. M. Trivedi: It is a complete figure: it includes every thing.

INTERNAL CENSORSHIP

1501. *Sir Abdul Halim Ghuznavi: Will the War Secretary please state:

(a) whether internal letters are still being censored by the examiners of censorship;

(b) whether it is not a fact that the internal censorship was instituted at a time when Japanese aggression over India was imminent;

(c) having regard to the fact that the situation has now changed, whether it is not possible to withdraw the internal censorship, which is causing undue delay in the receipt of letters by the Indian public and at times causes delivery of letters to wrong addresses:

(d) the amount of expenditure incurred on the establishment of the department in charge of internal censorship; and

(e) whether he has considered the saving in expenditure that would result if the department is now abolished?

Mr. C. M. Trivedi: (a) and (b). Yes, Sir.

(c) Although an invasion of India is no longer imminent, the need for security is now even greater than before, since India has become an important base for operations against the Japanese.

(d) I regret that it is not possible to give separately the expenditure incurred on inland censorship, as the total staff available is employed to the best advantage on censorship of both inland and foreign correspondence.

(e) The continued breaches of security detected in the course of censorship provide ample evidence that the saving which would be effected if inland censorship were abolished would be more than offset by the increased loss of life of our sailors, soldiers and airmen which might result therefrom.

Sir Muhammad Yamin Khan: May I know whether this internal censorship is considered to be necessary at this time when there is no internal danger and the censorship has got no effect on the military?

Mr. C. M. Trivedi: I have given the answer that India is an important base of operations against the Japanese. The plans, etc., are being made here; so also the preparations for the offensive.

Sir Muhammad Yamin Khan: What is the idea in having this internal censorship as for instance censoring a letter going from Delhi to Meerut and coming from Meerut to Delhi and the letter being exchanged from one envelope to another?

Mr. C. M. Trivedi: I would invite the attention of the Honourable Member to the *press communique* which was issued on the subject on the 13th April, 1944, of which I will be pleased to give him a copy. That will show how and why this censorship was necessary.

Sir Muhammad Yamin Khan: Did the Honourable Member read the part relating to this in my speech on the Finance Bill?

(No answer was given.)

ARREST OF MR. PATANAIK A PILOT OF THE NATIONAL AIRWAYS

1502. *Mr. Abdul Qaiyum: (a) Will the Honourable the Home Member please state under what circumstances and for what offence was Mr. Patanaik, a pilot of the National Airways, arrested in Delhi and detained, and for how long he has been in detention?

(b) Is it a fact that he has lost fifty pounds in weight and that he is seriously ill, and if so, in which hospital is he being taken care of, and what is the latest medical report about his health?

(c) Has any application been made for his release on account of his health and on account of the fact that Government investigations did not disclose any serious reason for his detention?

(d) What kind of record of service and competence did this man have as a pilot, and whether his work, when he was working for the National Airways, was considered efficient and satisfactory?

Sir Richard Tottenham: (a) The Honourable Member is referred to the reply given to Mr. Krishnamachari's question No. 360 on February 19th.

(b) Mr. Patanaik was admitted into the Mayo Hospital, Lahore, on March 8th, complaining of pain in the abdominal region. X-ray examinations have so far failed to indicate anything seriously amiss, but he is still under observation and further tests are being carried out.

(c) No application has been made for his release on account of his present illness, but the question will of course be considered if the state of his health renders it advisable. Government cannot accept the statement that their investigations did not disclose any serious reason for his detention.

(d) Mr. Patanaik was a very efficient pilot and did good work for Indian National Airways, but his record was not entirely unblemished.

Mr. Abdul Qaiyum: With reference to part (c) of the question, may I know if any application demanding his release was received on ground other than ill health?

Sir Richard Tottenham: Applications have been received in the past not on grounds of health.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if the wife of this detenu requested the Home Member for an interview and whether the interview was granted?

Sir Richard Tottenham: Mrs. Patanaik has had an interview.

Mr. T. T. Krishnamachari: Did she make any representations to the Honourable the Home Member?

Sir Richard Tottenham: Yes.

Mr. T. T. Krishnamachari: What was the result of those representations, may I know?

Sir Richard Tottenham: The representations are under consideration.

Mr. Abdul Qaiyum: Is it a fact that Government investigations did not disclose such a case as could be brought before a court of law?

Sir Richard Tottenham: No, Sir.

Mr. Manu Subedar: In view of the fact that Mr. Patanaik is an efficient pilot, will Government make use of his services by releasing him so that he can be well as soon as possible?

Sir Richard Tottenham: I can assure the Honourable Member that his qualities as a pilot have been taken into very careful consideration by the authorities concerned.

MR. VIDYA RATAN'S APPLICATION FOR SANCTION TO PROSECUTE SUB-INSPECTOR UDHAM SINGH

†1503. ***Mr. Kailash Bihari Lall:** Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that one Mr. Vidya Ratan of Shahdara Delhi applied for obtaining the consent of the Governor General in Council under Section 270(1) of the Government of India Act 1935, for instituting civil and criminal proceedings against Sub-Inspector Udham Singh of the Punjab Police for his having fabricated false evidence and having launched a malicious prosecution against him;

(b) if it is a fact that the Governor General in his discretion was pleased to grant consent under two separate orders one for the institution of civil proceedings by Vidya Ratan against Sub-Inspector Udham Singh for compensation for alleged malicious prosecution and the other for the institution of criminal proceedings for alleged fabrication of false evidence and launching malicious prosecution;

(c) if it is a fact that the said Vidya Ratan applied in December, 1944, to the Deputy Commissioner, Delhi for relaxation of restrictions imposed on him to enable him to pursue civil and criminal proceedings against Sub-Inspector Udham Singh;

(d) if it is a fact that no orders have been passed on the above petition of Vidya Ratan by the Deputy Commissioner;

(e) if it is not a fact that the courts, where the suits are to be filed, are beyond the limits of restrictions within which Vidya Ratan is confined; and

(f) if Government propose to remove restrictions at least to enable him to go to court and to the lawyers?

Sir Richard Tottenham: (a), (b) and (c). Yes.

(d), (e) and (f). I am informed that the Deputy Commissioner told Mr. Vidya Ratan some time ago that his restriction order would be relaxed so as to allow him to appear in court when necessary.

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

REQUISITE QUALIFICATION OF A SCHEDULED BANK UNDER SECTION 42 OF THE RESERVE BANK OF INDIA ACT.

1504. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member be pleased to state the requisite qualification of a Scheduled Bank under Section 42 of the Reserve Bank of India Act?

The Honourable Sir Jeremy Raisman: The requisite qualifications are stated in sub-section (6) of the section mentioned by the Honourable Member.

REQUISITE QUALIFICATION OF A SCHEDULED BANK UNDER SECTION 42 OF THE RESERVE BANK OF INDIA ACT

1505. *Mr. Akhil Chandra Datta: (a) Is the Honourable the Finance Member aware of the manner how the Reserve Bank at present calculates the value of Paid Up Capital for the purpose of Inclusion and Exclusion of Scheduled Banks under Section 42 of the Reserve Bank of India Act and how the Reserve Bank used to calculate this for some years immediately after the enactment of the Reserve Bank of India Act?

(b) Are Government aware of the Reserve Bank's interpretation of the words Paid Up Capital in Section 42 (6) of the Reserve Bank of India Act?

(c) Have Government issued any instructions to the Reserve Bank on this question?

(d) Do Government propose to consider the desirability of obtaining the opinion of the Federal Court in the matter?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Yes.

(c) Yes. Government have instructed the Bank to follow the interpretation now being followed.

(d) No.

Mr. Akhil Chandra Datta: Is it a fact that from 1934 to 1940 there was one interpretation of the words 'Paid up capital', and that in 1940 Government decided to put a different interpretation on them, and that these two interpretations are substantially different?

The Honourable Sir Jeremy Raisman: It is a fact that prior to 1940 the words 'aggregate value' in Section 42(6) were held to mean book value. In that year, on the advice of the Advocate-General, the interpretation of that term was changed to real or exchangeable value. Some of the banks which got into the schedule under the original interpretation, could not stand the test of the second interpretation, and they have had to be inspected in order to see whether they should not be excluded from the list of Scheduled Banks.

Mr. Akhil Chandra Datta: Is it within the rights of Government to change the interpretation of a section at their pleasure without making any amendment of the Act?

The Honourable Sir Jeremy Raisman: This is a matter in which the interest of the public was also closely concerned. It was obviously impossible for the Reserve Bank to take the capital at a book value which has no relation whatsoever to its real value, and which meant that the criterion which the Legislature had deliberately included in the statute became entirely worthless. Therefore, it seemed to the Government of India that the other interpretation should be adopted.

Mr. Akhil Chandra Datta: Are Government aware that the two interpretations are fundamentally different?

The Honourable Sir Jeremy Raisman: Government are aware that the requirement that the aggregate value of capital and reserve should be of the real value or exchangeable value of Rs. 5 lakhs as opposed to book value is certainly a more realistic and stringent criterion.

Mr. Akhil Chandra Datta: Then amend the Act.

Mr. Manu Subedar: Since these are cases of hardships, will Government consider giving these people some time to adjust themselves and bring up the real value of the assets to the limit required by the Act?

The Honourable Sir Jeremy Raisman: That is precisely what has been done by the Bank. They have given the banks concerned time to conform to the new interpretation, but certain banks have been unable to conform, no matter how much time was given, that is to say, they were fundamentally unsound.

Mr. Akhil Chandra Datta: Is it a fact that on account of war development and consequent increase of prices banks have been unable to conform to this interpretation, and that the same conditions still continue, namely war development and consequent inflation of prices?

The Honourable Sir Jeremy Raisman: On my understanding of the matter the Reserve Bank has given the utmost reasonable latitude to banks to conform to requirements, and in doing so, they have taken into account the abnormal conditions at the present time. But they cannot allow conditions to continue indefinitely which are at variance with the requirements of sound banking.

CONSTITUTIONAL DEFECT *RE* MILITARY PENSIONS RULES

1506. *Mr. Ram Narayan Singh: (a) Will the War Secretary be pleased to refer to his answer to Starred question No. 490 of the 22nd February, 1945, and state the statutory authority for dealing with the subject of 'Federal Pensions' falling under item 9 of the Legislative List No. (I) Government of India Act 1935, in accordance with the rules contained in the pension Regulations for the Army in India (1940 Edition) instead of under a law passed by the Indian Legislature?

(b) Have these rules been published in the Official Gazette?

(c) Why the particular section of the Government of India Act, 1935, under which these regulations have been compiled, has remained unstated on the title page or elsewhere in these Regulations?

(d) Does he propose the publication of these rules in the Official Gazette, especially the rules which authorise "deductions", "stoppages" and "forfeitures" of Military rewards, reductions in Military pensions payable or earned by length of service, withholding of pensions payable to heirs of deceased Indian soldiers, whose death is brought about by accidents while on "active service"?

Mr. C. M. Trivedi: (a) As indicated in my answer to starred question No. 490 of the 22nd February 1945, the executive authority vested in Governor General in Council by the Government of India Act, 1935 extends to the regulation of the payment of pensions to, or in respect of, persons who have served in His Majesty's forces in India, and the Pensions Regualtions referred to by the Honourable Member have been made in pursuance of that authority. It is not necessary and in the opinion of Government would be entirely inappropriate to promote Legislation on this subject matter.

(b) No, Sir. The Regulations have however been published in book form and may be obtained from the Manager of Publications.

(c) Any such citation would have been out of place.

(d) No, Sir.

Mr. Ram Narayan Singh: In the answer which has just now been referred to by the Honourable Member, he said that the question of pension is not a matter of right, but that it is a matter of gift or bounty. I want to know whether the Honourable Member still holds that view.

Mr. C. M. Trivedi: I said that pension is not a matter for legislation, and I hold that view still.

SUSPENSION OF CERTAIN PRINCIPLES *RE* ELIGIBILITY FOR WAR PENSIONS IN THE CASE OF INDIAN PERSONNEL

1507. *Mr. Ram Narayan Singh: (a) Will the War Secretary be pleased to state if it is a fact that the principles contained in the Command Paper No. 6459 of July, 1943 issued by the Home Government with regard to eligibility of War Pensions, have been suspended for the purpose of applying them to Indian Personnel pending further instructions suited to Indian conditions resulting in unnecessary delay in the grant of death and disablement pensions?

(b) Does he propose to lay on the table of the House a copy of these changes "suited to Indian conditions"?

(c) Will he please state his authority for modifying or for deviating from the principles enunciated to in the Command Paper referred to in (a) under the guise "suited to Indian conditions"?

(d) Does he propose the grant of interim War Pensions pending formal sanction thereof?

Mr. C. M. Trivedi: (a) No. Sir.

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

STOPPING OF "JANGI INAMS"

1508. *Mr. Ram Narayan Singh: Will the War Secretary be pleased to state:

(a) whether it is a fact that 'Jangi Inams' tenable for two lives, originally sanctioned on account of distinguished and loyal services in the last war by the Governor General of India, have been stopped without any notification in the Controller's Pension Circular and without previous orders of the Governor General of India in exercise of his individual judgment as required under Section 300(2) of the Government of India Act, 1935;

(b) whether he proposes immediate continuance of these Jangi Inams to the legal heirs for the second life; and

(c) whether he proposes the continuance of these Jangi Inams with full arrears from the date of stoppage in cases in which the stoppage has been ordered by a non-judicial body without making reference to customs of the holder's community and to the Law of Inheritance and Succession; if not, why not?

Mr. Ram Chandra: (a) I know of no case in which a "Jangi Inam" has been stopped in contravention of the conditions under which it was granted.

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

Mr. Ram Narayan Singh: May I know if the Honourable Member will inquire why "Jangi Inams" have been stopped?

Mr. Ram Chandra: I do not think it is nceessary to make any inquiries. No such case has come to my notice. If there is any such complaint it will come to the notice of the Indian Soldiers Board who will go into it and come to a definite decision.

Mr. Ram Narayan Singh: I said in my question, there are cases like this. I want to know whether the Honourable Member will inquire whether there is any case in which "Jangi Inam" has been stopped.

Mr. Ram Chandra: If the Honourable Member will give any instance in which the "Jangi Inam" has been stopped in contravention of the conditions under which it was granted, I shall certainly be glad to inquire into it.

PROVISIONS *RE* FORFEITURES OF PAY AND ALLOWANCE OF ARMY PERSONNEL ON ACTIVE SERVICE

1509. *Mr. Ram Narayan Singh: Will the War Secretary be pleased to state:

(a) if he is aware that Section 43 (h) (g) of the Indian Army Act has been worded "on active service forfeiture of pay and allowance for a period not exceeding three months", and that every forfeiture is subject to conviction by a Court Martial; if he is also aware that in the Pay and Allowance Regulations for the Army in India, both these restrictions have disappeared, and forfeitures of over fifteen years of service have been ordered by a non-judicial body;

(b) whether there has been any statutory authority for the forfeitures, referred to in (a) above; and

(c) whether he proposes revision of cases referred to in (a) above?

Mr. C. M. Trivedi: (a) As regards the first part, the answer is "yes". As regards the second part, however, I fear I do not follow the Honourable Member's general reference to forfeitures of over fifteen years' service being ordered by a non-judicial body under the Pay and Allowance Regulations for the Army in India. If the Honourable Member will let me have a specific instance, I will be glad to make enquiries.

(b) and (c). Do not arise, in view of my reply to part (a).

PLAN FOR EQUALIZATION OF DISPARITIES OF REMUNERATION FOR AGRICULTURAL AND INDUSTRIAL CLASSES

1510. *Prof. N. G. Ranga: Will the Honourable Member for Planning and Development be pleased to state:

(a) if it is one of the objectives of Post-War Planning to minimise the present disparities in the income and wealth of agricultural masses on one side and industrial and commercial classes on the other and to equalise the remuneration to be got unit for unit of labour contribution made by the people by the plough and the machine; and

(b) if the answer to (a) be in the negative, what the policy of Government regarding the prevailing inequalities of remuneration for agricultural and industrial classes is?

The Honourable Sir Ardeshir Dalal: (a) and (b). It would be one of the objects of post-war planning to reduce the present marked disparity in the income of agricultural labour as compared with that of industrial labour. While it is not practicable to equalise the remuneration of all classes according to unit for unit of labour contribution, the successful execution of the agricultural and other plans now under contemplation should tend towards reducing the disparity.

Prof. N. G. Ranga: Will this be kept in mind by the Post-War Planning and Development Department and its Panels?

The Honourable Sir Ardeshir Dalal: The object is to reduce the very marked disparity, but we do not say that we shall arrive at an equalisation of agricultural and industrial incomes.

MILITARY PUNISHMENT OF REDUCING TO LOWER RANK FOR CERTAIN CORPS

1511. *Sri K. B. Jinaraja Hegde: Will the War Secretary be pleased to state:

(a) whether it is a fact that 'active rank', 'relative rank' and rank assigned to Viceroy's Commissioned Officers attached with Camel Corps, Bullock Corps, or Labour Corps serving in 'active service' areas overseas, Waziristan, or Baluchistan, in the last War, although duly notified in Army Lists, or Daily Order Part II or other regimental records, have been reduced, without taking recourse to Court Martial, to a rank next lower (and in some cases to the lowest) to the one which had actually been assigned to the individual and had been carried by him right up to the date of demobilization or the date of invalidment of the rank-holder on medical grounds;

(b) whether for the infliction of punishments in (a), any jurisdiction had been vested in the Controller of Military Accounts or the Military Accountant General or the Government of India and whether any law or Army Instruction, in justification and validation of these punishments, have been made;

(c) whether he is aware that revision of these punishments have been refused and petitions submitted to the Governor General under the provisions of Section 180 (2) (d) of the Army Act have been with-held and names of the individuals, who wrote such revision-petitions for the victims, have been demanded; and

(d) whether he proposes immediate revision of these cases taking the instance within brackets as reference [Letter No. G2/14913, dated the 17th February 1943 of the Deputy Controller of Military Accounts (Pensions) to the address of the Officer Commanding 16th Punjab Regiment]?

Mr. C. M. Trivedi: (a) and (b). I regret I do not understand the Honourable Member's reference to "active" and "relative" ranks. If the ranks referred to by him are equivalent to the "acting" rank granted during this war, the Commanding Officer is competent to deprive a Viceroy's Commissioned Officer of acting rank. This is done administratively and is not a punishment. Punishments can only be awarded to Viceroy's Commissioned Officers in accordance with the Indian Army Act and for this purpose neither the Controller of Military Accounts nor the Military Accountant General has any powers.

(c) As regards the first part, a Viceroy's Commissioned Officer has no right of complaint under Section 180 (2) (d) of the Army Act, but when a petition is submitted under an incorrect section, it is returned to the complainant for correct submission. As regards the second part, if the Honourable Member can quote a specific instance of this nature, I shall be very glad to make enquiries.

(d) I have not seen the letter in question but have called for a copy if it. If the case of this letter has not been covered by the answers to parts (a) to (c) above, a statement will be laid on the table in due course.

REFUSAL TO REVISE CASES TURNED DOWN BY AUTHORITIES AT GENERAL HEADQUARTERS

1512. *Sri K. B. Jinaraja Hegde: Will the War Secretary be pleased to state:

(a) whether it is a fact that there has been a persistent refusal to revise or review cases, once turned down summarily by the authorities at the General Head Quarters without hearing the adverse party and without reference to post-war instructions contained in Army Instruction (India) 1056 of 1922, Government orders on the Recommendations of the Informal Committee on War Pensions and Amendment No. 13 of 1941 to Pension Regulations; and

(b) whether he proposes any action taking letter No. G3/16455, dated the 6th March, 1945 from the C.M.A. (P) Lahore to the address of the Officer Incharge I.A.C. Records as an instance for the allegations in (a)?

Mr. C. M. Trivedi: (a) and (b). It is not clear to me precisely what type of case the Honourable Member has in mind, but I assume that the letter from the Controller of Military Accounts and Pensions to which he refers, is the guide. My attention has not been drawn previously to that letter; I have called for a copy of it, and will lay a statement on the table in due course.

DISCRIMINATION AS REGARDS SPECIAL RATE OF PENSION TO VICEROY'S COMMISSIONED OFFICERS, ETC.

1513. *Sri K. B. Jinaraja Hegde: Will the War Secretary be pleased to state:

(a) whether it is a fact that special rate of pension payable in accordance with the Schedule given in para. 206 (II) (b) of the Pay and Allowance Regulations for the Army in India, to Viceroy's Commissioned Officers and non-Commissioned Officers, has been refused after discharging them with the order: "Service no longer required" while under similar circumstances the rate of pension to officers and Non-Commissioned Officers, subject to Army Act, has remained unaffected;

(b) whether there is any statutory authority for this discrimination; and

(c) whether he proposes to remove this discrimination; if so, when and how?

Mr. C. M. Trivedi: (a) I am not aware of any case in which a special pension admissible to a Viceroy's Commissioned Officer and Non-Commissioned Officer under the provisions of paragraph 206 (II) (b), read with paragraph 193, Pension Regulations (1928 edition) has been refused on the ground of discharge on account of "services no longer required."

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

DISCRIMINATION AS REGARDS "STOPPAGES" ETC., IN THE CASE OF INDIAN PERSONNELS OF HIS MAJESTY'S FORCES

†**1514. *Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that "stoppages", "forfeitures", and "deductions" over and above those specified in the Army Act, Indian Army Act and the War Pensions Acts, 1915 to 1920, have been incorporated in paras. 569, 570, 578, notes to para. 591 (II). 611, 620 and sub-paras. (i), (ii), (iii) (iv) and (v) to para. 630 of the Pay and Allowance Regulations for the Army in India and in corresponding subsequent regulations and these 'deductions' etc. have been enforced in the case of the Indian Personnels as distinct from Non-Indian Personnel of His Majesty's regular forces: and

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

(b) whether he proposes to remove this discrimination; if not, why not?

Mr. C. M. Trivedi: (a) I fear I have not been able to follow the Honourable Member's references to the Pay and Allowance Regulations for the Army in India. In the current edition of these Regulations none of the paragraphs quoted by the Honourable Member relates to "stoppages", "forfeitures" or "deductions", except possibly paragraph 630, which provides for the withholding of reserve pay from reservists in certain circumstances. I may, however, assure the Honourable Member that the provisions of the Army Act and the Indian Army Act, in so far as they are relevant, have not been modified by departmental rules and regulations to the detriment of Indian as opposed to non-Indian personnel.

(b) Does not arise in view of my answer to (a).

STOPPING OF DEATH AND DISABLEMENT PENSIONS, JANGI INAMS, ETC.

†**1515. *Sri K. B. Jinaraja Hegde:** Will the War Secretary be pleased to state:

(a) whether it is a fact that death and disablement pensions, Jangi Inams and Military rewards including Victoria Cross Allowance, once notified in the Controller of Military Accounts' Pension Circulars have been stopped without issuing a Counter Pension Circular and the Pension Certificates have been taken from the possession of the respective pensioners or heirs to those recepients while revision petitions have been prejudiced because the reference contained in those pension certificates taken back by the authorities could not be produced by the pensioner or by the heir to these pensions; and

(b) whether he proposes to lay down a definite procedure for the revision of such cases doing away with the necessity of explanation for delay?

Mr. C. M. Trivedi: (a) I have no knowledge of any such case, but if the Honourable Member will quote a specific instance, I shall be glad to make enquiries.

(b) Does not arise in view of my reply to part (a).

EMERGENCY CADRE OF INDIAN AUDIT AND ACCOUNTS SERVICES

1516. *Mr. Hari Sharan Prasad Srivastava: Will the Honourable the Finance Member please state:

(a) if it is a fact that the Emergency Cadre of the Indian Audit and Accounts Services is formed by promoting Assistant Accounts Officers;

(b) if it is a fact that they are required to discharge the same duties as they were performing as Assistant Accounts Officer; and

(c) if the replies to (a) and (b) be in the affirmative, the reasons for this additional expenditure to the tax-payers?

The Honourable Sir Jeremy Raisman: (a) The Emergency Cadre of the Indian Audit and Accounts Service is formed by promoting selected Assistant Accounts Officers and members of the Subordinate Accounts Service who are suitable for promotion to this Cadre.

(b) No. Officers of the Emergency Cadre perform duites which before the war were performed by regular members of the Indian Audit and Accounts Service.

(c) In view of the answer given to part (b) above, this question does not arise.

Mr. T. S. Avinashilingam Chettiar: What is the object in forming this cadre?

The Honourable Sir Jeremy Raisman: I see it is called an emergency cadre and so I presume it is formed in order to deal with an emergency, namely, the emergency due to the shortage of officers of the required status.

Mr. T. S. Avinashilingam Chettiar: May I know if there is a shortage, how making them into a cadre helps you to get over the difficulty?

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

The Honourable Sir Jeremy Raisman: I am afraid I shall require notice of any further questions. I am not familiar with the details of this establishment.

Mr. T. T. Krishnamachari: Will the Honourable Member tell us the strength of this cadre?

The Honourable Sir Jeremy Raisman: No; I have not got that.

MEASURES FOR SAFETY OF PASSERS BY THROUGH QUEENS GARDEN, DELHI

1517. *Mr. Hari Sharan Prasad Srivastava: (a) Will the Honourable the Home Member please state the measures taken for the safety of persons passing through roads in the Queens Garden, Delhi City?

(b) Are these roads regularly patrolled by the Police day and night?

(c) Is the constable on duty in that locality accessable at all times?

Sir Richard Tottenham: (a), (b) and (c). The Queen's Garden is covered by police patrols in the same way as other parts of the Delhi urban area.

Mr. Badri Dutt Pande: As in this part of the city there have been many complaints of robberies, and hold ups even in day time, will the Honourable Member look into the matter and set things right?

Sri Richard Tottenham: I will bring the matter to the notice of the Chief Commissioner.

PROSECUTIONS IN DELHI PROVINCE UNDER ORDINANCE NO. XXXV OF 1943

1518. *Mr. Hari Sharan Prasad Srivastava: Will the Honourable the Home Member please state:

(a) the number of cases challaned in the Delhi Province under Ordinance No. XXXV of 1943 since its operation;

(b) the number of those who were acquitted on the strength that the selling prices had received the approval of the authorities; and

(c) the action taken against the staff who have harassed the dealers; if no action has been taken, the reasons therefor?

Sir Richard Tottenham: The question should be addressed to the Member in charge of industries and Civil Supplies Department.

RESEARCHES *RE* MANUFACTURING RADIO SETS

1519. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Planning and Development please state:

(a) whether Government have been conducting researches over the matter of manufacturing radio sets in India;

(b) where and since when these researches are being made; and

(c) what has been the result of these researches?

The Honourable Sir Ardeshir Dalal: (a) and (b). These researches are being conducted by the Council of Scientific and Industrial Research at the Indian Institute of Science since 1940 and at the Allahabad University since 1941.

(c) Satisfactory progress has been made in the design and manufacture of various components but certain essential parts, *e.g.*, valves, have still got to be imported. Further work is in progress.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government contemplate or expect that cheap radio sets will be manufactured in this country?

The Honourable Sir Ardeshir Dalal: That is so. As a matter of fact it is possible even now, with the parts which have already been designed to set up cheap radio sets, but there are, as I said, one or two essential parts, particularly valves, which have not yet been manufactured in this country.

Mr. T. S. Avinashilingam Chettiar: Is it the intention of the Government to set up a radio manufacturing factory?

The Honourable Sir Ardeshir Dalal: No.

EXPENDITURE IN COLLECTION OF EXCISE DUTY ON BETEL-NUT

1520. *Shrimati K. Radha Bai Subbarayan: Will the Honourable the Finance Member please state:

(a) the approximate annual expenditure involved in the collection of the excise duty on betel-nut;

(b) if in view of the difficulties and heavy expense involved in the matter of collection of this duty and of the hardship caused to the poor, Government propose to abolish this excise duty;

(c) in order to compensate the loss to the revenues by the abolition of excise duty on betel-nut, if Government propose, to levy an excise duty on luxuries like lip-stick, rouge, scents and other cosmetics; and

(d) if the answers to (b) and (c) are in the negative, the reasons therefor?

The Honourable Sir Jeremy Raisman: (a) About rupees seven lakhs per annum.

(b) No. The difficulties are not excessive, the cost of collection amounts to only five per cent. of the revenue which the tax is expected to yield, and I do not agree that the tax has caused hardship to the poor.

(c) and (d). Toilet articles of the kind referred to are mainly imported from abroad and are subjected to a high Customs duty.

Mr. T. T. Krishnamachari: Will the Honourable Member tell us if he can indicate exactly what is the yield of this duty for the year 1944-45? At the time of the introduction of the Budget he estimated it at a crore, which, I believe was a lump sum. Will the Honourable Member tell us what it is exactly?

The Honourable Sir Jeremy Raisman: I am afraid I have not got later figures. One crore may have been a lump sum, but it may still be reasonably accurate figure.

Shrimati K. Radha Bai Subbarayan: Is it not a fact that these toilet articles are manufactured in India also?

The Honourable Sir Jeremy Raisman: I think that question should be addressed to my Honourable friend the Member for Industries.

SHORT NOTICE QUESTIONS AND ANSWERS

ERECTION OF WALL ROUND A MOSQUE IN KAROL BAGH, DELHI

Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member please state:

(a) whether he is aware that under the Delhi Muslim Wakfs Act (XIII of 1943), there has been established a Sunni Majlis-e-Awkaf; if so, whether the said Sunni Majlis-e-Awkaf is the sole Administrator of all the Wakfs in the Province of Delhi;

(b) whether he is aware of the existence of an old mosque and a grave yard attached to it in the Karol Bagh area in New Delhi near the recently constructed Government quarters and that the Muslims do offer their prayers therein;

(c) whether it is a fact that the Central Public Works Department intends to enclose the said mosque by erecting a wall around it and thereby stoping ingress of Muslims in it for offering their prayers;

(d) whether his Department has sought the permission of the Sunni Majlis-e-Awkaf to erect a wall around it;

(e) whether it is a fact that on the objections of the Mussalmans offering their prayers in the said mosque the contractor and men of the said Central Public Works Department have left the work; and

(f) What the intention is of the Central Public Works Department now?

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

(b) I am not aware of the existence of any old mosque although evidence of an old and unused grave-yard is visible near the recently constructed Government quarters in Karol Bagh. But I am aware of the fact that some Muslim residents of this area have recently built a *pucca* platform with a thatched roof and an enclosure on this area and say their prayers in this structure.

(c) In consultation with the Local Administration, Government have proposed to wall off this area in order to prevent encroachment on this Government land by either the Muslims or the Hindus. In deference to the representations received from representatives of the Muslim community this proposal has been now held in abeyance pending clarification of the legal issues involved.

(d) In view of my reply to question (b) this question does not arise.

(e) The Honourable Member is referred to my reply to question (c).

(f) The Honourable Member is referred to my reply to question (c).

Sir Muhammad Yamin Khan: When the Honourable Member says that the Government has decided to build a wall to stop people going on this Government land, may I ask how does it become Government land? When it is a grave-yard, how does the Honourable Member say that it is Government land?

The Honourable Dr. B. R. Ambedkar: As at present advised the Government regard this to be Government land; but I am obtaining legal opinion on it.

Sir Muhammad Yamin Khan: Does the Honourable Member call all the English cemeteries and the Hindu Cremation ground as belonging to the Government?

The Honourable Dr. B. R. Ambedkar: As I said, I am asking for legal opinion.

Sir Muhammad Yamin Khan: But the Honourable Member has himself said that there is a grave-yard and at the same time he calls it as Government land?

The Honourable Dr. B. R. Ambedkar: That is the position as Government is advised at present.

Sir Muhammad Yamin Khan: By whom?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that he was taking legal opinion.

Sir Muhammad Yamin Khan: By whom is he advised?

The Honourable Dr. B. R. Ambedkar: By those who are entitled to advise Government.

Maulvi Muhammad Abdul Ghani: May I know whether Government has made an acquisition of that portion of the land to which the Honourable Member refers as a grave-yard and mosque.

The Honourable Dr. B. R. Ambedkar: It is unnecessary to acquire.

Sir Muhammad Yamin Khan: It can never be acquired.

JUNGSHAHI RAILWAY ACCIDENT

Seth Yusuf Abdoola Haroon: Will the Honourable Member for Railways please state:

(a) the total number of people killed, in the Jungshahi Railway accident which occurred very recently;

(b) the total number of people who have been seriously injured;

(c) whether Government propose to appoint an Inquiry Committee to deal with the matter;

(d) whether it is a fact that the Government of Sind has appointed the Collector of Karachi to hold an inquiry;

(e) what steps Government propose to take to give immediate and adequate relief to the victims of the disaster; and

(f) the details of relief so far given?

The Honourable Sir Edward Benthall: (a) and (b). The latest information to hand shows that the casualties were 24 killed and 42 injured, who were admitted into hospital for treatment. Of these, six have been discharged, and the remaining 36 are reported to be out of danger.

(c) The Government Inspector of Railways (Post and Air Department) began his Enquiry on the 27th March.

(d) The rules framed under Section 84 of the Indian Railways Act, 1890 provide that a Provincial Government may appoint a District or any other Magistrate to enquire into the causes which led to the accident, I have as yet no definite information that the Sind Government propose to exercise their option in this case.

(e) and (f). Immediately after the accident, while first aid was being administered wherever possible, medical help was requisitioned from Tatta, 12 miles away from Jungshahi. The military personnel on the train rendered valuable aid to the injured. Government have read with appreciation of the help reported to have been rendered by Dr. Khalsa, a passenger on the train, by Dr. Bhagwandas of Jungshahi, and by membbers of the Jungshahi Seva Mandal.

who attended to persons with minor injuries. Those with more serious injuries requiring hospital treatment were evacuated from the site of the accident within 4 hours of its occurrence. Arrangements had meanwhile been made to have in readiness Military, Civil and Railway Ambulances at Karachi Cantt. Station, with the result that all injured persons, then numbering 48, were admitted into the Civil Hospital by 9.55 hours. There complete arrangements had already been made for their admission, and they are receiving the best possible medical treatment. I regret to say that Six succumbed to their injuries, but of the remaining 42, I am glad to be able to report that, according to the latest information to hand, Six have been discharged and 36 are still under treatment but are reported to be out of danger.

The Railway Administration are meeting all the charges for hospital treatment. They have also set in train the necessary arrangements for the prompt payment of compensation to the injured and to the dependents of those who lost their lives.

Mr. Lalchand Navalrai: Has the Honourable Member got details of those persons who have been killed and those that are in the hospital?

The Honourable Sir Edward Benthall: I have certain details, not full details.

Mr. Lalchand Navalrai: Will the Honourable Member lay on the table a list of those killed and injured who are in the hospital?

The Honourable Sir Edward Benthall: Perhaps it will suffice if I arrange to communicate them to the Honourable Member.

Mr. Lalchand Navalrai: May I know if the District Magistrate is making inquiries along with the railway officials or separately? I mean the District Magistrate who has been deputed by the Sind Government?

The Honourable Sir Edward Benthall: There was an I.C.S. officer present at the initial inquiry by the Chief Operating Superintendent but as yet there is no information as to whether the Sind Government propose to set up a formal inquiry.

Seth Yusuf Abdoola Haroon: May I know if the Honourable Member proposes to lay a copy of the report of the inquiry committee on the table of this House?

The Honourable Sir Edward Benthal: That question should be addressed to the Posts and Air Department.

MOTIONS FOR ADJOURNMENT.

PREVENTION OF WORSHIP IN HINDU TEMPLES CONSEQUENT ON REQUISITIONING OF PROPERTY FOR MILITARY PURPOSES AT KUMBLA.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Hegde. He wishes to discuss a definite matter of urgent public importance, namely, prevention of worship in Hindu temples as a result of requisitioning of property for military purposes at Kumbla in the district of South Kanara.

I should like to know whether any order has been issued prohibiting worship in these temples and if so, by whom?

Sri K. B. Jinaraja Hegde (West Coast and Nilgiris: Non-Muhammadan Rural): I have received the telegram saying 'Kumbla temples, no worship'. In connection with these temples, I had asked a question earlier and the War Secretary was pleased to reply that permits were being given but subsequent to that, a week later, I received this telegram saying that worship is not allowed in these temples within the requisitioned area.,

Mr. Ram Chandra (Secretary, Defence Department): When the Honourable Member asked this question on the 19th March, I gave the reply that access was allowed to worshippers on permits. This information was supplied to me by the Madras Government on the 13th March, and this system under which worshippers are allowed to go into temples after obtaining the necessary permits was introduced long ago, some six months ago, when the area in which these temples are situated was declared a protected place. I have had no other information since the 13th March, from the Madras Government saying that there has been any change in the system that was then adopted and I have no reason to think that there has been any further interference with the rights of the worshippers.

Sri K. B. Jinaraja Hegde: It is a wrong information. The land was requisitioned only in the month of January and it came into military possession from 1st February. How could the permits be issued six months ago?

Mr. Ram Chandra: The land may not have been requisitioned until January or February but it was declared a protected place before under the Defence of India Rules and worship in the temples was then regulated by means of permits.

Mr. President (The Honourable Sir Abdur Rahim): On the facts as stated by the Honourable Member, I must hold that the matter is not urgent, nor is it a recent matter.

INDISCRIMINATE REQUISITIONING OF FOODGRAINS RESULTING IN FOOD SCARCITY IN SOUTH KANARA DISTRICT.

Mr. President (The Honourable Sir Abdur Rahim): I have also received notice of another adjournment motion from Mr. Hegde who wishes to discuss a definite matter of urgent public importance, namely, failure of the Government of India to prevent the indiscriminate and excessive requisitioning of foodgrains under threat of prosecution resulting in scarcity of food and enforced starvation for two days in a week in South Kanara district.

Is the starvation confined only to two days in a week? What does the Honourable Member exactly mean by this motion. It is rather difficult to follow. What is the order he is complaining of? Has he got the order?

Sri K. B. Jinaraja Hegde ((West Coast and Nilgiris: Non-Muhammadan Rural): I have got a telegram which says: "Indiscriminate and excessive requisitioning of foodgrains. Petitions summarily rejected. Ryots threatened prosecution. Rations only for five days in a week".

The Food Member requested me that this matter might be taken up tomorrow as he is not here.

The Honourable Sir Jwala Prasad Srivastava (Food Member): No, no. I am here. Requisitioning as a method of procurement is the function of the Provincial Government and we are not primarily concerned with it. I have made inquires, however, from Madras and I find that the complaint is a gross exaggeration. The facts are not as stated. I am making further inquiries. There is no special urgency in the matter. I can assure the Honourable Member that no one is starving.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): What about two days' starvation?

The Honourable Sir Jwala Prasad Srivastava: That is not a fact, as far as I have been able to ascertain.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): What are the facts? Is it true that rations are given only for 5 days in the week?

The Honourable Sir Jwala Prasad Srivastava: No I don't think so. My report is that it is not so.

Mr. Abdul Qaiyum (North-West Frontier Province General): Is the Honourable Member prepared to state on the floor of the House that people are getting rations for the full week?

The Honourable Sir Jwala Prasad Srivastava: They are getting rations sufficient for the full week. That is my report so far. I am going further into the matter and I shall let my Honourable friend Mr. Hegde know what the facts are.

12 Noon.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Will the Honourable Member inform us about the facts before the end of this Session?

The Honourable Sir Jwala Prasad Srivastava: I will do so. In any case, there is no urgency in the matter. It is not a new order, this has been going on for some time.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Honourable Member has got definite information that people are being given rations for seven days in the week.

The Honourable Sir Jwala Prasad Srivastava: I have already said so.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): I understood the Honourable Member to say that it is not a new order . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. As stated by the Government Member this cannot be treated as an urgent matter within the meaning of the rule. Besides, the Honourable Member has assured the House that he is making further enquiries and ascertaining what the exact facts are. In the meantime, so far as his information goes, the statement contained in the motion for adjournment is grossly exaggerated and I hold that the motion cannot be allowed.

DEPUTATION OF THE HOME MEMBER AND THE HOME DEPARTMENT SECRETARY TO LONDON FOR CONSULTATION RE. RECRUITMENT TO ALL-INDIA SERVICES.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Neogy. He desires to move an adjournment of the business of the Legislative Assembly today for the purpose of discussing a definite matter of urgent public importance, namely, the recent deputation of the Honourable the Home Member and the Secretary to the Government of India in the Home Department to London for consultation regarding recruitment to certain all-India services.

What is the position? Can the Government Member give any further information?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): With your permission, I should like to make a few remarks. It will be within your recollection, Sir, that certain questions were asked in this House on 10th February, last regarding the position of certain services which are referred to in section 244 of the Government of India Act, and particular reference was made to the question of recruitment in future. Subsequently on 12th February, my Honourable friend Nawab Siddique Ali Khan attempted to move the adjournment of the House for the purpose of raising certain aspects of that question in debate. On both these occasions, the attitude taken up by the Government was that this was a matter which was entirely within the discretion of the Governor General, and it was no part of the function of the Governor General in Council to advise the Governor General in this matter. Having regard to the fact that the Honourable the Home Member, as also the Secretary to the Home Department, have proceeded to England, admittedly for consultation in regard to this matter, we are entitled to take it that the Governor General in Council had made up their minds to offer certain opinions of their own to the Governor General or that the Governor General has decided to consult the Governor General in Council in regard to this matter. Well, Sir, in view of this, I do submit that the House is entitled, first of all, to know from the Governor General in Council what opinions they hold in regard to this matter, and then to criticise them, if necessary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may be entitled to get information on that point, but I do not know whether he is entitled to move for adjournment of the business of the House for that purpose. Perhaps the Home Secretary will be able to explain the position?

Sir Richard Tottenham (Government of India: Nominated Official): Sir, I am rather at a disadvantage in speaking on this matter because the subject is one with which I was not concerned in my previous capacity, and I only received notice of the adjournment motion as I came to this House this morning. I think Government must take objection to the motion on the ground that there is nothing to censure Government about in having allowed the Home Member and the Home Secretary to proceed to London for consultation regarding recruitment to the services in question. They are Secretary of State's services, under

his control, and wherever the constitutional responsibility may lie for decisions relating to them, I can see no impropriety in the Secretary of State's asking for the advice of anybody he wishes on a matter of that kind.

Mr. President (The Honourable Sir Abdur Rahim): The complaint of Mr. Neogy was that on a former occasion, the attitude taken up was that it was the business of the Governor General, to deal with this matter in his discretion and it was not incumbent on the Governor General in Council to give any advice in that respect. The present position is inconsistent with that.

Sir Richard Tottenham: I take it that it is open to the Governor General to take advice from anybody he likes although the responsibility for the decision may be entirely his. That is the constitutional position, as I understand it.

Mr. President (The Honourable Sir Abdur Rahim): Whatever may be the exact constitutional position as regards the Governor General acting in his discretion with reference to the matter of Secretary of State's services, I cannot hold that there is anything improper on the part of the Home Member going to England for the purpose of consultation with respect to certain all-India services as stated in the adjournment motion. Unless there is anything objectionable in that, I do not think the Honourable Member can move for adjournment of the business of the House in order to censure the Government. Therefore I must hold that the motion is not in order.

Mr. K. C. Neogy: May I know whether the Government would be prepared to accept a short notice question which might enable us to elicit information, in the first instance?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member can, if he is so advised, put down a short notice question. The Government will doubtless consider it.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR DEFENCE DEPARTMENT

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 29th March, 1945, the time fixed for receiving nominations for the Standing Committee for the Defence Department on subjects other than Civil Defence twelve nominations were received. Subsequently four Members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare Lt.-Col. Dr. J. C. Chatterjee, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Muazzam Sahib Bahadur, Sardar Bahadur Captain Dalpat Singh, Mr. M. Ghiasuddin, Mr. C. P. Lawson, Mr. Govind V. Deshmukh and Mr. E. L. C. Gwilt to be duly elected.

THE INCOME-TAX AND EXCESS PROFITS TAX (AMENDMENT BILL)

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I regret I am not in a position to move this motion*. Therefore, I do not move it.

RESOLUTION *RE* AMENDMENTS OF RESOLUTION ON ROAD DEVELOPMENT

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

"That this Assembly recommends to the Governor General in Council that the following amendments be made in sub-paragraph (1) of paragraph 9 of the Resolution on road development adopted by the Assembly on the 10th February, 1937, namely:

In clause (c) for the word 'three' the word 'four' and in clause (d) for the word 'six' the word 'eight' shall be substituted."

The House will remember that on the 15th March, I moved for the election of members to the Standing Committee for Roads, and my Honourable friend Mr. Essak Sait moved an amendment that the numbers be increased from six to eight. I pointed out that in view of the fact that these elections were conducted in pursuance of the Resolution of the House referred to, it would be proper that a formal Resolution should be moved altering the figures from

*"That the Bill further to amend the Indian Income-tax Act, 1922, the Excess Profit Tax Act, 1940, as reported by the Select Committee, be taken into consideration."

[Sir Edward Benthall.]

'six' to 'eight'. You, Sir, ruled that that was so, and in order to put the matter right I am now moving the present Resolution. If it is agreed to I shall move for the election of the number of eight as provided in the order paper.

Sir, I move.

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

"That this Assembly recommends to the Governor General in Council that the following amendments be made in sub-paragraph (1) of paragraph 9 of the Resolution on road development adopted by the Assembly on the 10th February, 1937, namely:

In clause (c) for the word 'three' the word 'four' and in clause (d) for the word 'six' the word 'eight' shall be substituted."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

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

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, eight members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund and such other questions relating to roads and road traffic as may be referred to it during the financial year 1945-46."

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 members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund and such other questions relating to roads and road traffic as may be referred to it during the financial year 1945-46."

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 to the Standing Committee for Roads, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 4th April, and that the election, if necessary, will be held on Friday, the 6th April. The election, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 a.m. and 1 p.m.

THE FACTORIES (SECOND AMENDMENT) BILL—*contd.*

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, regarding the question of holidays with pay, my Honourable friend Mr. Joshi had an amendment to raise it to fourteen days but he withdrew it in favour of my amendment advocating ten days. I appeal to the Honourable Member in charge of this department that he should at least accept my amendment for ten days. The reason is that Government servants get all kinds of holidays like casual leave, privilege leave, leave on medical certificate and various other kinds of leave. Thus persons who get high salaries and work less are shown all kinds of amenities; the seven days' holiday that is provided in the Bill is only intended to be of the nature of a depreciation of human values. A machine is allowed depreciation every year, and so much under the Income-tax Acts, and so on; but no attention is paid to depreciation of human personalities. I only appeal to the Honourable Member in charge and to the Honourable Members of this House that seven days' holidays is much too short, whatever may be said by capitalists who are making large profits now. There is a shortage of coal and they can now command any prices they like and thus they are making large profits. Therefore I appeal to the House to support my amendment raising seven days to ten days. The workers are all heavily worked and under-paid and if they are not given at least ten days every year their lives will be cut short. The average life in this country is only 26 years and if that also goes down to 10

or 11 it will be a disgrace to the administration of this country. I therefore appeal to the House to support this amendment.

Mr. A. C. Inskip (United Provinces: European): Sir, in rising to oppose this amendment I should like to correct a statement which my Honourable friend Mr. Joshi made on Thursday last. He stated that I supported a longer period than seven days. That, Sir, was not correct. The interests which I represent are definitely in favour of holidays with pay. But the object of the Bill before the House now is to give annual rest periods; and emphasis is laid more on the rest than on holidays with pay. I therefore want to prove to the House that the period an industrial worker will now enjoy for rest during a year will amount to no less than one day in every four. There are 365 days in a year of which 52 are Sundays. Taking at an average 13 festival holidays during a year, that brings the total down to 300. Under the present Bill an industrial worker will be allowed 25 days authorised leave,—it might be for sickness, it might be for accident, it might be to attend weddings, it might be for anything else.

Mr. M. Ananthasayanam Ayyangar: That is not under this Bill.

Mr. A. C. Inskip: Under the present Bill he will be entitled to count it towards continuous service provided his absence with leave or for sickness does not exceed 90 days. So that brings the total down to 275 days. From that you deduct the six days he will be entitled to under this Bill if it becomes law, giving him a total number of working days during the year of 269. That, as I work out, represents one rest day in every four; and I think we shall be making a favourable start if legislation is introduced limiting the period to seven days at least to start with.

In this regard I would bring to the notice of Honourable Members a practice that is in vogue in England. So far as I know, in the cotton mills in Lancashire they have what is called the "wakes week", a period of seven days when all mills are closed down for the annual seven days' holiday.

That holiday may be granted under a statute; so far as I understand, it is voluntary between the workers and the employers. And I contend that if we start in a similar manner with seven days, with power later on to increase it, we shall be going a long way. Sir, I oppose this amendment.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Mr. President, Sir, The number 'seven' seems to be a great favourite with the Government of India. When Government introduced the first Factory Act in 1881 they prescribed seven years as the minimum age of employment for children. It took them nearly sixty years to raise that to fourteen. And now when they introduce legislation for the first time to give holidays with pay to factory workers they propose to prescribe a period of only seven days! I hope they will not wait for 65 years to raise it to fourteen. We therefore suggest that they should take a step forward now and increase it at least to ten days.

It has already been pointed out that if workers are to have the real benefit of these holidays with pay they must be able to go right out of the city in which they live and work in a cramped atmosphere year after year. And if they are to go away from the place of their employment, seven days holiday with pay is very short, both with regard to time and money. We must also remember that most of our factory labour is recruited from landless agriculturists. I would remind the House that the Royal Commission on Labour draws special attention to this point and says that it is very important that the labourers who are recruited from the rural population should be encouraged to maintain contract with their villages. On page 20, of their Report, the Royal Commission state:

"Our considered opinion is that, in present circumstances, the link with the village is a distinct asset and that the general aim should be not to undermine it but to encourage it and, as far as possible, to regularize it. We have not reached this conclusion without a clear recognition of the evils attendant on the industrial system as it stands today; but we believe that by thoughtful and sustained effort, many of these difficulties can be eliminated or minimized and that the advantage of the village connection can be conserved and, indeed, increased."

[Shrimati K. Kadha Bai Subbarayan.]

For Mr. Inskip's information, I would like to read out another passage from the same Report:

"The relation of the worker to the villages is perhaps best expressed by the legal conception of domicile. In so far as an analogy is helpful, the position of many Englishmen in India has essential similarities. For the Indian factory worker is in most cases a man who has taken up definite work in a place which he does not regard as his own (in many cases even its language is foreign to him), who cherishes the hope of returning to his country now and then and of retiring there ultimately."

I am sure, Mr. Inskip agrees that the Englishmen should be given facilities to visit their homes during their period of service in India as they wish to retire there at the conclusion of their service here. Similarly, the factory workers who come from villages should be given adequate facilities to maintain their contact with their own homes and villages and afterwards to retire to the villages when the time comes for them to do so.

Sir, in most countries where there is a legislation of this kind which provides holidays with pay, the minimum period is 14 days and it applies not only to factory workers but even to domestic servants. While we are making a beginning, we should try, as much as possible, to keep in peace with the requirements of today. I would urge upon the Government to accept 10 as a compromise between 14 and 7.

Another point which I would like to bring before the House is about the children. The Honourable Member rightly remarked with pleasure that the children have been given 14 days, but what good will the children derive if they get a holiday of 14 days while their parents cannot take them away from their city-home because they have no time or money to do so. Government surely do not desire that the children should while away their time playing in the streets of the city where they had been working. From all points of view, Sir, it is necessary to increase the number of days from 7 to at least 10.

Sir Vithal N. Chandavarkar (Bombay Millowners' Association: Indian Commerce): Sir, I listened with great interest to the speech delivered by my Honourable friend, Prof. Ranga. A portion of his speech was nothing but an expression of sorrow at the diminishing ranks of labour leaders, as a result of their absorption by my Honourable friend, the Labour Member, in his own department and by the trips on which they are sent abroad. I do not wish to comment on this. There was a sort of innuendo in his speech that the ranks of labour leaders are getting thinner and thinner as a result of the policy of Government. . . . .

Mr. N. M. Joshi (Nominated Non-official): We can spare enough and more.

Sir Vithal N. Chandavarkar: If my Honourable friend, Mr. Joshi, is right labour leadership is a very good career for either going into the Imperial Secretariat here or going to the United States and the United Kingdom and have long holidays at public expense.

Mr. President (The Honourable Sir Abdur Rahim): The position of labour leaders does not come into the picture under this amendment.

Sir Vithal N. Chandavarkar: The second portion of his speech was an appeal to us and he asked us to be reasonable. I would ask my Honourable friend, the Labour Member, whether in the Tripartite Conferences, the Standing Committee and other Conferences we have not been very reasonable. Even the amendment about 90 days absence was the result of our initiative and certain modifications were made as a result of suggestions made by the so-called 'capitalist' members in the Select Committee in order to make the scheme work more smoothly.

But I would like to clear one misapprehension in the minds of my Honourable friends here: I want the House to remember that this Bill is for holidays with pay and not for leave with pay. The position is going to be that people will not go for 7 days or 10 days but will go on longer leave. As a result of the vastness of the country, it will be impossible for workmen even if they are granted 15 days leave with pay to go to their native places and

return within 15 days. Under the Standing Orders, initiated by my constituency, which are now considered to be model Standing Orders, every workman is entitled to one month's leave without pay after putting in 11 months or 12 months—I do not remember exactly whether it is 11 or 12. What is going to happen as a result of this Bill will be that out of one month's leave a workman will get seven days' leave with pay, and the rest without pay. He will not be asked to come back within 7 days. If it is made even 15 days, it will not be possible for the workers to return to their work within this period because some of the villages are not on railway-lines; they live in villages 10 to 15 miles in the interior. It will be impossible for them to return to work within 15 days. Even if you make this leave with pay for 15 days, it will be impossible for the employers to expect these workmen to come back to work within 15 days. It will have to be leave for a longer period out of which a certain portion will be paid for,—that is going to be the position.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Then even seven days is superfluous, if they cannot come home.

Sir Vithal N. Chandavarkar: They will get 7 days with pay. Out of one month's leave, for instance, they will get 7 days with pay.

Mr. M. Ananthasayanam Ayyangar: You must pay for the whole month.

Sir Vithal N. Chandavarkar: I would like to know how many lawyers give leave for one month or 2 months on full pay to their clerks and Munshis.

Mr. M. Ananthasayanam Ayyangar: I have been doing it.

Mr. Abdul Qaiyum: So have I.

Sir Vithal N. Chandavarkar: I do not know how many can afford to do so. I am not going into that question. I want the question to be looked at from this point of view.

In my speech when the Bill was introduced, I pointed out that in all the conferences we have been holding with Government from 1939 we have been pressing Government to introduce the Sickness Insurance Benefit first. We have been saying that sickness insurance with cash benefits and medical relief was more important and urgent. We suggested that holidays with pay might follow the introduction of sickness insurance. We are going to have a heavy burden when that scheme is introduced, as I hope it will be introduced if not from 1st January 1946 atleast from 1st January 1947. There has been some delay but this delay is not due to us because the problem is very complicated and Government have to devise and set up a machinery for administering the scheme. The cash benefit portion is easy but the question of medical relief is difficult because the Provinces have to organise the machinery for administering the relief. That is going to be a fairly heavy burden on the industry. Seven days leave with pay according to my calculation—take my own city of Bombay—will come to about—if all the people get the benefit—Rs. 17/18 lakhs a year. There are only 60/70 mills in Bombay City. Assuming that 60 per cent. get the benefit, it will be about Rs. 12/13 lakhs, but I hope and I expect that as a result of this concession workmen will be induced to put in more days of work and more efficient work so that the burden may increase from Rs. 12-13 lakhs and more people will get the benefit of this leave. Having regard to the fact that we are going to face a heavy burden on the question of sickness insurance and medical relief, I put it to the House whether to begin with it is fair and proper that a greater burden should be placed on the industries when the whole question of the industrial development of the country is under the consideration of Government. We are a helpless nation. We have no control over our fiscal policy. We have got very little to export except raw materials. Our ideal is to reduce imports and increase exports of manufactured goods, and if as a result of burden after burden our competitive capacity is reduced (it is bound to be reduced) then Government will have either to protect us by giving us higher tariffs and thereby raising the price for the consumers or some of the industries will have to go to the wall. That is the alternative we have to face. (At this stage Prof. N. G. Ranga interrupted.) Do not judge what

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has happened as a result of the war. Look at what happened from 1928 to 1939 when a large number of mills—I can speak of my own industry—had to close down. As far as the jute mill industry was concerned, they had to go on shorter working hours. (At this stage Prof. N. G. Ranga again interrupted.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go on like that.

Sir Vithal N. Chandavarkar: I hope Government will think twice before accepting this amendment. Government had many consultations with us labour and provincial Ministers and after a great deal of discussion extending over four or five years, Government came to the decision that seven days was quite enough to begin with. I hope therefore that Government will not accept the amendment: and I for one, representing my constituency, cannot support the amendment proposed by my friend Mr. Ayyangar.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): I strongly support the amendment, I do not want to detain the House on this amendment because no long speech is required after the very lucid and convincing arguments adduced in favour of this amendment by my Honourable friend Mrs. Subbarayan. After all, what is that the House is asking for? This holiday is to be given to every worker after completing a period of twelve months' continuous work. All that the House asks for is an extra three days and in view of the reasonableness shown by the House in not insisting on the first amendment of fifteen days, I think the Government must as a measure of compromise accept this amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I wish to put the views of this Party before the House on this amendment. The only strong opposition that has been in this House against this amendment is that of my Honourable friend, Sir Vithal Chandavarkar, but I think he has given away the case himself. He says that seven days would not be sufficient for a man, if he goes out to his country, to return because there are so many difficulties before him, like transport and other such things. Therefore if three days are not sufficient then it requires in all reasonableness that the time should be extended. Now if he is going to get a holiday after twelve months, he should be given sufficient time to meet his relatives, to attend to his domestic work and other things. Now what is asked for is only an extension of three days more, making it in all ten days and I strongly support it.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): I think Sir Vithal has put the position very clearly and fairly. If this question had been one of a humanitarian character, I could have well understood the strong feeling in favour of the amendment. But as it has been explained, it is not of a humanitarian character. It is a question of pounds, shillings and pence. It is a question of giving three days wages to workmen as a gift once a year. That is the amendment. It is not a question of giving them three days more holidays. If these workmen could not have got three days extra holidays without this amendment, I could have understood the force of the argument but the practical position is this. You may talk of theory as much as you like but the actual position is that when you will give them seven days holidays, with full wages, they will attach those seven days to the holidays which they usually take once in a year.

(At this stage Prof. N. G. Ranga interrupted.)

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member not go on interrupting?

Sir Cowasjee Jehangir: Under the Bill they will get seven days pay during those holidays. Now you want to give them three days extra pay, which will not mean three days extra holidays. They go away to their villages usually once a year. They go for a month and sometimes for a longer period. They do not live in the great cities of this country. They live in the villages and they go back to agriculture. It is a very healthy and I must say an excellent way of

spending their holidays. But you will not by this amendment give them three days extra holidays, you will give them three days' wages. Let us understand that position.

Now, Sir, with regard to the burden on the industry. Our mentality today is very different to what it was ten years ago when mills and all sorts of industries in this country were struggling for existence, when speeches were made in this Honourable House to give protection to these industries lest they be wiped out. The change in that mentality has taken place merely due to the war and to the profits that are being made. If such a proposition had been made ten years ago I venture to suggest that even my Honourable friends on the Congress Benches would have considered it from another point of view, the point of view of adding further burdens to the industry. In those days Government and the Opposition were thinking of ways and means of relieving the industry of the burdens, so that they could compete with outside competition. Do not forget that this Honourable House had to give protection to the mill industry to keep it in existence. Naturally those who are not in personal touch with an industry like the textile industry of India do not realise the hard times through which that industry passed and the losses that we made and let the industry gratefully admit and acknowledge the assistance given by this Honourable House to the industry in those days of hardship, in those days of loss. Had it not been for that assistance given by this House that industry would not have been able to supply the cloth required by this country in times of war.

Even if these industries are nationalised, the burden will be paid for by the taxpayer, the losses will be paid by the taxpayer. If they are managed as they are today and bad times come, it will be the duty of this House to see that they are kept in existence and you will have to give protection to a degree which would keep them in existence and these burdens—statutory burdens—will have to be taken into consideration when you are giving to the industry protection to keep it in existence. I will only mention, Mr. President, again that if this question had been one of a humanitarian character, I would not have spoken. But since it is not a question of humanity—it is simply a question of giving three days extra wages to men who will get their holidays whether you like it or not—I trust that if not in this case, at least in the future this House will keep in mind the extra burdens they themselves place upon industry, when everything is blooming in the garden and every thing is in a prosperous condition. That is the great mistake we made in the last war, when every thing was prosperous we did not realise that bad times must come and bad times must follow, Mr. President—I cannot say how many years hence—but bad times are going to follow. Then this Honourable House will, I am sure, be in another mood and the mentality of all of us will change. When a proposition of this sort has been moved by Government, when it has been accepted by the Select Committee, I think it would be wise to leave matters as they are, not to bargain for three days pay extra this way or three days pay extra that way. This is merely bargaining. You may get it today but you will have to think of it in the future.

The Honourable Dr. B. R. Ambedkar (Labour Member): Mr. President, I am not sure that those who have moved this amendment and supported it have much justification on their side. We always take as our standard measure the Conventions passed at the International Labour Conferences and the Honourable House will remember that the International Labour Conference in 1936, when it took up this question, fixed six days as the measure of holidays that ought to be allowed. Looking at the subject from that point of view, I am not prepared to accept nor can anybody say that the Bill as introduced falls short of the standard prescribed by the International Labour Conference. On my side I must also mention another difficulty. The Honourable House will remember that this subject of labour legislation falls in the field of Concurrent Legislation. The administrative responsibility for carrying out these measures entirely falls on the Provincial Governments, in which the executive authority for administration is vested by the constitution. Having regard to that, there has been established a convention, *viz.*, that as far as this Concurrent field of legislation goes, whatever measures are introduced, should have more or less the concurrence of

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the Provincial Governments. And I would like to tell the House that the period that is fixed in the Bill was fixed after consultation with the Provinces. However, I am prepared to accept the amendment and I would very much like to state the reason which has prevailed upon me in order to accept this amendment. The reason which has prevailed upon me is the geographical reason. I realise that the centres of industry and the centres of population are very vastly divided by long distances. A fatcory is situated in Bombay, the labourer lives either in the U. P. or C. P. and has to travel long distances in order to employ himself in a useful occupation. Having regard to this circumstance, *viz.*, that he has to travel long distances, I think that perhaps a small departure may be made from the original proposal that stands in the Bill. It is therefore on that ground that I am prepared to accept this amendment. At the same time, I must stipulate one other condition. I find that there is another amendment standing in the name of Prof. Ranga and Mrs. Subbarayan, the object of which is to reintroduce the words "at least", which were omitted by the Select Committee. Now, the introduction of these words "at least" would create disharmony and I must say that I regard uniformity of principle in a matter of this kind to be of fundamental importance and my position therefore is that if those who have tabled this amendment will agree to drop it, I on my part, am prepared to accept the amendment for ten days.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): We are prepared to drop the other amendment, for the present.

Mr. President (The Honourable Sir Abdur Rahim): You are not going to press the motion?

Prof. N. G. Ranga: Not the other amendment, Sir.

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

"That in clause 3 of the Bill, in sub-sections (1) and (2) of the proposed section 49B for the word 'seven' the word 'ten' be inserted."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: There has to be one consequential amendment that in sub-clause (2) the word 'ten' shall be substituted for 'seven'.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member would do well to put down a proper amendment. That, I think, can be done afterwards.

The Honourable Dr. B. R. Ambedkar: At the end of sub-section (2), in the last line, the word 'ten' shall be substituted for 'seven'.

Mr. President (The Honourable Sir Abdur Rahim): I think there ought to be a formal amendment.

Clause 3: Is there any amendment?

Mr. N. M. Joshi: I have an amendment that in clause 3 of the Bill in the proposed section 49D the word 'half' be deleted.

The Honourable Dr. B. R. Ambedkar: That is further on.

Mr. President (The Honourable Sir Abdur Rahim): There is an amendment in the name of Mr. Inskip: No. 5.

Mr. A. C. Inskip: Sir, I move:

"That in clause 3 of the Bill, in the explanation at the end of the proposed section 49B. for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

My only reason for bringing forward this amendment is to define more clearly the words 'sickness and accident'. With the Bill as at present framed I fear there will be a considerable amount of misunderstanding and friction between employers and employees if these two words are not more clearly defined. I have been told that these definitions will be covered by the rule-making power, but I feel, Sir, that the question is of such importance that it should be included in the Bill. The reason why I put "authorised leave" before the words "sickness and accident" is this. In most factories, when a man is sick, he produces a doctor's certificate, or he gets the leave recommended by the factory doctor, and invariably in such cases authorised leave is granted for a stipulated period.

I contend that if this is accepted and this clause is now framed as is suggested, it will make it very clear that sickness and accident will be covered by authorised leave. Sir, I move.

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

"That in clause 3 of the Bill, in the Explanation at the end of the proposed section 49B for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

Mr. N. M. Joshi: Sir, I rise to oppose this amendment. What my Honourable friend is seeking is not a mere clarification: he wants a substantial change. What the Bill as amended by the Select Committee proposes is that the worker may be allowed to be absent for 90 days without breaking the condition of qualifying for the paid holidays after 12 months continuous service. What he wants now is that all these 90 days should be 90 days of authorised leave: that is not what the Bill intended, that was not also the intention of the Select Committee. If a man is sick, then he does not want authorised leave; similarly, if an accident has taken place, then again, he does not want authorised leave. Of course, if he is absent for any other reason, then the question of authorised leave comes. Therefore, Sir, it is not right that the worker should be expected to take leave even when he is sick, and even when there is an accident. As a matter of fact, it would some times be difficult for him, when he is sick or when an accident has taken place, to ask for leave. Moreover, if the employer does not give authorised leave, what is he to do? There is no compulsion on the employer to give him leave when he is sick. Therefore, Sir, this amendment cannot be accepted, and that was not the intention of the Select Committee.

Prof. N. G. Ranga: I rise to oppose this amendment. It puts the worker in very great difficulties. The worker cannot go sick if he gets authorised leave from the employer. If he falls ill, then he has got to approach the employer for this proposed authorisation. It presupposes that the worker has to employ a servant to go on his behalf to the employer and obtain this leave. Well, Sir, most of the workers are suffering from malaria, supposing a worker is laid up, what is he to do? Whom has he to send? He has to engage a servant or ask his own wife who may be attending on him to go and see the employer, or he must ask one of his children. This is not workable. And then what happens? He has got to write a leave letter, he may be illiterate and so has to pay a document writer in order to write a leave letter. All these difficulties will be there. I need not go into further details. We are very much opposed to this amendment.

Sir Vithal N. Chandavarkar: Sir, I support the amendment moved by Mr. Inskip. The position is not as has been described by Prof. Ranga. Even now workmen do fall ill—some times for three or four days—they cannot send a message to the Mill about their illness, but when they come back, they generally are able to convince the management that they have been ill, and their absence is condoned: in other words, their absence becomes authorised absence. If what Prof. Ranga describes is true, it will be impossible to work a factory. We all know that very often the worker cannot send, immediately he falls ill, an intimation of his sickness to the employer, and I say in a large number of cases the leave becomes authorised leave as a result of subsequent sanction.

I do not know whether Mr. Joshi was quite right in speaking about the intention of the Select Committee. I do not know whether it is in order for me to refer to what happened. At the same time I would like to say that it was recognised that in a case of accident there is no difficulty at all. As a result of Workmen's Compensation Act, as soon as an accident takes place in a factory, intimation has to be given. But it may be possible that while the worker is out, he is run over by a motor car or a military lorry. Then he has to send word that he has met with an accident, and then leave has to be authorised or granted.

During the last 11 years I have been attending to a number of minor labour disputes. Once in three or four months, the Government Labour Officer and I meet to discuss questions which arise out of petty disputes—petty individual disputes—and I can tell the House that 50 per cent. of the disputes arose out of the question whether the man was entitled to stay away from his work, and

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whether he had sufficient justification for it. It is impossible for workmen to produce a medical certificate always, and in all such cases it will lead to unnecessary pin-pricking and bitterness to demand it. Now that these people are going to get a statutory holiday of ten days, certainly, Sir, the request made by Mr. Inskip is not unreasonable—that whenever they stay away there should be authority for them to stay away, that their absence should be authorised. It is not necessary that the authority should be given before they stay away; but as I said before, in the majority of cases, as soon as a man gives a proper explanation, the employer as a matter of fact says "All right; your absence is condoned and this will be debited to your leave account". Therefore unless the amendment is accepted, I am afraid there will be a lot of difficulties. This question was raised at one time and we were told that it could be tackled by rules made by Government, that a procedure would be laid down to meet such cases; but it is much better—I kept quiet at the time—but on further consideration I think it is much better that such a provision should be in the Act itself; but if the Labour Member assures me that in the rules proper care will be taken to see and bring within the scope of the rules the spirit of this amendment, then it is possible that I may reconsider the matter.

1. P.M.

The Honourable Dr. B. R. Ambedkar: Sir, I regret I cannot accept this amendment. My Honourable friend, Mr. Inskip, stated that there was no definition of sickness. I wish we could define sickness; I have searched for a definition in the Health Insurance Act, and I find that there is no definition of sickness for the simple reason that sickness cannot be defined. It is a matter of certification. If a medical person says that a certain person is sick, then everybody has got to accept that definition. If my Honourable friend's contention was that certificate should be defined in a proper manner, I could have understood his complaint. But on that ground I submit he has no ground for complaint, because we propose to make rules in which persons who will have the authority to certify will be properly laid down: their qualifications will be prescribed. Consequently the fear that doctors who have no practice and who generally live on giving false certificates will find no place in this, because the rules, I hope, will be so framed that that sort of contingency will be altogether eliminated. The difficulty I find in accepting this amendment is this: my Honourable friend says that certificates should not suffice for sickness but that the employer should be allowed to sit in judgment, even when a certificate has been obtained, whether, notwithstanding the certificate, he would grant leave or he would not grant leave. I must say that that is a position to which Government cannot be a party. Government cannot allow an employer to say that notwithstanding the certificate given by a doctor whose qualifications are in accordance with the rules we have made, it must still be left a matter for the employer to decide. I think that would be placing too much authority in the hands of the employers; and for this reason I am not disposed to accept this amendment.

Another thing my Honourable friend remarked is this, that we have fixed a limit of ninety days for all the three contingencies—sickness, accident and authorised leave. Consequently in practice any malingering on the part of the employee cannot be carried on indefinitely; because for the three contingencies we have fixed a limit of ninety days; and if the limit of ninety days is exceeded, then he automatically becomes disqualified for getting the benefit under the Act. Having regard to these circumstances, I must oppose this amendment.

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

"That in clause 3 of the Bill, in the Explanation at the end of the proposed section 49B for the words 'sickness, accident or authorised leave' the words 'authorised leave granted on account of sickness, accident or for compassionate reasons' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Any Member who wishes to move any of these amendments must do so now.

(No Member rose in his seat.)

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That the Bill, as amended, be passed."

Prof. N. G. Ranga: Sir, there is one amendment here in my name, No. 9, to clause 3 of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): I said more than once that if there is any Member who wishes to move any further amendment, he must do so.

Prof. N. G. Ranga: I beg your pardon, Sir; it is a consequential amendment; and it is a very formal one.

Mr. President (The Honourable Sir Abdur Rahim): I cannot help it. The question has been put and the clause has been adopted.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN COMPANIES (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Indian Companies Act, 1913.

The Honourable Sir M. Azizul Huque (Member for Commerce and Industries and Civil Supplies): This Bill is already before the House.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I support this amendment of Mr. Chettiar and I withdraw my amendment. It is in relation to provident fund and withdrawal of provident fund under particular circumstances. A compromise has been effected and the thing has been so modified as not to admit of any serious objection; I therefore withdraw my amendment and support the amendment of Mr. Chettiar.

The Honourable Sir M. Azizul Huque: This is amendment No. 2 in the list and Government is prepared to accept it.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North-Arcot: Non-Muhammadan Rural): It is No. 1 amendment on the list.

The Honourable Sir M. Azizul Huque: I am quite prepared to accept that No. 1.

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

"That in clause 2 of the Bill, for the proposed sub-section (6) the following be substituted:

'(6) Nothing in sub-section (2) shall affect any rights of an employee under the rules of a provident fund to obtain advances from or to withdraw money standing to his credit in the fund, where the fund is a recognized provident fund within the meaning of clause (a) of section 58A of the Indian Income-tax Act, 1922 (XI of 1922), or, the rules of the fund contain provisions corresponding to rules 4, 5, 6, 7, 8 and 9 of the Indian Income-tax (Provident Funds Relief) Rules'."

The motion was adopted.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): May I just point out that these papers—neither the Bill nor the amendments are before us here?

Mr. T. S. Avinashilingam Chettiar: They have been just placed.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 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 INDIAN MERCHANDISE MARKS (AMENDMENT) SUPPLEMENTARY BILL

The Honourable Sir M. Azizul Huque (Member for Commerce and Industries and Civil Supplies): Sir, I move:
"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, as reported by the Select Committee, be taken into consideration."
There are several amendments tabled. We have carefully gone through them. Some of these amendments are going to be agreed to. I do not therefore wish to take up the time of the House. I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, as reported by the Select Committee, be taken into consideration."
The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Clause 2.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, I move:
"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."
This is a formal amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:
"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."

The Honourable Sir M. Azizul Huque: This is hardly necessary but if my friend presses it we have no objection. It is intended to make the point quite clear.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That in part (i) of sub-clause (a) of clause 2 of the Bill, after the word 'cotton' where it occurs a second time, the words 'thread namely' be inserted."
The motion was adopted.

The Honourable Sir M. Azizul Huque: Amendments Nos. 2 to 7 are not going to be moved. No. 8 in the name of Prof. Ranga is an agreed amendment.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I move:
"That after part (vi) of sub-clause (a) of clause 2 of the Bill, the following be inserted:
'(vii) the following proviso shall be added, namely:
"Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises".'"
This is an agreed amendment and it is also self-explanatory. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That after part (vi) of sub-clause (a) of clause 2 of the Bill, the following be inserted:
'(vii) the following proviso shall be added, namely:
"Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises".'"
The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That clause 2, as amended stand part of the Bill."
The motion was adopted.
Clause 2, as amended, was added to the Bill.
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. Abdul Qaiyum (One of the Panel of Chairmen) in the Chair.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:
"That clause 3 stand part of the Bill."
The motion was adopted.
Clause 3 was added to the Bill.

Mr. Chairman (Mr. Abdul Qaiyum): Clause 4.

Sir George Spence (Secretary, Legislative Department): Sir, I move:
"That in sub-clause (b) of clause 4 of the Bill after the words, brackets and figures 'in sub-clause (ii)' the following be inserted, namely:
'for the words "an indication of the weight" the words "the length or weight" and'."
This amendment, Sir, brings the amendment to section 10 of the Act under amendment into line with the amendment made to section 7 by sub-clause (a) (iv) of clause 2 of the Bill as reported by the Select Committee, Sir, I move.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:
"That in sub-clause (b) of clause 4 of the Bill after the words, brackets and figures 'in sub-clause (ii)' the following be inserted, namely:
'for the words "an indication of the weight" the words "the length or weight" and'."
The motion was adopted.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:
"That clause 4, as amended, stand part of the Bill."
The motion was adopted.
Clause 4, as amended, was added to the Bill.
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 (Mr. Abdul Qaiyum): The question is:
"That the Bill, as amended, be passed."
The motion was adopted.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL

The Honourable Sir M. Azizul Huque (Member for Commerce and Industries and Civil Supplies): Sir, I move:
"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

Mr. Chairman (Mr. Abdul Qaiyum): Motion moved:
"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

Mr. T. Chapman-Mortimer (Bengal: European): I do not move my amendment for sending the Bill to the Select Committee.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, we were under the impression that the Bill would be sent to the Select Committee. Anyhow I wish to make a few remarks. Sir, the original Act was passed in 1911. When the Act was passed in 1911, even then in U. K. there was an Act relating to Patents and Designs of which the Indian Act was a copy. Why were not these provisions incorporated then in the Act of 1911? They were purposely left out. That is before any invention was complete, protection was not granted to it though provisional protection was afforded on the lines on which this Bill proceeds. Similar provisional protection was afforded in the Act of 1907 of U. K. and in the Indian Act which followed four years later, it was not thought fit to incorporate a similar provision and it has taken till the year 1945 to proceed to incorporate a similar provision. What were the reasons for ignoring this provision then? What is the necessity that has arisen now in regard to a similar provision in the Act by way of this amendment? I should like elucidation on this point first of all. Has there been any demand? How many instances have there been? What is the difficulty that has arisen so far as this Act is concerned? If really protection is to be given, I find in clause 3 there is really no protection at all. The object of the Bill is not carried out, because no suit lies for an infringement of an invention with respect to which provisional protection has been granted during the period after the application is presented and before the invention is complete. An infringement during this period is not visited with any penalty, no suit lies at the instance of a person who has obtained provisional protection against infringement. What I find in clause 7 is not sufficient protection. The wholesome provision in favour of a person, who has announced his invention but whose invention is not complete, is sought to be taken away.

[Mr. M. Ananthasayanam Ayyangar.]

because no sufficient safeguard is provided for infringement thereof. If really, as I understand it, there is this lacuna, I would ask the Honourable Member to set it right. It is a pity it is not going to the Select Committee, otherwise this could have been set right in the Select Committee. I never thought that the Honourable Member Mr. Chapman-Mortimer would not move his amendment for referring the Bill to the Select Committee. Otherwise, any one of us would have given notice of such an amendment.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, we expected that the motion for the Select Committee would be moved and in that expectation we have not considered the actual wordings of this amending Bill. It is very unfortunate that that motion is not moved. We have to learn from experience and this is one of them.

Coming to the Bill itself, it is not a war-time measure as some one whispered to me. It is a permanent amendment of the Act. The original Act was passed in 1911, when they found certain provisions sufficient to safeguard the interests of people who invent. But in 1945 they say they want to bring it in line with the English Act. I should like to know what circumstances Government see today which have made this Bill necessary now. We on our side would like the Bill to be considered in Select Committee, but that motion not having been made, we are not in a position to say anything further except this that the entire responsibility for the whole of the drafting is Government's, and if passed today the House has no part or lot in it. In the circumstances I leave it to the Honourable Member concerned to make up his mind whether he will consider it on some later date or get on with the Bill now and get it passed in a few minutes.

The Honourable Sir M. Azizul Huque: Sir, I will try to explain the position. My Honourable friend complained that it takes four years to get a law which is a good law in another country to come to this country. I think my Honourable friend knows that in the earlier part of this century it usually took 30 years to get a good law from that country. Any way we have had this matter very carefully examined; we consulted the special officer in charge of it, we consulted those people who come in for taking patents and designs, we consulted also the firms which are specialising in these concerns. I will take the liberty of reading a few lines from the report of the officer in charge of Patents and Designs:

"(i) Enquiries made at this office, personally as well as by post, for particulars for obtaining 'provisional protection' are becoming more and more frequent; and when in reply the inventors are informed that a 'provisional specification' cannot be filed under the Indian Patents and Designs Act, they show serious concern, and invariably request me to urge the Government to amend the Indian Patents and Designs Act so as to permit the filing of Provisional Specification.

(ii) It is also noticed that opposition proceedings in which the applicant and the opponent were at one time collaborators but had severed their connection with each other just before the application for patent was filed, are of frequent occurrence.

(iii) The leading Patents Agents also have been urging me to represent to the Government that the exclusion of the Provisional Specification from the scheme of the Indian Patents and Designs Act has been causing serious hardship on inventors."

I have personal knowledge that with the recent encouragement for researches, specially in industrial researches, a very large number of patents are being taken; and I am aware of the fact that there are people who have collaborated with one who was pursuing a particular formula which he ultimately discovered and yet just a few days before, his collaborator separated and tried to take the patent in his own name. Not only that, he tried in some cases to interest some industries at the cost of the original Research Worker; and it has become a problem. I hope, therefore, the House will agree to take the Bill into consideration and pass it at this stage . . .

Mr. M. Ananthasayanam Ayyangar: The Honourable Member has not answered the question that I asked . . . .

The Honourable Sir M. Azizul Huque: We discover by experience. There were very few patents in those days. But the war has given tremendous fillip and now the number is much more.

Mr. M. Ananthasayanam Ayyangar: My question is this. Why was not the U. K. provision of 1907 incorporated in the Act of 1911?

The Honourable Sir M. Azizul Huque: The number of cases, as I say, was very small.

Mr. M. Ananthasayanam Ayyangar: Sir, as Mr. Chapman-Mortimer has not moved the motion for Select Committee, may we be allowed to move it from this side?

Mr. Chairman (Mr. Abdul Qaiyum): I am afraid this is not the proper time. The Honourable Member should have thought of it before.

Mr. T. Chapman-Mortimer: Sir, the amendment which stands in my name was sent in the beginning of February in order to gain time for this matter to be threshed out and considered. Now after that six or seven weeks have elapsed and I should have thought there was ample time. I greatly sympathise with what my Honourable friends' feelings are in this matter, but the object of my original amendment was to gain time. I am sorry if my Honourable friends were misled.

Mr. Sami Venkatachelam Chetty (Madras: Indian Commerce): Sir, has the Law Member looked into this Bill and given his opinion?

The Honourable Sir Asoka Roy (Law Member): I certainly have looked into the Bill at some stage or other before it was introduced in the House.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

The motion was adopted.

Clauses 2 to 15 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. Chairman (Mr. Abdul Qaiyum): The question is:

"That the Bill be passed."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

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

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

This is a Repealing and Amending Bill of the normal type. The repeals which it effects are of matter which is spent or of amending enactments which by virtue of section 6-A of the General Clauses Act can now be repealed without undoing their effects. The amendments are all of an equally formal character. Honourable Members must have read the Statement of Objects and Reasons which explains the nature of the Bill. And the notes give you all the information you want in regard to the Acts which are proposed to be repealed. This is a formal matter; it is intended to weed out dead matter and to make formal amendments. Sir, I move.

Mr. Chairman (Mr. Abdul Qaiyum): Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

Mr. Sami Venkatachelam Chetty (Madras: Indian Commerce): Sir, in the statement is included "The Defence of India (Amendment) Act, 1940". May I take it that the Defence of India Rules will cease to operate hereafter?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I had put down a notice of a motion for reference of this Bill to a Select Committee not for the purpose of finding any defects in the principle on which this Bill has been based, but with a view to exercise greater scrutiny in the hundred of Acts which have to be repealed, or modified. But I was assured by my Honourable friend that great scrutiny was bestowed on this and there is absolutely nothing further to be scrutinized in a Select Committee. I would however like to have information regarding one or two items:

[Mr. M. Ananthasayanam Ayyangar.]

On page 4, under the heading 'Ordinances made by the Governor General under section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935' there is a list of Ordinances—

The Payment of Wages (Amendment) Ordinance, 1940.
The Currency Ordinance, 1940—Section 3.
The National Service Ordinance 1940.
The Indian Coinage Ordinance, 1940.
The Indian Tea Control Ordinance 1940, and so on.

Is it necessary to include these in the Schedule, when it is open to the Governor General himself to repeal any particular Ordinance? Is it necessary to have an Act for the repealing of these Ordinances when the authority which passes those Ordinances has also got the right to repeal them?

Then, Sir, in the First Schedule, on page 2, is included 'The Defence of India (Amendment) Act, 1940—The whole. What does it comprise of?

As a matter of fact it is very difficult to get copies of these Acts. Whenever I went to the Librarian and I asked him about copies of certain Acts, he gave me out-of-date Acts. Perhaps the copies available in the Library are very few and the Acts passed in 1939 to 1942 are given to some Members and others have to go without them. It seems he gets only one or two copies of the latest Acts. We are therefore not in a position to see what this means and how is it intended to be repealed. Therefore it is necessary to scrutinize, and if the Law Member has bestowed himself the necessary scrutiny and attention over this, I have no intention to press this matter to a Select Committee.

The Honourable Sir Asoka Roy: I can assure my Honourable friend that this matter has been examined with the greatest possible care by the Draftsman, Mr. Bartley, in the first instance, and I have also looked into the matter.

When an Act has been amended by an Amending Act, the Amending Act can be removed from the Statute Book by virtue of Clause 6(A) of the General Clauses Act which, for the benefit of Honourable Members, I will read:

"Where any (Central Act) or Regulation made after the commencement of this Act repeals any enactment by which the text of any (Central Act) or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal."

Therefore, all Amending Acts can be weeded out as being entirely unnecessary. The other Acts which are being repealed are Acts which have altogether spent their force and are no longer law. It is not necessary to have them in the Statute Book and this Bill is intended to remove such Acts from the Statute Book.

Mr. M. Ananthasayanam Ayyangar: What about Ordinances?

The Honourable Sir Asoka Roy: Ordinances which are no longer in force are repealed.

Mr. M. Ananthasayanam Ayyangar: Why cannot the Government repeal it?

The Honourable Sir Asoka Roy: The Legislature can repeal the Ordinances.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

The motion was adopted.
Clauses 2, 3 and 4 were added to the Bill.
The First Schedule was added to the Bill.
The Second Schedule was added to the Bill.
Clause 1 was added to the Bill.
The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move:

"That the Bill be passed."

Mr. Chairman (Mr. Abdul Qaiyum): The question is

"That the Bill be passed."

The motion was adopted.

THE INDIAN CENTRAL OILSEEDS COMMITTEE 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 to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwer Hajee Ismaiel Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorized to meet at Simla."

There is no need, I take it, for me to describe in any detail the lay-out of the Bill before the House. It follows familiar lines—a cess on an agricultural product, collected at the processing stage, to finance research and development in the cultivation, marketing and processing,—of oilseeds in this case; the fund to be administered by a statutory committee representative of all the main interests affected. I propose, therefore to content myself at this stage by giving the House the background of the proposals, and the reasons why we have thought it advisable to promote legislation in this matter even in war-time. I shall then conclude with a few remarks explanatory of the way in which we have adapted this form of legislation to the special purposes of research and development of oilseeds and their products.

I was reading recently, in a thesis on the oilseed trade of India, of the different uses to which vegetable oils were put in Europe at a time, before the war, when European countries could get vegetable oils, and I found that the author grouped the uses of these vegetable oils under twelve heads. I should like very briefly to detail them.

First of all, he put oils for edible purposes; then, oils for "external use on the body"—including, I presume, the hair; thirdly, oils for illuminating purposes; and then he went on to give a group of uses of oils in manufacture,—manufacture of soaps, paints and varnishes, compound lubricants, ghee and butter substitutes, oil-cloth, candles, tallow substitutes, glycerine and stearine. I was also interested to find that the oilseeds for all these purposes are grown in large quantities in India. Indeed except for soya bean, which we could grow if we could induce anyone to consume it, and palm kernels and olives, India grows all the principal oilseeds. She is one of the greatest producers of oilseeds in the world. Indeed it has been computed that she produces one quarter of the total pre-war world production of oilseeds.

3 P.M.

Dealing still with vegetable oils, the author wants to point out—(he is speaking of the prospects of developing the use of vegetable oils)—that "in an agricultural country like India with a population of 350 millions"—he was writing some years ago)—"all of whom are potential consumers of oils and buyers of oil cakes and possible users of soaps"—(that is his phrase, not mine)—"possible users of soaps, paints and varnishes, and who consume large quantities of oil for illuminating purposes and where there is ample evidence of an industrial awakening, great development of motor transport and aviation, the oil industry has really a very bright future before it". The use of vegetable oils for many of the purposes to which I have referred has the sanction of antiquity in India. But there is no doubt that much more use could be made of our immense resources in raw material by the introduction of new methods and new industries and the improvement of those already established from old times.

Apart from the vegetable oils and their uses, there are the almost equally important residuary uses. Most of our important oilseeds when pressed give oilcake which can be used to advantage either as cattle feed or as fertilizer or for either purpose. At present, as the House is well aware, though India consumes much of her oilseed in one way or another, she could with advantage consume it all, and much more. She also, especially in peace-time, exports much of it, mainly in the form of seeds or kernels, thereby losing both the profits of the manufacturing process and the

[Mr. J. D. Tyson.]

use of the residue—the oil cake. She also in peace time imports oilseed products, at a price sometimes quite out of keeping with the cost of the raw material, which she may herself have exported. A development on the industrial side should lead to a position in which India could retain more of these advantages for her own enjoyment—extracting the oil in India and exporting only such oil and oilcake as she herself did not require.

To advance the prospects of those interested in oilseeds, whether as cultivators or manufacturers or merely from the point of view of the consumer,—that is to say for nutrition or external application—there is almost unlimited scope for research and development. What we want is a co-ordinated programme of research covering cultivation, marketing, storage, manufacture and standardization of the product. We have found that *ad hoc* schemes of research and development, financed by the Imperial Council of Agricultural Research, do not, and cannot within a reasonable time, touch more than the fringe of the subject. I do not think it would be disputed that what has proved helpful to the cotton grower and the cotton industry should be equally beneficial to the interests concerned with oilseeds which, I am told on good authority, are really much less well organized than the cotton interests. This was the view of the Federation of Indian Chambers of Commerce and Industry which at its meeting of March 1944 unanimously adopted a resolution favouring the establishment of a Central Committee on oilseeds on the lines of the Indian Central Cotton Committee. I should like to read the relevant portion of the resolution passed by the Fedration of Indian Chambers of Commerce and Industry on this question. They resolved that—

"In view of the fact that oilseeds, especially groundnut, castorseed, linseed, rapeseed and cotton seed constitute some of the most important cash crops of India and in view of the fact that the present position of the oilseeds markets is likely to affect injuriously the interests of the grower in the absence of a Central representative Body, and having regard to the potentialities of the development of industries depending upon them, the Federation strongly urges upon the Government of India to establish immediately a Central Oilseeds Committee on the lines similar to those on which the Indian Central Cotton and Jute Committees are constituted, so that it may be helpful in safeguarding the interests of the producer and in giving proper guidance to the interests concerned in the post war reconstruction period."

I would add that a somewhat similar recommendation was made, I believe unanimously, by the representative Oilseeds Committee of the Imperial Council of Agricultural Research in August last.

So, Sir, encouraged by the representatives of commerce and industry, we have decided to bring forward this legislation at this time, believing it to be in the interests of the cultivator, the industrialist and the consumer alike.

The Bill proposes to finance the activities we have in mind by means of a cess "at such rate, not exceeding one anna a maund, as the Central Government may from time to time and after consulting the Committee, fix in this behalf". I can tell the House that on present figures we estimated that a levy at the full rate, that is the maximum rate, would bring in a revenue of Rs. 24 lakhs.

The Committee we propose to set up for the administration of the fund is a large one, but it is difficult to see how it could be cut down without denying representation to interests or areas that ought to have a voice in the management of the fund and in the control and direction of the Committee's activities. I would like very briefly to analyse the proposed composition of the Committee as it is made up of a very large number of elements, in clause 4 of the Bill. There is first of all the Vice-Chairman of the Imperial Council of Agricultural Research and there are five representatives of the Central Government. We have departments here in the Central Government which are obviously interested in a Committee of this kind. Then there are seven representatives of Provincial Governments and one of State Governments interested. I shall return to that item presently just to make a remark. Representatives of growers number fifteen. Representatives on the commercial side number fifteen also—seven of industry and eight of trade and commerce. Consumers are to be given

three representatives and we hope the Legislature will help us here. Finally there are four miscellaneous seats to cover a representative of the co-operative movement and such other experts as it might be well to add. It might be desirable, for example, to add an economist to the committee or representatives of interests not otherwise provided for. (I do not see him in the House at the moment, but I expect to hear the voice of Mr. Joshi raised in the interest of labour representation and if he does not ask, Prof, Ranga will do so.)

Here I feel and owe an apology to the House. I find there is a slip in an item of the Bill which concerns the representatives of Provincial Governments. It is in Clause 4(e). As it reads at present it says: "Seven persons representing respectively the Departments concerned with the oilseed-crushing industry" in certain provinces, and then at (f) a similar entry as regards the Indian States. When we consulted the Provincial Governments about our proposals, this item specified the representatives of the Agricultural Departments of those Governments. One Provincial Government said that they liked our committee generally but they did not understand why we were compelling them to send as their representative a member of their Agricultural Department. "Let us choose our own representative to voice the views of the Provincial Government. We might want to send the Director of Industries." We thought that that was fair enough and decided to leave Provincial Governments a discretion as between an Agricultural or an Industrial representation; but I see that in the Bill as printed we have committed the Provincial Governments to sending someone from their Industries Departments. That was far from our intention and if the House gives us a Select Committee on this Bill, it will be our business to correct that so as to leave the Provincial Governments free to send the kind of representative that they may wish to send.

I do not think I have anything more to say in commending the motion to the House except that the proposals have the blessing of all the Provincial Governments and, as I say, they follow on the resolutions of the Federated Chambers and the Imperial Council of Agricutlural Research Oilseeds Committee. We should like the Select Committee to be set up this Session with a view to the consideration of its report probably at the next Session of the Legislature,—there being, I understand, no time to have the Bill taken through all its stages this Session.

Sir, I move.

Mr. Chairman (Mr. Abdul Qaiyum): Motion moved.

"That the Bill to provide for the creation of a fund to be expended by a committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain, Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwer Hajee Ismaiel Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

The object of moving this motion is to have the opinion of the people at large.

Mr. Chairman (Mr. Abdul Qaiyum): There are two more amendments. I understand that Prof. Ranga is not moving his amendment and Mr. Ananthasayanam Ayyangar . . . . . .

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I am not moving mine.

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member may proceed.

Maulvi Muhammad Abdul Ghani: I find, Sir, that one by one every agricultural product is going to be taken away from the sphere of action of the Provincial Governments to whom these subjects were transferred and the Honourable

[Maulvi Muhammad Abdul Ghani.]

Member is going to take the power in some form or other. There is a Bill pending about rice. The coconut Bill has been passed. There is the Cotton Cess Act, the Coffee Cess Act and also the Tea Cess Act. On almost all the commodities there are one or more Acts in the name of improvement and better supervision. For these very purposes the Provincial Governments have appointed departments, Directors of Agriculture and also Directors of Industries, etc. What will those authorities do? This body is a very large one consisting at present of 52 members. When this body or the officers appointed by this body give advice in matters of growth and development of oilseeds and storage, what will be the functions of those experts appointed by the Provincial Governments. The Central Government would have been well advised to ask the opinion of the Provincial Governments, whether they are going to abolish those Departments or not. After all it is the people's tax money which is spent on the maintenance of so many servants. The masses pay the taxes with very great difficulty and the taxes so realised are going to be spent in this manner. The President of the Imperial Council of Agricultural Research is there to advise on matters relating to research. He will have here to work as the President and his whole time will be taken up here. I find a similar provision in the Rice Bill. I am speaking subject to correction; he will also have to work on the Rice Committee. This poor fellow how will he find the time? This Bill whether it will do good is a matter for future consideration but one thing is certain that the life of the Food Department is going to be prepetuated. It says here that the three persons representing respectively the Departments of Commerce, Industries and Civil Supplies and Food to be nominated by the Central Government. So the Food Department whose life, we understood, was for the duration of the war, is going to have a permanent life. There are many things in regard to which it touches the masses and I therefore thought it proper to move my motion for circulation, so that the people at large may give their opinion with respect to this method of taking one product after another and entrusting it to an autonomous Committee or a similar committee. With these few words I move my motion and I hope the House will consider my arguments and allow the Bill to be circulated.

Mr. Chairman (Mr. Abdul Qaiyum): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, Mr. Tyson is the only man in this House representing Government, who speaks for Development Departments. This is one of the numerous Bills which have been brought forward from last year. The question of oil seeds is a question which has to be faced. Lots of oil seeds are exported outside the country. By their export we lose not only the oil, but, more important than oil, the oil cake by which I mean manure which our land very lamentably lacks, and also fodder for our cattle. Besides these the oil industry would be able to provide thousands of men with labour and sustenance. So, if research can be made, and this industry made possible, in this country, that will be welcome. While generally supporting the Bill, I am not able to understand or give support to certain clauses.

Mr. Tyson has said that the probable amount of money that he will get is Rs. 24 lakhs. I have not been able to gather from what source or figures he has arrived at that conclusion. I have not seen figures of the number of oil mills existing in this country and the number of maunds of oil which is produced in this country. Apart from that the export of oil seeds outside this country is very large indeed if we go by pre-war figures, as during the war it is quite possible that the export must have suffered due to abnormal conditions, and we can never base our action on these abnormal conditions. From 1930-31 to 1937-38, that is pre-war period, I see there has been a steady increase in the export of oil seeds outside this country. Castor oil which was ninety lakhs of

maunds in 1930-31, was 92 lakhs in 1937-38. Ground-nuts which was 6 lakhs odd in 1930-31 was 8·35 lakhs tons in 1938-39. So also linseed: it was 2 lakhs 56 thousand tons in 1930-31, it is 3 lakhs 13 thousand tons in 1938-39. So, Sir, the most important seeds have increased in export.

There may also be a great quantity of oil which is being imported into this country, and may I suggest to him that, instead of imposing a cess on oil crushed in this country, it would be better to put an export duty on oil seeds sent outside this country, and an import duty on oil imported into this country. If this is done, not only will Government get revenue enough for this fund, but that by itself will support oil producing industries; that will help to keep within the country oil seeds which are being exported, and oil being made in this Country, and oil cakes being utilised in this country as fertilisers and as fodder. So I suggest that a cess should not be levied, as mentioned in clause 3 of the Bill on oil crushed in this country, but that an import duty must be levied on the oils imported into this country, and an export duty on seeds exported out of this country.

Now, Sir, it is true that a few researches that have been made in this country have brought out that the present oil resources can be utilised for purposes for which they have not been used till now. In Calicut it is a friend of mine who found out that ground-nut oil could be used instead of crude oil to run engines, and in some places I know that ground-nut oil has been used instead of imported crude oil, but crude oil is so much cheaper, and so ground-nut oil cannot permanently displace crude oil. I believe, Sir, that with research many of the oil imports which we regard as indispensable for running diesel engines, motors, etc., can be substituted by ground-nut and other oils.

I have only one more point to mention before I sit down, and that is about section 4, about the suggestion of the Central Oilseeds Committee. I find that on every one of these Committees—it may be oil seeds, it may be cotton, it may be rice—representation is given to two bodies. I do not know whether separate representation for these two bodies is necessary. They have almost become vested interests. One represents the Federated Chambers of Commerce, and another the Associated Chambers of Commerce. With so many representatives of interests concerned I begin to doubt whether another person is necessary from these two bodies which I have mentioned just now.

I would draw the attention of the House only to one other matter, and that is clause 13. I suppose this Bill has to a great extent been copied from the Cotton Cess Act. Clauses like clause 13, sub-clause (2), have been opposed in this House many times. One was opposed in the Amendment Bill to the Income-tax Law which the Honourable the Finance Member refused to introduce to-day. I suppose, Sir, the Select Committee will go into the matter and make the necessary amendments.

Sir, we support the motion for Select Committee.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. Chairman, it is one of the several Bills that have come before the House in the same shape or form. I remember two years back we passed the Cocoanut Committee Bill, and if I oppose this Bill today I am sure my Honourable friend, Mr. Tyson, will get up and say that at the time the Cocoanut Bill was passed I suggested that the whole scheme of oil production should be taken together, that cocoanut and oil seeds should be clubbed togther, and that there should be one Committee. I still hold the same view. It might be that cocoanut is a different type of product, but it is used for the purpose of extracting oil by and large, and I think it would have been better if my Honourable friend had one Committee instead of two Committees, one for Cocoanut and another for oil seeds.

With regard to the composition of the Committee, my Honourable friend, Mr. Avinashilingam Chettiar, had something to say which is worthy of being noted. It is the same Committee of 52 members over again like, for instance, the Rice Committee. For the time being the Rice Committee appear to be

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suspended animation. We had the same schemes in the Cocoanut Committee Bill which is now an Act. And there are several other legislative measures before that of an analogous nature. I think, Sir, Mr. Tyson and his advisers will profit if they give some time to the study of the working of these Committees. If the Committee is to be useful at all, I do not think a committee of 52 is necessary, though it might be said that in clause 18 they have provided for the appointment of a Standing Finance Sub-committee or other sub-committees out of this committee of 52. The Mover of the Bill said that he expected about 24 lakhs of rupees to be collected by way of this cess at the rate of one anna per maund; and if the travelling expenses of these 52 peoples is to be paid a good portion of this 24 lakhs will come out of it. If this committee is to do some good, it ought to be in the shape of an expert committee and I think the Government will do well to co-operate with the Select Committee in trying to cut down the number, so far as this committee is concerned. It might be very good to have a committee with a constitution similar to what is outlined in clause 4 if you are framing a constitution for this country; but we need not go into that elaborate length when you want a committee merely for the purpose of helping the oilseeds industry.

This Bill reproduces some of the defects which we pointed out when we discussed the Rice Committee Bill. The fund that is to be created for this committee is by means of a collection of one anna per maund on every maund of oil milled; and a mill is defined in the section relating to definitions. There is again the same rigmarole of a miller having to send out monthly returns, the collector having to assess him; and as my friend Mr. Avinashilingam Chettiar pointed out very pertinently, there is a clause 13—a similar clause finds place in the Cocoanut Committee Act and in the Rice Committee Bill, in the Cotton Committee Act and so on,—a provision to which this House seriously objected in relation to Income-tax. Obviously the miller is not a particularly powerful person in this country, and it does not matter if the mill is entered by the authorities concerned and his books seized and sealed for whatever purpose it may be.

What I really object to is this: if this Government has adopted a particular method of improving the production and marketing of a particular article, need that be followed right through? Cannot their intelligence be exercised in regard to varying the procedure and simplifying it? Cannot the Honourable Mr. Tyson, for instance, take advantage of that new fangled machinery that has been established in the Commerce Department, the administrative intelligence room, and find out from them how the whole matter can be simplified, instead of this elaborate procedure for a comparatively little amount of work that has to be done in connection with the oilseeds industry and the very doubtful results that may ultimately be yielded from this proposal? We do object to the same kind of provisions being brought in and we also object generally to the creation of autonomous bodies for every particular article that is produced and marketed in this country. There will ultimately be no end to it. We shall probably have as many committees as there are articles produced in this country if we go on developing on these lines.

I think the Honourable Member would do well before proceeding with this measure to see if he cannot club two or three or four products together and put them under one committee. Since he is going to give such wide representation and allow 52 people to travel to Delhi or whatever the headquarters of this committee happens to be, why not make the number a hundred and get representatives of four or five different industries brought under one Bill? Otherwise, if we are to go on at this rate of having one committee for one particular product, there will be no end to it. While I am unable to sympathise with the need for circulation, because I do not suppose anybody is going to trouble himself about it and send an opinion, I am not quite convinced of the need for the Bill itself in its present form. I think it is worth while for the Government to investigate

and find out if they can simplify this process, both in the matter of collecting the cess and in the matter of the working of the Committee and in the matter of the constitution of a committee, and whether some different or new ideas cannot be brought in by which the whole thing can be simplified.

I do not know what the Select Committee will do, whether the Select Committee will pass this particular Bill in the same way as this House passed a more important measure like the Indian Patents and Designs Amending Bill, merely on the strength of the fact that previous measures have been passed without much scrutiny and therefore even this can go in. My Honourable friend Mr. Chettiar has at any rate blazed the trail in regard to one particular clause. Consistency requires that the House should object to clause 13. At any rate there is no point in having this clause in this Bill, when we objected to it in a more important measure.

I would conclude by saying this: that I would like the committee to go thoroughly into the Bill, to cut down drastically the duties cast upon the collecting officers and urge upon the Provincial Governments, to find out some other means, if possible, by which they can collect a fund for this committee without so much of fuss and also to reduce the number constituting this committee; and finally to explore, if possible, to bring the various committees of this type together and suggest to the government to drop this Bill, if necessary, and bring it in a different form.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I have great pleasure in supporting the motion moved by my honourable friend, Mr. Tyson. I consider this measure as a very useful one. Our production of vegetable oils is a very important industry in India and our export of oils in pre-war days was also considerable. Anything done to improve the quality and quantity and for carrying on research work—any measure that helps towards it is a measure which we must support. I hope that the Select Committee, when it sits on this Bill, will improve this Bill as much as possible and we will have a measure which will be of as great benefit to this country as human ingenuity can produce. I have only one suggestion to make to the Select Committee. With regard to the constitution of this Central Oilseeds Committee, with which clause 4 deals, I find that a number of commercial bodies are authorised to send representatives on this committee. Sub-clause (n) provides for one person representing the Federated Chambers of Commerce and sub-clause (o) provides for one person representing the Associated Chambers of Commerce. But I do not find the name of the Muslim Chamber of Commerce in this. I hope nobody will consider this as a communal claim but all the same these Muslim Chambers of Commerce are serving a very useful purpose in this country; they have become established associations which have a representative value of their own. They are dealing with a very useful branch of the commercial community in India; and therefore I not only suggest but urge strongly on the Select Committee that they should see that provision is made for at least one representative of the Central Muslim Chamber in the country. With these words I support this motion.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Left to myself I would certainly have taken very strong objection on a matter of principle to the procedure being followed by the Government of India in regard to these Bills concerning commodities, the commodity cess Bills as they have come to be known. I have already made one point very clear to this House and also to the Government, and that is that in regard to all these researches and marketing schemes it is the responsibility of the general public as a whole to do its best to make the Government spare adequate funds as well as other resources in order to protect the interests of the growers of these various commodities. When it comes to industries and commerce, the Government of India has not yet come forward with any proposals that the concerned industries should bear the cost of the various researches, laboratories and other schemes that are being financed by the Government. On the other hand, only when it

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concerns itself with agriculturists, it seems to tell them "you had better look after yourself. Your needs are so many that we cannot very well place adequate funds at your disposal. What is more you are so powerless in politics that unless you are prepared to finance your schemes, there is no chance at all either of this Legislature or of this Government placing the necessary funds at your disposal in order to finance the requisite schemes". Some such thought seems to be at the back of the mind of the Government of India and those concerned with agriculture and that is why I am afraid they are coming forward with such Bills but all our discussion in this House seems to have been wasted away on this Government. It does not seem to be benefiting itself at all by our discussions. Speaker after speaker has made this point when the rice Bill came up for discussion and yet the same sort of Bill is being introduced today without any alteration. Some clerk somewhere seems to have drafted. Some draftsman seems to have approved it for one particular commodity and then another clerk is expected to get the same Bill out for various other commodities as and when necessity arises and the Member concerned seems to be simply saying 'it looks and sounds well. Let it go to the Legislative Assembly without any alterations and let it go to the Select Committee and let the Select Committee look after itself'. That seems to be the attitude of the Government. If that is not the attitude of the Government, what sort of excuse can there be for Government bringing forward mere copies of their earlier Bills. There was, for instance, a very important point raised in regard to the relative importance of the different provinces and the necessity for providing varying quantums of representation in proportion to their respective importance in the production of these different crops. I find here only one little distinction is made. Certain provinces are given two representatives each for their growers. Certain other provinces have one representative each. I do not know how my Honourable friend Mr. Tyson justifies this. I find some are left out also. As regards agricultural statistics I find that under groundnuts alone there is an acreage of 2,327,000 and the other one that comes anywhere near it is rape and mustard seeds—one million 104 thousand. All the other seeds account at the most for only 400 thousand tons. We find Madras alone accounting for 1,73,000 tons and there is no other province which accounts for anything more than half of it in any seeds and yet Madras is treated the same way as other provinces are treated. I can make the same legitimate complaint about other provinces, especially U. P., C. P. and Bihar. These facts do not seem to have been brought to the notice of the Government while they were preparing their Bills. We make so many points here but they do not seeme to be making any impression on this Government, because another time they will again bring forward the same sort of Bill without considering these points.

Then there is another point. At the end of the war, the oil seeds producers of this country are likely to be faced with a slump in the market. There is Argentina and several other countries who are interested in producing many of these oil seeds. Several of the African colonies of the British Empire and French Empire are interested in this. They also compete with our oil seeds. Therefore there is every necessity for the Government to take adequate measures to provide themselves with sufficient funds and to build up sufficient funds, so that it may be possible for them to protect our growers and ensure increasing exports and also profitable markets in other countries. What do the Government propose to do? They propose to raise 25 lakhs per annum. How far will this money go? Is it sufficient for protecting our people? So far as marketing is concerned, it will be only a flea-bite. What does the Government propose to do? It proposes to collect all this money from the growers themselves. We are going to collect it from the factory owners. It may not be the factory owners who will be paying it. It will be the growers. Of course it will be open to the Finance Member and other Members on the other side to say 'let the peasants organise themselves into co-operative marketing societies. Let them organize themselves in other ways also. They can resist

these factory owners and other merchants and force these other people to pay the cess and not pay it themselves'. That takes us nowhere. The fact remains that our peasants are unorganised, either co-operatively or otherwise. They are not able to resist the pressure of these merchants and also the Mill-owners, so much so that the incidence of the cess can fall mostly, if not wholly, upon the growers. Is this the only tax that they are made to pay? Are they not paying land-revenue already? Is that not absorbing as much as 50 per cent. of their net income so far as the ryotwari areas are concerned and 50 per cent. of the gross income so far as the zamindari areas are concerned. Show me, Sir, any other class of people in this country who are made to pay as much as 50 per cent. of their gross income or 50 per cent. of their net income towards taxation. You may say 'Yes, the rich men are paying'. If you remove the Excess Profits Tax, certainly, no rich class of people in this country are paying as much as 50 per cent. of their net income, not to speak of 50 per cent. of their gross income. This amount is being contributed by the agriculturists. It is because of the land-revenue and the provincial excises that the Provincial Governments are being financed and maintained. You have your own Government of India excise. The Government of India excises today are 48 crores, that is, three times what the rich people were paying as income-tax and super-tax, that is, 16 crores, before the beginning of the war. The rich people were paying in 1939, a sum of 16 crores, that is, one-third of what the poor people and the peasants are paying today as commodity tax, which is 48 crores. Not being satisfied with it, in various provinces you have also got the sales tax. On whom is this incidence of sales tax falling? Once it was maintained that it was mostly falling on the merchants, but when the merchants protested, it was said to fall on the consumers, and when the consumers also protested, then it was whispered that it should fall on the producers. In actual fact, I can tell you that in the receipts which the merchants grant to the peasants for purchase of their produce, the sales tax amount is deducted from the price which the merchants pay to the producers. You may say this is illegal. But there it is. The peasants are not in a position to take advantage of your law. For a paltry sum of one rupee, or two rupees or even three rupees, you cannot expect the peasants to go to a court of law against the merchants to recover the amount. So you cannot blame the merchants, because their business is to eke out a living by this means. On the top of all this heavy burden, you also want to impose this new burden and you say you are not accountable to the peasants with regard to the way in which you will spend this money. You will spend the money on high salaries and so on. Now, you say, here is the fund which will be collected from the peasants and placed at the disposal of the peasants to be managed by the peasants and therefore why don't you agree. My reply is, first of all why do you tax our peasants so inordinately. For what purpose is the money utilised? Are they solely in the interest of peasants? If you collect this cess from the peasants, then in all conscience, it is the duty of the Government to make a contribution from the general revenues also towards this fund. I do maintain that if you are going to collect Rs. 25 lakhs from the peasants, then you should contribute a like amount from general revenues. It is only then there will be justice, otherwise it will not be fair. I hope it will be possible for the Select Committee to accept my suggestion and make a similar provision in the Bill. Let me warn the Government that if they only send the Bill for circulation, its fate will be sealed. What has become of the Rice Bill? Why have the Government of India who were very anxious to proceed with the Rice Bill not come forward to the House and communicated the opinions received from the public?

Mr. J. D. Tyson: We have not yet got the opinions.

Prof. N. G. Ranga: Opinions are still coming. Does it mean that people are still thinking what opinions they should send? It is obviously such a serious matter. They do not like it. They do not want this cess. At the same time they do not know how you are going to deal with that. That is why you are still getting opinion. If other opinions which have been received till now have

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been thoroughly favourable to you, then I am sure the Government would have rushed to this House with those opinions.

Mr. J. D. Tyson: As a matter of fact, Government do not collect the opinions. The opinions are collected by the staff of this House and they are made available to Honourable Members opposite and to me simultaneously by the staff of the House.

Prof. N. G. Ranga: The Honourable Member has not seen the opinions. I have had occasion to talk to some people and they told me that they had sent their opinions. I know what opinions they have sent. They take the view that the Government should contribute as much from general revenues as they propose to take as cess on rice. Many of these people who have given this opinion are totally opposed to the imposition. That is the stand which the agriculturists take in the country along with the general public. You cannot therefore so easily walk away with our funds by simply saying, "we create the fund, we constitute the committee amongst you and your committee will spend the funds".

Now, Sir, I come to another point. I agree with my Honourable friend's suggestion that there is no sense in having a separate committee for coconuts and another for oil that you extract from coconuts. These two must be amalgamated into one. Another reason why I want such an amalgamated committee is this. Our coconut and copra producers are obliged to compete with Ceylon producers for a long time past. The Government of India always showed a soft corner for the Ceylon people as against Malabar producers with the result that the Malabar producers always suffered. We have been fighting for protection, but in vain. So, I suggest that any fund that may be placed at the disposal of coconut producers should be sufficient enough so that they may commandeer sufficient funds to be able to fight, if necessary, the Ceylonese production and also make effective representation to this Government. It will not be possible for them to do so with this sort of coconut committee and with very inadequate funds. So, in their own interest, it will be good if they are amalgamated with oil producers. I agree with Mr. Chettiar's suggestion that instead of imposing this cess on all oil seeds that are taken to factories, you may impose a duty on export of oil seeds, oil cake also and a similar duty on what may be called imports of oils, oil cakes, etc., and other by-products and place all these funds at the disposal of this committee.

I cannot agree with my Honourable friend when he says that the strength of this committee is rather too big. Our complaint often is that this House is not given sufficient time to go into details and control the Government. That is why the idea has been adopted by this Government as well as various other governments to have *ad hoc* organisations or semi autonomous organisations. These semi autonomous organisations ought to be representative. They are not meant to be merely expert organisations. If they are to be purely expert organisations, then the ordinary public who may be interested in such subjects may not find a place and their point of view cannot be expressed. We know that these experts are all good up to a point. They are to advise us, to assist us and stand by us, but they are not to be the sole directors of everything. In fact, if you trust too much to your advisers you will go the wrong ways. It is much better that these semi autonomous organisations should be predominantly non-official in character. They should not be packed with experts alone. They should be given the liberty to invoke the aid of experts if necessary. The number 52 has been taken objection to, on account of travelling allowances, etc. If you keep in mind that the amount proposed to be levied is 25 lakhs, I am sure there is no valid objection against the number 52, on financial grounds. Such a committee cannot be expected to meet more than twice a year. It is bound to distribute the work to sub-committees and it will be open to these sub-committees to invoke the aid of experts. Therefore there can be no valid objection to the strength of the committee.

My next objection is in regard to the constitution of this committee. Why do you want the Associated Chambers of Commerce to be represented on this committee? We took objection to that very handsome body on the last occasion, and yet this Government comes forward here. Are they producing oil or producing oil seeds? Of course, they are producing oil from out of our oil seeds and make much more than what our oil seed producers are able to make. And even in the oil production industry they occupy an infinitesimal place. Why should they get one seat on it? You may say that you do not want to make any discrimination and so on; but where does the discrimination come in? Who prevents these gentlemen from joining the Federation of Indian Chambers of Commerce? The Indian Chamber of Commerce is not confined to people of one colour only. But these people want to keep their separate colour because they are communalists and communalists. Why should you want to go and encourage these people? I could understand it if they really were responsible for a very great proportion of the industry, but they are not. There is a claim made by an Honourable friend here for the Muslim Chamber of Commerce. We want to encourage them. Give a seat to these people and do not take it away from people who really deserve it.

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Then, Sir, from agriculturists you want 15 persons to represent the growers. But look at the partiality of our friends. In clause 4(p), they provide for—

"four persons representing trade and industry generally to be appointed by the Central Government after consulting the appropriate commercial association."

These "appropriate commercial organisations" come in there; but when it comes to the growers the Provincial Governments are the dictators and they are to select anybody that they like. They are not to make any sort of effort at all to consult any appropriate peasant organisations before they make their nominations. And why? Sir, this is not the first time I am making this suggestion; for the last ten years I have been making this suggestion to Government, and yet this Government of ours is not interested in acceding to our request. I know the reason. There was a time when I wanted leave of the Governor General to introduce a Bill for the formation of peasant unions on the lines of the Trade Unions Act, but the Governor General refused to give his assent. They do not want peasants' unions to be organised in this country, and to the extent that they have organised themselves they would like to put their leaders in jail whenever they can. Even today many of them are in jails. Why are they so much opposed to peasant unions? It is because the peasants form more than 75 per cent. of the people of this country; if they come to be organised and go into these committees and gain inside knowledge of Government, it will be possible for them to begin to think of governing this country and gain control of this Government. It will then be possible for them to lend greater strength than they have been able to do to our own revolutionary movement and the nationalist movement in this country and try to replace this Government by a more proper Government. If that is not the reason I should like my Honourable friend to tell us why they do not want to take any sort of steps at all to give organisational representation to our peasants, wherever these organisations are. Or, if the organisations are not there it is the duty of this Government to encourage these peasants to form themselves into organisations of peasants. I will give them a precedent in England. There they have got the Trade Unions Act, the Trade Boards Act and many other Acts of that kind. One of the objects with which these trade boards were set up in England was to assist these otherwise unorganisable workers in sweated industries to organise themselves, because they wanted them to give an inducement and an encouragement to send their organisational representatives to the trade board concerned. Similar steps ought to be taken by this Government also.

Then, Sir, they have made a very revolutionary departure,—how they came to make it I do not know,—and that is to provide two persons representing the village oil seed crushing industry to be appointed by the Central Government.

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But why two only? When you are providing for so many representatives for these various other bodies, are these so few? If my Honourable friend Mr. Tyson will look at page 38 of the Statistical Abstract of 1938-39, he will find that the castes *Teli, Tilli, Chakkan, Ganig, Ghanchi* and *Vaniyan*, who are engaged in the oil-crushing industry number as many as 50 lakhs of people, which is as many as the proletariat and industrial workers in all your organised industries. And yet for all these 50 lakhs of people who are eking out their livelihood in the oil crushing industry you want to provide only two representatives. And how are you going to select them? You will perhaps pick and choose some Rai Bahadur, although I do not think there can possibly be any Rai Bahadur coming from these castes. But you will just choose some one or other and simply give him that name for the time being and say "You represent the *Teli* caste". That is the game you have been pursuing. That is why I say that in all fairness you ought to adopt the same procedure that you adopt in regard to commercial interests by recognising their organisations, and at the same time providing more adequate representation for this very important interest.

Then I come to my last point which is a general point and that is this. What kind of control shall a legislature like this have upon these semi-autonomous organisations? You go on multiplying these organisations. They serve a very good purpose. But are they to be so completely autonomous that this Legislature would have no control at all over the manner in which they recruit their staffs, maintain them, dismiss them and so on, and the manner in which they spend their funds? Yes, you have of course taken power for Government to scrutinise their financial propositions, even their budgets, and also to make rules for the appointment of their staff, and so on. But where does this Legislature come in? You will of course say that when a representative Government comes in it will be enough to leave all this power to the ministry in power. But I say it will not be enough. However representative the ministry may be, it is always necessary to empower the Legislature to control that ministry in a suitable manner, otherwise every ministry, however popular it may be, tends to abuse power. Every individual, every institution, every ministry has always been found to abuse power if that power is absolutely unrestricted. And therefore it is most necessary, if you want to make your democracy really an effective thing, to vest the legislature concerned with sufficient powers so that it will be possible from day to day to control the administration concerned. I do not of course mean to say that your legislature should have power to go into every detail of the administration of these semi-autonomous organisations. But they should lay down general principles year after year and also have liberty to scrutinise how the work is being carried on. Therefore a report has to be made on the working of these semi-autonomous bodies, not only to Government but also to the Legislature. An opportunity should be given not only to Government but also to the Legislature to scrutinise the manner in which such organisations are conducted and how they spend their monies, and so on. Therefore I want an additional provision to be incorporated in it at a suitable place to give sufficient power to this Legislature, as and when these annual reports are submitted to the Legislature, to take up the administration of these various bodies. We have the railways; we have a chance of discussing their affairs. We have the Posts and Telegraphs; we have a chance of discussing their affairs. My Honourable friend will perhaps say that that will take too much time, but that will be the concern of the Legislature. If the Legislature is satisfied with their affairs and the way in which they have conducted their business, certainly it will not insist on a discussion. But the Legislature should know how this work is being conducted. If they know it and if it is found that there is anything objectionable, it will be open to any Member of the Legislature to get up and ask for time to discuss these things. Therefore suitable provisions should be made in this Bill to make it possible for this House to be empowered adequately.

Sir, with these words I can only say that I accede to this motion for a Select Committee, though I cannot possibly make myself responsible for the principles underlying this.

Mr. E. L. C. Gwilt (Bombay: European): In rising to support this motion, there are one or two points I would like to bring to the attention of the House, at this stage of the Bill. It provides for a cess to be levied on oil seeds crushed in British India thus only oil coming from Indian States will be able to compete to the extent of the cess. I suggest, therefore, that this competition will be obviated by the levying of the cess, in the same way as octroi, on oil arriving at British India stations from mills in Indian States. The proposed cess will be levied exclusively on mills which crush oil seeds with the aid of power, and if the Select Committee accept the Bill as it is framed at the moment, considerable quantities of oil produced in British India by bullock-driven or hand-operated crushing installations will escape. These installations also produce vegetable oils other than groundnut oil, and as it is an object of the Bill to improve and develop the cultivation and marketing of oil seeds in general, I suggest that consideration be given to levying the cess on a more general basis as presumably all producers will eventually benefit by the activities of the Committee.

I also suggest that the cess should be levied on the export of oil seeds. Groundnut seeds are exported in large quantities and any improvement in the quality and the yield of such seeds would be a direct benefit to exporters as well. There is a cess on the export of coffee, for example, the proceeds of which go to the work of the Indian Coffee Board.

There is a further point I suggest by be examined. It is proposed to appoint to the Committee, two persons, representing the power oil seed crushing industry, but having in mind that a large part of the financial burden will fall on this industry, it would appear inadequately represented by only two persons out of a total of 52 constituting the Committee. Despite what the Honourable the Mover said, I think, Sir, that 52 will prove a very unwieldy committee, but again, despite what I have just said, I propose to name a further representative, one from the Imperial College of Agriculture.

There is one further point: I would like to draw the attention of the House to the fact that a cess on cotton seed would apparently mean a further tax on *kappas* which is already taxed by the cess on cotton. I understand that the Central Cotton Committee have recently recommended, by a majority, that the cess on cotton be increased. If this is put into effect then, presumably *kappas* which is two-thirds cotton seed by weight suffers in price also. In case cotton seed cannot be excluded, then I suggest the cess on it be nominal in view of the cess already borne by cotton. As I have indicated, Sir, I support the motion.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I support the Bill, and my chief object in supporting the Bill is that it is high time that we should do something for our agriculturist. As it is stated in the Statement of Objects and Reasons, India is one of the world's principal producers of oil seeds, and it is a fact that we have done nothing so far for the improvement and development of the cultivation and marketing of oil seeds.

So far as the question of representation is concerned, I do not agree with the suggestion made by my Honourable friend, Mr. Gwilt. The representation given to the Banaspati industry is, in my opinion, much more than they should have. There are hardly 16 mills in India and to give them two seats in a committee of 52 is very much indeed.

I am sorry I cannot agree with him with regard to taxing the small oil-producing factories run by bullocks or otherwise without power, because such installations come under the category of cottage industries. They are only maintained to give some food to the starving people, and this vocation is supplementary to other income that they derive out of cultivation. They do not

[Mr. Hooseinbhoy A. Lalljee.]

make much money and besides they have to feed their bullocks and maintain them for agricultural purposes.

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

I conceive there will be some improvement as a result of these efforts, but that is due to them. We have done nothing for them, but it is but fair that this industry, which is very poor, should not be taxed, at least not until it becomes as efficient and paying as the Banaspati and other power factories.

I do not also agree with the suggestion made by my Honourable friend with regard to putting a duty on the export of oil seeds. The reason is very plain: we do not want to export anything which we can consume, but we do want to export all that we cannot consume and for that we have to find open markets. It is always the policy of foreign states, and more particularly of the civilized States, that so far as export prices are concerned, they are many a time lower than the local prices, the whole object being that we should only export such quantity and material as we cannot consume and get value for the same. I shall be only too glad if we can utilize all our oil seeds and oil pressed in this country; it will be very very good. If we take into consideration the quantity of paints and of lubricating oil that we shall have to import for the textile, jute, sugar and various other kinds of mills, and our Railways, you will find that it is time that we start doing all we can to produce lubricating oil and other oils for use in the manufacture of paints, soaps and so on. Therefore, I do feel that this Bill is very very essential and let us hope that this Committee will be able to work in that direction and save the country from exporting the oil seeds, for we have to pay so much for oils that can be produced from them.

We have also to consider very seriously that by exporting our oil seeds we also lose the production of oil cakes which is very very essential for our agricultural purposes—for manure and for food for cattle. I feel that we ought to welcome this move on the part of Government.

With regard to the representation that has been given to the growers, I do agree with my Honourable friend, Prof. Ranga, that that representation ought to be much more. We have given a very large proportion of seats to the trade and I do not know how my friend is going to select "four persons representing the trade and industry generally to be appointed by the Central Government after consulting the appropriate commercial associations", as he puts in the Bill. From all over India he is going to select four gentlemen to represent trade. Then, Sir, I do not think there is any need of two persons to represent the exporters if you are going to have one person representing the Federation of Indian Chambers of Commerce and Industries. You might give the representation either to this latter body or to the Exporters' Association.

Then there are to be three persons representing the consumers of oil, and three more members as the Central Government may appoint to represent interests not otherwise represented. I want to know from my Honourable friend, the Secretary-in-charge, whom does he mean by this. Really speaking the persons vitally interested are the producers and they are to be given only fifteen representatives. In view of the fact that they are the largest body in the country and spread all over it, they should have more representation.

Then, I would also like to know from the Honourable the Secretary whether he thinks that hereafter also we shall have these departments of Industries and Civil Supplies and of Food. Whom does he propose should come in and for what period? I am in favour of this Bill and I want that the growers must be represented and furthermore that we should have persons who are vitally interested—I mean the agriculturists. Some arrangements should be made with Indian states to fall in with us.

Mr. J. D. Tyson: I think the House has generally welcomed, or at all events reconciled, itself to, sending this Bill to a Select Committee. I propose therefore to be brief. I think most of the speeches that have been made have aimed chiefly at calling the attention of the projected Select Committee to some point or some aspect of the Bill. They have covered a good deal of ground and there have been quite a lot of interesting and important points raised which will no doubt be noted and dealt with by the Select Committee. It is therefore not much good my supplying the answers to all of them even if I could.

The opposition to reference of the Bill to a Select Committee came from my Honourable friend Maulvi Abdul Ghani and on two grounds only. One was that he feared that I was seeking to perpetuate the Food Department. The same point was raised by Mr. Hooseinbhoy Lalljee, regarding the Food Department and the Department of Industres and Civil Supplies. These two departments exist at the present time and we are anxious to have representatives from them on our Committee so long as they exist: we have therefore provided for such representation in the Bill. When they go out of existence, if they go at all, we shall have to come back to the Legislature, no doubt, to amend the Act. But that, I think, we must leave to be dealt with when the situation arises.

The second point made by Maulvi Abdul Ghani was that we already had in the provinces Departments of Agriculture and of Industries: What is the need, then, for having a Committee here to do this specialist work. Would it not be duplicating what is done by the Departments of Agriculture and Industries in the provinces? I really think that my friend expects far too much from these Departments in the provinces. Very little basic research can be done by them as they are constituted at present but we should like and expect all these Provincial Departments of Agriculture and of Industries to apply and to modify according to local conditions the advice they get from this committee, and that is how this committee and the departments of the Provincial Governments will fit in together.

A point has been made regarding the estimate I gave of the possible proceeds of this Bill at the maximum rate. I am afraid I have not got exact figures of the number of mills or, what is more important, the exact quantity of oil seed that is crushed in the power-operated mills but the calculation was made in the following way. We know the quantities of oil seed produced and retained in India. From that the quantities estimated to be used as seed and used for purposes other than crushing can be roughly calculated: and that has been done and from this again the estimated quantity crushed in village *ghanis* has been substracted and that gives us the quantity crushed by the mills. It is, I admit, a very *andazi* way of arriving at it.

Then the second point that was raised by Mr. Chettiar was: Why do we raise this money for this Committee by a cess on oilseeds crushed in mills? Why not raise it by a cess on exports of oilseeds and a cess on imports of oil and oilseed products. We considered that and the answer, I think, is this The import is comparatively unimportant in quantity. We should not get anything like the money we need, I believe, if we relied on an import duty. As regards an export duty, the figures of exports have varied very considerably, though during the last few years just before the war the figures of exports were increasing. Looking back to a period a little before that, I find that the figures were very much greater in the years 1927-28 to 1929-30 than they seem ever to have been since and there is in fact very great fluctuation from year to year. We should prefer a steadier basis for the Committee's finances. It is also a fact that oil seeds exported are already paying a small cess under the Agricultural Produce Cess Act. (That was an Act which was passed by this Legislature in 1940 to supply the Imperial Council of Agricultural Research with a separate source of income). But in any case we are not very keen, and I do not think anyone in this House is very keen, that we should export large

[Mr. J. D. Tyson]

quantities of oil seeds. I should like, if I may, to recall a point that was made in the discussions on that Bill in 1940 which will illustrate my present point. We had there, in the Bill to provide the Imperial Council of Agricultural Research with a separate source of revenue, a schedule containing some twenty different commodities which were to bear a small export duty and one of them was "bones": and I remember my Honourable friend, the Vice-Chancellor of Aligarh, making an impassioned speech and saying "we should not export bones. We wanted them in this country for fertilizer. I would wipe out the whole of this schedule except bones and I would put a prohibitive export duty on bones". Of course he was quite right. We would have kept the bones in the country,—but the I. C. A. R. would not have got its funds? In the same way we are not very anxious to encourage the export of vegetable oils, certainly of oil seeds or of oil cakes, when we know that they could be utilised to the greatest possible advantage in the country. That is one of the reasons why we have not relied on an export duty to finance this Committee.

It has been suggested to us that we are having too many of these committees and that we ought to try and get a number of commodities dealt with together under one committee On the contrary I think the object we have in view is really to have specialised research but I submit that the oilseeds group is in itself a very substantial group and I do not think, therefore, that there is very much in that line of criticism as applied to this particular Bill.

Then the representation given to the growers in our proposals was subjected to criticism. I confess that the representation we have suggested is not meticulously and arithmetically proportionate to the amount of oilseeds that is grown in each province, province by province. It simply is not possible to give each province representation proportionate to its production, but it is quite wrong to assume that we did not take that into consideratoin. We took into consideration the area, province by province, under the principal oilseeds and another factor considered was the percentage which that area bears in each province to the total cultivated area in the province. It is on the basis of production that we have given four Provinces twice the amount of representation for their growers that we have given to the other Provinces and we did not feel that we could go further than that.

While I am dealing with the question of representation I may remark that I have been asked on one side—at least it has been suggested that the Select Committe should be urged—to raise the number of the growers' representatives and I think it has also been suggested on the other side that we should raise the number of industrial representatives. In my remarks earlier this afternoon I pointed out that we have tried to reach a fair balance. There are 15 representatives of growers and if you add the various items together there are 15 representatives for the commercial side. I was also asked what are the three representatives to be nominated by the Central Government to represent interests not otherwise provided for and I have already indicated that one of these interests might possibly be labour and that we might also have (I do not say it is an interest) an economist. We do not know what other interests may turn up that we have not covered.

Mr. Gwilt made a number of points perhaps the most important of which was—What we are going to do to prevent vegetable oil which has paid no cess coming in competition into British India from Indian States? It is a very important matter and I have no doubt the Select Committee will devote their best attention to its solution. I am not quite sure that it can be met in the simple way that he suggested by imposing, as it were, an octroi duty on the oil that comes in, because cess in British India is going to be collected at the mill, when the oil seeds are taken to the mill for crushing. I am not quite sure how we are going to say in respect of any oil that comes into British India from an Indian State whether it has come from a power—operated

oil mill or a bullock-operated *ghani*. It is an important point but it is one of great difficulty and I think probably—I only throw this out as a suggestion at this stage—the better arrangement would be to try to persuade those States which do grow oil seeds—and I know of one in the Southern part of India which is a very great producer of oil seeds and I think also a crusher of oil seeds—to get them to introduce parallel legislation and make over the proceeds to the fund.

The point about *kapas* will have to be looked into. It was an entirely new one to me, I confess. Again, I am not quite sure what my Honourable friend meant by the Imperial Agricultural College. Perhaps he meant the Imperial Agricultural Research Institute.

Prof. Ranga has raised a good number of points and I am not quite sure where he stands with respect to this Bill. I gathered that he liked some of it but on the whole he is opposed to it and to its going to a Select Committee. I can only hope that, taking his speech as being generally against the Bill, he will run true to form and, as he did on a recent occasion, having spoken against my Bill, he will, if necessary, go into the lobby in favour of it! I recall that last November he spoke against Mr. Neogy's amendment to my Food and Agriculture Organization Resolution: he spoke against the amendment but voted for it!

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1945."

The motion was negatived.

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

"That the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oil seeds and of the production and marketing of oilseed products be referred to a Select Committee consisting of Prof. N. G. Ranga, Mr. Satya Narayan Sinha, Mr. M. Ananthasayanam Ayyangar, Pandit Shambhudayal Misra, Mr. Muhammad Hussain Choudhury, Dr. Habibar Rahman, Maulvi Muhammad Abdul Ghani, Mr. Govind V. Deshmukh, Mr. E. L. C. Gwilt, Sir Abdul Halim Ghuznavi, Rao Bahadur N. Siva Raj, Kunwar Hajee Ismaiel Alikhan and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

The motion was adopted.

THE MINES MATERNITY BENEFIT (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I present the Report of the Select Committee on the Bill further to amend the Mines Maternity Benefit Act, 1941.

THE INDIAN ARMY (AMENDMENT) BILL

Mr. Ram Chandra (Secretary, Defence Department): Sir, I move:

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

Sir, this is a short and simple Bill and the necessity of bringing it before the Legislature has been explained in the Statement of Objects and Reasons. I do not propose to take the time of the House going over the same ground again. But there is one thing that I would like to add, and that is this. There is already a Committee of adjustment for officers holding King's Commission, whether Indians or Europeans, who are subject to the British Army Act. This Committee has been set up under the Regimental Debts Act. In fact there are two Committees of this kind, both located at Jhansi. One is for the India Command and the other for the South East Asia Command. It is now proposed that a similar Committee should be set up for Indian commissioned officers also and, broadly speaking, I may say that it is for this purpose that we have brought forward this Bill to amend the Indian Army Act before this House.

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

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

There is an amendment.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): There is an amendment in my name, which I am not moving.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, there are one or two points on which I should like to have my mind clear. So far as the wording of this Bill is concerned, it seems to me, Sir, that a 'deceased person' and a 'deserter' are both put on the same level. A person dying while performing his duty, and a person flying away from duty, are certainly persons who should not be classed together. I should, therefore, like to know why these two have been put on the same level so far as this Act is concerned.

I understand, Sir, that this Bill is intended to enable the higher officers in the Army to pay off the debts of persons who die or desert. If that is so, I should like to know what exactly happens to the money that these people leave. Government are authorising certain officers of the Army to draw up to Rs. 2,500 from the bank accounts of the dead and the deserter, if they should have such bank accounts, to pay off their debts. I understand, Sir, that Army people have no bank accounts and have large debts. Any way, after all these debts have been paid off, if there should still be some money left, I should like to know how my Honourable friend opposite is going to adjust that amount both in the case of the deceased person and in that of the deserter. I assume that in the case of the deceased person, probably the Honourable Member will hand over the balance to his representative or successor, but what happens to the money of the deserter? Now, it may be that Government forfeits the amount: if that is so, might I suggest that conditions being what they are Government might also hand over to the family of the deserter, the amount that may be left in his banking account.

These are the only two things on which I should like to be clear before I make up my mind on the Bill.

Sardar Mangal Singh (East Punjab: Sikh): As my Honourable friend has put it, it is a short and simple Bill. As a matter of fact this Bill should have come before the House much earlier. It is necessary that provision should be made for the speedy disposal of the properties of those officers who die on active service as much inconvenience has been caused to their relatives. But there are certain points to which I would like to draw the attention of my Honourable friend, the Defence Secretary.

The first is this. In these days of inflation we are thinking in terms of large sums, and my Honourable friend has gone up in one jump from Rs. 1,000 to Rs. 2,500. I think this sum is rather large. The purpose would be served it it is limited to Rs. 2,000 only.

The second point to which I would like to draw the attention of the House is that in the original Act the Officer Commanding could draw the money at credit in a Government Savings Bank only. But in the new Amending Bill my Honourable friend has put in:

"and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank."

Here he is enlarging the powers of the Standing Committee of adjustment. I think, Sir, only debts of camp and quarters should be paid from the money which is available in a Government savings bank in that cantonment, and that Government should have no lien on his other deposits lying in other banks. If the House accepts this sort of enlarging the powers of the Officer Commanding or the Standing Committee of adjustment, then tomorrow my Honourable friend may come forward and say that these debts of camp and quarters should be realised from the private property of the representatives of the deceased

officer. If there are any debts, Government or creditors should go to a civil court, but this sort of martial law in a matter like this should not be permitted. I hope my Honourable friend will give a satisfactory explanation to the House, before he claims our vote for this very radical provision. Then, Sir, there is another matter in the second clause: it is sought to be added:

"The decision of the Commanding Officer or the Standing Committee of Adjustment, as the case may be, as to what are the regimental and other debts in camp or quarters of a deceased person, and as to the amount payable therefor, shall be final."

I should object to this. It is after all a civil matter. There should be a provision for appeal to a higher officer. It is not a matter which deals with security or law and order or the prosecution of the war. The representatives of the deceased person should have the right to go to a higher officer, if not to a civil court.

I hope, Sir, in this connection I might mention that it has been very unfair to us that this Bill is being taken up today. We thought that this Bill would come up on Friday, but the Honourable the Finance Member got up this morning and withdrew his Income-tax Bill, and therefore this Bill has come suddenly before us. And all the amendments of which we have given notice may or may not be taken up on account of the difficulty that they do not conform to the Standing Orders. Therefore, I would ask the Defence Secretary himself to amend this section suitably, so that there will be right of appeal to the representative of the deceased officer. Now, that officer has died on active service. He has given his life for the country. It is but fair that a right of appeal should be allowed: may be to his widow, may be to his old parents; I think Government should concede this much right at least, that a representative might go to the higher officer for the adjustment of the debts.

Then there is the fourth point. My Honourable friend has taken advantage of this opportunity to define the regimental debts; and in that definition he has included expenses of last illness. Now, I think it is highly unfair for the Government to charge the expenses of the officer's last illness on account of which he has died. If an officer falls ill, obviously he goes to a Government hospital and if he recovers and lives there is some justification for claiming some of the expenses which he had to incur in the hospital. But when he dies, I think it is not fair nor just for the Government to claim the expenses of the last illness from the officer who has died. This will practically be recovery from his widow or his orphaned children or his old parents. It is very unfair. I hope these three or four points which I have mentioned will be considered by the Defence Secretary and if there is no opportunity for us to move amendments to this effect. I hope he will reconsider these and amend the Bill suitably and then, after those amendments I would recommend that this Bill may be passed. With these remarks I request the Defence Secretary to consider these points and give them his sympathetic consideration.

Mr. H. A. Sathar H. Essak Sait: Sir, we are in a very difficult position in regard to this Bill. It was expected that the Bill was coming on tomorrow because the Income-tax Bill was on the agenda for today; but unfortunately that Bill had to be withdrawn and now we are considering this Bill. Our difficulty is this some of us have given notice of certain amendments

Mr. President (The Honourable Sir Abdur Rahim): When?

Mr. H. A. Sathar H. Essak Sait: This morning.. Under the rules I know they cannot be moved today

Mr. President (The Honourable Sir Abdur Rahim): They have not been circulated to the Members?

Mr. H. A. Sathar H. Essak Sait: There was no time, because I gave notice only this morning: but I have taken care to circulate some copies to some Members on the front Benches. I do not know, Sir, if you will be pleased to allow that amendment to be moved

LEGISLATIVE ASSEMBLY

Tuesday, 3rd April, 1945.

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

MEMBERS SWORN:

Sir Olaf Kirkpatrick Caroe, K.C.I.E., C.S.I., M.L.A. (Secretary, External Affairs Department); and

Mr. John Ainslie Mackeown, C.I.E., I.C.S. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) Oral Answers

Vacancy of Director for Agriculture in Baluchistan

1521. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

(a) whether the vacancy of a Director for Agriculture in Baluchistan is about to be filled up;

(b) whether it is proposed to appoint an unqualified non-Indian; and

(c) if so, the reasons therefor?

Sir Olaf Caroe: (a) Mr. Zarbakht Khan has been appointed to officiate in this post.

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

Mr. Abdul Qaiyum: May I know if he is a resident of Baluchistan?

Sir Olaf Caroe: I require notice.

Mr. Abdul Qaiyum: May I know if it is the policy of the Government to give preference to residents of Baluchistan, if and when suitable candidates are available?

Sir Olaf Caroe: Generally that consideration is carefully borne in mind.

Seth Yusuf Abdoola Haroon: May I know whether he is qualified for that post?

Sir Olaf Caroe: He has been in that Department for some time.

Seth Yusuf Abdoola Haroon: In what capacity?

Sir Olaf Caroe: I understand he has been in the Agricultural Department.

Seth Yusuf Abdoola Haroon: Has he been appointed on the same pay?

Sir Olaf Caroe: I do not think so. If he is officiating in a higher post, he would get higher pay.

Seth Yusuf Abdoola Haroon: Is he only officiating?

Sir Olaf Caroe: Yes, I said so.

Grievances of Skilled Labourers on North Western Railway

1522. *Mr. H. M. Abdullah: (a) Will the Honourable the Railway Member please state on what date the new revised scales of pay for skilled labourers working in the Mechanical Workshops of the North Western Railway were introduced?

(b) Is it a fact that the North Western Railway Administration was required to allot posts for the different grades of the skilled labourers?

(c) Is it a fact that the North Western Railway Administration has not been able to fix the quota for each grade during the last 13 years?

(d) Will the Honourable Member please state what action, if any, he proposes to take to redress the grievances of the labourers?

The Honourable Sir Edward Benthall: (a) The revised scales of pay for non-gazetted staff, including skilled labourers working in the Mechanical Workshops, on the North Western Railway were introduced with effect from

Mr. President (The Honourable Sir Abdur Rahim): I think it is too late.

Mr. H. A. Sathar H. Essak Sait: One way to get out of the difficulty would be for the Government to agree to carry on the discussion of this till tomorrow —there is only five minutes more to five—so that the amendment can be moved. (*An Honourable Member*: "You can go on for five minutes!) Yes; that is one way out of it. Very well. My friend, Sardar Mangal Singh has raised very important questions which arise out of this Bill. I am particularly interested in one point, and that was the point touched by my friend last of all —with regard to item (1) of Explanation 2—expenses of last illness. As stated by my Honourable friend I too feel that it will be very unfair on the part of the Government to seek to direct that expenditure incurred on the last illness of a deceased soldier shall be recovered from his estate. We in this part of the House at least have always believed that the Government takes full care of its soldiers and that their illness is the special concern of the Government and that really it is the Government that defrays all the expenditure with regard to the last illness of their soldiers. I do not know what is the rule—we in this part of the House have taken very little interest in these matters and that is responsible for my ignorance—but here we find that the Government have come up with a measure before this House and they want the sanction of this House for what? For allowing the Government to recover the expenses of the last illness of a deceased soldier; from his widow and his family. I think this is not only unfair but it is rather shameful, and I do not think that, stated barely just as I have stated, this House will be willing to agree to this item going in. I do not know—my Honourable friend may have some explanation but then that explanation will have to be a very very satisfactory one before this House agrees to accept it. I wish we get an opportunity tomorrow and I hope we will get it—for moving that amendment and getting my Honourable friend's explanation on that. Subject to that amendment, I extend my whole-hearted support to this motion.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, this clause refers to the case where the deceased person or deserter is an Indian commissioned officer on active service. In the Statement of Objects and Reasons it is said that the Commanding Officer has got a lot of work while on active service and so he is not able to attend to this work and so a committee of adjustments is necessary. So far it may be correct. A committee of adjustments can well take the place of a Commanding Officer in this matter.

But while doing that, they have by this amendment brought in fresh matter; and the fresh matter has been explained very clearly by my Honourable friend, Sardar Mangal Singh—they have increased the amount they can draw from Rs. 1,000 to Rs. 2,500; the committee of adjustments can draw the money not only out of the savings deposits held by the Government but out of the deposits made by the person concerned anywhere in the country in any bank: this provision did not exist before and does not exist today. Another is that judgments are made final under this Bill without any right of appeal and another thing which was referred to by my friend Sardar Mangal Singh is this. I am rather surprised at this. A man is on active service; he fights and gets a bullet wound and he dies, after treatment in the hospital. If he recovers the expenses are met by the state; but if he dies on active service and in fighting, even the treatment that was given to him in the hospital is charged to his own money. It is a scandalous thing—I do not understand what the Government mean by this. I do not know whether they understand what they have brought before this House. The real meaning of this is this: the clause says:

"Where the deceased person . . . is an Indian commissioned officer on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf."

So far it is all right. Later on it says—

That means that this Bill is brought here today because the Commanding Officer is very busy and cannot attend to these things because he is on active service and so a separate committee of adjustment is appointed. At the same time it is said that when a man dies on active service the expenses of his last illness are to be met, not out of the army funds for whom he has given his life, but from his estate. It is ridiculous and now, Sir, I come to another point. It is this. The judgment of no man or committee can be

5 P. M. final in a civil matter but if it is a military matter, the superior officer's commands must be obeyed instantly and implicitly but this is not such a matter . . . .

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

STATEMENT OF BUSINESS

The Honourable Sir Sultan Ahmed (Leader of the House): As we have made sufficient progress today, we hope that the items on the paper for today will be finished tomorrow early. We hope that the Bill to amend the Indian Army Act and another small Bill to amend the Indian Air Force Act will be finished early tomorrow.

After that, there will be plenty of time left and we propose that Sir Edward Benthall will move his motion for a supplementary demand under the Railway Budget, for the year ending the 31st March, 1946, in respect of Working Expenses—Miscellaneous Expenses.

After that, if there is time, we propose to start the Banking Bill but that depends entirely on the time available.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd April, 1945.

1st August, 1934, and were made applicable to staff appointed to railway service on or after the 16th July, 1931.

(b) The reply is in the affirmative.

(c) The reply is in the negative.

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

POLICY OF ROAD-RAIL CO-ORDINATION

1523. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways please state:

(a) whether Government have come to any conclusions with regard to their policy of Road-Rail Co-ordination;

(b) whether any Provincial Governments have intimated their decision to run it themselves through a State agency; and

(c) whether any conclusions arrived at by Government in this matter will be placed before this House for getting its opinion?

The Honourable Sir Edward Benthall: (a) and (b). The Honourable Member is referred to the reply given by me to (a) of his question No. 614 and (a) and (b) of his question No. 1008 answered on the 2nd and 15th March 1945 respectively.

(c) Yes, Sir. I am moving a demand for a Supplementary Grant in order to provide an opportunity for further discussion and clarification.

Mr. Lalchand Navalrai: May I know from the Honourable Member what is the policy of the Railways with regard to private motor bus concerns? Is it one of co-operation with them?

The Honourable Sir Edward Benthall: Yes, Sir. I have already made that clear in the House. I shall do so again on the Supplementary Demand.

Mr. T. S. Avinashilingam Chettiar: May I know whether in moving the Supplementary Demand, he is going to place any definite Resolution outlining the policy of the Government in this matter?

The Honourable Sir Edward Benthall: No, Sir. I am only making a statement which when added to my previous statement will make clear the policy of the Government.

Mr. Manu Subedar: What steps are Government going to take to allay the apprehensions of those engaged in private motor bus service?

Mr. President (The Honourable Sir Abdur Rahim): All these questions can be discussed when the Supplementary Demand is moved.

Mr. Manu Subedar: I am only giving a chance to the Honourable Member to incorporate my suggestion.

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

IMPORT OF STEEL AND IRON

1524. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Supply Member please state:

(a) the extent of import of steel and iron in this country in the year 1944-45;

(b) what portion of these imports are of a nature which can be manufactured in this country; and

(c) if so, why they are imported, and why no arrangements are made to manufacture them in India?

Mr. J. A. Mackeown: (a) From March 1944 to February 1945, the total imports were 3,37,009 tons.

(b) It is not possible to give an exact percentage, but a large portion of the imports was in categories which India can manufacture and is manufacturing.

(c) Imports of categories which can be manufactured in India are only made when the total estimated essential demand exceeds the estimated production of those categories. Indian steel productive capacity has been considerably expanded during the war and is still being expanded, but temporary war demands do not always justify permanent increases in productive capacity and there are obvious difficulties in war time in obtaining plant even for approved expansions. Moreover, for various reasons actual production is not always possible from existing steel plants up to the limits of their capacity.

Mr. T. S. Avinashilingam Chettiar: With reference to the answer to part (b) may I know why among the categories of things which are imported are things which can be manufactured in India?

Mr. J. A. Mackeown: They are imported because India cannot manufacture enough to meet the essential demands.

Mr. T. S. Avinashilingam Chettiar: Have Government gone into the matter that India cannot manufacture sufficient to meet these demands?

Mr. J. A. Mackeown: Yes, Sir. We use the Indian productive capacity to its full extent and then we import the balance of the demand which cannot be met.

BUSINESS DONE BY SUPPLY DEPARTMENT

1525. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Supply Member please state:

(a) what has been the extent of the business done by the Supply Department in 1943-44 and 1944-45;

(b) how much money has been advanced to it by Government under suspense account; and

(c) whether the suggestion given by the Auditor General at page 23 of the Report of the Public Accounts Committee, 1942-43, regarding the method of keeping accounts, has been followed?

Mr. J. A. Mackeown: I presume that the Honourable Member's question refers to activities in the nature of State trading mentioned in paragraph 37 on page 23 of the Report of the Public Account Committee on the Accounts of 1942-43. On this assumption, the information required by him is given below:

(a) During 1943-44 the total gross expenditure on activities of the nature of State trading under the administrative control of the Supply Department amounted to Rs. 11,24,37,029 and recoveries to Rs. 7,20,58,862.

For the first ten months of the year 1944-45, for which period only figures are available, the gross expenditure was Rs. 6,74,88,469 and recoveries for the same period amounted to Rs. 7,15,89,158.

The money was spent, for the most part, on purchase of materials for use against Supply Department contracts.

(b) No expenditure on activities of the nature of State trading has been kept under 'Suspense'.

(c) Yes.

Mr. T. S. Avinashilingam Chettiar: With reference to part (b) may I know how much money has been advanced to it?

Mr. J. A. Mackeown: I have said no suspense account is kept.

Mr. T. S. Avinashilingam Chettiar: I understood the Honourable Member to say that in 1943-44, eleven crores odd were spent and about seven crores odd were recovered. What happened to the balance?

Mr. J. A. Mackeown: The rest is in the process of recovery.

Mr. T. S. Avinashilingam Chettiar: May I know if he will see that there is no loss to the Department?

Mr. J. A. Mackeown: We sincerely hope not; we shall endeavour to recover everything.

SCALES OF PAY OF TELEGRAPHISTS

1526. *Mr. H. M. Abdullah: (a) Will the Secretary for Post and Air state the respective scales of pay of the three services of Telegraphists existing at present?

(b) When was the Circle Service introduced and on what consideration?

Sir Gurunath Bewoor: (a) I would refer the Honourable Member to para. 78 and to Section X on page 79 of the Manual of Appointments and Allowances of Officers of the Indian Posts and Telegraphs Department, a copy of which is in the Library of the House.

(b) Circle Service was introduced with effect from 1931. It was considered that the needs of the Department would be fully met if the two classes of station service and general service telegraphists were replaced by telegraphists enrolled on the condition that they would ordinarily be liable to transfer only within the circle to which they were attached.

LOWER SCALE OF PAY FOR CIRCLE SERVICE TELEGRAPHISTS

1527. ***Mr. H. M. Abdullah:** (a) Will the Secretary for Posts and Air please state if he is aware that the Circle Service Telegraphists are technically and educationally more qualified than either of the other two categories of Telegraphists?

(b) If so, what are the special reasons which prompted the Government to fix a lower scale of pay for them, than either of the other two services?

Sir Gurunath Bewoor: (a) The fact is not generally as stated.

(b) Circle service telegraphists are on the revised scales of pay which are generally lower than the old scales. Moreover, the conditions of service of these officials are different from those of the old general and station service telegraphists.

DENIAL OF HOUSE RENT TO CIRCLE SERVICE TELEGRAPHISTS

1528. ***Mr. H. M. Abdullah:** Will the Secretary for Posts and Air please state if their transferable service entitles the General service people to house-rent? If so, why are the Circle service men denied the same privilege, when their services are also transferable?

Sir Gurunath Bewoor: Presumably the Honourable Member is referring to the case of telegraphists.

House rent allowance is not given merely because the staff are liable to transfer. The field of transfer of circle service telegraphists is more limited than that of general service telegraphists. One of the conditions of service of the latter is that they are liable for transfer anywhere in India and as one of the privileges they are entitled to free furnished residential quarters or to house rent allowance in lieu thereof. Circle service telegraphists are ordinarily liable to transfer only within the Circle.

MAXIMUM PAY OF CIRCLE SERVICE TELEGRAPHISTS

1529. ***Mr. H. M. Abdullah:** (a) Will the Secretary for Posts and Air please state the maximum pay of a Circle Service Telegraphist employed five years back? What is the pay of those employed now?

(b) Is it a fact that these people are not allowed to go on deputation to any other Department? If so, why?

(c) What are the special privileges granted to them in view of this restriction?

Sir Gurunath Bewoor: (a) All circle service telegraphists are on the scale of Rs. 45—45—3—60—4—120; the pay actually drawn by an official depending on his length of service.

(b) Yes, because they have been trained by the Department for specific duties.

(c) It is not a restriction if telegraphists are required to remain in the Department for the work for which they were recruited and trained, and there can, therefore, be no question of granting any special privileges.

NON-SUPPLY OF ELECTRICITY TO TELEGRAPHISTS' QUARTERS IN QAROL BAGH

†1530. ***Mr. H. M. Abdullah:** (a) Will the Secretary for Posts and Air please state why the 25-E Telegraph Quarters in Qarol Bagh have not been electrified so far when hundreds of other Government Quarters in the same area have been provided with electricity?

(b) Why is it that the Telegraph authorities fail to receive priority over others in this matter when their staff have to perform night duties also?

Sir Gurunath Bewoor: (a) The construction of the 25 'E' type quarters in Qarol Bagh was completed in June 1943. After the electric wiring in the quarters was completed an application for the connection of power supply

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

was made to the appropriate authority but by this time the position regarding the supply of electric power in Delhi had become very acute. Supply of electric energy to the Posts & Telegraphs quarters had therefore to await the installation of additional power plant. It is expected that this plant will be installed in the near future and the electric connection to the Posts and Telegraphs quarters will then be given.

(b) There is no question of any priority. The supply of electric energy is arranged according to the date of application and depends upon the capacity of the power plant and the availability of power.

PUBLISHED LETTER OF A CERTAIN ANGLO-INDIAN GIRL

1531. ***Mr. Sri Prakasa:** Will the Foreign Secretary be pleased to refer to his reply to starred question No. 804, dated the 7th March, 1945, and state:

(a) if the letter of the Anglo-Indian girl was not printed in the *Statesman* of Calcutta and Delhi;

(b) if the said paper has not published further articles on the same subject after his reply;

(c) whether Government have had any other occasions of charging the said paper for indulging in "irresponsible journalism expressly designed to create illwill against the soldiers of their American allies";

(d) if he has made enquiries from the Editor of the paper regarding the identity of the writer of the letter and has made any other efforts to investigate the facts;

(e) if he has brought the matter to the notice of the American Authorities; and, if not, will he please consider the desirability of doing so; and

(f) if Government propose to prosecute the Editor and Publisher of the *Statesman* for the articles in question?

Sir Olaf Caroe: (a) What purported to be a letter from an Anglo-Indian girl was published in *The Statesman* of Calcutta and Delhi.

(b) Yes.

(c) No.

(d) There was no occasion to make enquiries from the Editor as the paper admitted that the letter had not been authenticated. The local authorities have, however, investigated the matter and have failed to find anything to show that the letter was genuine.

(e) The American authorities are already aware of the publication of this letter and the connected articles.

(f) No.

RECENT NOMINATION OF A PERSON OF KALAT STATE TO COUNCIL OF STATE

1532. ***Mr. H. A. Sathar H. Essak Sait:** Will the Secretary for External Affairs be pleased to state:

(a) whether the nomination recently made to the Council of State of a gentleman belonging to Kalat State is meant to be taken as to have been made in fulfilment of the promise made by him in the Assembly on the 30th March, 1944, to nominate a "representative from Baluchistan to the Central Legislature";

(b) whether the member who has been nominated is really a subject of Kalat State;

(c) if the answer to (b) is in the affirmative, what is the representative character in Baluchistan of the member, who has been nominated;

(d) whether persons with generally accepted claims to be known as "representatives of Baluchistan" were not available in British Baluchistan itself for nomination; and

(e) whether Government are satisfied that the nominated member has the necessary educational attainments and qualifications to voice the needs and aspirations of Baluchistan?

Sir Olaf Caroe: (a) Yes, Sir.

(b) Yes, but so are the permanent residents of Quetta itself, the capital of Baluchistan.

(c) The Nawab owns considerable property in Quetta and also in Sibi and is moreover recognised as the leading Sardar of Baluchistan. He also takes one of the chief places on the Shahi Jirga and is well-known throughout Baluchistan.

(d) As the Honourable Member is no doubt aware, British Baluchistan is a very small part of Baluchistan and does not include Quetta itself. Government considered that the Nawab was the person best qualified to represent Baluchistan as a whole in the Central Legislature at the present time.

(e) Yes.

Mr. Lalchand Navalrai: May I know if he has done any political work?

Sir Olaf Caroe: He has taken a very large part in the public affairs of the province which he now represents.

Mr. H. A. Sathar H. Essak Sait: With reference to part (a), the question turns on the promise that was made by the Honourable Member to this House that a "representative from Baluchistan" would be appointed to the Central Legislature, and I have emphasised that. Is it meant that the gentleman appointed has really a representative character as regards Baluchistan?

Sir Olaf Caroe: I should say that it would be impossible to choose a gentleman of a more representative character from the whole of Baluchistan.

Mr. H. A. Sathar H. Essak Sait: With reference to part (d) of the question, was no one available who had better claims to be a representative of Baluchistan?

Sir Olaf Caroe: Not in my opinion; it is a matter of opinion.

Mr. Lalchand Navalrai: May I know whether he was a member of the municipality at Quetta?

Sir Olaf Caroe: No, he was not. That is at present a nominated body.

Mr. H. A. Sathar H. Essak Sait: Sir, I submit it is not a matter of opinion, but of a promise that was made to this House that a "representative of Baluchistan" would be nominated to this House. That is the principle to be carried out, and if my Honourable friend thinks that there were other people who had better qualifications to call themselves representatives of Baluchistan, he ought to have nominated them.

Sir Olaf Caroe: In the first place I never made any undertaking that the Member from Baluchistan will be necessarily nominated to this House. I said, "the Central Legislature". The second point is that the choice of representatives of course is a matter of opinion, whether he is the best man to represent Baluchistan. Many people may think that he is. I think so; the Honourable Member apparently does not.

Sir Muhammad Yamin Khan: Does the Honourable Member think that he is the best qualified person to represent the views of the people of Baluchistan as a whole?

Sir Olaf Caroe: I should say that he is as well qualified as any other gentlemen from Baluchistan.

Seth Yusuf Abdoola Haroon: Is the gentleman able to voice the feelings of the people of Baluchistan?

Sir Olaf Caroe: I think he is, no doubt. I believe he has not had a chance of dealing with Baluchistan yet, but when a Resolution dealing with Baluchistan does come up he will have an opportunity.

Mr. Abdul Qaiyum: Apart from the qualifications of the gentleman, is the Honourable Member aware that when the North-West Frontier Province was first represented a nominated Member was appointed here and not to the Council of State? May I know why there has been a departure in the case of Baluchistan and the gentleman has been nominated not to this House but to the other House?

Sir Olaf Caroe: I am not quite sure whether that is a proper question to discuss on the floor of this House, but there are difficulties about vacancies and so on; and in many respects membership in the other House is not unsuited to the political complexion of Baluchistan.

Seth Yusuf Abdoola Haroon: Was he nominated only to vote with Government or to voice the feelings of Baluchistan people?

(No reply was given.)

Mr. H. A. Sathar H. Essak Sait: With reference to part (e) of the question, does my Honourable friend think that the gentleman nominated is even able to follow the discussion that takes place there?

Sir Olaf Caroe: I think he can follow it. I suppose the Honourable Member suggests that he is not quite proficient in English. I think it would be great pity if all representatives in Legislatures were bound entirely by that consideration. I consider the Nawab to be a man of personality and distinction.

ORDERS REQUIRING PERMITS FOR ENTRY INTO QUETTA

1533. *Mr. H. A. Sathar H. Essak Sait: With reference to his reply to starred question No. 558, asked on the 21st March, 1944, wherein he stated that owing to the supply position in Quetta he could not relax the condition regarding insistence for a permit to enter Quetta and in view of the Darbar speech of the Agent to the Governor General in February, 1945, that the food position in Baluchistan has improved sufficiently to permit exports, will the Secretary for External Affairs be now pleased to withdraw the orders requiring the obtaining of such permits for entry into Quetta?

Sir Olaf Caroe: The export of foodgrains from Baluchistan, referred to in the Agent to the Governor-General's Durbar speech to which the Honourable Member has drawn attention, was made possible by the excellent harvests last year. This year's prospects are unfortunately not so good. Shortage of snow and rainfall is likely to have a serious effect on the crops, and on the same grounds there is reason to fear a serious water shortage in Quetta this summer. In these circumstances, to allow any considerable influx into Quetta, such as would result from withdrawal of the Control of Ingress Order, would be likely seriously to endanger the supply position of the city. It is regretted therefore that the Order must remain in force for the present.

Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member at least consider mitigating the rigours of this order, for instance, in the case of relatives of people in Quetta who may want to go there? Will they be given permission to go for some days?

Mr. Olaf Caroe: We will certainly consider that: it sounds a very reasonable suggestion.

APPOINTMENTS OF EUROPEAN LADIES IN BALUCHISTAN FOOD SUPPLY OFFICE, ETC

1534. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for External Affairs be pleased to state:

(a) whether it is a fact that in Baluchistan Food Supply Office eight European ladies, who are wives or relations of high officials, have been appointed to various posts and are drawing salaries;

(b) whether the recently created new posts of Regional Coal Expert, Cars and Parts Rationing Officer, Chief Customs Officer are filled by retired European Officers at high salaries;

(c) the reason, why the posts mentioned in (a) and (b) were not advertised and why selections were not made through Public Service Commission;

(d) the salary of the Personal Secretary to the Agent General in Baluchistan; and

(e) whether the late Director of Agriculture who had long experience of agricultural conditions in Baluchistan had to leave Baluchistan service owing to the refusal of Government to raise the maximum salary limit for the job and whether the same job is now being offered to a European gentleman, of advanced years with no agricultural experience at an initial salary which is 25 per cent. in excess of the maximum fixed for the post?

Sir Olaf Caroe: (a) No, Sir.

(b) The post of Regional Coal Controller has been filled by a serving officer of the Railway Department posted to Baluchistan by the Supply Department.

There is no Cars and Spare Parts Rationing Officer. The Revenue Commissioner in Baluchistan is also *ex-officio* Chief Customs Officer.

(c) Does not arise.

(d) The Agent to the Governor General has no Personal Secretary. His daughter is acting as his Personal Assistant for social and domestic matters and receives the salary of the post, *viz.*, Rs. 150 a month.

(e) The answer to the first part of the question is in the negative. The late Director of Agriculture left Baluchistan at his own request to join an appointment on a higher salary in another Province. A member of the Baluchistan Agricultural cadre has been appointed to officiate in the post and the Federal Public Service Commission have been asked for their assistance in finding an officer to hold the post pending return of normal conditions.

Prof. N. G. Ranga: What is the reply to the first part of clause (a), *viz.*, whether there are eight European ladies?

Sir Olaf Caroe: There are not eight European ladies. The information I have just obtained shows that there are three or four. They were put in mainly because clerks could not be obtained.

Mr. T. S. Avinashilingam Chettiar: May I take it that there are no European ladies now?

Sir Olaf Caroe: There are three or four still.

Prof. N. G. Ranga: If they are not wives of other officers, are they relatives of these officers?

Sir Olaf Caroe: I shall require notice of that.

Mr. H. A. Sathar H. Essak Sait: With regard to these ladies who still remain, is it not possible to find Baluchis themselves to carry on this work?

Sir Olaf Caroe: It is not possible to get good clerks there particularly in Quetta with the ingress order in force and all that.

Mr. Lalchand Navalrai: Are there no Baluchi ladies who could hold these posts?

Sir Olaf Caroe: I do not think they have reached that stage.

RESIGNATIONS OF EUROPEAN INSPECTRESS OF SCHOOLS IN BALUCHISTAN

1535. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for External Affairs be pleased to state:

(a) whether two European ladies appointed as Inspectress of Schools in Baluchistan left that service one after another within one year causing great dislocation in the progress of female education in that Province;

(b) if this post is reserved for European ladies; and

(c) whether Government now propose to appoint an Indian lady who knows the people and conditions in Baluchistan, with some degree of assurance that she will continue for sometime and look for the advancement of female education in Baluchistan?

Sir Olaf Caroe: This question will be answered by my Honourable friend the Secretary for Education, Health and Lands on the appropriate day.

CONDITIONS FOR GRANT OF LICENCE FOR SUPPLYING MINERAL WATER ON NORTH WESTERN RAILWAY

1536. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Railway Member please state:

(a) the conditions for the grant of licence for supplying mineral water on the North Western Railway;

(b) whether it is a fact that licences for the supply of mineral water on "E" Section of North Western Railway has been given to a member of the Railway Advisory Committee;

(c) whether the said Railway Administration have satisfied themselves that the said member fulfills the requisite condition;

(d) whether there is a union of mineral water manufacturers at Lahore; if so, whether that union did send any tenders for such contract;

(e) whether tenders had been called for such contract; if so, the number of persons sending tenders with amount of their tenders; if no tenders had been called for, the reasons for not calling the tenders;

(f) the amount for which the contract was given;

(g) whether protests, petitions and telegrams were received by the General Manager, North Western Railway and also the Railway Board in December, 1944; if so, with what result; and

(h) whether any open inquiry was made into the allegation?

The Honourable Sir Edward Benthall: (a) That the licensee own a suitable aerated water factory and that the administration is satisfied he will be able to render efficient service.

(b) and (c). Yes.

(d) Representations have been received, purporting to come from the Secretary of the Mineral and Soda Water Manufacturers' Union, but I am unable to say whether such a union, duly registered, exists. I am informed that the North Western Railway received no tenders or applications for this contract from any such union.

(e) and (f). No: I understand it is not the policy of the North Western Railway to grant such licenses on a tender basis. Applications for the grant of licenses are invited through the press.

(g) Yes.

(h) Certain allegations have been made and I am having them thoroughly investigated.

CLERKS SENT ON DEPUTATION TO OTHER OFFICES FROM THE SUPPLY ACCOUNTS BRANCH, NEW DELHI

1537. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Supply Member please state:

(a) whether it is a fact that the Chief Controller of Supply Accounts, New Delhi has spared some of his subordinates in the Supply Accounts Branch to serve on deputation in other Departments with prospects; if so, their number and conditions on which they had been spared;

(b) the increase in salary in their new offices; and

(c) whether any Muslim clerk applied to be so spared; if so, whether he was spared or not; if not, why not?

Mr. J. A. Mackeown: The question will be answered by the Honourable Finance Member on the appropriate day.

WANT OF WAGONS FOR CARRYING RAW MATERIALS FOR SHELLAC INDUSTRY OF MIRZAPUR

1538. *Mr. N. M. Joshi: Will the Honourable Member for War Transport be pleased to state if he is aware that for want of wagons for carrying raw materials, the Shellac Industry of Mirzapur is in a difficult position; if so, will he be pleased to state what efforts he is making to make wagons available for that purpose?

The Honourable Sir Edward Benthall: The Honourable Member is referred to my reply to Mr. Sri Prakasa's question No. 1306, given on 23rd March, 1945.

SIND-WORK MERCHANTS IN MANILA

1539. *Mr. Lalchand Navalrai: (a) Will the Secretary for External Affairs be pleased to say if "Manila" or any part of it is now in the hands of 'Allies'?

(b) Did Japanese destroy any property and cause casualties while evacuating Manila?

(c) Is he aware that there are many Sind-Work Merchants along with families there? If so, will he be pleased to inform if any Sindhis have been killed and their property destroyed by the Japs while withdrawing from Manila with their names?

(d) Has it been represented to the Secretary for External Affairs that a wire by 'Reuter' has been received intimating that several Sindhis have been killed and their property destroyed?

(e) What steps do Government propose to take to ascertain the truth and give definite information at an early date?

Sir Olaf Caroe: (a) The whole of Manila is believed to be in the hands of Allied forces.

(b) and (d). Yes.

(c) and (e). As soon as these reports were received the American authorities were requested to obtain information as to the fate of the persons and property of the Sind Work Merchants and other British subjects in Manila. Any information available will be communicated immediately on receipt to the next of kin, if known, as well as to the Government of Sind and the organizations which have addressed enquiries to the Government of India.

Mr. Lalchand Navalrai: May I know if any information of that nature has been received and whether that will be given out now?

Sir Olaf Caroe: No, Sir. If it had been, I would have given the information in reply to the Honourable Member's question.

Mr. Lalchand Navalrai: May I know if one Mr. Kala Chand has been reported as killed?

Sir Olaf Caroe: I have no information of this individual case, but I will make enquiries.

Prof. N. G. Ranga: How do the Government of India ascertain these facts from the Government of Philippine or the United States?

Sir Olaf Caroe: Through the American military authorities—that is the only way of obtaining information.

IRREGULAR APPOINTMENTS IN CENTRAL TELEGRAPH OFFICE, NEW DELHI

1540. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Secretary for Posts and Air please state whether under Schedule 19 of the Posts and Telegraphs Manual (Vol. III, Parts 1 and 2) the previous sanction of the Postmaster General, Lahore, is necessary for making appointments in the Telegraph Office, New Delhi? If so, will he please state the number of appointments that have been made in the Central Telegraph Office, New Delhi, since the 1st January, 1944, in contravention of the instructions laid down in the Posts and Telegraphs Manual and what are the reasons therefor?

(b) Will he also state whether the vacancies in the Central Telegraph Office, New Delhi, are advertised in any paper? If so, in which papers? If not, why not?

(c) Is it a fact that appointments are being made in the said Telegraph Office in contravention of the Home Department's model Rotation Orders for redressing communal inequalities? If so, why?

Sir Gurunath Bewoor: (a) to (c). Sir, I find it somewhat difficult to reply to the question. There is no schedule 19 of the Posts and Telegraphs Manual Volume III, parts 1 and 2. The question does not specify which classes of appointments in the Central Telegraph Office, New Delhi are referred to. If the Honourable Member would please specify more accurately the points on which he needs information, I shall be happy to supply it to him.

Mr. Ram Narayan Singh: Is the Honourable Member aware that a discharged Railway servant of over 40 years of age has been appointed as Conservancy Inspector by the Telegraph Department in New Delhi without any notification and in contravention of the Telegraph Manual.

Sir Gurunath Bewoor: I have no information. It does not seem to arise out of this question.

Mr. Ram Narayan Singh: I am giving the information now.

Sir Gurunath Bewoor: If the Honourable Member will put down a specific question, I will find out the information.

EXAMINATION FOR RECRUITMENT OF SECOND DIVISION CLERKS IN CENTRAL TELEGRAPH OFFICE, NEW DELHI

1541. *Hajee Chowdhury Muhammad Ismail Khan: (a) Will the Secretary for Posts and Air please state whether an examination for recruitment of second division clerks in the Central Telegraph Office, New Delhi, was held on the 4th November, 1944? If so, will he please state whether the examination was advertised in the papers? If not, why?

(b) Is he aware that candidates with higher standard of education were refused permission to sit in the examination? If so, why?

(c) Is he also aware that only such candidates were selected who could not even write their names correctly?

(d) Does he propose to make an enquiry into the matter and lay the result of such enquiry on the table of the House?

Sir Gurunath Bewoor: (a) Yes. The holding of the examination was not advertised as it was intended solely for selection of departmental officials for appointments against the quota reserved for them. It was duly notified departmentally.

(b) All those who applied on or before the prescribed date were permitted to take the examination.

(c) No.

(d) In view of the replies to parts (a) to (c), this does not strictly arise but I am sending a copy of the question and this reply to the Postmaster-General for such action as he may consider necessary.

Mr. Ram Narayan Singh: Is the Honourable Member aware that on the 4th November 1944, the so-called examination was held in two batches—one of those who were favoured people, and another of those who were not favoured?

Sir Gurunath Bewoor: No, Sir. So far as I am aware, it was held on the same day.

RENTING OUT TO AMERICANS POSTS AND TELEGRAPHS QUARTER AT ATUL GROVE, NEW DELHI

1542. *Hajee Chowdhury Muhammad Ismail Khan: Will the Secretary for Posts and Air please state whether it is a fact that some of the quarters of the Posts and Telegraphs Department, at Atul Grove in New Delhi and telegraphists' bachelor block have been rented out to some American and R.A.F. personnel? If so, whether this has been done with the permission of Government and whether the rent is being credited to Government?

Sir Gurunath Bewoor: The reply to the first part of the question is in the negative; the second part does not arise.

ELECTRIC SUPPLY CORPORATIONS IN MADRAS PROVINCE USING COAL

1543. *Shrimati K. Radha Bai Subbarayan: Will the Honourable the Supply Member please state:

(a) the number of Electric Supply Corporations which generate electricity by using coal in the Madras Province and the cities they serve;

(b) the amount of coal allotted to each of them per annum; and

(c) if this coal consumption could be saved by linking up these electricity installations with any of the Hydro-Electric Power Supply Stations in that Province; and if so whether Government propose to take steps to save coal consumption in this respect?

Mr. J. A. Mackeown: The question will be answered by the Honourable Labour Member on the appropriate day.

MEETINGS OF THE STANDING COMMITTEE FOR POSTS AND AIR DEPARTMENT

1544. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Posts and Air please state the number of meetings with dates of Standing Committee for Posts and Air held during the current year?

Sir Gurunath Bewoor: One meeting of the Standing Advisory Committee was called for the 3rd of March 1945 and all members were duly notified but as none of the elected members attended, no meeting could be held.

Prof. N. G. Ranga: Was there any special reason why none of the elected members could attend the meeting?

Sir Gurunath Bewoor: That question must I think be addressed to the elected members.

Mr. H. A. Sathar H. Essak Sait: Was sufficient notice given?

Sir Gurunath Bewoor: Sufficient notice was given.

Sir Muhammad Yamin Khan: How many days notice was given?

Sir Gurunath Bewoor: I have not got the papers with me but I think, though I am not sure, that we gave them a fortnight's warning first and then the agenda was sent a week before the date fixed for the meeting.

Sir Muhammad Yamin Khan: What does the Honourable Member mean by 'warning'?

Sir Gurunath Bewoor: Warning to the effect that a meeting was to be held on such and such a date. I do not mean it in the sense in which the Honourable Member seems to have taken it.

REPRESENTATIONS BY MUSLIM EMPLOYEES OF ALLAHABAD DIVISION, EAST INDIAN RAILWAY

1545. *Shaikh Rafiuddin Ahmad Siddiquee: Will the Honourable Member for Railways please state the number of representations made by Muslim employees of the Allahabad division of the East Indian Railway during 1944? How many of them were filed without taking any action and in how many cases the grievances were redressed? What are the reasons for not taking action on some representations?

The Honourable Sir Edward Benthall: I regret I cannot undertake to collect the information, particularly under present conditions.

LADY TICKET COLLECTORS APPOINTED IN ALLAHABAD DIVISION, EAST INDIAN RAILWAY

1546. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state the total number of Lady Ticket Collectors appointed during 1944, in the Allahabad Division of East Indian Railway?

(b) Is it a fact that none of them is a Muslim, although several Muslim ladies applied from time to time?

(c) If the answer to part (b) above be in the affirmative, will Government please state the reasons for non-appointment of Muslim Lady Ticket Collectors?

The Honourable Sir Edward Benthall: With your permission, Sir, I propose to reply Questions Nos. 1546 and 1547 together.

I have called for the information and a reply will be laid on the table of the House in due course.

APPOINTMENTS MADE IN GRAIN SHOPS IN ALLAHABAD DIVISION, EAST INDIAN RAILWAY

1547. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state the total number of appointments made during 1944 in the Grain-shops in subordinate posts in the Allahabad Division of East Indian Railway on rates of pay up to Rs. 50, from Rs. 51 to Rs. 100 and from Rs. 101 upwards?

(b) How many of these posts were filled in each of the three categories by direct recruitment and how many by promotion and what is the communal composition of each?

(c) Is it not a fact that several non-Muslims were promoted to these posts on increased pay in supersession of senior Muslims?

SHORTAGE OF MOTOR TYRES FOR CIVIL POPULATION

1548. *Mr. Manu Subedar: Will the Honourable the Supply Member please state:

(a) if it is a fact that a firm in Bombay negotiated with Messrs. Riverside Tyre Company and asked for permission to import 'Riverside' tyres, and that the Rubber Controller wrote to them that 'the Government of India do not expect to require tyres from the United States during the next few months. The indigenous production is sufficient to meet all India's essential civilian needs under present restricted war time conditions';

(b) whether Government are aware of the very acute shortage of motor tyres for the civilian population and the trouble experienced by those who do not enjoy essentiality;

(c) how many tyres have been released for the use of the civilian population during 1943-44 and 1944-45, what the number of applications was and how many civilian orders there were for non-essential users; and

†For answer to this question, *see* answer to question No. 1546.

(d) whether Government propose to consider adding to the available supply of motor tyres from whatever source it may be, and encourage firms who are ready to import these tyres?

Mr. J. A. Mackeown: (a) An application for a license to import tyres from the United States was received. It is not a fact that a reply as stated in the question was given by the Rubber Controller. There was a verbal discussion with a representative of the firm from which it became clear that the firm in America could supply tyres only if these were required by the Government of India for military purposes. As Government was in direct communication with United State's authorities regarding military requirements, the request of the firm was not granted.

(b) Yes.

(c) Government do not propose to disclose the information asked for as it is confidential.

(d) No. Government will, however, endeavour to make larger quantities of tyres available to non-essential users as soon as it is possible.

Mr. Manu Subedar: Did Government write to the American authorities in terms which are quoted here in part (a)?

Mr. J. A. Mackeown: No, Sir. We did not write to the American authorities in those terms.

Mr. Manu Subedar: May I know why Government's policy in regard to tyres appears to be so different from the policy with regard to other consumer goods, namely, since there is a very acute distress for the civilian population, a certain amount may be permitted to be imported.

Mr. J. A. Mackeown: The reason is that rubber is in very great scarcity amongst all the Allies and we can only get releases of rubber for absolutely essential military and civil purposes.

Mr. Manu Subedar: Will the Honourable Member assure this House that Government do not propose in this or in other matters to prevent direct contacts between Indian firms and American trade?

Mr. J. A. Mackeown: When ordinary trading is possible again that will certainly be the position, but while controls last we must direct orders to the sources whence they can be best supplied.

Seth Yusuf Abdoola Haroon: But why not through the Indian firms who have already been negotiating with the firms in the United States of America?

Mr. J. A. Mackeown: The firms in the United States of America could only supply if they were authorized by the American military authorities, and the American military authorities will only give permission for military purposes.

Mr. Manu Subedar: In this case, the military authorities had authorized the firm to import tyres from the United States.

Mr. J. A. Mackeown: That is not our information.

EXTENSIONS OF SERVICE TO GAZETTED OFFICERS IN THE DIRECTORATE GENERAL, MUNITIONS PRODUCTION, CALCUTTA

1549. *Mr. Ram Narayan Singh: Will the Honourable the Supply Member please state:

(a) the number of extensions of service granted to gazetted officers serving in the Directorate General, Munitions Production, Calcutta, who had attained the age of fifty-five in 1944, and the reasons therefor; and

(b) whether Government have granted any extension on grounds of indispensibility to Service requirements?

Mr. J. A. Mackeown: (a) One. This officer was retained because of his long experience of administrative work in Ordnance Factories and there was a serious shortage of administrative officers.

(b) Not in the Directorate General, Munitions Production in 1944.

NON-CONFIRMATION OF CERTAIN RELIEVING CLERKS TRANSFERRED AS TICKET COLLECTORS TO DELHI DIVISION

on the 8th February 1945 (page 23 of the Debates) regarding non-confirmation of certain staff in Delhi Division, North Western Railway, *viz.*, an employee became eligible for confirmation in his turn'; and state:

(a) if it is a fact that Relieving Clerks appointed on the 18th October, 1938, in Ferozepur Division and who were subsequently transferred in July, 1940, as Ticket Collectors to Delhi Division were not confirmed in their turn under the rules in force prior to the issue of the embargo on confirmation; if so, the reasons therefor; and

(b) whether he now proposes to see that the staff involved do not suffer in their seniority; if not, why not?

The Honourable Sir Edward Benthall: (a) Only one temporary Relieving Clerk of the Ferozepore Division, appointed in 1938, is employed on the Delhi Division. He was transferred to the latter Division in 1940 against a temporary post as a Relief Clerk and was subsequently posted as a Ticket Collector. No permanent post of a Ticket Collector against which he could be confirmed fell vacant till the 13th December, 1942, and, therefore, he could not be confirmed before the introduction of the embargo on confirmation, which took effect from the 1st June, 1942.

(b) Seniority is regulated in accordance with the procedure in force on the Railway and the introduction of the embargo on confirmation does not affect the relative seniority of those subject to it.

Mr. Badri Dutt Pande: Will this man's case be reconsidered?

The Honourable Sir Edward Benthall: It cannot be considered so long as the embargo on confirmation exists.

JUDGMENT BY ADDITIONAL DISTRICT JUDGE, AMRITSAR, IN A CERTAIN RAILWAY APPEAL

1551. *Mr. Badri Dutt Pande: Has the Honourable Member for Railways perused the judgment of Diwan Siri Ram Puri, Additional District Judge at Amritsar in Civil Appeal No. 60 of 1944 preferred by the Divisional Superintendent, North Western Railway, Lahore Division, against the Order of the Authority appointed under the Payment of Wages Act for Amritsar Area dated the 31st August, 1944; if so, will he please state:

(a) if it is a fact that the appeal was presented by the Government Pleader, Amritsar, without proper authority; if so, what action has been taken to remedy the technical defect; if no action has been taken, the reasons therefor;

(b) the expenditure incurred in the presentation of the said appeal;

(c) the Head of the Accounts from where it is paid and the justification of its payment; and

(d) the procedure prescribed for the application, presentation and the defence of appeals arising out of application against the Paymasters on the State-managed Railways; if no procedure is prescribed, the reasons therefor?

The Honourable Sir Edward Benthall: I have not so far been able to peruse the judgment in the appeal referred to, as a copy of the judgment is still awaited. I give, however, such information as is readily available.

(a) The appeal was presented by the Government Pleader, Amritsar, to the court without a power of attorney on behalf of the North Western Railway Administration, which was the appellant. As regards the remaining portions, necessary action will be taken when a copy of the judgment is procured.

(b) The Government Pleader, Amritsar, has not so far submitted a bill in respect of his fee and other miscellaneous expenses incurred in connection with the appeal.

(c) The expenditure when incurred will be debited to "Head G-1102" of Abstract 'G', Appendix II to the State Railway General Code, Volume II, a copy of which is available in the Library of the House. The justification for the payment of the expenditure will be examined when the Government Pleader's bill and a certified copy of the judgment are received by the Railway Administration.

(d) Ordinarily, such cases are defended by Litigation Inspectors employed on the North Western Railway, but in this case on legal advice the Government of India decided to entrust the defence of the proceedings to the Government Pleader, Amritsar.

RAILWAY BOARD'S RECENT CIRCULAR TO MEMBERS OF CENTRAL LEGISLATURE

1552. *Mr. Badri Dutt Pande: Will the Honourable Member for Railways please state:

(a) the object in issuing Railway Board's Circular No. 3058-TT, dated New Delhi, the 15th February, 1945, to all the Members of the Council of State and of the Legislative Assembly;

(b) the extent of loss an Honourable Member of the Central Legislature has to suffer from the change, if made, in the reservation; and

(c) if it is a fact that the reservation office at Delhi is independent of the Station Superintendent, Delhi?

The Honourable Sir Edward Benthall: (a) To apprise Honourable Members of the Legislature of the steps taken by the Railway Board to ensure that Honourable Members are able to secure reserved accommodation on their journeys to and from Sessions of the Legislature.

(b) The Honourable Member will no doubt be able to assess this himself, since it depends on the extent to which any arrangements he may have made have been upset by the change.

(c) No.

RESERVATION OF ACCOMMODATION FOR MEMBERS OF CENTRAL LEGISLATURE WITHOUT PRODUCTION OF RAILWAY TICKETS

1553. *Mr. Badri Dutt Pande: Will the Honourable Member for Railways please state:

(a) if it is a fact that in the change of reservation, the travelling public have to suffer as under:

(i) annas eight reservation fee;

(ii) anna one for exchange of ticket on East Indian, and Great Indian Peninsula Railways; and

(iii) ten per cent. of the fare of journey on the North Western and Bombay, Baroda and Central India Railways; if so, the reasons for this differential treatment; and

(iv) Rupees five tonga fare to and from New Delhi only for reservation each time;

(b) the steps taken by him to avoid hardship and unnecessary expenses; if no steps have been taken by him the reasons therefor; and

(c) if he is prepared to instruct the Station Superintendent to register for reservation the names of the Honourable Members of Central Legislature and their staff, if and when required, on a written or telephone request, without production of tickets which may be done before the commencement of the journey; if not, why not?

The Honourable Sir Edward Benthall: (a) (i) Yes, the rules provide that the reservation fee is not refundable.

(ii) and (iii): If the Honourable Member will refer to Rule 57 of the Indian Railway Conference Association Coaching Tariff No. 14, a copy of which is in the Library of the House, he will see that varying deductions are made in different circumstances, and there is no differential treatment as between the several Railways.

(iv) Fares charged by tongawalas do not come within the purview of the Railway Department.

(b) I regret I cannot accept the implication that Government is under an obligation to take measures to safeguard a passenger against any hardship he may undergo or expenses he may incur owing to a change in his travelling arrangements.

(c) I would invite the Honourable Member's attention to the reply I gave to his starred question No. 630 on the 2nd March, 1945.

Mr. Badri Dutt Pande: Would it be possible for the Honourable Members to get their tickets here in the small office that functions in the Connaught Place instead of their going to Delhi Station for reservation?

The Honourable Sir Edward Benthall: I will give consideration to that.

REIMBURSING ON ACQUITTAL OF EXPENSES INCURRED IN DEFENDING HIS PROSECUTION FOR BRIBERY BY RAILWAY SERVANTS

1554. *Mr. Badri Dutt Pande: Will the Honourable Member for Railways please state:

(a) if it is a fact that no protection is provided to the Railway employees against the expenses incurred by them in criminal proceedings launched against them by private persons under Section 161, Indian Penal Code (Bribery);

(b) if it is a fact that on their acquittal in those proceedings they have not been reimbursed by the Railway Administration; and

(c) if Government propose to see that on acquittal of an employee, the administration, which has not arranged for his defence, reimburses his expenses, if not, why not?

The Honourable Sir Edward Benthall: (a) The Honourable Member is referred to Rule 1602 of the State Railway Establishment Code, Volume I, a copy of which is available in the Library of the House. Reimbursement of legal expenses incurred by railway servants in defending suits or criminal charges brought against them is provided for in the rules so long as the railway servant complies with the prescribed procedure, each case being considered on its merits.

(b) I am not sure whether the Honourable Member means to allege that this is the practice generally followed or that followed by a particular railway. Government have sanctioned reimbursement in such cases from time to time.

(c) Does not arise in view of the reply to part (a).

ARRANGING FOR CARRIAGE OF CIVILIAN AIR MAILS ON AEROPLANE SERVICE ROUTES IN INDIA

1555. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for Posts and Air be pleased to state whether, in view of the regular aeroplane service that is now being run between many parts of India, Government propose to arrange for the carriage of civilian air mails between distant parts in India on those routes where aeroplane service has become a regular feature?

Sir Gurunath Bewoor: Civilian air mails are conveyed by civilian air services regularly established and operated in arrangement with the Post Office. Air services established by the military authorities and intended solely for military requirements cannot be utilised for the conveyance of civilian air mails.

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member whether he is prepared to lay on the table a copy of the rules which are made for civilian passengers and civilian post by air?

Sir Gurunath Bewoor: There is nothing secret about the civilian air services. In fact the particular services which carry mails are notified by the Director

General and I am prepared to supply the Honourable Member the names of existing services for the conveyance of air mail.

Mr. Manu Subedar: Would Government consider negotiating with the military authorities for the use of military planes as and when convenient so that on some occasions at least these air mails may go quicker.

Sir Gurunath Bewoor: There are various considerations of security which make it somewhat difficult but we have tried in the past and we are trying again to see whether we cannot utilise some of these services. As I said, there are questions of security and the military planes do not guarantee the carriage of post.

Mr. H. A. Sathar H. Essak Sait: With reference to the point raised by Mr. Haroon, I do not know whether my Honourable friend will be surprised to know that the information with regard to the civil air lines is not available and we are told that for security reasons the information cannot be divulged. We do not know which lines are operated. If my Honourable friend thinks it is not a matter of security will he place the information on the table of the House?

Sir Gurunath Bewoor: I do not see the point of laying it on the table of the House. But we have notified the public that there are air services operating between certain places. We do not give the exact time table and the public is advised to post its airmail every day so that it may be carried by air whenever a service is available.

Seth Yusuf Abdoola Haroon: May I point out that the service now existing between Delhi and Bombay and run by Indian National Airways is not yet known to the Director General of Posts and Air?

Sir Gurunath Bewoor: Sir, this particular service operated by the Indian National Airways is not a civilian service. It is entirely a military service.

Seth Yusuf Abdoola Haroon: Civilian passengers have travelled.

Sir Gurunath Bewoor: That is quite a different matter.

(At this stage Mr. Manu Subedar rose in his seat.)

Mr. President (The Honourable Sir Abdur Rahim): Next question. Khan Bahadur Shaikh Fazl-i-Haq Piracha.

BHERA-SHAHPUR RAILWAY PROJECT

1556. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Railway Member please state if ever there was a proposal for connecting Bhera with Shahpur (North Western Railway) by a Railway line?

(b) Is it a fact that a survey was made for opening a Railway line between Bhera and Shahpur about the year 1928 and before?

(c) Is it also a fact that Bhera-Shahpur Railway line was also in the quinquennial programme of the North Western Railway in about the year 1928?

(d) If so, why was that scheme dropped?

(e) Is there any proposal for constructing a Railway line between Bhera and Shahpur, in view of the heavy traffic of passengers and agricultural products in this area? If so, when?

The Honourable Sir Edward Benthall: (a), (b) and (c). Yes.

(d) On account of poor financial prospects.

(e) As regards the first part of the question, there is no such proposal at present.

The second part of the question does not arise.

Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member please reconsider the position on account of the increased traffic nowadays?

The Honourable Sir Edward Bethall: It is a question of the construction of a railway and there cannot be any traffic on it at present.

HARDSHIPS EXPERIENCED BY FIRST AND SECOND CLASS PASSENGERS AT LALA MUSA

1557. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state, with reference to his reply to my starred question Nos. 617 and 618 asked on the 2nd March, 1945, if he has made enquiries about the facts mentioned in the questions? If so, what is the result of his enquiries, what action has he taken or proposes to take to remove the discomforts and inconveniences of the passengers generally, and what action does he propose to take with regard to parts (e) and (f) of question No. 618, in particular?

The Honourable Sir Edward Benthall: I have made no such enquiries. In my reply to the Honourable Member's two previous questions, I think I made it clear that these were matters to be taken up with the Railway Administration through the Local Advisory Committee. I undertook, however, to bring the questions to the notice of the Railway Administration for suitable action, and this has been done.

SECOND CLASS COMPARTMENTS ON TRAINS ON LALA MUSA, MALAKAND LINE

1558. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state:

(a) the number of second class compartments generally attached to the trains running on the Lala Musa-Malakwal Line, North Western Railway, for female and male passengers and their carrying capacity, and the average daily number of second class passengers that travel on this line;

(b) if it is a fact that only one compartment for male and one compartment for female passengers is attached to the trains capable of carrying six males and two females at night and nine males and three females in day time;

(c) if it is a fact that the second class traffic on this line is much more than the accommodation available and that the passengers have invariably to perform the journey either by standing on their legs or sitting on the luggage and more often by finding accommodation in either the Inter class or the third class compartments;

(d) if it is a fact that besides the civil passengers there is always a great rush of military officers coming on leave or otherwise, who travel in second class and that there are no separate compartments for military people in trains on this line; and

(e) if Government are aware that second class passengers feel a very great discomfort and inconvenience for lack of accommodation in trains on Lala Musa-Malakwal Line and whether early arrangements are proposed to be made to attach more second class compartments to the trains to accommodate the passengers; if not, why not?

The Honourable Sir Edward Benthall: (a) to (e). Government have no information on these matters of detail which are left to the Railway Administration to settle according to the requirements of traffic so far as they can be met within the limits imposed on their resources by the prevailing war-time conditions. I would repeat the suggestion which I made in reply to the Honourable Member's questions Nos. 617 and 618 on the 2nd March, that matters such as these should be taken up through the medium of the local Advisory Committees which have been set up expressly to acquaint Railway Administrations with the local needs and requirements of the travelling public.

SALARIES, ETC., OF CERTAIN SERVICES ON NORTH WESTERN RAILWAY

1559. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state:

(a) the grade of salaries of the following services on the North Western Railway: (i) Booking Clerks, (ii) Ticket Collectors, (iii) Special Ticket Examiners, and (iv) Guards, stating the nature of their duties and responsibilities and the channels of their promotions and services open to them in each case; and

(b) if Government are aware that there is a great dissatisfaction amongst the Booking Clerks, regarding their present status and their limited scope for promotions and whether Government are prepared to consider their case to broaden their sphere of promotions and to make them eligible for posts of Guards and Special Ticket Examiners; if not, why not?

The Honourable Sir Edward Benthall: (a) I lay on the table two statements, giving the scales of pay and the channel of promotion of the categories of staff referred to. The duties of these employees are indicated by their titles, the special ticket examiners being responsible for ticket checking on running trains.

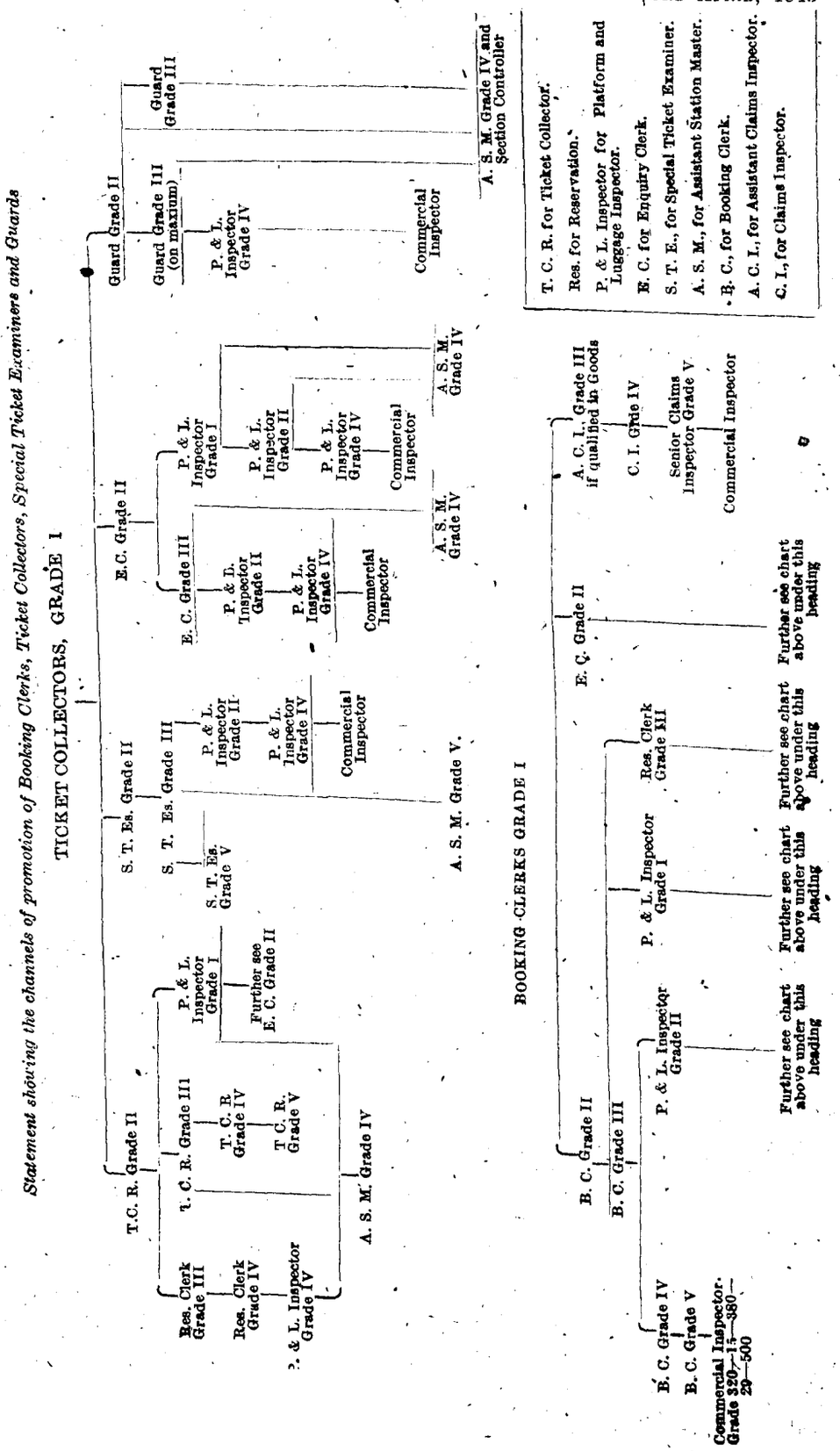
(b) Government are informed that in order to relieve the situation the Railway Administration has, with effect from the 1st January, 1945, permanently upgraded 49 posts of Booking Clerks, Grade I to Grade II and 13 posts of the staff in Grade II and above have also been upgraded temporarily with effect from the 1st November, 1944. In addition to this, Divisional Superintendents have been authorised to sanction, at their discretion, temporary upgrading where justified by a temporary increase in work and responsibility.

The question of broadening the sphere of promotion of Booking Clerks in the lower grades has already been examined by the Administration and they consider that it is not expedient to widen the field of advancement in the posts of Guards and Special Ticket Examiners by including Booking Clerks.

Statement showing scales of pay (old & revised) on N. W. Railway

Category	Old rates		Revised rates			Remarks
	Grade	Scale of pay	Grade	Class	Grade	Scale of pay	
Booking Clerks and Ticket Collectors	V	200—10—250	III	1		200	
	IV	150—10—190	II	3		160	
	III	105—5—140	II	1		100—10/2—120	
	II	66—4—90	I	2		65—5/2—85	
	I	33—3—60 Efficiency bar at Rs. 42.	I	1		30—5—50—5/2—60 Efficiency bar at Rs. 40.	
Special Ticket Examiners		200—10—250	III	1		200	
		105—5—140	II	1		100—10/2—120	
		66—4—90	I	2		65—5/2—85	
Guards	IV	125—10—185—200—210					Diminishing cadre.
	III	75—5—105—10—115	II	1		100—10/2—120	
			I	2		65—5/2—85	
	II	40—3—52—4—60—68	I	1		30—5—50—5/2—60	
2nd Guards	I	30—1—35	...	...		30—1—35	

Statement showing the channels of promotion of Booking Clerks, Ticket Collectors, Special Ticket Examiners and Guards



NON-GRANT OF CERTAIN ALLOWANCES TO RAILWAY BOOKING CLERKS

1560. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state:

(a) if it is a fact that the Guards draw double allowances if they work on Sundays, Good Fridays and during Christmas holidays while Booking Clerks are not only not allowed to enjoy these holidays but are not paid any allowance for working on holidays;

(b) if it is a fact that the Goods and Parcel Clerks draw transit allowances at Junctions for tedious work, but Booking Clerks do not, for equally tedious work at junctions; and

(c) if the answers to (a) and (b) be in the affirmative, whether Government propose to consider the question of compensating the Booking Clerks for working on holidays and for doing tedious work on junction stations; if not, why not?

The Honourable Sir Edward Benthall: I presume the question refers to the North Western Railway.

Information is being obtained and a reply will be laid on the table of the House in due course.

RECENT TRAIN ACCIDENT NEAR KARACHI

†**1561. *Mr. A. Satyanarayana Moorty:** Will the Honourable Member for Railways please state:

(a) the facts and details of the train accident which took place on the North Western Railway, near Karachi on Thursday, the 22nd March, 1945;

(b) the causes for the accident; and

(c) the type of enquiry which is proposed to be set up for the same?

The Honourable Sir Edward Benthall: (a) At about 3 A.M. on 22nd March, 1945, No. 571 Up Goods Train collided with the rear of No. 191 Up Passenger train, when the latter was leaving Jungshahi station on the Karachi-Kotri section of the North Western Railway. The last two vehicles (one composite Second-Inter-Third and one Third-Luggage-Brake) of the Passenger train were smashed. Relief trains with medical assistance from Kotri and from Karachi arrived at the spot at 7-15 and 8-15 hours respectively. 16 persons (six men, six women and four children) died on the spot, and eight subsequently—making a total of 24 dead. The injured were removed from the site to hospitals in Karachi, within about 4 hours of the occurrence. Of the injured admitted into hospital, six have so far been discharged and 36 continue to receive treatment but are reported to be out of danger. There was no interruption to traffic, as the Down line was clear and single line working was introduced. Double line working was restored by the 27th March.

(b) The cause of the accident will be ascertained by the Government Inspector's Inquiry, which is now in progress.

(c) I understand that the Government Inspector of Railways (Posts and Air Department) began his statutory inquiry on the 27th March. I do not yet know whether the Government of Sind have decided to order a Magisterial enquiry, but will inform the Honourable Member as soon as I have any definite information.

EXCLUSIVE PERMISSION TO IMPERIAL CHEMICAL INDUSTRIES TO MOVE BY RAIL SODA ASHES

†**1562. *Mr. G. Rangiah Naidu:** Will the Honourable Member for Railways please state the reasons for permitting the Imperial Chemical Industries, Limited (India), to the exclusion of any other dealer, to move by rail soda ashes?

The Honourable Sir Edward Benthall: The Honourable Member is referred to my reply to question No. 1421 given on March 28th.

ESTABLISHMENT OF HEAVY INDUSTRIES

1563. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

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

(a) whether his attention was drawn to the following passage in the presidential speech of Sir M. Visveswaráyya delivered in the 5th All-India Manufacturers' Conference (page 9) "although some half a dozen heavy industries can be put in hand at once, Government do not seem to be eager to see them started or established";

(b) whether Government have examined the possibilities; if so, what the result of such examination is; and

(c) whether Government intend to open any heavy industries during the duration of the war; if so, what those industries are?

Mr. J. A. Mackeown: (a) I am aware of the statement referred to.

(b) The whole question of what new industries may be set up in India is at present under the consideration of Government.

(c) The starting of new industries during the war depends on their essentiality to the war effort, and owing to the time factor and difficulties over plant and machinery and the shipping space to bring them to India, there is not much likelihood now of the immediate establishment of new lines of production.

Mr. Manu Subedar: In view of the fact that certain industries have been established in Australia and Canada after the war had started, will the Honourable Member please state to this House why such efforts were not made in India? Will the Honourable Member also state whether there were any special reasons why it could not be done in India?

Mr. J. A. Mackeown: That would take a great deal of explanation, because we would have to consider so many circumstances and the conditions in India are not the same as those in Australia.

Seth Yusuf Abdoola Haroon: Because the present Government do not want to establish any industries in this country.

Mr. J. A. Mackeown: That conclusion, Sir, is entirely unjustified.

PRODUCTION OF STEEL AND PIG IRON

1564. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member please to state:

(a) the total production of (i) steel, and (ii) pig iron manufactured in India in 1944; and whether it is less or more than in 1939;

(b) how the prices of those articles compare with imported stuffs;

(c) by how much those articles can be increased in order to meet the internal demand; and

(d) whether his attention has been drawn to the statement by Sir M. Visvesweravya that India is politically powerless to manufacture more steel in this country; if so, what the political impediments are?

Mr. J. A. Mackeown: (a) The production of finished steel was 10,11,695 tons in 1944 which was more than in 1939 and the production of pig iron was 14,37,011 tons which was less than in 1939.

(b) The price of imported steel is generally higher than the price of indigenous steel. Pig iron is not imported.

(c) Owing to the coal and transport position production cannot be increased at present. It could be increased considerably if these difficulties did not exist, but for security reasons I am not able to give the maximum productive capacity if all circumstances were favourable.

(d) No, but if such a statement has really been made it is wholly and completely untrue.

Sri K. B. Jinaraja Hegde: In view of the great demand from agriculturists for steel for purposes of agricultural implements, do Government consider the advisability of releasing more steel than what they are doing now, in order to meet the demand from the agriculturists?

Mr. J. A. Mackeown: Government have already taken steps to release more steel for agricultural requirements.

Prof. N. G. Ranga: Are Government aware that there is still very great scarcity for steel, that regular black market rates only are prevailing in the country and that people are not able to get sufficient steel?

Mr. J. A. Mackeown: Yes, Sir, we have had complaints but, as I have said, we are doing our best to remedy the situation and have already taken steps to release more steel for the consumer.

Seth Yusuf Abdoola Haroon: May I know whether this steel is being released through the Provincial Government or through the Education, Health and Lands Department?

Mr. J. A. Mackeown: It is really being released through the Iron and Steel Controller. The Regional Deputy Steel Controllers work in co-operation with the Provincial Governments and they draw up a joint scheme for distributing the supply released to the agriculturists.

REJECTION OF OFFER OF INDIAN INDUSTRIALISTS FOR SUPPLYING MILITARY TRUCKS AND AEROPLANES

1565. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member please to state:

(a) whether he is aware of the following statement made by Sir M. Visvesvarayya in his presidential address dated the 24th February, 1945, delivered on the occasion of the 5th All-India Industrialists' Conference: "private businessmen were prepared to start industries to supply military trucks and aeroplanes for war purposes, but their offers were rejected in favour of foreign manufacturers";

(b) whether it was true that Government rejected the offer of Indian industrialists; and

(c) the names of those Indian industrialists?

Mr. J. A. Mackeown: (a) I am aware of the statement referred to.

(b) Certain tentative proposals for the manufacture of aircraft have been brought to the notice of Government but these proposals were never formally submitted to Government for consideration. A proposal to manufacture motor vehicles for the Army was not agreed to as the new Company proposed to make a type of vehicle which was not in use in the Army.

(c) The motor vehicle scheme was put forward by interests represented by Mr. Walchand Hirachand.

UNSTARRED QUESTIONS AND ANSWERS

SELECTION FOR PROMOTION TO ASSISTANT ACCOUNTS OFFICERS IN RAILWAY ACCOUNTS DEPARTMENT

119. Mr. Ananga Mohan Dam: Will the Honourable the Railway Member please state:

(a) if Government are aware that selection for promotion to the grade of Assistant Accounts Officers in the Railway Accounts Department, from amongst those who had already qualified themselves for such promotion, was held by the Financial Commissioner, Railways for the first time in the history of the Indian State Railways in 1944;

(b) the reasons why this selection was considered necessary in 1944 in contravention of the previous established practice of promotion by seniority;

(c) if Government are aware that there is a feeling among the staff of the Railway Accounts Offices that this selection benefited certain persons, connected with high officials of the Railway Department, over the head of their seniors;

(d) if Government are aware that certain persons, who had already officiated in the grade of Assistant Accounts Officers for sufficiently long periods, were also debarred from these posts to make room for the selected junior persons; and

(e) why the persons who had already worked as Assistant Accounts Officers were condemned without showing a sufficient cause for their demotion and without being given a chance to explain themselves as required under the ordinary rules applicable to Railway servants?

The Honourable Sir Edward Benthall: (a) and (b). It is not a fact that selection for promotion to the grade of Assistant Accounts Officers in the Railway Accounts Department from amongst qualified men was held for the first

time in 1944 in the history of Indian State Railways. Posts of Assistant Accounts Officers are selection posts and promotion to them does not go by seniority alone.

(c) No.

(d) Yes. Certain men who, after trial, had not proved their fitness were passed over.

(e) The rules applicable do not prescribe the procedure suggested by the Honourable Member.

UNDERWEIGHMENT OF COMMODITIES SUPPLIED FROM RAILWAY CLEARING ACCOUNTS OFFICE GRAIN SHOP

120. Mr. Ananga Mohan Dam: Will the Honourable the Railway Member please state:

(a) if it is a fact that reports from the staff of the Railway Clearing Accounts Office about the underweight of commodities supplied to them from the Railway Clearing Accounts Office grainshop are not being attended to by the authorities concerned;

(b) if it is a fact that about a thousand employees of the Railway Clearing Accounts Office represented about the underweighment of commodities to the Food Advisory Committee;

(c) if it is a fact that one seer weight used in the Railway Clearing Accounts grainshop was actually found to weight 15 chattaks at the time of stock verification;

(d) whether Government propose to take action against the persons responsible for this deliberate underweighment and investigate how the stores made surplus in the shop, as a result of this underweighment, were utilized by the shop manager and his staff;

(e) how Government propose to compensate the purchasers for their loss due to this underweighment;

(f) if Government propose to consider the question of getting the weights of the grainshop tested regularly by the chosen representatives of the staff; and

(g) if it is a fact that four tins of mustard oil were found missing from the Railway Clearing Accounts grainshop and the loss was made good by underweighing the commodity sold to the staff?

The Honourable Sir Edward Benthall: (a) No. A complaint book exists in the Shop and all complaints received through this book or otherwise are attended to. The Food Advisory Committee, which includes representatives of the staff, nominates some of its members for the specific duty of looking after complaints and correct weighing of the commodities.

(b) Yes. One joint representation was received by the Food Advisory Committee in December, 1944. A Sub-Committee was appointed to examine and report on the complaints made in that representation. Its report was dealt with by the Food Advisory Committee. The complaint about short weighment was not proved.

(c) No such 'one seer' weight has been used in the Shop for weighing commodities.

(d) and (e). In view of the answers above, the questions do not arise.

(f) The Shop is using standard weights recently purchased, but the verification of the weights is also within the competence of the Grainshop Advisory Committee which appoints some representatives to help the Administration in looking after the running of the Shop in this and other respects.

(g) No.

PURCHASES OF COMMODITIES FOR RAILWAY CLEARING ACCOUNTS GRAIN SHOP

121. Mr. Ananga Mohan Dam: (a) Is the Honourable the Railway Member aware that the local purchases of commodities for the Railway Clearing Accounts grainshop are not made by inviting open tenders and that rates higher than market rates are usually given for such purchases?

(b) Will he please state if the post of shop manager, Railway Clearing Accounts grainshop is reserved for a Muslim? If not, why only Muslim

candidates were called for interview when this post fell vacant due to the transfer of the previous shop manager?

(c) Is it a fact that stock verification was not done when the previous shop manager was transferred to the Railway Board and that his proposed successors, who were already working with him and were in the know of things, refused to take responsibility for the stock?

(d) Is it a fact that inferior quality of rice (mongra) is forced on the staff of the R. C. A. O. by making it obligatory on them to purchase a fixed quantity of mongra rice if and when they desire to purchase basmati rice while no such restriction has been placed by the Civil Rationing Authorities in Delhi in other ration shops?

The Honourable Sir Edward Benthall: (a) Except for rationed commodities which are purchased in accordance with the instructions of the Rationing authorities, the purchases are made, as far as possible, under the 'limited tender system'. It is not a practicable or even economical proposition to invite open tenders. The reply to the last part of the question is in the negative.

(b) No. The post of the Shop Manager is not reserved for any community. Only persons who were suitable and could be spared were interviewed.

(c) No. Stocks were verified by the relieving Manager.

(d) Yes, if rice is required by the staff. Rice is a rationed commodity and Rationing authorities insist on our accepting a proportion of each quality including Mongra. This quality is, therefore, issued to employees in the same proportion in which it is received from the Rationing authorities.

ADMINISTRATIVE CONTROL OVER POSTS AND TELEGRAPHS ACCOUNTANTS

122. Mr. Badri Dutt Pande: Will the Secretary for Posts and Air please state:

(a) if it is a fact that the P. and T. Accountants cadre is under the administrative control of the Director-General, Posts and Telegraphs;

(b) if Government are aware that, in actual practice, the Finance Department, represented by the Financial Adviser, Communications, have been in administrative control of the service and that the decision in respect of this service are actually taken by the Financial Adviser, Communications, and submitted to the Director-General, Posts and Telegraphs, only for his formal approval; and

(c) whether Government propose to see that the P. and T. Accounts Service Examination like other P. and T. departmental examinations, *viz.*, Inspectors of Post Offices, Postal and R. M. S. Accountants, Engineering Supervisors, Telegraph Masters, examinations, is controlled by one of the establishment sections in the P. and T. Directorate holding such examinations?

Sir Gurunath Bewoor: (a) Yes.

(b) The facts are not as stated. The service is controlled by the Director-General, Posts and Telegraphs, with the advice of Financial Adviser (Communications).

(c) Government see no need to interfere in the internal arrangements of the office of the Director-General, Posts and Telegraphs.

GRIEVANCES OF TRAINS CLERKS

123. Sardar Sant Singh: (a) Has the attention of the Honourable Member for Railways been drawn to the article that appeared in the *Railway Herald*, dated the 12th March, 1945, under the heading "Will Trains Clerks also resign in a body"? If so, are the grievances of the Trains Clerks contained therein correct? If so, what steps do Government propose to take to redress their grievances?

(b) Is there a shortage of Trains Clerks in all the Divisions of the North Western Railway? If so, what are the reasons for this shortage? Have these shortages any connection with the grievances mentioned in (a)?

(c) Is it a fact that uniforms were issued to the Trains Clerks prior to 1931? Is it a fact that due to retrenchment the issuing of these uniforms was discontinued? If so, is he aware that non-issue of uniforms is one of the main

grievances of the Trains Clerks? Do Government propose to consider the desirability of re-issuing uniforms to the Trains Clerks as stated by the Railway Board in their evidence before the Royal Commission on Labour in 1929-30?

The Honourable Sir Edward Benthall: (a) The points raised in the memorial submitted by Trains Clerks on the North Western Railway in October, 1944 and referred to in the article published in the issue of the *Railway Herald* dated 12th March, 1945, have already been examined and replied to by the Railway Administration. Many of the grievances were not found to possess any substance and others are still being looked into by the Administration.

(b) The reply to the first portion is in the negative. Shortages may occur from time to time on particular Divisions, but such shortages are not confined to this particular category, and are due to the conditions created by the war. The reply to the last portion is in the negative.

(c) As regards the first two portions, the Honourable Member is referred to the reply given to Qazi Muhammad Ahmad Kazmi's Starred Question No. 569 on April 1st 1944. As regards the third portion, the non-supply of uniforms was one of the grievances put forward by Trains Clerks. As regards the last portion, the question will be considered on the restoration of normal conditions.

RECENT PROPOSALS *re* CATERING CONTRACTS ON EAST INDIAN RAILWAY

124. Mr. G. Rangiah Naidu: Will the Honourable Member for Railways please lay on the table of the House the East Indian Railway Administration's recent proposals for implementing of the policy regarding catering contracts laid down by the Railway Board in accordance with the general principles adopted by the Central Advisory Council for Railways in March, 1940?

The Honourable Sir Edward Benthall: Government is aware that the E. I. Railway administration has under consideration proposals for implementing the policy regarding catering contracts, but has received no official intimation of these proposals. The General Manager has been asked to hold his proposals in abeyance pending further consideration.

ERADICATION OF CORRUPTION AMONGST RAILWAY SERVANTS

125. Mr. G. Rangiah Naidu: Will the Honourable Member for Railways please lay on the table of the House a statement showing the measures adopted and the expenditure incurred thereon for the eradication of corruption amongst the Railway servants both gazetted and non-gazetted?

The Honourable Sir Edward Benthall: As regards the measures adopted to eradicate corruption on the part of railway employees, the attention of the Honourable Member is invited to the reply given to part (a) of Mr. T. S. Avinashilingam Chettiar's Starred Question No. 1117 on the 20th March, 1945. I regret I am unable to give details of the measures adopted by Government to deal with corruption, as it would not be in the public interest to do so.

It is not possible to give details of the cost of measures adopted on railways. The expenditure on the Special Police Establishment, which is debitable to the Defence Services Estimates, is estimated to be Rs. 6½ lakhs during 1944-45. I would, however, point out that this Establishment investigates cases pertaining not only to railway servants but also to employees of all Government Departments. This expenditure does not include the cost, amounting to Rs. 22,200 per annum, of six Prosecuting Inspectors and their orderlies, on the strength of the Special Establishment, which is debited to Railway Estimates.

INSTRUCTIONS TO RAILWAYS *re* RESERVATION OF ACCOMMODATION FOR MEMBERS OF CENTRAL LEGISLATURE

126. Mr. G. Rangiah Naidu: Will the Honourable Member for Railways please lay on the table of the House a copy of the instructions issued to the Station Superintendent, Delhi in particular and Railway Administrations, in general, regarding the reservation of accommodation for the Honourable Members of the Central Legislature and their staff at a short notice of less than 48 hours? If no instructions have been issued, why?

The Honourable Sir Edward Benthall: I would invite a reference to the reply I gave to part (c) of Mr. Badri Dutt Pande's Starred Question No. 628 on the 2nd March 1945. The Honourable Member will, however, no doubt have been made aware through the Railway Board's circular No. 3058-TT of the 26th March 1945 of the special arrangements made to secure reserved accommodation for Members of the Legislature for their homeward journeys on the termination of the current Session.

MOTION FOR ADJOURNMENT

REQUISITIONING BY GOVERNMENT BRAHMASHRAM MASUR, AMBERNATH

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Govind V. Deshmukh relating to the "requisitioning by the Government of Brahmashram Masur, which includes temple and holy religious Math and residential huts of the hermits at Ambernath".

When did this take place?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Yesterday, the 2nd of April. I have received a telegram . . . . .

Mr. President (The Honourable Sir Abdur Rahim): When was the order issued?

Mr. Govind V. Deshmukh: Recently. As soon as the order was received they have sent me a telegram.

Mr. Ram Chandra (Secretary, Defence Department): I received notice of this adjournment motion only a little while ago and the papers that I have been able to get hold of show that an order was issued on the 22nd March saying that the land shall be requisitioned on such date as may be declared later. I have no further information on the subject.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member get the information tomorrow?

Mr. Ram Chandra: It has to be obtained from the Bombay Government. I am not sure that I shall be able to get it in time for tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Then day after tomorrow. The motion will be taken up the day after tomorrow.

Sir F. E. James (Madras: European): Before you proceed to the business of the day, might I with your permission, Sir, address a question to my Honourable friend the Finance Member? Yesterday a motion stood in his name—to take into consideration the Select Committee Report on Income-tax Amendment Bill, but I understood him to say that he was not in a position to make that motion. He did not explain why, whether he was unwell or what had happened. I should like to ask, with your permission, if the Honourable Member will at some stage before the end of the Session inform the House of the reasons which led him not to move the motion which stood in his name yesterday.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): I have a short notice question on this matter, and the Honourable Finance Member has promised to reply to it at his convenience. He is going to answer it tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): There is a short notice question in the name of Mr. M. Ananthasayanam Ayyangar.

SHORT NOTICE QUESTION AND ANSWER

MOVE AT SAN FRANCISCO CONFERENCE AGAINST ASIATIC IMMIGRATION INTO SOUTH AFRICA

Mr. M. Ananthasayanam Ayyangar: (a) Has the attention of the Honourable Member for Commonwealth Relations been drawn to a Press report, dated the 22nd March, 1945, published in the *Hindustan Times*, dated the 24th March, 1945, of the speech of Dr. Malan, Leader of the Opposition in the South African Assembly urging the end of open-door policy regarding

Asiatic immigration and that the same should be pressed by Field Marshal Smuts at the San Francisco Conference?

(b) Has his attention been also drawn to the reference in his speech advocating an Atlantic Charter, declaring that the native peoples should remain under European guardianship for a long time?

(c) Has Government taken any steps to counteract this move against immigration at the said Conference?

(d) Have any, and, if so, what instructions been given to the Indian Representatives to the said Conference for urging the repeal of the Pegging Act and the discriminatory Legislation against Indians in South Africa, and for safeguards against the repetition of a similar move in future?

The Honourable Dr. N. B. Khare: (a) and (b). Yes.

(c) It is not clear if Dr. Malan represents the views of the Government of the Union of South Africa. Government will, however, take necessary action to deal with any official move to discriminate against Indians in this matter.

(d) It would not be in the public interest to disclose at this stage the instructions given to Indian representatives.

Mr. Abdul Qaiyum: May I know who gave the instructions?

The Honourable Dr. N. B. Khare: The Government of India.

ELECTION OF A MEMBER TO THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): May I just ask a question? We find that this Committee was elected many years back. The practice was that people retired by rotation and elections were held for their places, but as the life of this House was abnormally extended, I find that these retirements by rotation did not come about at all, and people elected many many years ago—we have even forgotten when these elections took place—are still there. It is wrong to keep this Committee going like this: it is a very important Committee, it is the only statutory Committee which this House has, and I think, Sir, it is really wrong in principle not to have these elections back again. I suggest that Government should bring in a motion for election by rotation. This Committee is very old indeed, I think it is six or seven years old, and there has been no move for election by rotation, I do not know why. I find that when my friends Prof. Ranga and Mr. Das were not coming here, they went without these two people. I think it is very wrong not to have had elections to this Committee by rotation as it is provided in the constitution itself

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): I support this view.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): The position is that the constitution of this Committee is governed by one of the rules. It provides for the constitution of the Committee for the first three years of the life of an Assembly. Then it goes further and says that if the life of the Assembly is extended to another period of three years, the same process will follow: that is, every year one third of the members will cease to be members and elections will be held to fill their places. Rule 51 provides for a life of six years for the Assembly, not more. When this rule was

promulgated nobody thought that the life of the Assembly would be extended beyond six years. Therefore I tried to move in this matter, Government could have moved for an amendment of the rule to provide that the same process should continue if the life of the Assembly is extended beyond six years, but Government did not do that. Then I gave notice of a Resolution for the amendment of the rule, but that was not even balloted. Even then Government did not take the opportunity to have the rule amended, and that is why we have the old Committee functioning for such a long time. I do not know what Government can do at present, but the position has been rather as stated by my friend Mr. Chettiar.

Prof. N. G. Ranga: Sir, Sir Edward Benthall brought forward a separate Resolution for amending the rule governing election to the Roads Committee. A similar procedure can certainly be followed by my Honourable friend, Sir Jeremy Raisman. As it is now, this House is not satisfactorily represented on this Committee, because, so far as the Congress Party is concerned, my name is the only one on it. By efflux of time the tenure of other Congress Members has come to an end. Therefore today I am the only person on it, and I do not think this is a satisfactory state of things. So I hope, Sir, that Sir Jeremy Raisman will take the earliest opportunity, if necessary, to get the rule amended and to see that more adequate and proper representation is provided for all sections of this House.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I have seen elections to this Committee. Members have been elected on different occasions, and whenever there were vacancies due to balloting out of sitting members fresh elections took place and vacancies filled in.

The Honourable Sir Jeremy Raisman: It is true that the anomaly exists, and it is the consequence of the abnormal extension of the life of this Assembly. The rule, as it stands, clearly, only contemplated a life not exceeding six years, but the complaint of the Honourable Members opposite is that when the life of this Assembly was prolonged, Government should have taken steps to get the rule amended so as to be more suitable to the altered conditions. I may say that at this late stage of the present Session, it would be difficult to take the steps necessary to get this rule amended in time to enable an election to take place before this Session concludes. I can only say that should the life of this Assembly be further prolonged, Government will take steps to get the rule amended and to have an election in the proper form.

12 NOON.

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of a Member to the Committee on Public Accounts, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 4th April, and that the election, if necessary, will be held on Friday, the 6th April. The election, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 A.M. and 1 P. M.

[Mr. T. S. Avinashilingam Chettiar.]

nobody can agree to; and we have given an amendment for the deletion of that portion in clause 2 of the Bill. I hope the Honourable Member concerned will agree to it.

The other objections to this Bill are secondary: it is said that the decision of the commanding officer and the adjustment committee is made final. We would require, in a matter like this which is really mainly civil, that there should be an appeal provided against the judgment of these people. The other one or two amendments are mostly varbal and I hope the Government will accept those amendments also, and while we do not object to the Bill itself, we hope that these necessary amendments will be accepted by the Government.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I want to raise one point regarding this part (c) of clause 2(b)(2) where it says—

"military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death."

I want to stress this point on the Honourable Member that eighteen months is a very long period. One does not know what happened within those eighteen months and it is often found—and there are such instances which I can quote—that these sums which are not due are adjusted by the Commanding officer and, therefore, I think it will be easier for the relatives of the deceased to find out whether this sum was due or not if it is within six months or so; and I hope the Honourable Member will change this clause and not press for eighteen months.

The other point which I want to bring to his notice is that we are not told why this maximum amount of deposit has been raised from one thousand rupees to two thousand five hundred rupees. At first the Government had a rule that they will draw from the bank only up to one thousand rupees—I do not know what the rule existing in the United Kingdom or the other dominions is. Will the Honourable Member explain to us as to why he wants that this amount should be increased to Rs. 2,500?

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I oppose this Bill. This kind of piecemeal legislation and that by way of amendment ought to be discouraged. The army is a vast subject and a comprehensive Bill ought to be brought in on the lines of the British Army Act. The present Indian Army Act was passed in 1911, when the popular voice was not audible even in the Imperial Legislative Council. There is one thing very curious in the section—deceased officer as well as deserters are placed in the same category. Desertion of course is an offence; but death cannot be called an offence. The officer died in the field or in the hospital and he ought to be treated in a different way. So far as I think, all the expenses relating to his funeral ought to be met by the Government, and all the dues which he owed to the Government ought to be remitted. The Statement of Objects and Reasons seems to me to be a bit deceptive. It is mentioned there that this Bill is brought for the speedy disposal of the property of the deceased. When I read the original section and also this, I find that all that is sought to be done according to the original section is to be done by this. Then where is the speedy disposal? Of course the only difference is that instead of Rs. 1,000, Rs. 2,500 is to be taken from the savings of the deceased person, and for this, power is demanded by this Bill. Besides that, there is such a thing as the adjustment committee and the commanding officer; if these two things are allowed to remain, I can assure the House that there will be no adjustment committee—only the commanding officer will remain. Therefore, I request that a comprehensive measure ought to be brought touching all the departments of the army, and this sort of thing ought to be discouraged.

Mr. Ram Chandra (Secretary, Defence Department): Sir, when I moved the motion for consideration yesterday, I said that the Bill was short and simple, and I am glad to find from the speeches that have been made that the principle of the Bill has been accepted by Honourable Members. It is only in respect of certain matters of detail that there appears to be a little concern. This appears to me to be due to the fact that Honourable Members were rather taken

by surprise yesterday with the rapidity with which the business of the House was concluded: they did not apparently expect that my Bill would come up for consideration so soon, and they had therefore no time either to study the Bill carefully or to go through the section of the Indian Army Act which it was proposed to amend. My friend Mr. Sri Prakasa raised the question why deceased persons and deserters were placed together and I find that the same question has been asked today by Mr. Ram Narayan Singh. The two categories, namely, the deserters and the deceased persons have not been put together for the first time in the amending Bill. They both appear in the same section of the Indian Army Act, namely, section 114 and I can only say this, that the draftsman of the time perhaps found it convenient to have one section devoted to these two categories. For lunatics and persons missing on active service he devoted another section. Mr. Sri Prakasa wanted to know what happened to the property which was left by a deceased person. This has been provided for in section 114. According to this section it devolves upon the Commanding Officer to secure all the moveable property in camp or quarters belonging to the deceased or deserter. He makes an inventory of the property and then, if there is a representative of the deceased person who is prepared to give a guarantee that the debts will be paid off, the property is handed over to the representative.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): If I may interrupt the Honourable Member, I wanted to know what happens to the property left after the Commanding Officer has paid off the debts.

Mr. Ram Chandra: I am coming to that. When the Commanding Officer has paid off the debts and there is a surplus, then under sub-section (5) of the same section, the surplus is paid to the representative of the deceased person, and if no claim is made within twelve months after the death, the surplus is remitted to Government. I think my friend Mr. Sri Prakasa also inquired what happened to the property of the deserter.

Mr. Sri Prakasa: Quite so.

Mr. Ram Chandra: I shall refer him to the same section. In the case of a deserter, the surplus shall be forthwith remitted to the prescribed person, who happens to be the Accountant General, Central Revenues, and shall on the expiry of three years from the date of the desertion be forfeited to His Majesty unless the deserter shall in the meantime have surrendered or been apprehended.

Mr. Sri Prakasa: The family gets nothing?

Mr. Ram Chandra: It is only after three years that the surplus is forfeited to His Majesty.

Mr. Sri Prakasa: The family can put in the claim during these three years. Is that the idea?

Mr. Ram Chandra: The matter will be governed by sub-section (6) of section 114. I have nothing more to add to that. There were other points of detail raised by my friend Sardar Mangal Singh which were also taken up by other Honourable Members who have spoken on this motion. Most of these points are coming up in the course of amendments and therefore I shall try to be as brief as possible.

One point was that it is now proposed to increase the amount which may be withdrawn from the bank account of a deceased person from Rs. 1,000 to Rs. 2,500. The figure of Rs. 2,500 was suggested because it was felt that Rs. 1,000 was not enough to cover the debts that were ordinarily left by deceased person. This was based on the experience of the Standing Committee of Adjustment that has been working in connection with King's Commissioned Officers who are subject to the British Army Act. We do not adhere strictly to the figure of Rs. 2,500 and I shall be prepared to say something on this subject when the amendment comes up before the House. We felt that possibly the sum of Rs. 2,500 would cover the debts in most cases. At the same time I would like to inform the House that the Commanding Officer or the Committee of Adjustment is not automatically required to take out immediately Rs. 2,500 from the bank balance of a deceased person. What is said in the Bill is that

[Mr. Ram Chandra.]

the debts will first be estimated and then the nearest amount to that figure will be withdrawn from the bank but that the amount shall not be more than Rs. 2,500.

Seth Yusuf Abdoola Haroon: Suppose they had not received their pay for the last six months?

Mr. Ram Chandra: I will answer that later. An objection has been taken to the provision that the decision of the Commanding Officer or the Standing Committee of Adjustment shall be final. Here also I think there has been a slight misunderstanding. It was not the intention to oust the powers of the civil courts. The decision was to be final only in so far as the provisions of the Indian Army Act were concerned and this provision was inserted in order to expedite the question of the disposal of the property and of the debts. One other point that has been raised is that while in section 114 it was only the money which was left in a Government Savings Bank that could be withdrawn by the Commanding Officer, power was now being taken to withdraw money from any bank in which the deceased person may have an account. When this Act was first drawn up in 1911, it was possible that some people may have kept their accounts in post office savings banks, but the experience now is that no officer keeps his money in post office savings banks. He keeps it in a private bank. They used to have their accounts with the Imperial Bank but now they keep the money in other banks also; and if we stick to Government savings banks alone, the result will be that it will never be possible to pay off the debts. It is therefore necessary to expand the power, so as to be able to withdraw the money wherever it may be. In this connection I might mention that under the Regimental Debts Act these preferential charges are on the property of the deceased officer and not only on the money which he may have left in any bank.

As regards the other point which seems to have caused a good deal of concern, namely that it is now proposed to deduct from the property that may have been left by the deceased officer expenses of his last illness, I may observe that the explanation now inserted does not relate only to officers who die on active service. It is an explanation to section 114 as a whole, it applies to all persons who die whether they are in active service or not. I quite appreciate the feeling that an officer who dies when he is fighting should not be asked to pay the expenses of his last illness. As a matter of fact, it is laid down in the Pay and Allowances Regulations that no hospital stoppages will be recovered on account of wounds received or illness contracted while on service in the field. It is not the intention, it could never have been the intention that any amount which was not to be recovered from an officer if he did not die would be recovered from his survivors after his death.

My Honourable friend Mr. Ram Narayan Singh raises the question of bringing before the Legislature an entirely new Act amending the Indian Army Act. I am afraid that question does not arise here. That is a question which needs very careful consideration. We also said that there was no speedy disposal of these cases. I am afraid I cannot agree with him because the whole object of this Bill is to speed up the disposal of property left by a deceased person and the payment of his debts. Under present conditions the Commanding officer is in the field and he is moving from place to place; the relatives of the deceased officer do not know whom to contact, or where to go and give security for payment of the debts and realise the property that has been left behind. According to this amending Bill, there would be a Standing Committee of Adjustments in a central place and the relatives of the deceased would be able to get into touch with the Committee and all the problems would be solved as quickly as possible.

My Honourable friend Seth Yusuf Abdoola Haroon referred to the period of eighteen months which appears in Explanation 2(c). This is a reproduction of a provision in the Regimental Debts Act which applies to military officers subject to the British Army Act.

Seth Yusuf Abdoola Haroon: That is when an officer is alive.

Mr. Ram Chandra: We are now dealing with people who are dead.

Seth Yusuf Abdoola Haroon: This is a new order. You are reading the old order.

Mr. Ram Chandra: I will read section 2 of the Regimental Debts Act:

"The following shall be preferential charges on the property of a person dying while subject to military law. . . . etc. . . . . .

(c) military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased and having become due within 18 months before his death."

Clearly this section deals only with people who are dead.

I think there is no other point on which I need speak at this moment. When the amendments are taken up for discussion, I may be able to say something more.

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

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I understand that there are some agreed amendments in respect of clause 2.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Yes, Sir. I shall move No. 2 amendment. Originally we gave notice of an amendment to the following effect:

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

Since giving notice of this amendment, I have had it from the Government side that they would be agreeable to have an amendment in the following terms:

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in the manner prescribed' be inserted."

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in the manner prescribed' be inserted."

The motion was adopted.

Sardar Mangal Singh (East Punjab: Sikh): Sir, in view of the explanation given by the Defence Secretary, I do not move my amendment No. 3.

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): Is this one of the agreed amendments?

Mr. Sami Vencatachelam Chetty: No, Sir. In the original Bill, the sum of 'two thousand five hundred rupees' was put, and the amendment is to reduce the sum to Rs. 1,500.

This Bill has unwittingly revealed a state of affairs, ...

Mr. President (The Honourable Sir Abdur Rahim): Your amendment would make it Rs. 1,500.

Mr. Sami Vencatachelam Chetty: In the Bill, it is "two thousand five hundred", and by the proposed amendment, I want to substitute "one thousand" in the place of "two thousand", thereby the amount will become "one thousand five hundred".

Sir, I was mentioning that this Bill has unwittingly revealed to us a state of affairs particularly with regard to the Indian Commissioned officers in the Army and Air Force. It is not surprising that recruits for these forces from the middle classes or from among people who have got to save money for maintaining their families, are not coming as desired. I think the state of affairs must be that the force, as a force is encouraging improvident ways among the Indian Commissioned officers, or the emoluments offered by Government are not adequate. I well remember how during the days of the Lee Commission persons in the Civil Services wanted to disclose their poor bank balances in order to get larger sums of money from the Commission, as was afterwards recommended. Here the reverse is the case. Government are proposing by this Bill liquidation

[Mr. Sami Vencatachelam Chetty.]

proceedings, so to say, of the persons who have joined either the army or the air force. To hunt after this man even after his death and to sell his property and credit the amount for the dues of his mess, seems to be a process which the Official Assignee generally takes in the case of bankrupts. I thought Government would show more decency in dealing with army and air force officers and not find out more restrictive clause by which the property left by an officer would be appropriated for the improvident habits or practices which seem to be deliberately encouraged in the mess. I suppose there are certain rules regulating the collection of arrears that are due to the mess. Why should not effective steps be taken, even month after month, so that there might not be large arrears left outstanding, or arrangements be made for deduction from salary to the extent necessary? There seems to be something sinister in the whole affair, but that is quite a different matter. And I say that it should not be possible to examine the pecuniary affairs of an officer under the cover of this Bill. For the present purpose it would be necessary that too much of the little money that might be left by him should not be appropriated for this purpose. At any rate there must be some limits beyond which they cannot go, and I think a more reasonable amendment would be that from 2,500 rupees it should be reduced to 1,500, thus leaving a chance for some pittance to be drawn by his heirs.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

Mr. Ram Chandra: Sir, as the Honourable Member has himself pointed out, within the scope of this Bill we cannot take up the question of the pecuniary position of Indian officers. As regards the amendment proposed by him, I shall be prepared to accept Sardar Mangal Singh's amendment which substitutes 'two thousand' for 'two thousand five hundred'.

Mr. Sami Vencatachelam Chetty: Sir, in the circumstances I beg leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Sardar Mangal Singh: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

As the Honourable Defence Secretary has indicated his willingness to accept this amendment I hope he will also accept other amendments that follow.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

Mr. Ram Chandra: Sir, I accept this amendment.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

This provides an appeal to the civil court as against an order of the Committee of Adjustment or the Commanding Officer.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

Mr. Ram Chandra: Sir, as I explained in my general remarks, it was not the intention to oust the jurisdiction of a civil court. Although the amendment which Government had suggested was slightly different from the one which is now being moved, I have no objection to accepting this.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

The motion was adopted.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

This is an agreed amendment but I am afraid I will have to speak for a minute or two, for the simple reason that the explanation that was given by the Honourable Member on the consideration motion has not satisfied me. I want to know the result of deleting this particular item. What will then remain? How will Government treat the expenses of the last illness of the deceased soldier? His intention was not to charge the expenses of the illness of the deceased soldier so far as hospital dues are concerned and also only in cases where the soldier or officer has died on field duty. But it may so happen that an officer who gets wounded or is ill may choose to go to some nursing home and he may die there. Then what happens? He must make it quite clear to the House what the effect of removing this will be. How far will the effects of the deceased soldier be still liable for payment, so far as the last illness is concerned? This House, he must take it from me, will never consent to any charges being levied from the widow and orphans of a deceased soldier for the expenses incurred for the last illness of that soldier. He must satisfy the House that this does not mean that he again has the power to levy those charges.

Sir, I move.

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

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

Mr. E. L. C. Gwilt (Bombay: European): There is one point on which I would like to have some clarification from my Honourable friend, Mr. Ram Chandra, in regard to the statement he made just now when he said, if I understood him correctly, that the last illness expenses of an officer were paid if that officer died on active service. I think the expression that he used was 'in the field'. I think I am correct in assuming that all officers during war time are on active service. If, therefore, an officer dies either in the field or in Delhi provided that his last illness has been spent in an Army Hospital, I presume that his expenses will be paid by the Army. I can quite appreciate that if he elects to go into a private nursing home, where he may have very substantial expenses, then the Army would feel that they are not responsible for his medical expenses. I would ask my Honourable friend to answer the points that I have made.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I would also like to ask one question. Has the Honourable Member considered the case of an officer who may be wounded in the battle field but it may be necessary to remove him to one of the base hospitals or some other hospital where he may die? Would a case like this be covered also? Or, is the exemption that is contemplated merely to be restricted to a man who dies 'in the field'?

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, it seems very desirable in the interest of recruitment that we provide all facilities to the persons who are joining the war services. If you take any officer or soldier from any University or by general recruitment, it seems desirable that after his services are no longer required, arrangements should be made at the expense of Government to bring him back home. In case he dies while in operation, then the Government will do the needful about which there is no question, but in case he falls ill and whether he dies or whether he does not, it is the responsibility of the Government to provide medical facilities for the wounded soldier. If he dies it is rather unfortunate, but it is

[Dr. Sir Zia Uddin Ahmad.]

desirable and very reasonable that the Government should, at its own expense, provide all medical aid and assistance for his treatment. In case he survives and is not able to continue in service and is permanently disabled, send him back to his home, but, wherever possible, Government should find some such work which his general health may permit him to do. I have seen several cases—one case indeed was very pitiable—in which nothing has been done by Government. The case which I have in mind was of a man who was under training and was asked to give blood in the blood bank. He was a very healthy and energetic fellow and gave a very large quantity of blood. The doctor did not see that the blood was drawn over and above the quantity which he could spare. The result was that he became very weak and when he went out for normal exercise he really could not carry on. He fell down in jungle exercises and broke his bone. He was fully recovered but was not strong enough to join active service. I approached the military authorities that this boy suffered only on account of the blood which he gave. No auxiliary appointment was given to this boy. I pleaded that he might be employed as a Civilian Gazetted Officer, but nothing was done. It seems desirable that when any one is disabled while doing the war service, every attempt should be made to give him medical relief while he is ill and if he recovers and is able to do some other job, some facilities ought to be provided by the Military Department to give him the job which he can conveniently perform. If the Government adopts these principles, the recruitment will be easier and simpler, but if they adopt the attitude which is shown in the present Bill, I assure the Honourable Member in charge that the recruitment will become more difficult. On the one hand you say you will provide so many facilities and on the other you put forward a Bill of this kind, with the result that people do not know where you are serious and where you are not. H.E. the Commander-in-Chief promises all facilities. My Honourable friend has presented this Bill which practically takes away all the assurances given by His Excellency. It seems very desirable that every facility should be provided, and the clause of the Bill in which they want to ask the family of the deceased to pay the bill is very unpleasant. You appreciate that there will be a great disaster in the family on account of the death of an earning member, and if the Government instead of giving relief to the family by providing pensions were to ask the family to pay certain dues to the Government, it would be a great injustice. Therefore, I say that this point requires very careful consideration in the department of my Honourable friend. If you really want recruitment, you must provide facilities. If you have decided not to recruit anybody further, that is a different question. But you should say so. In case you desire that the recruitment should continue, I think it is your duty to provide inducements and facilities to those who join. On the one hand you spend a good deal of money in having propaganda. You spend money on air shows—there is a show at Aligarh for three days from today but unfortunately I am not in a position to attend—and on the other hand you tell the boys that if in serving His Majesty's Government you are caught ill and you incur medical expenses, they will have to be paid for by your family after your death, and these dues will be decided upon by a committee whose decision will be final and against which there can be no appeal. And because the man concerned shall have died, the decision of the committee will necessarily be an *ex-parte* decision. I beseech the Honourable Member to think all these questions very seriously.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Mr. President, I should like to say a few words with regard to sub-section (c) of the Explanation. I think it was my Honourable friend from Benares who said that the general impression among the public is that Indian officers of the Army incur large debts. I am sure that he was really voicing public impression when he said so. It is generally understood that military clothing and equipment are provided to the officers either free or at concession rates and if they do need a little extra—more than what is given to them by the Government—the expense will not be very much. But this clause seems to suggest that the expense of the extra clothing might amount

to as much as six months' pay in eighteen months, which I think is very large indeed. Also, the general belief is that the officers' bills are deducted from their salaries before the salaries are paid to them every month. I cannot understand why the cost of the extra clothing that an officer might have obtained should be allowed to go on unpaid for such a long time as 18 months and also to the extent of the amount of his pay for six months. I should like to point out to the Government that the impression that the Army is a very expensive profession for an Indian will be confirmed if Government include sub-section (c) in its present form in the 'Explanation' in clause 2 of this Bill.

A few days ago it was remarked by my Honourable friend, the War Secretary, that suitable Indians were not coming forward to join the Army. If our people get the impression that the Army is a very expensive profession for an Indian boy and that even after his unfortunate death, the little savings that he might have put away for his family are to be utilised by the Government for paying his debts about which his parents or his widow and his orphan children know nothing, I am sure it will have a deterrent effect on recruitment. I would like the Government to give their attention to these two points.

Mr. Ram Chandra: My friend Mr. Gwilt has asked me for an interpretation of the rules relating to hospital stoppages which I was reading earlier. I am afraid that at such short notice I am unable to give an authoritative interpretation. The words used in the Army Regulations are, as I said, "field service". I also know that under Ordinance No. 10 every officer in India is on active service. But I am unable, I am afraid, to give an interpretation whether "field service" is the same as "active service".

As regards Mr. Sait's point, the effect of the deletion of these words—"expenses of last illness"—will be that they will not be a preferential charge on the property of the deceased person. The other suggestions that have been made as regards the facilities to be provided for recruiting and the free distribution of clothing to the officers I shall pass on to the War Department for their consideration. I am afraid I am not in a position to give any definite answer at the present moment.

Sir, I accept the amendment.

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

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

The motion was adopted.

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

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Ram Chandra: 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 INDIAN AIR FORCE (AMENDMENT) BILL

Mr. Ram Chandra (Secretary, Defence Department): Sir, I move:

"That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

Here also it is not necessary for me to explain why it has been considered necessary to bring this Bill before the House. It has been explained in the Statement of Objects and Reasons. Sir, I move:

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

"That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

Sardar Mangal Singh (East Punjab: Sikh): Sir, this Bill is similar to the one just passed, with this difference that the Army Bill only applied to the Indian Commissioned Officers. But this Bill applies to all the personnel of the Air Force. So the observations which applied in that Bill apply with greater

[Sardar Mangal Singh.]

force as regards the deduction of expenses. This Bill deals with even the ordinary personnel of the Air Force. I hope, Sir, that as the Honourable the Defence Secretary was accommodating in the other Bill, he will also accommodate the House in this Bill and the Bill should be passed.

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

"That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

The motion was adopted.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

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

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

Mr. Ram Chandra: I accept the amendment.

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

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

The motion was adopted.

Mr. Sami Vencatachelam Chetty: I move the second amendment, and I warn the Government that I am not going to withdraw it though I was inveigled into accepting it in regard to the former Bill.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member move his amendment?

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): It is not an agreed amendment!

Mr. Sami Vencatachelam Chetty: It may become agreed. As my friend says, that while the Army Act applies only to officers, this Act applies to the personnel as well of the Air Force. Whereas the persons recruited for this force mainly come from the middle class family, it would be dangerous to discourage people emanating from this source. I, therefore, request Mr. Ram Chandra to reconsider the position and accept the amendment moved by me and to take the earliest opportunity to amend the previous amendment so far as the Army is concerned.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): This is not confined to the Indian Commissioned Officers. May I know whether this applies to all the officers of the Indian Air Force, British or Indian, or to whatever nationality they may belong?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I want further assurance from the Government. We are no doubt empowering the Government to recover liabilities as soon as a man in service dies. First his property will be seized. Then his bank balances will be freezed and all is taken away. What is left? Then the widow must obtain a succession certificate and recover this property. No doubt, as the Government liabilities have first claim, we have no objection to pass this Bill. But it is strange, as you will find if you read the items in the Bill, that the Government should allow an officer to go on indulging in all kinds of expenditure and ultimately leave nothing for his wife and children. Certainly he is liable to pay for the quarters. Even we Assembly Members here, if we occupy certain quarters, in the next month's allowance the amounts due from us are deducted first. It is surprising to me as to why a similar deduction for rent of quarters is not made from an officer's salary in the next month

1 P. M.

before it is paid out. Why is a different practice obtaining there? Though we are empowering the Government to withhold payment within a period of 12 months on account of any arrears due under the head of rent I do want to insist upon the Government to take steps hereafter not to allow these to accumulate and become large arrears. Or are these arrears allowed to attract men to join either the Air Force or the Army?

The next item is mess. He is liable for mess charges. But what about band? Persons who go to the army go to die. If perchance they survive they come back. What is the kind of entertainment they have? While they have a mess they have a band playing. Why should they pay for that? Why are not the Government paying the expense of the band? Is it not an ordinary kind of entertainment? Are we not spending upon *tamashas*, sending dancing girls to the fronts? Are not there dancing girls in the Italian front? Are not there other kinds of amenities provided for soldiers on the fronts? What is the W. A. C. I. for? Therefore, Sir, why do you charge this against a man who is dead and against his dumb children? It looks like expropriatory legislation. However, we have no objection to clothe the Government with this power, but let them be careful hereafter. The Government must bear the band charges.

The next item is air force clothing, appointments and equipments, etc. I cannot understand the word 'appointment', though I understand its significance as a word of the English language. Clothing, of course, the man is liable to be charged for. But what are 'appointments'. 'Equipment' is understandable.

Then it says "not exceeding a sum equal to six months' pay of the deceased and having become due within eighteen months before his death". So far as this is concerned, if it is a matter of recovery, let them have the right to recover it but let there not be a single case where the arrears are accumulated for more than a month or utmost a couple of months. Otherwise a punishment is inflicted on the poor survivors of the deceased. I expect an assurance from the Member in charge of this Bill with regard to these points. Otherwise I request this Honourable House to vote down this clause altogether.

Mr. Ram Chandra: I must begin by explaining the meaning of the term 'appointments'. The Oxford Dictionary meaning of the word is 'outfit'. It will be interpreted in accordance with military usage.

My friend, Sardar Mangal Singh, very rightly pointed out that this Bill unlike the Bill which was moved before extends not only to officers but also to other ranks in the Air Force. The reason for this is that other ranks in the Air Force are better paid, they come from a better stratum of society, have more income and therefore possibly leave more debts.

As regards the amendment, I do hope my Honourable friend the mover . . .

Mr. T. S. Avinashilingam Chettiar: I want to know whether this Act applies also to British personnel.

Mr. Ram Chandra: This only applies to persons who are subject to the Indian Air Force Act. There are no Europeans in the Indian Air Force. Members of the Royal Air Force are subject to the British Air Force Act.

As regards the amendment, I do hope my Honourable friend the mover of the amendment will realise that it is not desirable to make any invidious distinction between officers of the Indian army and officers of the Indian Air Force and I do hope that he will agree to having the same limit as has been passed by the House in the other case. There is an amendment by Sardar Mangal Singh on this subject and I shall, as before, be prepared to accept the same.

Mr. President (The Honourable Sir Abdur Rahim): Do I suppose the Honourable Member would be prepared to accept the amendment in the name of Sardar Mangal Singh?

Mr. Ram Chandra: Yes, Sir . . . . .

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): May I know whether there is a similar rule in the Royal Air Force also? He should make that clear to the House.

Mr. Sami Vencatachelam Chetty: I would like to see the fate of my amendment, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member press his amendment?

Mr. Sami Vencatachelam Chetty: Yes, Sir.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

The Assembly divided:

AYES—62.

Abdul Basith Choudhury, Dewan.	Lahiri Chaudhury, Mr. D. K.
Abdul Ghani, Maulvi Muhammad.	Lakhmiand, Mr. Rajma...
Abdul Qaiyum, Mr.	Lalchand Navalrai, Mr.
Abdullah, Mr. H. M.	Laljee, Mr. Hoosenbhoy A.
Ahsan, Mr. Muhammad.	Liaquat Ali Khan, Nawabzada Muhammad.
Ayyangar, Mr. M. Ananthasayanam.	Maitra, Pandit Lakshmi Kanta.
Azhar Ali, Mr. Muhammad.	Manu Subedar, Mr.
Banerjea, Dr. P. N.	Misra, Pandit Shambhudayal.
Chandavarkar, Sir Vithal N.	Naidu, Mr. G. Rangiah.
Chattopadhyaya, Mr. Amarendra Nath.	Nairang, Syed Ghulam Bhik.
Chettiar, Mr. T. S. Avinashilingam.	Naiman, Mr. Muhammad.
Chetty, Mr. Sami Vencatachelam.	Neogy, Mr. K. C.
Choudhury, Mr. Muhammad Hussain.	Pande, Mr. Badri Dutt.
Chunder, Mr. N. C.	Parma Nand, Bhai.
Daga, Seth Sheodass.	Ram Narayan Singh, Mr.
Dam, Mr. Ananga Mohan.	Ramayan Prasad, Mr.
Das, Mr. B.	Ranga, Prof. N. G.
Datta, Mr. Akhil Chandra.	Raza Ali, Sir Syed.
Desai, Mr. Bhulabhai J.	Reddiar, Mr. K. Sitarama.
Deshmukh, Mr. Govind V.	Satyanarayana Moorty, Mr. A.
Essak Sait, Mr. H. A. Sathar H.	Sham Lal, Lala.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.	Siddique Ali Khan, Nawab.
Gauri Shankar Singh, Mr.	Siddiquee, Shaikh Rahuddin Ahmad.
Ghiasuddin, Mr. M.	Sinha, Mr. Satya Narayan.
Habibar Rahman, Dr.	Sri Prakasa, Mr.
Hegde, Sri K. B. Jinaraja.	Srivastava, Mr. Hari Sharan Prasad.
Hosmani, Mr. S. K.	Subbarayan, Shrimati K. Radha Bai.
Ismail Khan, Hajee Chowdhury Muhammad.	Yamin Khan, Sir Muhammad.
Jehangir, Sir Cowasjee.	Yusuf Abdoola Haroon, Seth.
Kailash Bihari Lall, Mr.	Zafar Ali Khan, Maulana.
Krishnamachari, Mr. T. T.	Zia Uddin Ahmad, Dr. Sir.

NOES—40.

Ahmad Nawaz Khan, Major Nawab Sir.	Joshi, Mr. S. C.
Ambedkar, The Honourable Dr. B. R.	Kamaluddin Ahmad, Shams-ul-Ulema.
Azizul Huque, The Honourable Sir M.	Kushal Pal Singh, Raja Bahadur.
Benthall, The Honourable Sir Edward.	Lawson, Mr. C. P.
Bewoor, Sir Gurunath.	Mackeown, Mr. J. A.
Bhagchand Soni, Rai Bahadur Sir Seth.	Muazzam Sahib Bahadur, Mr. Muhammad.
Caroe, Sir Olaf.	Piare Lall Kureel, Mr.
Chapman-Mortimer, Mr. T.	Raisman, The Honourable Sir Jeremy.
Chatterjee, Lt.-Col. Dr. J. C.	Ram Chandra, Mr.
Daga, Seth Sunder Lall.	Richardson, Sir Henry.
Dalal, Dr. Sir Ratanji Dinshaw.	Roy, The Honourable Sir Asoka.
Dalal, The Honourable Sir Ardeshir.	Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Ghuznavi, Sir Abdul Halim.	Siva Raj, Rao Bahadur N.
Gwilt, Mr. E. L. C.	Spence, Sir George.
Habibur Rahman, Khan Bahadur Sheikh.	Srivastava, The Honourable Sir Jwala Prasad.
Haidar, Khan Bahadur Shamsuddin.	Stokes, Mr. H. G.
Imam, Mr. Saiyid Haidar.	Sultan Ahmed, The Honourable Sir.
Inskip, Mr. A. C.	Thakur Singh, Capt.
Ismaiel Alikhan, Kunwer Hajee.	Tottenham, Sir Richard.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Tyson, Mr. J. D.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): Are members moving these amendments? No. 4 is barred. No. 5.

Mr. T. S. Avinashilingam Chettiar: Sir, I move it in a slightly altered form, of which I have given notice already. I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final'."

It is the same thing as was moved on the last Bill. I have nothing more to add.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final'."

Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural): Sir, I think there is a slight misapprehension about this amendment that has been moved now. Unless there is a special appeal provided from the adjudicator or the committee to a proper court of law, it is a very cumbrous procedure. What was really intended was that any decision arrived at by that kind of adjudication was not to affect any rights which were otherwise enforceable in a civil court; and I believe it was intended at one time to put in there the words "without prejudice to any jurisdiction otherwise exercisable by a court of law, be final"; and I would suggest to the Government that they can accept that, or that "nothing in this sub-section will oust the jurisdiction of a proper civil court"—whichever they prefer.

Mr. Ram Chandra: Sir, I have no objection to accepting either the amendment which was accepted in connection with the Bill amending the Indian Army Act or this amendment, namely that for the words "be final" the following be substituted: "without prejudice to any jurisdiction otherwise exercisable by a court of law, be final".

Mr. T. S. Avinashilingam Chettiar: In that case, Sir, I will withdraw the amendment I have moved and will move the other one. I ask for leave of the House to withdraw that amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. T. S. Avinashilingam Chettiar: I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

Mr. Ram Chandra: I accept the amendment.

Mr. M. Ananthasayanam Ayyangar: I think it would be more convenient, instead of trying it as a regular suit, to leave it open to the representatives of the deceased officer to go to a court of law and file an appeal for recovery of such amounts as have been improperly or wrongly debited to the estate of the deceased and therefore I wanted to provide a simple remedy of appeal to the district court. It could have been easily done this way by saying—subject to appeal as prescribed or in the prescribed manner. This may be done under the rules, section 126 gives power to the Central Government to frame rules in accordance with the provisions of this Act wherever the rules are necessary. That would have been easy.

Mr. E. L. C. Gwilt (Bombay: European): May I ask whether that amendment has been circulated?

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

The motion was adopted.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I am moving my amendment in a slightly altered form, to conform to the technicalities. I move:

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

This is the same as was moved on the last Bill and I do not think I need say anything on it.

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

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

Mr. Ram Chandra: I accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"*That clause 2, as amended, stand part of the Bill.*"

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Ram Chandra: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. T. S. Avinashilingam Chettiar: Sir, I just wanted to ask a question—a question which was not answered properly when I put it on another occasion. The question I put was that this Bill, as apart from the other Bill which applied to Indian Commissioned Officers, applies to all officers or men in the Indian Air Force, and I see in section 2 of the Indian Air Force Act that it refers to officers and warrant officers of the Indian Air Force. What I wanted to know is whether this Act applies also to British officers and officers of nationalities other than Indian, if they are employed in the Indian Air Force. The reply he gave was that there were no non-Indians in the Air Force. Is that so?

Mr. Ram Chandra: It applies to any one who is subject to this Act.

Mr. T. S. Avinashilingam Chettiar: I want to know whether this Act will apply to British officers if they are employed in the Indian Air Force. The Indian Act does not apply to English officers in the Indian Army. I want to know whether the same thing will happen to British officers in the Indian Air Force.

Mr. Ram Chandra: There are no British officers in the Indian Air Force. If for the sake of argument there were any, this Act would apply to them.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): These British officers in the Indian Air Force are attached to the Indian Air Force?

Sardar Mangal Singh: We have now provided for the disposal of the property of Army officers and Air Force officers. I want to know what Act will be applicable to officers of the Indian Navy. Is it governed by the British Army Act? Now, they have fixed the word 'Royal' before the 'Indian Navy'. Is it a fact that navy officers and other ranks are governed by the British Army Act? Will the Defence Secretary bring forward a similar Bill to cover the cases of officers of other ranks in the Navy?

Mr. Ram Chandra: I am afraid I cannot answer this question straight off. I should like to examine it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT FOR 1945-46—RAILWAYS.

DEMAND NO. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES

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

"That a supplementary sum not exceeding Rs. 82,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1946 in respect of 'Working Expenses—Miscellaneous Expenses'."

This supplementary grant is moved in accordance with Rule 50(2) of the Indian Legislative Rules and Para. 167 (ii) of the Manual of Business and Procedure.

In presenting the Railway Budget for 1945-46, I included in the Revenue Estimates under Demand No. 6-G, Miscellaneous Expenses—an item of 82 lacs for road services. This particular item was intended to cover certain road services which are already running as well as certain projected services for the relief of the existing congestion of goods and passenger traffic on the railways during war time. The scheme or schemes for which this demand was intended have been explained on pages 99 to 101 of the Proceedings of the meetings of the Standing Finance Committee for Railways held on the 29th and 30th January, 1945.

The House will recollect, however, that my Honourable friend Sir Muhammad Yamin Khan on behalf of his party moved a cut motion and in the course of the debate it became apparent that the House did not feel that it had been fully informed either upon the objects for which this demand was made or upon Government's general policy on post-war road-rail co-ordination with the result that the cut motion was passed by the House. I freely acknowledge that the House might have been more closely seized of the issue had a Government spokesman intervened at an earlier stage of the debate and explained the objects for which the demand was actually made. I also recognise freely the desire of the House to be fully informed on Government's post-war road transport policy in view of the importance of the subject and the interest which has been taken in it throughout the country.

After consulting the Party Leaders regarding the situation which has arisen as a result of this cut motion, Government have decided to place this supplementary demand before the House with the two-fold object, first, of satisfying the House regarding the objects of the particular grant in question and, secondly, of amplifying certain aspects of Government's post-war policy which have arisen out of the previous debate.

The main considerations on which the Railway Department has inaugurated or proposes to inaugurate, as a short-term war-time policy, road services to be operated departmentally or on a contract basis and for which they tabled the demand for 82 lakhs in the Budget are the following:

(i) The relief of congested sections of railways for the movement of essential goods traffic.

(ii) The provision of supplementary transport facilities where railway capacity is insufficient to ensure movement of essential goods, which would not otherwise move, between particular points.

(iii) The relief of overcrowding.

(iv) The saving of wagons and line capacity, power, etc. The services already running are as follows:

(1) A goods service of about 42 lorries operated by the B. & A. Railway between Siliguri and Bagrakote for the conveyance of coal in one direction and tea in the other, for the relief of traffic on the L. of C. to the Burma front.

(2) A goods service of 50 lorries operated by the E. I. Railway, between Howrah and Asansol for the transit of 'smalls' traffic.

(3) Express goods service between Lahore and Nagrota and Lahore and Multan operated by the N. W. Railway.

(4) A parcels and goods service of 20 lorries between Poona and Bombay operated by the G. I. P. Railway.

(5) A service of 25 lorries to carry perishables and essential goods between Ootacamund and Coimbatore to relieve the hill section of the S. I. Railway.

The further services projected are:

(a) A passenger and goods service between Calcutta and Jessore and Ranaghat to relieve the congested broad gauge section of the Lines of Communication.

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(b) Two bus services between Dacca and Narainganj and Shantipur and Nabadwip on the B. & A. Railway.

(c) A goods service between Lucknow and Cawnpore of 32 lorries.

(d) A parcels service between Madras and Bangalore to relieve the pressure of heavy military traffic.

(e) A passenger service between Ootacamund and Mettupalayam to relieve the hill railway.

The House will observe that none of these projects involves any long-term policy except to the extent that the railways will be owners of buses or lorries which will either have to be disposed of or employed on some other post-war project when the congestion on these sections no longer exists. I trust that the House will agree that the relief of congestion by these means, which was asked for by the Central Advisory Council for Railways, is an object for which the demand should be granted and it is permissible to express the regret that more vehicles are not available to relieve the intolerable strain on present-day passenger and goods congestion.

Turning now to the larger question of post-war policy, I circulated to members of the House in moving the original Demand a copy of a speech to the Post-War Policy Committee which set out the policy of Government. I welcomed the debate in the House as an opportunity to explain this policy further and I welcome the present opportunity for the same reason. As a result of the previous debate and of discussions with the Leaders of the Parties in the House, I recognise there are a number of points of principle which the House, and indeed the country, would wish to have further clarified.

The question of post-war transport policy is a most important subject upon the principles of which Government are anxious to obtain the maximum possible agreement. The subject has in the past proved most controversial and it is unquestionably a most complicated problem, involving as it does not only Central Government policy but the policy of Provincial Governments and the rights of individuals, be they road operators or members of the public using these services. It is a problem which will require considerable statesmanship and patience spread over a number of years if we are to secure the orderly development of transport for the country's welfare. I am anxious therefore that we should embark on this problem with a country wide understanding of Government's policy and with the maximum possible agreement in the House, as only in this manner can our united energies be directed towards a satisfactory solution.

I will now deal with the most important points of principle. There has been general agreement both on the Transport Advisory Council, on the Post-War Transport Policy Committee and in this House on the need for co-ordination between road and rail. The alternatives to which I referred in the speech which I circulated to members are acceptable to no one. A unified control of transport throughout India is at present Utopian, contrary to the existing Constitution Act and might well turn out to be a Frankenstein, to use the phrase of the Leader of the Opposition. A policy of *laissez-faire* or cut-throat competition equally is not calculated to lead to the orderly development of transport.

In these circumstances there is, I believe, now a large measure of agreement that the closest integration of road and rail interests is likely to be secured by the railways taking a financial interest in road transport not so much for making profits as for securing good co-ordinated service to the public. Certainly some of the Provinces have not yet accepted this proposition and the House will recognise that the Central Government are not free agents in this matter since the executive authority on motor transport is Provincial. The Central Government will, of course, respect the views of the Provinces, but they will try to reconcile them with their own and to persuade them by argument to accept a common policy. If this House can give a lead, it may be possible, having regard to the views already expressed by many Provinces, to evolve in harmonious agreement a general all-India policy modified as necessary to meet the views of particular Provinces.

There appears to be also a large measure of agreement that the best way to proceed is to form in each Province a number of road operating companies in which road operators, the Centre and, where they wish to, the Province will each have a financial interest which will vary according to the different circumstances of each particular case. There is wide scope for variety throughout the length and breadth of India having regard to the fact that we propose to proceed not in any way by regimentation but by negotiation with the Provincial Governments and the road operators. I have no doubt that this policy is best designed to protect the Central and Provincial Government finances, to provide for an orderly development of road transport with more efficient services to the public than unco-ordinated competition would permit, while at the same time offering the best prospects of reasonable profits to road operating companies and railways and reasonable employment in managerial or operating posts to the existing road operators.

I have several times stated clearly that it is not the intention of the railways to secure a dominating interest. All that they seek is an interest sufficiently substantial to make it worth their while to co-operate financially. That, of course, does not exclude a major interest in a particular company where the Provincial Government is in agreement and/or sufficient capital is not forthcoming from the public. It should be quite clear:

(a) that railways do not seek to dominate road transport policy in any way;

(b) that joint companies such as are proposed will come under the authority of the Provincial Transport Authority under the Motor Vehicles Act, 1939, as much as any other road transport company; and

(c) that we shall endeavour to agree with the Provinces a code of principles to govern the operation of road services to be applied by Provincial Transport Authorities in co-operation with the railways.

Generally speaking, the Central Government feel that there should be no supremacy of any one interest in these companies whether it be railways, the Provincial Government or any large capitalist interest. The best policy is that all interested parties should combine to operate a route or an area in which case, of course, the company might be given sole operating rights over that particular route or area so that in the latter case the company may work the unremunerative as well as the remunerative routes. Care must be taken to see that no particular interest secures a hold over the country's road transport, which would be contrary to the public interest. In saying this, however, I do not wish in any way to impinge upon the freedom of the Province to decide whether or not it should itself adopt State or Provincial ownership of the transport within the Province. That is for the Province to decide although the Central Government will do their best to persuade such Provinces that a combine is in the best interests of the country.

Discussions have shown that the House feels strongly upon two things, that large capitalist interests outside the motor transport trade should not be allowed to seize this opportunity to secure a hold on the country's transport and that existing road interests must be protected fully provided that their demands are reasonable. The Central Government emphatically supports these two objectives We will guard against the first and will attempt actively to negotiate that existing operators shall receive shares or stock in the companies equivalent to their existing assets in road transport at a fair valuation or the equivalent in cash. Shares offered to the public will be spread over as large a number of shareholders as possible with, if it can be arranged, a restriction on the voting power in order to prevent individual capitalists from securing a controlling interest. As regards employment in the companies, preference will be given to those who are already directly employed in the existing road services if they are qualified for the work and in new development also to soldiers returning from the war.

There is another point which was forcibly expressed, notably by the Leader of the Opposition, namely, that the interests of bullock cart owners must be watched and that bullock carts must not be so detrimentally affected by

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Central and Provincial motor transport policies as to upset rural economy. This is an important point to which we propose to draw the attention of Provincial Governments since possibly in the enthusiasm for road and road transport development this point has not been fully examined.

Finally, the discussions have shown that there is considerable consensus of opinion that in the formation of road transport companies, managing agencies should be avoided. The Central Government is in agreement with this opinion and will negotiate further arrangements on the basis that companies are managed by managing directors or managers, preferably on a salary basis, under a Board of Directors. This principle is fully accepted by Government, but it is possible that certain Provincial Governments or certain railways may have already gone so far with negotiations with road transport interests that they are to a large degree committed to a managing agency. I undertake, however, that any case remaining open will be specifically placed before the Standing Finance Committee for Railways for their approval before an agreement is finalised.

I trust that after hearing this further explanation the House will agree to the supplementary demand for the purposes which I have specified. With regard to the post-war policy I am satisfied that Government's policy embraces the maximum possible measure of agreement. If the House accepts the supplementary grant, Government will assume that the House gives general agreement to the policy. I shall then proceed to address Provincial Governments to urge on them the acceptance of the principles laid down where they have not already accepted them. Sir, if the House is prepared to give its general backing to this policy, this Government can embark on it as trustees for the future with confidence that with patience and goodwill a new era of transport development and of road-rail co-ordination will be inaugurated in the general interest of the country for years to come.

Sir, I move.

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

"That a supplementary sum not exceeding Rs. 82,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1946 in respect of Working expenses—Miscellaneous Expenses'."

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, my Honourable friend the War Transport Member has in his closing remarks made the position of people like me rather difficult. I was given to understand by my Leader that so far as my party was concerned they were committed to approve of this supplementary demand in so far as it is assured that the expense incurred is for a definite purpose of urgent public importance and to get over a temporary difficulty created by the war that the approval of this supplementary demand would not mean approval of a policy which my Honourable friend has now sought to dovetail into his speech on this supplementary demand. Sir, the procedure is novel to me, with the limited parliamentary experience that I have. This House is persuaded to go back upon its expressly avowed decision, in the face of promises and arguments, which make the position, if anything, somewhat worse than what it was on the 20th February of this year. Then a cut motion which was moved by my Honourable friend Sir Yamin Khan sought to deal with certain definite and narrow issues. But what my Honourable friend the War Transport Member now seeks to do is to get the support of this House to a restoration of this cut of 82 lakhs, avowedly needed for a temporary and a very urgent purpose; and he seeks also to commit this House to what he said, finally—that he will treat the vote on this supplementary demand as an acceptance by this House of the policy outlined by him in his speech,—a policy which is so full of contradictions, so full of hopes, so full of hypotheses which might never come into being but would nevertheless involve committing this House to whatever the War Transport Member would interpret as being a policy to which this House stands committed.

3 P. M.

Sir, I am told that the cumulative wisdom of this House has approved of his proposals. I do not know how. I do not see how this House can, with its eyes open, agree to such a large number of propositions and such a large number of assumptions, irrespective of the various provincial interests involved and without any further examination of how those interests are affected. Sir, I thought that by the time the Honourable Member moved this motion I would be in a position to say, "well, you can have your 82 lakhs; it does not hurt me seriously. But let us stop at that. Don't carry us with you any further"; in which case, so far as I am concerned, my vote would be cast for the supplementary demand. But now after what the Honourable Member has said I am afraid I must decline to support this motion and must oppose it. Sir, I should like to say this; the sum of 82 lakhs is a large sum. What would arise out of it in the future because of the fact that the railways are getting into this trade by expending this as avowedly they are, is a legitimate question; nevertheless we need not worry about that now; I think the discussion had better be confined to the various assumptions which my Honourable friend has stated are connected with this problem. My Honourable friend has been at great pains, using his persuasive eloquence and his very amiable manners to reinforce them, to try to persuade us that the railways will be the guardian angel of the interests of the poor man, the small operator, and would not even countenance the elimination of these people from the roads and their being ultimately wiped out. And what has he promised? He has promised that the railways will participate with the provincial Governments, where they are wanted and with the road operators in a company, in which he has offered shares for these small operators; as if the remuneration they get out of these shares will be an adequate compensation for their loss of livelihood. He has also offered to employ them,—I do not know in what capacity. Are they to be employed as drivers or as conductors or as time-clerks? What is exactly the type of employment that he has in view for them? And along with these people are also going to be employed—he has said—those people who return from the war who have been employed as lorry drivers and in similar capacities. So in effect he wants those people who are now carrying on in some cases an independent trade of their own to become just coolies; and that is exactly what his offer really comes to.

Sir, I would ask permission of the House to take the House a little further behind this proposition. It has happened in the past that systematically the small operator has been pushed out of the road by powerful interests, and the Provincial Governments have not been able to protect the small operator, notwithstanding the fact that they could by means of the powers vested in them by the motor vehicles act refuse licenses and even to give permits to new comers in the field. One firm in my part of India had a very novel way of doing this. They were large importers of motor vehicles, owners of workshops and body-builders. They invariably persuaded these small operators to buy buses from them on hire-purchase terms and, as inevitably happens, those hire-purchase people fail to pay one of those instalments; the lenders then foreclose and take possession of the vehicles and then bargain with those operators for the surrender of their permits. So much so that from merely being motor traders and workshop owners they became ultimately owners of large fleets of buses operating all over the country. And, Sir, it is with these firms that the Railways in my part of the country are trying to negotiate the formation of road operating companies, and where does the small owner come in. Where is the elimination of the managing agent about whom Members in this House had expressed great fears, and how does it really benefit the economy of this country if the manager of a Road operating company, with which the Railways are going to collaborate, happens to draw a salary of Rs. 10,000 per month free of income-tax? Is this safeguard against the managing agency system of any use? I will ask the Honourable Member if he is in a position to categorically deny that the Madras and Southern Mahratta Railway, and possibly the South Indian Railway, are not now in correspondence with a firm whose

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manager gets a salary of Rs. 10,000 per month free of in income-tax, and whose Assistant Manager gets a salary of Rs. 7,000 per month free of income-tax, and what is the meaning of all these promises which he has made when he and his department have not either got the capacity or the personnel to see that they are implemented.

Sir, I have in my possession another set of facts which shows how gloriously alive to its responsibilities the War Transport Department is. The War Transport Department, by reason of the war, has canalized the import of vehicles, the import of spare parts and accessories through the department and they work through two big firms—the General Motors and the Ford Motor Company—and through them they work through a chain of dealers all over the country. These dealers are safeguarded in the matter of Supplies as against quotas based on their previous imports; they are given spare parts in accordance with their previous imports. It is true that a number of people who had no dealing either with the Ford Motor Company or with General Motors have been wiped out of business, but that was incidental. It happens that the Ford Motor Company changes its mind one day and says 'we are going to upset our agency organisation' the War Transport Department is not consulted or if it is consulted it does not try to bother about it. In Madras the Ford Motor Company changed their dealers. They had 11 dealers originally. What happened was that a firm—who were already agents of the General Motors—bought over a firm in Ootacamand which happened to be one of the eleven Ford Motor Agents, a company called George Oakes and this has been appointed dealers for Ford Motors for the whole province so that barring George Oakes the ten other firms have been wiped out. One of these ten has since sold their business to this George Oakes. There are nine people adrift. Out of these nine, eight happen to be Indians and one has Anglo-Indian name. What happens to the future business of these people who ought to by right get a quota of vehicles and spare parts? How has the War Transport Member safeguarded the interests of these smaller people? These are the experiences that we have before us from which we can judge the capacity, the integrity and the goodwill available in the War Transport Department to implement all those profuse promises that my Honourable friend made today and which he hopes to make gullible people in this House to swallow. I would say that if the Honourable Members of this House accept my Honourable friend's words as hundred per cent. true and hundred per cent. sincere and also accept that there is behind it a capacity to implement those words, I must say that they would be extremely gullible indeed. Let me also say that I wish he had given us that written speech printed so that we could have dissected more closely the words of wisdom that fell out of his mouth and hold him on to the various promises that he has made on behalf of himself and his Government.

To proceed with the speech of my Honourable friend, my Honourable friend says that he fully recognizes the desire in the House to be fully informed about the Government's post-war policy and that he is out to satisfy the House about the Government's policy in the future. I would like to refer to one sentence in my speech on the 20th of February, while speaking on the same subject which undoubtedly the Honourable the War Transport Member did not even take notice of, because it was very inconvenient to him at the time. . . .(Interruption.) I would draw my Honourable friend's attention to page 562 where I have quoted his own speech:

> "Maximum co-ordination will be sought between road and rail interests, where possible, by the negotiation of financial participation by the State owned railways in reliable motor transport companies either existing or still unborn combined with the correlation of rates and fares", etc.

'Reliable motor transport companies etiher existing or still unborn'—I would ask the House to mark these words. The 'reliable motor transport companies still existing' will be those companies which have a lot of influence,

which can come to Delhi, which can see the Honourable the War Transport Member, which can persuade him and his colleagues in the War Transport Department as they are the best people to carry on this business of road operation along with railways, and who are capable of doing what I have already indicated they have done in Madras. There is the word 'reliable'—'reliable motor transport companies'. Is any poor man ever reliable? Could anybody in this House say that the poor sections of the people of this country are reliable? It is the only richer people who are reliable.

'Companies still unborn'—that shows that new companies will be formed, new operators will come in. My Honourable friend, Nawab Siddique Ali Khan, in his speech on the last occasion told us what is happening in the Central Provinces: People who had no experience of road transport, who were just sellers of motor vehicles and spare parts, have participated in companies that have come into being under Government auspices in the Central Provinces; they are doing the same thing, I understand, in the Southern portion of Bombay. I told the House how it happened that a firm of Motor traders have come into road transport business in my part of the country. Then what is the use of the promise that my Honourable friend holds to us that small operator will still be protected?

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): He will negotiate with him.

Mr. T. T. Krishnamachari: Negotiate with whom?

Mr. Manu Subedar: The small operator.

Mr. T. T. Krishnamachari: He is not going to get at him. My Honourable friend says, 'if he (the private operator) does not want to come into my scheme, we will leave him alone', perhaps to be ultimately squeezed out and to disappear. If the small operator is working he can become a driver, a conductor, a time clerk, or he can be employed in the office of the new big companies. . . .

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): He can participate.

Mr. T. T. Krsihnamachari: He who pays for the piper is entitled to call for the tune!

The Honourable Sir Edward Benthall: I do not think the Honourable Member has listened very carefully to my speech. What I said was that "this scheme offers the best prospects of reasonable profits to road operating companies and Railways and reasonable employment in managerial or operating posts to the existing road operators."

Mr. T. T. Krishnamachari: I had the benefit of reading a draft of the speech of the Honourable Member. His speech starts with this 'reasonable participation in managerial posts' and subsequently he clubs the smaller operators alongside with those people who are going to be demobilized from the army and for whom employment has to be found. My understanding of the English language is not perhaps as perfect as my Honourable friend's because that is his native language, but, nevertheless I have no hesitation in saying, he has been contradicting himself. I do not want to take the time of the House any longer. But I would say that I do not think my Honourable friend has made out a case so far as what he has stated in this House is concerned with regard to the financial participation by the railways in the road transport of the country. If it happens that the railways can take over the entire system of motor transport in this country and run it, and that we have adequate checks, and that my Honourable friends on my right are to go over to the Treasury Benches. I may perhaps agree. But as things are I am reminded of a story of two boys, one of whom was clever and the other was a dud. The clever boy told the dud: "You bring rice from your house and I shall bring husk from mine. We shall mix the two and then we shall blow up the husk and share the rice equally". That is the kind of participation that my Honourable friend has apparently in mind. If he says that ultimately the railways are the only organisation in this country that can run

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the road transport and that nobody else should do it, if the whole road transport is taken over by the railways, we may have a system which may run a bus in one area one day and stop it tomorrow because of want of petrol or tyres. My Honourable friend arranges for trains to stop in one halt station today and not to stop at the same halt station tomorrow. If people send frantic telegrams he replies that the local Agent or Manager has discretion in the matter. But they listen only to those who have powerful influence. I am afraid my Honourable friend, Mrs. Subbarayan, has certainty more influence with the railways and its Agents than I have because in the areas within her constituency where they have discontinued stopping trains at halt stations she has been able to get them to resume stopping trains at those stations while I have failed to obtain similar facilities for my constituency. What will really happen is that big companies and other companies which are owned and run by Europeans or companies owned and run by people who are in close association with big European firms will ultimately get a grip over the whole business. I saw in the newspapers the other day the skeleton of a scheme being evolved in the United Provinces wherein railway participation would be 45 per cent. Provincial Government participation would be five per cent. and the rest would be the share of road operators. And I happen to know that the particular gentleman in the United Provinces Civil Service who is taking such a keen interest in this manner has in mind perhaps some European vagrant and whom he wants to help. In the case of the erection of power alcohol plants, in that province I know that the same official was trying to canalise the idea.

I would like to warn the House that if the principles enunciated by my Honourable friend are accepted then with that goes every chance of Indian companies running a road transport system. It would mean that those people whom the War Transport Department favour would control the operation of Road Transport in this country. These would appoint their men and the War Transport Department would not interfere. The appointment of dealers is also in the hands of the War Transport Department. The War Transport Department will not interfere if it happens to be a big European concern. Even if it wishes to interfere it can be neutralized by the interference of big interests or by a letter from some big gunernatorial official. And this is the state to which my Honourable friend wants us to agree to reduce the whole system of Road traffic operation in this country. My Honourable friend in a sweet and suave manner referred to the wise words of the Leader of the opposition in winding up the debate on the last occasion and agreed with him that a Frankenstein should not be created and the bullock cart owner must also be preserved. We on this side have always to find some alternative method of occupation for the poor of this country to whom the bullock cart provides a subsidiary income; but when my Honourable friend says I agree with the Leader of the opposition then it makes us suspicious. Is he going to give the bullock cart operator a share as well in his new scheme?

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): How many bullock carts will there be left after the war?

Mr. T. T. Krishnamachari: If sweet words are thrown in to sugarcoat a proposition which in its very essence is all wrong and unacceptable to the bulk of the people of this country, then I think one ought to take every word that comes out of the mouth of my Honourable friend with a grain of salt. Is he going to start a fund for the upkeep of bullock cart operator? Is he going to buy him carts with rubber tyres capable of greater haulage? What is the use of spouting sympathies for the poor people of this country, like my Honourable friends on my left who always out to support the masses of this country: and apparently my Honourable friend who is the natural leader of this group wishes to join in the chorus and say that he agrees with the Leader of the Opposition. His Chief, Lord Wavell, said some time back-

"we do not want the bullock cart economy to continue we want a Jeep economy". How does my Honourable friend synthesise these two statements? I warn the House not to accept the glib promises of my Honourable friend and unless he is going to say categorically that the grant of this particular supplementary demand has nothing whatever to do with the House either sympathising with or accepting the policy of road-rail co-ordination which he explained or propounded at such great length, I am afraid I must continue to oppose the motion before the House.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I am very much obliged to my Honourable friend, the Member in charge of the War Transport Department, for giving a full explanation to this House about the Rs. 82 lakhs which is going to be incurred for the purpose that he has mentioned. I think the House has gained a great deal not only by not allowing a sum which was not fully explained but a great point has been gained in that the Road transport policy has been brought on the floor of this House and the House can now express its opinion thereon. My Honourable friend has very clearly shown what is the policy of the Government of India, at least on road-rail co-ordination. Of course I am not concerned with what the policy of the different Governments is. But we want that the policy of the Government of India should be one which should be, as far as possible, enforced on the Provinces. If the Government of India is strong in enforcing it, then the Provinces are bound to follow. They cannot easily ignore that policy. This we want to be laid clearly before this House.

As far as the 82 lakhs are concerned, my Honourable friend has given two categories: (1) where buses are already running, and (2) those that are proposed to be started or to come in. I have got no remarks to make on the former. But as far as those which the Honourable Member proposes should come in or proposes to start, I fully realise that there is a great congestion in the country and we do require that congestion to be relieved, because we notice every day that it is not only passenger traffic that has increased but the goods are lying without being transported from place to place. Therefore I welcome this policy that as far as the Government can take part in relieving congestion, they are welcome and they will receive our full support.

One point which I want to make is this. He said that it might be given on contract. As far as railways are working them I am in full agreement but I could not understand what the Honourable Member means by the words 'on contract basis'. Contract can be of two kinds. One is that the railways possess their own lorries and they give to some other person to work on the basis of contract, that he will charge so much money to himself and will give the rest to the Government. Or he may enter into an agreement that he will pay to the Government so much and will keep the rest in his pockets. There can only be two kinds of contracts. On this I want further elucidation either here or before any commitment is made I should like this matter to be explained fully in the Standing Finance Committee for Railways. Entering into any contract which may really not be in the interests of the tax-payer will not be advisable. I will say that as much money should come to the taxpayer as is possible, because after all this will be the taxpayers money which will be involved in this venture.

As far as the policy which has been laid down in great detail is concerned, I am not going to go into all those details into which my friend Mr. Krishnamachari has gone but I would like that a few broad principles may be either explained here now or in the future, whatever the Honourable Member may choose. If he has not come to any definite conclusions now, then of course they may be explained later on. But if he has come to any conclusion these principles must be explained fully now. If any line is worked as a joint concern by three bodies, that is the Railways the Local Government and the Company which will be formed, the company will consist mostly of operators and I think the financier who may like to help them later on. Who will be the directors of this company? How will the directors go from the

[Sir Muhammad Yamin Khan.]

Railway? Who will select the directors on behalf of the Railways? If the railways are not going to send their own directors, how will they exercise their right of vote according to their investment? How will the Local Government, select their directors? How will they exercise their right of vote? I can presume that if there is a company which is worth being called a company and capable of managing the concern on any line properly, certainly that company will have their own directors. They will be very much interested to save every penny and make as much money as possible, because it will be to the shareholders' gain and it is their living. But the directors who represent the railways will not be so much concerned what benefit they will bring to this company, because it will be in the interests of the people who have entrusted their capital. It is one thing having your own capital and it is a different thing to work with other persons' capital, that is the taxpayers' capital. We know that the railways which are managed by the Government are in a different position from the railways which have been managed by companies. The companies try to save as much money as they can. The Government management is trying to spend as much as they can. Therefore the policy and the outlook are absolutely different. This point therefore has to be very carefully considered. That is why I was fearing that those people who will not be much interested personally in the welfare of the company will not be desirable. I would make a suggestion that if a company like this is formed and the Government only helps in voting its directors of the company who come from the public and exert their influence and examine their accounts properly, that will be more healthy than appointing Government men themselves as directors and taking out the management from the hands of those who are vitally interested in making every penny out of the profit.

The next point is that the Honourable Member says that existing interests will be safeguarded. The existing interests are very many at present. There are not only the operators themselves but there are people who are engaged in the motor trade. There are importers there are dealers of the motor lorries as well as of the spare parts. What will happen to these people I do not know. If the Government and the Railways have an upper hand, why could they not import cheap cars in large quantities and try to save as much money as they can which now goes to the middleman. If the Government becomes the shareholder, then necessarily every additional advantage should be tried to be brought to the tax-payer and should not be allowed to go to the man who works as a middleman. In a large number of cases the lorries will be imported by the Government and this means affecting the trade which is at present in the country. The spare part dealers will also be affected and in this category as far as motor trade is concerned we have to take that into consideration.

The Honourable Member says that as far as possible (and he uses the words "if two things equal") then they will go to this man if he is fit. (He is at present an operator or a motor driver himself). If they were not fit, they would not have been working. In a question of policy which we lay down we should not have these ambiguous words which have been the cause or great trouble, because fitness of a man is judged according to the light in which the judge takes it. I may call a man quite fit and the other person may just as well call him unfit and *vice versa*. If, instead, you reverse the process and hold that as long as the man does not become unfit he will be employed, that will safeguard a great deal all the existing interests of those people who are already in the service. As far as the principle is concerned I agree, and I do hope that the Honourable Member and the Government of India will exert their influence and make all the local Governments to agree to this principle and to accept one policy which should prevail throughout India without prejudicing the interests of the people who are engaged at present.

I do not want to go into the deep question which the Honourable Member has gone into, namely, the bullock cart and the competition with bullock. I know—if I may be premitted by the Honourable Member who himself presided

over that meeting—that the Policy Committee was not anxious to deal with those roads so much where bullock already operates. The lorry will not affect, but it will raise the economy of the villages a great deal without affecting in any way the bullock cart and the bullock. You can never compete with the bullock cart, and the bullock cart cannot be affected because the bullock is an essential animal for agricultural operations, and in the spare time which the cultivator has got he uses his bullock for the purpose of carting goods from his own village to the market. Therefore, Sir, I think there is nothing very dangerous now left in this policy which has been laid down by my Honourable friend Sir Edward Benthall.

I agree to most of the principles he has laid down, but of course details will come later on, and we shall consult every now and then about the working of the details which will be placed before this House. I do not know what procedure he will adopt, whether he will place the details before this House, or whether he will carry them to some other Committee. As far as he has just now explained, some of the matters will require further elucidation, and they will be placed before the Standing Finance Committee for Railways. I quite agree with him that everything involving operating or purchase of any kind, may be of locomotives or of other materials, should go before the Standing Finance Committee for Railways. Sir, on these lines, I give my general support to the proposals which have been made.

Sir F. E. James (Madras: European): Sir, I should like to say a word on this auspicious occasion. I will not detain the House long, but I should like to tell my Honourable friend, Mr. Krishnamachari, that this is not the first time that an event of this kind has taken place in parliamentary history. My mind goes back a few years to the time when I was a member of the Bengal Legislative Council. Then the Finance Member, Sir James Donald, moved a supplementary demand for a large sum of money to provide what is now known as the Willingdon Bridge with roadways. Unfortunately, the Honourable Member, in presenting the demand, spoke in the vernacular which was Scotch, and as practically none of the members in the Bengal Council at that time understood that language, it was thrown out; in fact it was thrown out of the window. But then the members felt that they had gone a little too far, so they had a meeting in the building of the Asiatic Society, and they decided to ask Government to restore the grant and to bring forward another supplementary demand, subject to this condition that on this occasion the speech should be delivered in English, and that copies thereof should be circulated before hand.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): It would have been better if these suggestions had been circulated beforehand: we could have followed better.

Sir F. E. James: Anyhow it is my fortunate lot that I should have the privilege of participating in a similar auspicious occasion. I must say that Mr. Krishnamachari was a little too harsh on my Honourable friend, the War Transport Member, because it was at the specific request of this House that in moving this demand this afternoon, he not only explained the reasons for the particular item covered by the demand, but also made some observations of a general character on the principles which the Government of India propose to follow in dealing with the vexed question of road-rail competition. Now I have very carefully examined this statement of the Honourable Member.

An Honourable Member: How did you get a copy?

Sir F. E. James: I understand that copies of the statement were made available to the Leaders of Parties.

Mr. B. Das (Orissa Division: Non-Muhammadan): Are you a Leader? How did you get it?

Sir F. E. James: Our Party being the only truly democratic party in the House, took the opportunity of taking off a number of copies so that each individual had one copy. Therefore, I think—probably I am right in saying—that this is the only well informed party in this particular subject.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Not only well-informed, but also well financed.

Sir F. E. James: In the course of the discussion on the last debate on the subject, I made one or two observations, and I should like to refer to these if the Honourable Member will not mind. In the first place he describes the second part of his present statement as a description of the Government of India's post-war transport policy. I think perhaps that is a slight exaggeration: what it realy is a statement of their policy with regard to the vexed question of road-rail competition or co-ordination, because, as I ventured to suggest in the last debate, the Government of India will find it very difficult induced to develop a comprehensive transport policy for post-war circumstances, until they have dealt with certain other over-riding considerations which not only affect my Honourable friend's Department, but others, such as strategic considerations, and their policy for industrial and agricultural development, and so on. Therefore I think that we should remember that this statement of policy relates only to one facet of the general question of transport after the war. Then, on the last occasion I made two points—first, I asked the Honourable Member if it was his contention that the transport of goods on long distance routes should be the sole monopoly of the railways; and I am satisfied with his reply that he has no such intention, because he says that generally speaking the Government of India feels that there should be no monopoly by any one interest, in these companies, whether it is railways, Provincial Governments or any large capitalist interests—that the best policy is that all interested parties should combine over a particular route or area, in which case of course the buying company might be given sole operating rights over that particular route: he goes on to say—

"Care must be taken to see that no particular interest secures a hold over the country's road transport which will be contrary to public interest."

I take it that covers the point which I raised on the last occasion. (I am reading extracts from his speech.)

The second point was that I was not quite sure what my Honourable friend meant when he referred to the railways acquiring a substantial interest, if necessary, in some of these road operating companies. I ventured to tease him and suggested that although he had been a business man for many years, his more recent association with bureaucracy had perhaps led him to adopt a form of English which was designed to prevent him committing himself one way or the other. Now, what is the answer to this question of mine that he gives in his present speech? His answer is that all that the railways seek is an interest sufficiently substantial to make it worth their while to co-operate financially; and then of course, he goes on to say hastily, in order to safeguard his retreat from that position, that does not of course exclude a major interest in a particular company where the Provincial Government is in agreement or where sufficient capital is possibly not forthcoming from the public. I would like to ask him if he could and if he dare be a little more explicit than that. How does that operate? What interests would really attract him, a financial, from the financial point of view? What does he mean by an interest sufficiently substantial to attract his acquisitive mentality? I can understand that in a very large company with a capital of a crore of rupees, 25 per cent. is quite a substantial interest; but in a one man show where there is a bus worth Rs. 4,000, 25 per cent. is not what I would describe as a substantial interest. Surely it depends very much on the capital structure of the company and upon the size of its capital; and I think the House would be interested to hear from my Honourable friend how he would interpret that statement—it is a little vague.

Finally, I would congratulate my Honourable friend, and indeed if I may venture to do so, this House, upon the excellent example in this instance of the virtues of responsibility. Here we had an Honourable Member who presented a demand to the House but gave little rhym or reason for it—or at least the House did not think so, because they threw out the whole demand, which was not perhaps their original intention. However the entire demand went out through the window; and then every body began to think that this was leaving the Government, the Provincial Governments and some of the operating companies which had already entered into commitments, in a rather difficult position; and so the Government and the Leaders of the Opposition came together and they consulted one another and they decided on what the Honourable Member should say on what other Members should say, and here we have the ceremony which I think does great credit to the heart and head of this House? May I hope that it be tokens an approach of the parliamentary mentality to the Honourable Members on those benches? I am not surprised at this in the case of my Honourable friend the War Transport Member, because I understand that he was or is an adopted candidate for one of the more pleasant and docile constituencies in the United Kingdom so this essay, in parliamentary responsibility in respect of the demands of an opposition will stand him in good stead when, as I hope will happen one day, he is elected to the mother of parliaments, where the opposition knows exactly what to do with its government, when it does not like it.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, it is not very often that I find myself in agreement with my Honourable friend, Sir Frederick James, though we are good friends for a long number of years; and this is one of the very few happy occasions in which I find myself in complete agreement, apart from the humorous side of it, so far as his observations in the matter are concerned.

Sir, thanks to the somewhat erroneous selection of the motion by my Honourable friend, Sir Yamin Khan, this trouble has assumed a number of aspects. In the first place, it is no doubt an admitted fact that the discussion on that particular demand went quite out of the actual terms of the cut motion but it must be the very shrewd tactics of my Honourable friend, Sir Edward Benthall, to have not drawn the attention of the President to the irrelevant discussion that was going on. However we are willing to accommodate Sir Edward Benthall to the extent that that was a wrong decision that the House took and that so far as that demand was concerned the House would be justified in reconsidering it and passing the demand. I take it that the Honourable Leaders of Parties here have agreed or entered into a compact with the Honourable War Transport Member only to that extent. I do not think the terms of the agreement went far beyond that arrangement even so far as to agree to the announcement of the road-rail transport policy in future. However, I have the assurance that the Leaders of Parties have agreed to the demand being restored. I hope you will excuse me when I say that the Leaders of Parties are like telescope who can see things only at a distance, whereas the back-benchers are always prone to see microscopically and examine all details and find out where the shoe pinches. It is not very often that we are able to persuade our leaders of the irritation and annoyance and the injustice that is caused to the general public owing to an omission there or an omission here. But in so far as I am now permitted to speak on this motion, I must be thankful to my Leader to have allowed me to express my opinion with regard to this policy. Whatever might be our observations, Sir Edward Benthall may congratulate himself that he is having his demand restored. There is no doubt about that. But if he thought that our voting for the restoration of the demand was also a vote in support of the policy which he has laid down, then and which he has repeated now only by varying the words, he is very much mistaken. I wish to call the attention of the Honourable War Transport Member to the three or four points which were raised during the last debate in connection with this road transport policy. I am suffering under a handicap that I have not had a copy of the statement which has been read out to the House by the Honourable War Transport Member. However, so far as I can recollect three or four points were made. In the first place, our plea was that the Motor Vehicles Act was quite enough to stifle or smother any competition

[Mr. Sami Venkatachelam Chetty.]

to railways from the motor bus service, and therefore additional protection for railways was not necessary. Secondly, if there should be any taking over of these services by the Railway companies, it ought to be particularly careful to see that the existing pliers are not elbowed out and that they would be taken into the organisation as far as possible. Thirdly, some Honourable Members pointed out that this matter should be left entirely to the Provincial Governments—to tackle the question in the best manner possible. Fourthly, it was said that the Transport Department must clarify its position in regard to their share. At one time, they speak of dominating interest, at another time they speak of substantial interest, the third time of co-ordinating interest and the fourth time of some other kind of interest. We want to know what exactly these mean. Also particular stress was laid on the fact that no new organisation should be allowed to come into this business, that care should be taken that no new comers should elbow out the old pliers. May I respectfully ask the War Transport Member if he can honestlly say that in the present enunciation of the policy these questions have been answered and answered satisfactorily. In the first place, there is absolutely no reply to the criticism made that the present Motor Vehicles Act is quite enough not to rouse any competition from the bus service with the Railway companies. The Railway companies would not lose anything whatsoever by the competition of the bus services. They have got the Road Transport Authorities and several other authorities which can regulate and put down the bus competition and the Railways have been given sufficient representation in these transport board organisations to disallow any particular competition. There is no answer to that. In the second place, we asked you to let us know what is the meaning of 'dominating interest' and 'substantial interest'. It is now left in the same mysterious fashion as it was left then. Nothing explicit has been given even in the present statement.

4 P. M.

My Honourable friend Sir F. E. James was quite correct in saying that the shrewdness of the business man and the caution of the bureaucrat have worsened the position. So far as this House is concerned, the War Transport Member is merely paraphrasing words and trying to delude this House. I must again point out that it is an insult to this House to think that we have not been able to discover these lacunae in his statement. We are as good businessmen as himself, though poorer business men and we can discover what is going on in his mind. He said that he was in total agreement with this House that those who are, in the trade should not be elbowed out. What is his proposal to secure this object? The negotiations will only be a make believe as my friend Mr. Krishnamachari has pointed out. These small men will not be able to approach him. They may not have access to him. He will ask them to go to the Provincial Governments. When they go to the Provincial Governments, they will ask them to go to the War Transport Member and in between the two, they will lose the present business and get themselves out. The War Transport Member says that he will engage them in managerial offices. Probably the most lucrative place that a plier will be able to get is either the post of a stenographer or a head clerk or a tally clerk. That is what he is going to do. What are the qualifications he is laying down for the office of managers? How are they qualified to be managers of a department in an organisation like this? The next thing he said is that in so far as some Provincial Governments have not gone too far, he will persuade them not to take in new comers. You know as a matter of fact that most of the Provincial Governments have already encouraged new combines to come into existence. Not to speak of Madras, the example of which has been so copiously illustrated by my friend Mr. Krishnamachari, there is this Bihar Transport and Engineering Ltd, which has been started with a capital of 50 lakhs of rupees. This is a new venture. They say that the company expects to have a regular fleet of vehicles soon and they will run a sound, reliable and efficient service. In fact, vehicles have already been acquired by the promoters and are already in

service on the road. They must have got the vehicles only from the War Transport Member. In their prospectus they say that they have already secured permission to import a regular fleet of vehicles for service. That is the position in Bihar. In Madras three-fourths of the whole service in the presidency is done under the auspices of one or two firms having half a dozen names. I am told that Punjab has already done what Bihar has done. What are the other provinces which have not gone so far, in whose case the persuasion of the War Transport Member is going to have any effect at all. There must be some truth somewhere at least in that statement. The War Transport Member must be convinced that there are still some vacancies to be considered, before he asks the House to believe the statement that he has made that the provinces have not gone so far as to commit themselves to some new companies. Which is the province which has not committed itself, may I know? Last time I read out a circular which he issued in confidence to the Road Transport Board organisations not to renew the permits of some of these old concerns and not give back the lorries or buses that you have taken away for air raid precaution and other kind of military needs. This sort of elimination has been going on for the last one year. Now, you have come to a stage when there will be very few private persons who would ask for the restoration of their service.

Now, I come to another point. Is it the case of the War Transport Member that he has modified anything which he has said on the other occasion? I challenge him to take a comparable sentence here and a comparable sentence there and tell me where the difference is. On what point have you differed from what you have already stated, except that you have consulted the Party Leaders and you have by other means seemed to have secured their consent? I do not know if the Honourable Party Leaders will now say that they agreed only to the restoration of the demand and not to all the details of this programme. It is just possible.

Then, Sir, I wish in the interests of agreement on this matter that this programme and policy of the Road-Rail transport is placed before the Central Advisory Council for Railways for close examination there. Then you can put the policy before this House if you are so pleased. Do not under the plea of restoring a demand which was rejected thrust upon this House a policy which we have not properly examined and with which we do not totally agree. With these reservations, I declare my vote in favour of the restoration of the demand.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. Deputy President, as the leader of a party of one, I take this opportunity of addressing this House, and I have to thank Providence that I have not got to get the permission of my leader to be able to speak in this Honourable House and the only permission I have to seek is yours, Mr. Deputy President, which I have received on this occasion.

Now, Sir, the procedure that has been adopted on the present occasion is rather exceptional and perhaps praiseworthy, but for one who has been a Member of this Honourable House for very many years, this procedure, I am unable quite to understand. On previous occasions, we have had the privilege of throwing out large amounts of money from the Budget, and we never heard anything more about them except that they were certified. On the present occasion, it appears that the Honourable Member in charge has taken the precaution of consulting the Leaders of Parties and to convince them that the throwing out of this grant was not to the advantage of the country. A very good procedure. I see today the unanimous opinion expressed that this grant should have been passed. I am glad to say that I was one of those who voted against the cut motion. At any rate, on the present occasion, being the leader of a party of one, I cannot commit myself or my party to the very long statement made by the Honourable Member on the policy that is to be adopted in the future by the Government of India on a matter of such great importance as the one we are dealing with now.

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

[Sir Cowasjee Jehangir.]

I have only had the privilege of hearing him speak in the English language which I am able to understand to a certain extent, but the rapid manner in which he spoke in his own language made it rather difficult for me to follow the intricate policy which he was trying to enunciate. I think I can corroborate to some extent what the Honourable Member who just now sat down said, that to the best of my recollection, some of the passages which he read out now were once read out in this House before. I can also recollect, my memory is not so short, that some of the controversial matters which he was discussing gave ride to different opinions expressed not only in this House but from the platform and in the Press, and if my Honourable friend desires to commit this Party of one to the statement which he read out, I regret I am unable to commit myself. I voted on the previous occasion against the cut motion, and I will be quite prepared to give him his 82 lakhs now. But he must excuse me and my party of one from being committed to any statement of policy in regard to so important a matter in which my constituency which happens to be one of the biggest in India, may take a different view and for which I may be hauled up in the future for having committed myself to something which I do not understand. Therefore, I must refuse to be committed to something I do not understand, something which is, I know, of the greatest importance to the interests of this country, and something which I may have to regret.

Mr. President, this is a simple matter really. The Honourable Member has explained why he wants his 82 lakhs: he wants it for bus services for war time to supplement the services rendered by railways which have turned out to be inadequate. A very laudable object, indeed. But I do not know whether he is going to make a profit or whether he is going to make a loss on it. I do not know what the Capital expenditure is. I see from this demand that it is 82 lakhs for working expenses. But whether there is to be a profit or a loss, whatever the capital expenditure is, we have, in war time, to support such measures in order to meet the contingencies of circumstances. Therefore, Mr. President, I will vote with the greatest pleasure for this 82 lakhs but he will excuse me from being committed to one word of what he said with regard to the policy which he enunciated

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I feel that I also must enter a caveat against the procedure that the Honourable Member in charge has chosen to adopt in airing certain views of his and of the Government of India, I take it, in regard to post-war policy regarding road-rail co-ordination, taking advantage of a motion for a Supplementary Demand. If I have understood anything of the procedure of this House and the conventions that have been established in this regard, I am at a loss to appreciate the propriety of the Honourable Member tacking on a very wide question of policy to what would otherwise be more or less an agreed motion for supplementary demand. The Honourable Member, in his speech on the 20th February, as also today, has made it quite clear that the demand for 82 lakhs has nothing to do with post-war policy regarding rail-road co-ordination. I can assure him that I, for one, and my Honourable friends on these Benches are quite prepared to support the particular motion that he has put forward if he were to confine himself to the merits of the demand, and not travel beyond the immediate scope of that demand for the purpose of adumberating a certain policy which we find very difficult to follow in the absence of a written account of that policy. Sir, my Honourable friend himself complained on the last occasion that the House was misled into thinking that the particular demand had nothing to do with post-war policy, and he said that that was a subject that took a good deal of time and a good deal of close study. I am afraid I have not been able to devote the time and study required for a proper understanding of the position of Government in this matter. I do not possess the agility of my Honourable friend Sir Frederick James, and have not therefore been able to supply myself with a surreptitious copy of the draft of the Honourable Member's speech. My Honourable friend on the previous occasion also expressed the hope that he might be able to raise this whole question in the form of a Resolution. This is exactly what he stated:

"I was frankly hoping for some Resolution which would give an opportunity for discussing the matter in the House if the House was really interested in the matter."

He is awfully mistaken if he thinks that he can utilise the motion for a supplementary grant for the purpose of raising a debate which would be quite relevant in a comprehensive Resolution on the subject. My Honourable friend would therefore be well advised if he were to revise his statement, and make it quite clear that in asking this House to vote this amount, he is not asking for a vote of confidence in Government in regard to the policy that he adumbrated on the subject of post-war road-rail co-ordination.

Dr. Sir Zia Uddin Ahmad: Sir, I have been feeling very keenly that the railways in spite of facing a large number of difficulties they are not in a position to face the problem of traffic as it is at present. We find that if 50 p. c. of the passengers are sitting in the train the other 50 p. c. hang about it as the accommodation inside is not sufficient. There is shortage of engines, there is shortage of wagons, and it is not possible to increase the number of trains. Therefore any relief that could be given in carrying passengers and goods in these days will be most welcome. And if my Honourable friend the War Transport Member can put up lorries for traffic not in thousands but in lakhs he will find that they will all be busy and they will not be able to find complete solution of the present problem. Therefore as far as the short-term war-time policy is concerned, there can be no disagreement; and no doubt the compromise obtained by the Leaders of Parties will solve the existing difficulties of those who are already in the trade. We had representations from those persons who are carrying on the motor trade, and their difficulties have been considered in this compromise and in order to meet the present situation. Therefore as far as the present problem is concerned I think there can be no difficulties and no two opinions. But there are, certain points which require elucidation and which the Honourable Member did not mention in his speech, and on those points it will be necessary to see what would happen. One problem is this. In a very important conference in Canada it was found that motor traffic has never been a paying concern and so the railways always refrained from taking part in motor services. I therefore apprehend that this new undertaking may be a losing and the Railway Member may be forced to increase the rates in order to make up the losses in motor traffic. This is the passage:

"It will be interesting to note that motor business in the long run is not a profitable business. It was Mr. Loree's opinion that motor coach and bus operations in the United States were not profitable and the same was true of Canada, though there were always exceptional cases where by reasons of good management and favourable traffic conditions some profit was being made.

It was for this reason that the railway companies hesitated to engage themselves in motor traffic as this would add to the losses they are already incurring."

Of course this would not apply at the present moment because the traffic is very heavy and there is no chance of loss. But that will not be true for all time and it may not be true when the war is over. This is a thing which requires careful consideration, before we comment ourselves to post-war policy.

The second point is this that if you take the history of road-rail competition in various countries of the world you will find that the railways have always hesitated to improve their services with the object of getting more money, but they have done so only because of this road-rail competition. Measures have been adopted by railways to meet this competition and if this competition disappears I apprehend that there may not be any incentive for the railways to improve their services. The improvements they have made in other countries on account of this competition are as follows:

Speeding up of trains, including goods trains, which in many countries are included in general railway time tables

Introduction of short and light trains.

[Dr. Sir Zia Uddin Ahmad.]

Extension of office hours for the booking and delivery of goods.
Door to door delivery.
Facilities to passengers.
Traffic facilities.
Agreements between railways and existing motor transport enterprises.
General reduction of tariffs.
Reduction of short distance rates
Introduction of containers for small consignments of goods.
Facilities for passenger traffic by introducing week-end tickets, return tickets, round trip tickets, collective tickets to school children and tickets for holiday excursions.

Special tariffs for passengers travelling with motor cars.

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from? Is it not available to all the Members?

Dr. Sir Zia Uddin Ahmad: I am stating the improvements that have been adopted by railways for meeting the road-rail competition in other countries from my book. My point is that if there is no competition the incentives to improve the services may disappear. Then—

Third class passengers are treated in the same manner as upper class passengers. Some railways have recently provided sleeping accommodation for third class passengers in sleeping cars, and they are served with meals by refreshment room and restaurant cars in the same manner as passengers in the upper classes. The charges in railway refreshment rooms do not differ from charges in other restaurants of the locality.

These are the facilities in other countries; they do not obtain here. So our fear is that if competition disappears and the railways get a monopoly of the traffic there will be no incentive for them to improve their services. This we should closely consider when we discuss post-war long-term policy.

Then, Sir, mention was made of the safeguarding of financial interests of the Central Government, safeguarding of financial interests of the Provincial Governments and also of the companies who are running cars. But the interests of agriculturists, interests of travelling public, interests of small men carrying trade are not considered. There is one important point, which was mentioned in the Mitchell-Kirkness report, and that is about facilities to be provided for villagers to bring their goods to the market. We have here one man who owns one motor lorry; he is himself the driver, the mechanic, and so on. He runs it cheaply, he takes it to the villages and from there he brings the goods to the markets. We should see that this poor man does not disappear altogether; there is nothing about it in the speech of the Honourable Member, and I do not know if there has been any discussion between him and the Leaders as regards the method of serving the villages, how to bring their produce to the railway stations and take finished articles or consumer goods to them. That can only be done by small motor companies or by individuals. This thing has been neglected altogether, and we should consider them before we lay down long-term policy.

The next thing which requires consideration before we adopt long-term policy is that wherever they had recommended some kind of organisation on the lines mentioned in the speech of my Honourable friend, they always had some advisory council. No mention is made by the Honourable Member of the kind of advisory council which he will establish here for this purpose. I will read a few lines in this connection:

"A development of great interest is the appointment of a Transport Advisory Council in accordance with recommendations contained in the Salter Report. The principal function of this Council is to study transport problems and to furnish advice to the Minister in regard to the measures that should be taken to promote the development, improvement and co-ordination of transport generally. The Council consisting of 29 members is fully representative of the various interests that are directly or indirectly concerned with the question of transport."

He has not mentioned anything as regards the machinery by means of which the whole of this thing will be regulated.

The Honourable Member has said that he will be able to persuade the Governments to join this particular undertaking which he has in his mind. I am not very enamoured of this policy of persuasion. The persuasion policy has not succeeded in the case of Food Department. We have seen that the Government of India have been persuading the Provincial Governments as regards the food policy. With what result? The result is that at Ghaziabad wheat is sold at Rs. 20 per maund. Come four miles on this side—Shahdara—and it is Rs. 10 a maund. This is the result of persuasion, and I hope this will not be repeated in this case.

Though some persons have objected to the novel way in which this scheme has come before this House—in the form of a supplementary grant—but I allow it because this is a war time and as a war emergency measure everything which is against parliamentary practice, but which meets the present abnormal situation can be justified.

With these words I conclude my speech.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, there are Honourable Members in this House who represent many interests—Honourabe Members from Madras stand for Madrasis, from Bihar for Biharis and from Bengal for Bengalis. My interest is very great—I represent the Himalayas. There is only one Member from the Himalayas—I am the one—who represents the whole of the Himalayan range—Kashmir to Assam.

Sir, there is an 'earthquake' among the motor owners there. The whole picture is not before us; no estimates, no plans are supplied to us; practically nothing is supplied to us at all. The Honourable Member wants eighty-two lakhs of rupees for rail-road co-ordination. 82 lakhs is nothing before us. When they have devoured crores and crores of India's money, we can give these 82 lakhs also. But nobody as yet likes the policy which will be carried out with the help of this money. To commit ourselves to that policy, which we have not studied, which we do not know in detail—and therefore we cannot say what is behind it—is very dangerous.

What will happen to Kashmir—I am interested in the regions from Kashmir—to Kulu valley, to Dehra Dun, Mussouri, Nainital, and so on? What will happen to all those interests for whom there is no spokesman in this House, and who do not compete with the Railways? In Simla valley there is rail-road competition in others there is none. In one of his speeches which the Honourable Member for War Transport delivered on the 15th of January, 1945, on the problems of transport in post-war India, he said:

"Maximum co-ordination will be sought between road and rail interests, where possible, by the negotiation of financial participation by the State-owned railways in reliable motor transport companies either existing or still unborn, combined with the correlation of rates and fares and of the sharing of traffic between the two traffic media where they come into competition. Management would be largely in the hands of those with expert knowledge of road transport operation. If an efficient management already exists, it will not of course be turned out merely to make room for railway personnel."

I lay emphasis on the last part of the speech, whether the Honourable Member is still of that opinion. Or has he changed his opinion since then. That is what he said in one of his speeches made before a big audience. I take it. That is practically the only information we have got before us.

Then, Sir, I have got a small communique issued by the United Provinces Government in which I am interested:

"The Government spokesman pointed out that it was proposed to organize the whole of the road transport system in the U. P. into a small number of large companies, probably not more than about a dozen, as more and more lorries and buses became available. These would be joint stock companies in which the railway would have a substantial though not controlling interest, the Provincial Government a small interest and the remain-

[Mr. Badri Dutt Pande.]

ing consisting of shares to be held by the public. He estimated that a sum of approximately Rs. 25 lakhs would be needed to establish one such company. They hoped that as many as 1,800 lease-lend lorries would be available for the U. P. during this year."

Sir, they are not telling us what they are actually doing, but it seems behind the screen they are doing everything. We do not know what will be the ultimate financial responsibility of the Central Government of the Provincial Government, and of the Companies. He has given us in passing a figure of 51 and 49, but we have not got a complete picture. Most of the Himalayan transport companies do not compete with the Railways. The bus-owners are anxious to know whether their transport will also be co-ordinated. In one or two sections the Railways started buses—in Kathgodam for instance,—to carry goods, but it was a complete failure, and the assets were purchased by another company,—the Nainital Motor Transport Company. Shall we have another failure like that? What is behind the scene? We do not know what will happen to the one or two bus-owners in Kathgodam. They have combined two hundred motor buses which are plying from Kathgodam to Nainital, Almora and other places. The firm is called the Kumaon Motor Owners' Union Ltd. They have submitted a memorial also to the War Transport Member. We are anxious to know what is going to happen to them. Everybody wants that the bus services should be efficient, cheaper and more helpful to the public. These days there is so much overcrowding in the buses that we do want that more buses should be run. If the idea is to throw on the road the old buses and trucks that will be available after the war, then that is not what we want. We do not want old army drivers to be given jobs and to boss over the public and run over them as they have been doing now. We want efficient running and good management. Who will appoint the Inspectors, the Railways or the Provincial Governments? We have no picture before us to appreciate the beauty of it. The Honourable the War Transport Member in his imagination has the picture. At least show us the picture. Then we will say whether it is beautiful or not. Of course, if Rs. 82 lakhs have been agreed to by the Party Leaders, we have no objection. But otherwise, the leaders should also take us into their confidence in matters of policy.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Road-rail competition has not been a new thing. It has been there for a number of years. The Mitchell Enquiry Committee was appointed a long time ago, and due to its recommendations, the Motor Vehicles Act was modified by this House. It has not been given a fair trial and whatever benefit could arise by having proper regulations under the Motor Vehicles Act have not been tried fully. Under these circumstances I do not think it is necessary to embark upon this method of avoiding road-rail competition. It is not a problem which has arisen newly for the purpose of devising ways and means as an after-war measure.

Roads under the Government of India Act are provincial subjects. The Railway Member must have a subconscious feeling that inspite of his best efforts as a business man and his sacrifice for coming to this Department, he has not been able to run this administration properly. He has not been able to make all the necessary railway requirements here. He has not been able to make amenities for third class passengers. I have seen new models of vehicles for third class passengers at exhibitions for years. The models are still there but the amenities have not come.

Let us go to the Provincial Government. There seems to be evidently not a road-rail competition as a competition between the War Transport Member and the Finance Member. The Honourable the Finance Member in his speech said that for augmenting the revenue of the provinces, the provinces must start their key industries. I say that the road transport industry in the future is going to be one of the biggest industries in this country for this reason that in this huge continent we have not had more than 40,000 miles of railways

whereas there are nearly 5 lakhs of miles of roads. Therefore the road transport industry is likely to prove many times bigger than the rail industry and is likely to increase the finances of the Provincial Governments enormously. I also find that there is a run for finance between the Centre and the Provinces. Instead of adjusting differences the Centre has gone to the Privy Council in some disputes. Provinces are underfed. Before the war the Province of Madras had Rs. 16 crores of revenue while the Centre got Rs. 100 crores of revenue ordinary and 100 crores for railways. Thus in all the Central Government had Rs. 200 crores before the war while all the Provinces together had only Rs. 75 crores. The Centre is in charge of defence, external affairs. So far as internal affairs go, they are in the change of the provinces. The destruction of the nation is in charge of the Centre. Do you want to curtail that possible source of revenue to the Provinces? My Honourable friend, the War Transport Member is against it. The Honourable the Finance Member suggested that the nationalization of certain industries may be a source of revenue to the Provinces. My Honourable friend, the Transport Member does not agree with him. He is more in favour of a combine of such organisation than leaving it to the provinces. He is afraid that the provinces might compete with the Centre.

Then for whose benefit does he propose introducing this measure? I am sure it is for some unseen hand behind. There is a proverb in our parts: "Entrust a goldsmith with the preparation of a wedding ring, even for his own wedding. Even there he will steal some gold". It is in his nature. It is in his blood. He will put on the road a number of scrapped lorries. We are not producing lorries or buses here. Whatever we are not able to produce we shall purchase elsewhere. The Honourable the Transport Member in his speech on the railway budget said: We ordered so many trucks from America but many of them were not according to sample: many were useless. He has admitted it. Possibly if he does not remember I will quote chapter and verse. If even during this period when war demands excellent materials, and we are not getting proper material, after the war it will be third and fourth rate material that will be placed before us as good material over the roads.

Does the Honourable Member assure us that soon after the war a number of factories will be established here for manufacturing motors? This country has an enormous expenditure in the future. Should he not tell us what is the amount that the railways have to contribute? Already we are indebted to the tune of 2,000 crores. The war debts may amount to something more. At the end of the war we may owe much more than 2,000 crores.

What is the amount required for shares in the companies, so far as this is concerned? 51 per cent. he is prepared to pay if the Provinces do not come in. If the smaller authorities do not contribute then the major share capital will be advanced by the railways. May I know to what extent he intends, by this means, to impose a burden on this poor country?

Let me come to another point. How are we providing occupation for the toiling millions of this country? How will this be useful to the poor third class passenger? Again and again we have to come here so far as the third class passengers on railways are concerned and if we come here with respect to the third class passengers so far as bus services are concerned, then you yourself would rule it out. You would say it belongs to a company and the poor third class passengers will be where they are. That is how no interest in this country will be served.

Now let us come to the management of this. If it is only 51 per cent. that the railways take we may not have complete control over this company. If it is more than 51 per cent. possibly we may have. But that is not the policy underlying the speech of the Honourable Member. He does not want to interfere with them. There is a policy of *laissez faire*. If really *laissez faire* is to be there, there will be cut-throat competition. It is not his purpose or intention to avoid it nor is it to our benefit. Unless there is a bus service there is

LEGISLATIVE ASSEMBLY

Wednesday, 4th April 1945

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

INDIAN TRADE IN LIBERATED BURMA

1566. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable Member for Commonwealth Relations please state, in view of the progressive capture of Burma, whether any arrangements are being made to ensure the trade of Indians in those areas, which were in Indian hands before the war?

(b) What steps are being taken by the Government of India to safeguard the interests of Indian traders who were trading in Burma and who have now been ousted at great loss because of the war?

The Honourable Dr. N. B. Khare: Recently on representations from various bodies interested in the postwar trade in Burma the question of Indians being allowed to go to the liberated parts of Burma to re-establish their trade again was referred to SEAC Headquarters and we were informed that at present no private individuals or firms, including the United Kingdom Commercial Corporation, are being permitted to enter Burma for the purpose of establishing business in the liberated parts of Burma and that supplies are being obtained through normal Army channels. It was further stated that those civilians were being allowed to enter Burma whose presence was considered necessary for the furtherance of the war effort. It was also added that those persons who wished to enter Burma were being advised to register their particulars with the Government of Burma. The S.E.A.C. will let us know any change in their policy in the matter of entry of Indians into the liberated parts of Burma.

This is the present policy and if there is any change in this policy we shall be informed and I assure Honourable Members that we shall take every care that no foreign interests try to steal a march over Indian interests.

Mr. T. S. Avinashilingam Chettiar: There was something about civilians being allowed in the war interest. I did not follow that portion of the answer.

The Honourable Dr. N. B. Khare: Only those civilians are being allowed to enter Burma whose presence is considered necessary for the furtherance of the war effort, and not for trading purposes.

HAJ PASSAGE FOR MAULVI HAQDAD KHAN OF LUCKNOW

1567. ***Mr. Abdul Qaiyum:** (a) Will the Honourable Member for Commonwealth Relations be pleased to state if it is a fact that Maulvi Haqdad Khan, Government Pensioner of Lucknow, sent a money order for Rs. 328 on the 14th September, 1944, from Aminabad, Lucknow and an application for passage to Jeddah under registered cover, No. 46, dated the 14th September, 1944?

(b) Is it a fact that the money and application were not acknowledged?

(c) What are the dates of receipt of the money and the application at the Haj Office?

(d) Is it a fact that Maulvi Haqdad Khan sent a reminder under Registered cover No. 30, Aminabad, Lucknow, dated the 25th September, 1944, and this too was not acknowledged?

(e) Is it a fact that Maulvi Haqdad Khan reached Karachi and presented a petition to the Haj Officer and requested him for the issue of a reservation card?

(f) Is it a fact that the Haj Officer did not take any action on the petition?

(g) Is it a fact that the said Maulvi Haqdad Khan was granted a reservation card for the 2nd sailing and had to stay at Karachi for one month?

(h) How do Government propose to compensate Maulvi Haqdad Khan for the loss of money and time during his stay at Karachi?

The Honourable Dr. N. B. Khare: (a) and (b). Yes.

(c) 22nd September and 16th September 1944, respectively.

[Mr. M. Ananthasayanam Ayyangar.]

no chance or redemption for the third class passenger. Today it is because buses ply from station to station there is a chance for the third class passenger to go in. The third class passenger on the railways does not even get a ticket, though he may be prepared to pay twice as much. Getting into the platform is very difficult for him and then to approach the train itself is another great difficulty because very often the trains do not arrive on the platforms out stand far away. The women and children have to get down first and then there is a scramble and overcrowding. These are his inconveniences and the porter carries away his luggage if the man is a little indifferent. Whereas the bus comes to his very door, it takes his luggage, keeps it on top of the bus carries him to the very village in which he lives, and often to his own street and doorstep. Why should he forego all this?

My Honourable friend the Member for War Transport is in charge of transport all round. By helping the bullock cart does he think that he is going to supersede the machine age? Are we going to ride bullock carts? That is a small problem. It does not even touch the fringe of the problem. Therefore I am not going to be elated by the promise of help to the bullock carts. What I want to impress upon him is that he must recognise his own proposition that it is impossible for the railways to compete with the motors hereafter, because motors can handle long range traffic, as much as even 200 miles. They are available at the very doors of the passengers. They reach every village where the railways do not go. They offer many amenities to the passengers, they are hospitable and they are courteous. Therefore let him give up the idea of controlling or checking motor traffic. If railway revenues have passed to motors, what he should do, it is possible for him to do even under the existing rules. Reserve motor traffic for passengers over short distances, for goods over short distances. Let not licenses be given for transport either of passengers or goods over long distances. That is permissible even under the existing statute. The local traffic authority can do so and as a matter of fact they have been doing. Buses even at the present time are used only to this extent. There are three kinds of services they do. They carry passengers and goods to railway stations from villages and where villages and towns are not connected by railways they carry passengers and goods. The third service is (and here alone there is difficulty) they run parallel to the railways. But here after all the competition, if you will correctly assess it, is very small. It does not take away a large portion of the railway traffic, I would say a very small portion of the railway revenues. Therefore we need not fight this hobgoblin. This measure is unnecessary.

Christians, Roman Catholics and Protestants, started their missions in this country. They tried only to convert a Rama or a Krishna into a John or Joseph. But this measure does it the other way about. It converts a Simpson & Co. into a Rama Motor Co. It converts European Christians into worshippers of Rama or Krishna. They change their names easily. 15 or 20 years ago to purchase the goodwill of a European firm was the fashion of the day. Today on account of the boycott movement on account of the swadeshi movement it is profitable for the European capitalist to change his name. He is a businessman after all and he changes his name easily. Therefore instead of riding on a dark man's motor bus here after, I will ride on a white man's motor bus called Sri Rama Motor Service. That is all that will happen.

There is one other point. My Honourable friend the Finance Member has solved many problems. But there is one outstanding problem of this country, how to distribute. A few people might have become rich but the problem of distribution of wealth is still there. Do not take it away from the ordinary man in the village who may be the owner of a bus. He will be swamped by the man who has got many bases and he will fall down. As it is money will spread. Whatever is earned in the province will be distributed over a number

of men. Here and there there will be a number of houses but why do you go in for one big palace? To the man in a hut or without even a roof to shelter his head it is no solace to think that he lives near a rich man's mansion. You want to centralise and you want to take away from the pockets of the poor man who is struggling for existence. Why do you want to put the money of these persons into the pockets of one or two rich men? I have got here from another Province a tale to tell my Honourable friend the Transport Member. In Bihar a transport company is going to be formed but who are the directors? Not one of them belongs to Bihar. That is their qualification. Some of them come from Bangalore, some from Cawnpore, some from Lucknow. It is very difficult to find from the names there which of them belongs to the Province.

My Honourable friend is in charge of the railway administration and he looks callously when they enter into arrangements for entrusting this company into the hands of managing agents, against whom in season and out of season we have made protests in this Assembly. He says coolly and collectedly that managing agents have already come into existence and in the case of a few managing agents he says "I would place this matter before the Standing Finance Committee for Railways". But I am sure there would not be a single case placed before us. This is the unfortunate position in which the Honourable the Transport Member himself has placed us. I am sure he is not going to relieve the situation. He evidently thinks it is a matter of prestige with him. He started it and he must push on the scheme. The rails are there, so they must roll likewise, therefore it is advisable that you should defeat the same of persons that are going to be employed in managing the services, in so far as it is useless. Lastly, I would say, what is the number who is going to select them, who will have voice in the administration. The Managing Director will have the voice here, and there will be questions like, how many Hindus are there. A Sikh member also asked how many Sikhs are there. For the first time after coming to the Assembly, recently, I came to learn that Jains want communal representation. They are part of Hindus. It is possible for them to appoint men of their own choice. There will be white men or black men or midway between both. Therefore it is not going to give even employment for us, why should we support? If the Assembly votes out any item of the budget it can be brought in by way of a supplementary demand, the rules provide for it, it is something in the nature of a review by the Assembly of its own decision, we are prepared to do it. If this came in by way of a mistake, the mistake will have to be rectified. But this is a proposition for placing in their hands the huge assets that are likely to be the assets in the hands of provinces. That will be strangling the provinces.

5 P.M.

Sir, I would like to take some time more.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th April, 1945.

(d) Yes.

(e) and (f). No such petition is on record. If he had reported himself to the Hajj Booking Officer in time, he would have got his reservation card and steamer ticket.

(g) The answer to the first part is in the affirmative. I have no information regarding his stay in Karachi.

(h) The question does not arise.

Mr. Abdul Qaiyum: May I know whether the arrival of a Haji at the Hajis' camp is noted by some official?

The Honourable Dr. N. B. Khare: I have no information on this point.

Mr. Abdul Qaiyum: Is the Honourable Member in a position to state if any record is kept in the Hajis' camp giving the time and date of arrival of a person?

The Honourable Dr. N. B. Khare: I have no definite information on the point, but I gather that records must be kept.

Mr. Abdul Qaiyum: If that is so, may I know why the matter is left to an ignorant person who may not be aware of the technicalities and rules and why is it that the officials themselves do not move in the matter?

The Honourable Dr. N. B. Khare: The officers render all possible help which they are capable of; but if the party does not present himself at the given time, the officials cannot help him.

Mr. Abdul Qaiyum: This is a very technical thing *i.e.* the rules in the Hajis' camp. I want the Honourable Member to see to it that in future such technical mistakes do not involve people in trouble and long detention in Karachi. Will the Honourable Member see to it?

The Honourable Dr. N. B. Khare: I will see to it; but I am sure that any inconvenience caused is due to the action of the Hajis themselves.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know whether any complaint book is kept in the Port Haj Committee's office, and whether this complaint was entered therein?

The Honourable Dr. N. B. Khare: May have been so.

Seth Yusuf Abdoola Haroon: Did the Honourable Member send for a copy and ascertain if this is there?

The Honourable Dr. N. B. Khare: I have got the information all right. I am satisfied with it.

HAJ PASSAGE FOR MR. MUSHARRAF ALI OF SYLHET

1568. *Mr. Abdul Qaiyum: (a) Will the Honourable Member for Commonwealth Relations please state if it is a fact that reservation card No. 2613 was issued to Mr. Musharraf Ali, son of the late Mr. Hatim Mian of Hathikhola Kanaibazar, Sylhet, directing his presence at Karachi on the 2nd October 1944?

(b) Is it a fact that the said card holder arrived at Karachi on the 30th September, 1944, with pilgrim pass No. 32 in his favour?

(c) Is it a fact that the above reservation card was endorsed by the Haj Booking Officer to the Mogul Line for the grant of a steamer ticket?

(d) Is it a fact that the Mogul Line declined to issue the ticket against the said reservation card for the first batch of steamers?

(e) What action do Government propose to take against the Shipping Company for failure to grant passage against reservation card?

The Honourable Dr. N. B. Khare: (a) and (b). Reservation card No. 2613 was issued to him in Karachi on the 2nd October 1944. It is not known on what date he arrived at Karachi.

(c) Yes.

(d) No. He failed to present his card at the office of the shipping company for securing a steamer ticket as directed.

(e) The question does not arise.

Seth Yusuf Abdoola Haroon: May I make a suggestion to the Honourable Member that in view of these complaints, he should appoint an inquiry committee to look into these matters?

The Honourable Dr. N. B. Khare: We have already held inquiries on the specific complaints which were submitted.

Mr. Abdul Qaiyum: May I know who was the officer who held the inquiry?

The Honourable Dr. N. B. Khare: I am not aware of his name.

Mr. Abdul Qaiyum: May I know if the Honourable Member is prepared to lay that report on the table of this House?

The Honourable Dr. N. B. Khare: I do not think it will serve any useful purpose.

CARRYING OF CARGO ON PILGRIM DECKS OF "S. S. RIZWANI"

1569. *Mr. Abdul Qaiyum: (a) Will the Honourable Member for Commonwealth Relations please state if it is a fact that S. S. Rizwani was to sail with pilgrims on the 3rd October, 1944, along with two other steamers?

(b) Is it a fact that the Haj Officer permitted the steamer agents to load cargo on the pilgrim decks on the 1st October, 1944?

(c) Did the Haj Officer consult the Government of India before permitting the shipping agents to carry cargo on pilgrim decks?

(d) Is it a fact that on account of cargo pilgrims were debarred from obtaining passage on the said steamer?

(e) What action have the Government taken to safeguard the interests of pilgrims? If none, why?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) and (c). Government permitted the "Mogul Line" to carry cargo in pilgrim ships as they reduced the return deck (net) fare to Rs. 200 which otherwise would have been higher on account of the abnormal rise in the cost of running ships. This arrangement however did not affect the interests of the pilgrims as there was still room for 450 pilgrims in the "Rizwani" whereas only 84 sailed.

(d) No.

(e) The interests of pilgrims were duly safeguarded.

Mr. Abdul Qaiyum: May I know the answer to part (c) of the question? Did the Haj officer consult the Government of India?

The Honourable Dr. N. B. Khare: Of course; the answer is there that Government permitted the carrying of cargo.

Mr. Abdul Qaiyum: Were the Government consulted before hand, or was their permission obtained after the thing was done?

The Honourable Dr. N. B. Khare: I think they must have been consulted.

Mr. Abdul Qaiyum: The Honourable Member is not sure of it?

The Honourable Dr. N. B. Khare: I cannot be sure of everything; I cannot carry everything in the attic of my brain.

Mr. Abdul Qaiyum: May I know how many people were not able to get their passage because cargo was taken?

The Honourable Dr. N. B. Khare: Not one. There was room for 450 more and only 84 travelled.

HAJ PASSAGE FOR ONE MAULVI REHMAT ALI

1570. *Mr. Abdul Qaiyum: (a) Will the Honourable Member for Commonwealth Relations be pleased to state if it is a fact that Maulvi Rehmat Ali was issued with reservation card No. 2644, with reference to his application, dated the 27th August, 1944?

(b) Is it a fact that the said Maulvi Rehmat Ali reached Karachi well before time but was not issued a ticket in exchange for the reservation card? If so, why?

(c) What action do Government propose to take against the Haj Officer and the Shipping Company for failure to honour the Government of India reservation card?

The Honourable Dr. N. B. Khare: (a) and (b). Reservation card No. 2644 was issued to Maulvi Doctor Raushan Ali, on his arrival in Karachi on the 2nd October 1944 and not to Maulvi Rehmat Ali. Doctor Raushan Ali was directed to go to the office of the shipping company for registering his name for a steamer ticket, but he did not do so.

(c) The question does not arise.

A *PUCCA* BUILDING BUILT IN KARACHI HAJ CAMP

1571. *Mr. Abdul Qaiyum: (a) Will the Honourable Member for Commonwealth Relations be pleased to state if it is a fact that a *pucca* building in the Haji's Camp, Karachi, was built for the convenience of pilgrims?

(b) What was its cost and from what head was it paid?

(c) How many pilgrims can it accommodate?

(d) What is the number of *kucha* barracks and the number of pilgrims that can be accommodated?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) Rs. 35,725, No. 59—Civil Works—Central.

(c) 200.

(d) Thirteen barracks. 1,800 pilgrims.

Seth Yusuf Abdoola Haroon: May I inquire how many Haj pilgrims were actually accommodated in that *pucca* building?

The Honourable Dr. N. B. Khare: The accommodation is for 200. The total is for 2,000.

Seth Yusuf Abdoola Haroon: Does the Honourable Member know that this staff was accommodated in that building and not the Hajis?

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

Mr. Abdul Qaiyum: Will the Honourable Member inquire, in view of the allegation, that the Hajis for whom it was primarily intended were not allowed access?

The Honourable Dr. N. B. Khare: I will make inquiry.

Dr. Sir Zia Uddin Ahmad: With reference to part (b), may I ask from what head it was paid?

The Honourable Dr. N. B. Khare: Central P. W. D.

Seth Yusuf Abdoola Haroon: Will the Honourable Member let us know the result of his inquiry?

The Honourable Dr. N. B. Khare: If you will put down a question, I will.

PLIGHT OF HAJ PILGRIMS AT KARACHI

†**1572. *Mr. Abdul Qaiyum:** (a) Will the Honourable Member for Commonwealth Relations please state whether the attention of Government has been drawn to a statement in the *Dawn*, dated the 17th February, 1945, under the heading "Haj Pilgrims' Plight at Karachi"?

(b) Is it a fact that ten pilgrims died of pneumonia due to exposure to cold winds in the Haji's camp?

(c) Is it a fact that the Haj Officer, when questioned about the number of deaths in the camp, admitted his ignorance?

(d) Is it a fact that the records of the Port Haj Committee were incomplete?

The Honourable Dr. N. B. Khare: (a) Yes.

(b), (c) and (d). No.

COMMITTEE FOR COTTON TEXTILE FUNDS

1573. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Industries and Civil Supplies please state:

(a) whether a committee has been appointed to administer the Cotton Textile Funds;

(b) the members of the committee; and

(c) the object of the Fund, and how it is derived?

The Honourable Sir M. Azizul Huque: (a) No. The Committee will be constituted as soon as nominations are received from the respective bodies as per constitution published in the Government of India, Department of Industries and Civil Supplies Resolution No. 244/1-TB/44, dated the 5th March 1945.

(b) Does not arise.

(c) The objects of the Fund are as stated by section 6 of the Cotton Textiles Fund Ordinance, 1944, published in the *Gazette of India Extraordinary*, dated

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

the 8th July 1944. The Fund is derived from the proceeds of the duty of 3 per cent. on the export of cotton cloth and yarn levied in accordance with section 4(1) of the Cotton Textiles Fund Ordinance, 1944, less the expenses of collection of the duty.

Mr. T. S. Avinashilingam Chettiar: May I know how much money has been collected?

The Honourable Sir M. Azizul Huque: I should like to have notice of that. There is nothing in the question about it and I do not remember.

Mr. T. S. Avinashilingam Chettiar: May I know what is the purpose of the fund?

The Honourable Sir M. Azizul Huque: The purposes of the fund are: To meet

(1) the cost of discharging its functions under this Ordinance,

(2) the cost of such measures as may be necessary for supervising the export of cloth and yarn,

(3) the cost of such measures, including measures involving capital costs as the committee may consider necessary or desirable to take for promoting and increasing the sale of Indian cloth and yarn abroad and generally for the development of technical education and research relating to cotton textiles industry.

Prof. N. G. Ranga: Is it the policy of Government to encourage the export of cloth even when there are not enough supplies in this country?

The Honourable Sir M. Azizul Huque: If there is to be export of any commodity, in the long run it will be desirable to help research and to ensure quality with a view to see that the goods which do go abroad do so under certain state guarantee.

Mr. T. S. Avinashilingam Chettiar: When do they expect to constitute the committee?

The Honourable Sir M. Azizul Huque: Within the next few days or fortnight or so. We have already taken steps. We have written to the constituent bodies of this committee and as soon as replies are received, the committee will be constituted.

Mr. T. S. Avinashilingam Chettiar: May I know why the Government has issued an ordinance in this matter, whereas with regard to other matters they have produced Bills?

The Honourable Sir M. Azizul Huque: That was because the House was not in Session at the time and we considered that the matter should be taken up urgently.

Mr. T. S. Avinashilingam Chettiar: Will the Government consider the advisability of bringing this matter to the House at some stage?

The Honourable Sir M. Azizul Huque: At some stage it will have to be considered whether this should be a permanent body or not.

SETTING UP PERMANENT TARIFF BOARD

1574. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member please state:

(a) whether Government have finished consideration in the matter of setting up a permanent Tariff Board;

(b) what the considerations are which have made them consider the establishment of such a permanent Tariff Board; and

(c) when they expect to constitute it?

The Honourable Sir M. Azizul Huque: (a) No, Sir.

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

Mr. Manu Subedar: In view of the fact that many industries entitled to protection are already suffering on account of the high costs of coal and labour, etc., will Government announce the decision as early as possible, according to the promise made in the Council of State?

The Honourable Sir M. Azizul Huque: We are actively considering this question but I shall certainly be glad to know as to which industry is suffering on account of high prices.

Mr. T. S. Avinashilingam Chettiar: What are the answers to (b) and (c)?

The Honourable Sir M. Azizul Huque: These are too big questions to deal with in answer to a question like this.

Prof. N. G. Ranga: Is it not a fact that the Policy Committee has recommended the establishment of a Permanent Tariff Board?

The Honourable Sir M. Azizul Huque: That is one of the questions that will have to be considered at some stage but at the present moment we find there are so many matters which have to be discussed along with it that we are trying to come not to a disconnected decision but to a connected decision on all aspects of this question.

Prof. N. G. Ranga: Will Government come to some decision before the end of the war, so that the country may be provided with a permanent Tariff Board before the post-war problems face us?

The Honourable Sir M. Azizul Huque: They will be simultaneously considered.

RECOGNITION TO SCHOOLS IN DELHI STARTING CLASSES UNDER XI YEAR COURSE SCHEME

1575. ***Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state:

(a) if he is aware that the XI year Course of the Higher Secondary Education was introduced in Delhi on the 1st April, 1943;

(b) the names of schools which were given recognition to start classes IX or IX and XI both according to the new scheme on or before March 31, 1943, giving the dates of recognition in each case;

(c) the reason for not giving recognition on or before March 31, 1943; and

(d) if it is a fact that a circular was issued in April 1943 to those schools which did not receive their recognition orders to teach such subjects as may be useful for both the new and the old schemes?

Mr. J. D. Tyson: (a) No. The XI Class for the Higher Secondary Examination, started in July, 1943.

(b) A statement is laid on the table of the House.

(c) The meaning of the question is not clear. The Special Recognition Committee of the Board in March, 1943 recognised as Higher Secondary Schools a limited number only of the then existing High Schools. Some more schools were, however, raised to the Higher Secondary standard early in April, 1943, after the Recognition Committee had satisfied themselves of the degree of efficiency of those schools and the arrangements made by them for the introduction of the new scheme.

(d) Yes.

Statement giving the names of schools in Delhi which were given recognition to start class IX or classes IX and XI both according to the new scheme on or before 31st March, 1943

No.	Name of School	Date of recognition
1.	Anglo-Sanskrit V. J. Higher Secondary School, Delhi	23-3-1943
2.	D. A. V. Higher Secondary School, Delhi	23-3-1943
3.	Modern Higher Secondary School, New Delhi	23-3-1943
4.	Raisina Bengali Higher Secondary School, New Delhi	23-3-1943
5.	L. N. Girdhari Lal K. U. Higher Secondary School, Delhi	23-3-1943
6.	Indraprastha Hindu Girls' Higher Secondary School, Delhi	23-3-1943
7.	Anglo Arabic Girls' Higher Secondary School, Delhi	23-3-1943
8.	Punjabi Islamia Higher Secondary School, Delhi	23-3-1943
9.	Queen Mary's Higher Secondary School, Delhi	23-3-1943
10.	St. Thomas's Higher Secondary School, New Delhi	23-3-1943
11.	Harcourt Butler Higher Secondary School, New Delhi	23-3-1943

LACK OF PROVISION FOR TEACHING OF CERTAIN SUBJECTS IN HIGHER SECONDARY SCHOOLS IN DELHI

1576. ***Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state:

(a) if it is a fact that in some of the Higher Secondary Schools in Delhi, provision for teaching of certain subjects did not exist after the orders recognizing them as Higher Secondary Schools were received by them; and if it was due to the fact that the School administration themselves chose to do so or because the Board of Higher Secondary Education did not give such permission; and

(b) if it is true that due to the facts mentioned in (a) above several students had to change their schools; if so, what the number of such students from each such school was?

Mr. J. D. Tyson: (a) Yes. Recognition in their cases, for teaching particular subjects, had, however, been granted subject to the fulfilment of certain conditions. The recognition was subsequently cancelled in the case of schools which were unable to fulfil those conditions.

(b) It is likely that some students have had to change their schools because the school authorities were not able to make timely provision for teaching certain subjects. The number of such students is not known. The information is being collected.

Mr. Lalchand Navalrai: May I know if the new system of three years' degree course has begun in the colleges in Delhi?

Mr. J. D. Tyson: This is a question with regard to Higher Secondary Schools.

Mr. Lalchand Navalrai: May I know if the Secondary Schools are now teaching the proposed 11th class, in order to befit the students for the Inter class?

Mr. J. D. Tyson: Some schools are teaching the 11th class.

Mr. Lalchand Navalrai: Which are those schools?

Mr. J. D. Tyson: I have laid a statement on the table in reply to Q. No. 1575, which was not orally put today.

OBLIGATION ON STUDENTS PASSING DELHI HIGH SCHOOL EXAMINATION IN 1943 TO JOIN CLASS XI IN SAME SCHOOL

1577. ***Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state if it is a fact that under rules of the Board of Higher Secondary Education, Delhi, it was obligatory for a student who passed the High School Examination of the Board in 1943 to join the XI class of the same school from which he appeared at that examination; if so, what are the reasons for imposing such an obligation?

Mr. J. D. Tyson: Yes. The students were required to continue in the same institution from which they passed their High School Examination, if the school provided facilities for subjects which they wanted to offer. This was done with a view to ensure a reasonable distribution of scholars in the XIth classes of the Higher Secondary Schools and also to minimise undesirable competition amongst the Higher Secondary Schools.

CIRCULAR OF BOARD OF HIGHER SECONDARY EDUCATION, DELHI, TO SCHOOLS WANTING TO START CLASS X UNDER OLD SCHEME

1578. ***Mr. Ananga Mohan Dam:** Will the Secretary for Education, Health and Lands please state:

(a) if it is a fact that in October, 1944, a circular was issued by the Board of Higher Secondary Education, Delhi, asking the Principals of Higher Secondary Schools if they wanted to start the X class according to the old scheme for students who failed in the High School Examination, 1944;

(b) if the fact mentioned in (a) above is correct, will Government please state why such an enquiry was not made on or before the date of the publication of the result of that examination;

(c) if it is a fact that in October there were many students who had failed to secure admission in any of the existing schools in Delhi imparting teaching according to the old scheme; and

(d) the response to the circular mentioned in (a) above from the Principals?

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

(b) It was not considered necessary to make the enquiry before the declaration of the results.

(c) No.

(d) None of the Higher Secondary Schools was prepared to run additional Class X under the old scheme.

DEVELOPING FRUIT CULTURE AND CANNING INDUSTRY IN BALUCHISTAN

†1579. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) the progress made in developing fruit culture and setting up canning (fruits) industry in Baluchistan;

(b) whether applications have been made by private individuals for starting a canning factory in Baluchistan; and

(c) if so, the action taken or proposed to be taken by Government?

Mr. J. D. Tyson: (a) There has been a Government Fruit Experimental Farm in Quetta for some years past on which work has been done in connection with the introduction of varieties of fruit trees, varietal trials and selection, propagation of successful varieties and standardization of methods of production. Largely as a result of demonstration on this farm and the advice and assistance offered by the Department of Agriculture the area under fruit trees and vines in Baluchistan has now increased from a few hundred acres to some 6,500 acres. A Fruit Experimental Laboratory has also been operating at the Fruit Experimental Station for some 7 years past and methods of canning fruit and fruit juices and producing jams have been standardised. During the war a certain amount of canning has been undertaken on behalf of the Defence Services and active investigation of the possibilities of increasing production for the army is in progress. Plans for post-war development have been prepared which should increase the fruit growing area three or four times and also create a fruit preservation industry in the province.

(b) Yes.

(c) In view of the existing shortages of plant, it has not been possible so far to take any action on these applications. As mentioned already, possibilities of increasing the production of canned fruit are being investigated and the setting up of such an industry financed partly by Government and partly by the public is envisaged as a post-war measure.

RESERVATION OF PORTIONS OF JUMNA AT OKHLA FOR FISHING BY EUROPEANS

1580. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands please state:

(a) if he has read the news in the *National Call*, dated the 10th March, 1945, namely "Okhla Weir Reserved for Europeans";

(b) whether certain portions of the river Jumna at Okhla have been exclusively reserved for Europeans for fishing; and

(c) whether he proposes to take steps to remove the above discrimination?

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

(b) No;

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know whether that statement has been contradicted?

Mr. J. D. Tyson: We have not put out any public contradiction. I understand it is not correct.

Mr. Abdul Qaiyum: What is the total number of membership of the Delhi Anglers' Association?

Mr. J. D. Tyson: I mentioned it the other day in the House. My recollection is between 40 and 50.

Mr. Abdul Qaiyum: May I know what is the proportion of Indians to non-Indians?

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

Mr. J. D. Tyson: I think it is: 10 or 12 Europeans and the rest are Indians.

Mr. Abdul Qaiyum: Is the reply based on memory or on accurate figures?

No reply

CONDITION FOR GRANT OF WHOLESALE DEALER'S LICENCE FOR SUGAR IN BIHAR

1581. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Food be pleased to refer to his reply to part (d) of starred question No. 953 of the 13th March, 1945 and state: (a) whether establishment in trade is a condition for the grant of wholesale dealer's licence for sugar in Bihar;

(b) whether the said three Marwaris had ever worked as wholesale sugar dealers in Muzaffarpur district; if so, for what amount, from what sugar factory and for what length of time;

(c) the amount the said three Marwaris paid over the purchase of National Savings Certificates and the date when such certificates were purchased; and

(d) the date of the grant and issue of the sugar wholesale dealer's licence?

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

(b), (c) and (d). Yes. All the three Marwari firms have worked as wholesale sugar dealers in Muzaffarpur District. A statement about other particulars is laid on the table of the House.

Statement

Name of the Firm	Extent of sugar business	Names of sugar factories from where supplies obtained	Period in trade	Date & amount invested in National Savings Certificates	Date of grant & issue of the sugar wholesale dealer's licence	Remarks
M/S. Meghraj Ramchandra.	Had a turnover varying from 14,000 to 18,000 bags a year between 1940-41 to 1942-43; annual investment exceeds Rs. 5 lakhs.	Majhaulia, Bagaha, Ramnagar, Sagauli and Motipur.	Nearly 50 years.	Rs. 20,000 in January, 44, Rs. 5,000 in March, 44; and Rs. 2,500 in January, 45.	12th March, 1943.	
M/S. Ramniwas Ramballav.	Annual investment between Rs. 30,000 to Rs. 3 lakhs.	Bagaha, Motihari, Japaha, Sitalpur, Motipur, Pachrukhi, Marhowrah and Riga.	About 50 years.	Rs. 5,000 between January and February, 1945.	February, 1943.	
M/S. Ramjiwan Dalal.	Turnover of 15,000 to 20,000 bags a year.	Riga and Narkatiaganj	10 years.	Rs. 250 in 1944 and Rs. 350 during 1945.	March, 1943.	

Maulvi Muhammad Abdul Ghani: May I know whether these merchants were dealers in sugar or in cloth?

The Honourable Sir Jwala Prasad Srivastava: In sugar. They have been dealing in sugar for fifty years.

Maulvi Muhammad Abdul Ghani: Has the Honourable Member verified this fact?

The Honourable Sir Jwala Prasad Srivastava: This is the information supplied to me by the Bihar Government?

Maulvi Muhammad Abdul Ghani: As this is not correct information, will the Honourable Member make further inquiries and find out whether they were dealers in sugar for so many years?

The Honourable Sir Jwala Prasad Srivastava: I do not consider it necessary at all, in view of the definite information given to me by the Bihar Government.

Seth Yusuf Abdoola Haroon: In reply to part (c) of the question, may I know how much money these merchants have invested in the National Savings Certificate?

The Honourable Sir Jwala Prasad Srivastava: The question is redundant in a way, because investment in national savings certificates is not considered for the grant of sugar licenses, although the person investing in them will be regarded as a prudent man.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that there are Regional Food Commissioners in the place, will the Honourable Member be good enough to inquire from him whether the facts stated in the question are correct or the facts sent to him by the Bihar Government are correct?

Prof. N. G. Ranga: In view of the fact that the Honourable Member has his own Regional Food Commissioner, will it not be possible for him to ascertain the true state of things from his own agent?

Dr. Sir Zia Uddin Ahmad: I rise to a point of order.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member first answer the supplementary question.

The Honourable Sir Jwala Prasad Srivastava: If my Honourable friend wants it, I will make further enquiries, but I do not think there is really any need for it in view of the definite information supplied to me.

Prof. N. G. Ranga: Since there is a doubt as to the accuracy of the information sent by the Bihar Government, since the Honourable Member has got his own agency . . . . .

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

Prof. N. G. Ranga: It is only reasonable that the Honourable Member should use his own agency and ascertain the true facts.

The Honourable Sir Jwala Prasad Srivastava: That is a matter for argument.

Dr. Sir Zia Uddin Ahmad: I rise to a point of order, Sir. An Honourable Member of this House has challenged the facts given by the Honourable Member for Food and requested him to ascertain the true facts again, but the Honourable Member refused to do so. The Honourable Member Maulvi Muhammad Abdul Ghani really gives facts from his own personal knowledge, whereas the Honourable the Member for Food is giving out what has been supplied to him by the Bihar Government?

Mr. President (The Honourable Sir Abdur Rahim): There is no point of order.

Mr. Kailash Bihari Lall: The Honourable Member said on a previous occasion also that he has got definite information, but when I asserted similarly that the information was otherwise, then the Honourable Member said that he had satisfied himself. May I know what are the sources through which the Government of India satisfy themselves as against the Bihar Government when they make a deliberate misstatement?

The Honourable Sir Jwala Prasad Srivastava: The Government have their own sources of information which the Honourable Member ought to know.

Prof. N. G. Ranga: What are these sources? Are not the Regional Commissioners one of these sources?

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

Seth Yusuf Abdoola Haroon: The point of order raised by Dr. Sir Zia Uddin Ahmad has not yet been decided, Sir?

Mr. President (The Honourable Sir Abdur Rahim): What is the point of order?

Dr. Sir Zia Uddin Ahmad: The point of order is this. One Honourable Member challenged the facts given out by the Honourable the Food Member and requested the Food Member to make further enquiries into the matter which he refused.

Mr. President (The Honourable Sir Abdur Rahim): That is no point of order. The whole position has been clarified so far as the Government Member apparently could do it.

Maulvi Muhammad Abdul Ghani: No reply has been given to part (c).

Mr. President (The Honourable Sir Abdur Rahim): He has given his reply. Next question.

HYGIENE INSPECTION OF COFFEE FACTORIES

1582. *Mr. Govind V. Deshmukh: Will the Honourable the Food Member be pleased to state: (a) whether the factories, at which coffee is prepared, have been examined from the point of view of hygiene; and if so, when they were last examined; and

(b) the precautions taken to prevent adulteration of coffee at the factories and at the time of sale to consumers?

The Honourable Sir Jwala Prasad Srivastava: Presumably the Honourable Member refers to the supply of Ground Coffee.

(a) The six factories of contractors for the supply of coffee for the Army, to which the Honourable Member presumably refers, have all been inspected from the point of view of Hygiene within the last three months except one which was last inspected in June 1944.

(b) Precautions against adulteration are periodical inspections of the factories during production, monthly statements accounting for the Coffee berries received and the powder produced; and analysis of samples at the Military Food Laboratories. No question of precaution at time of sale arises, as Food Department purchases Coffee only as a ration for the troops.

Mr. Govind V. Deshmukh: May I know the agency through which this inspection is carried on?

The Honourable Sir Jwala Prasad Srivastava: I have already answered that.

Mr. Govind V. Deshmukh: The particular character of the Agency?

The Honourable Sir Jwala Prasad Srivastava: It is being carried on by the Food Inspection Directorate.

Mr. Govind V. Deshmukh: May I know the name of the factory which has been mentioned whose inspection was not carried out from the point of view of hygiene?

The Honourable Sir Jwala Prasad Srivastava: That was a factory belonging to Messrs Husain Bhoy and Sons Ltd.

Mr. Manu Subedar: Is the precaution against adulteration taken by the Central Government or by the Provincial Government? If so, what is the specific machinery in order to check that the public do not get adulterated stuff?

The Honourable Sir Jwala Prasad Srivastava: I have already explained that at length.

Mr. Manu Subedar: Is it by the Central Government or by the Provincial Government?

The Honourable Sir Jwala Prasad Srivastava: By the Central Government.

Mr. Govind V. Deshmukh: Are yearly reports received by the Food Department?

The Honourable Sir Jwala Prasad Srivastava: Yes.

Mr. Govind V. Deshmukh: Do Government take action?

The Honourable Sir Jwala Prasad Srivastava: The Food Department is very much alive.

HYGIENE INSPECTION OF CONDIMENT POWDERS FACTORIES

1583. *Mr. Govind V. Deshmukh: Will the Honourable the Food Member be pleased to state: (a) whether the factories, at which condiment powders are prepared, have been examined from the point of view of hygiene; if so, what the reports about these factories were; and

(b) the precautions taken to prevent adulteration of condiment powders?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes. The reports were generally satisfactory.

(b) The Precautions to prevent adulteration include analysis of samples at the Military Food Laboratories and occasional inspections by officers of the Food Department and of the Inspectorate of Hygiene.

Mr. Govind V. Deshmukh: The Honourable Member said that the reports were generally satisfactory. What is the meaning of that?

The Honourable Sir Jwala Prasad Srivastava: Wherever there was any defect found it was brought to the notice of the proprietors and set right.

Mr. Lalchand Navalrai: May I know if such complaints were made and whether inspectors have gone into them, to the knowledge of the Honourable Member?

The Honourable Sir Jwala Prasad Srivastava: Oh! yes, they are being made as occasion arises.

Mr. T. S. Avinashilingam Chettiar: Do the Government inspect factories which are producing only for armed forces or do they inspect factories which produce for the general public also?

The Honourable Sir Jwala Prasad Srivastava: It is only for the army condiment powder.

Mr. T. S. Avinashilingam Chettiar: May I know if there is any provision for inspection of factories which supply for the civilian needs?

The Honourable Sir Jwala Prasad Srivastava: There is no purchase made by Government for the general public. We are on condiments now.

Maulvi Muhammad Abdul Ghani: What are the contents of the report?

The Honourable Sir Jwala Prasad Srivastava: I have not got copies of reports. Inspections are made from time to time. If there are any defects they are brought to the notice of the Department by the Inspectors and those defects are set right.

Mr. Govind V. Deshmukh: In view of the fact that reports are submitted to the Central Government, is the Honourable Member in a position to say what the reports are and from which factories?

The Honourable Sir Jwala Prasad Srivastava: I have not got a detailed list of factories.

Mr. Govind V. Deshmukh: The names of such of the factories whose reports he has?

The Honourable Sir Jwala Prasad Srivastava: None.

Ghee PURCHASING FIRMS OF GOVERNMENT

1584. *Mr. Govind V. Deshmukh: Will the Honourable the Food Member please state:

(a) the number and names of firms with the names of partners, if any, appointed by Government to purchase ghee last year;

(b) whether any of these have been given notice that their services will not be required; and

(c) the precautions taken to prevent adulteration of ghee?

The Honourable Sir Jwala Prasad Srivastava: (a) Only one Agent was newly appointed last year, *viz.*, British India Trading Co., Bombay in which Mr. D. Khandka, Mr. Devji Rattansi and Mr. Gordhan Dass Javdavji are partners.

(b) No.

(c) Food Department only buys ghee for the Army which before acceptance is tested to a specification designed to ensure the supply of pure ghee.

Qazi Muhammad Ahmad Kazmi: What are the special qualifications of this firm?

The Honourable Sir Jwala Prasad Srivastava: I am afraid, I do not know what my Honourable friend means by 'special qualifications'. They are a good firm.

Qazi Muhammad Ahmad Kazmi: Were any tenders invited? Was any comparison made between the tenders? How were they found to be efficient?

The Honourable Sir Jwala Prasad Srivastava: I shall require notice as to whether tenders were invited or not. That does not arise out of the question on the order paper.

Mr. Govind V. Deshmukh: I know tenders are not invited but applications are submitted to this Department which purchases food for the army. What are the grounds on which applications are granted or rejected?

The Honourable Sir Jwala Prasad Srivastava: We must get hold of a reliable firm which will do the job.

Mr. Govind V. Deshmukh: What is meant by 'a reliable firm'?

(No reply was given.)

Maulvi Muhammad Abdul Ghani: Is it a fact that a large amount of National Savings Certificates was purchased by this firm and therefore they got the license?

The Honourable Sir Jwala Prasad Srivastava: No, Sir, 'therefore' does not arise.

Ghee HEATING CENTRES

1585. *Mr. Govind V. Deshmukh: Will the Honourable the Food Member be pleased to state the number of Ghee Heating Centres in India, and the places where they are situated, and whether Government propose to continue all of them; if not, which of the Centres are to be discontinued and why?

The Honourable Sir Jwala Prasad Srivastava: There are six Ghee Heating Centres in India located at Agra, Muzaffarpore, Kamptee, Ambala, Karachi and Bangalore.

At present Government proposes to discontinue only the Ghee Centre at Kamptee, from 1st June 1945, or soon thereafter, in view of the changed circumstances of demand and availability.

Mr. Govind V. Deshmukh: What is the meaning of "changed circumstances"?

The Honourable Sir Jwala Prasad Srivastava: Change in demand and availability.

Mr. Govind V. Deshmukh: Did not the demand originally exist and supplies made? On what grounds has this centre been discontinued?

The Honourable Sir Jwala Prasad Srivastava: The military demand is now less and there is less ghee to be obtained in that area.

Mr. Govind V. Deshmukh: Then will the Honourable Member take steps to decrease the ration that is given to the army in the matter of vegetable ghee? Is the Honourable Member aware that the army is given vegetable ghee simply because animal ghee is not available?

The Honourable Sir Jwala Prasad Srivastava: That question ought to be addressed to the War Department. I do not fix the ration for the army. I only carry out the demands of the Quarter-Master General.

Mr. Govind V. Deshmukh: But is the Honourable Member really certain that the demand for ghee from the army is less?

The Honourable Sir Jwala Prasad Srivastava: Yes, it is less.

APPLICATIONS FOR OPENING PRIMARY AND MIDDLE SCHOOLS IN BALUCHISTAN

†1586. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

(a) the total number of applications received in Baluchistan in 1944-45 for opening new primary and middle schools;

(b) the number of such applications which were granted; and

(c) whether any new schools are being opened in Baluchistan in 1945-46?

Mr. J. D. Tyson: (a) 10 and 5 respectively.

(b) None of these applications could be granted owing to financial stringency. It may, however, be added that nineteen primary schools and one middle school were opened in April 1944.

(c) No, the question of opening new schools will be taken up as soon as the financial situation permits.

EXPENDITURE ON GROW MORE FOOD CAMPAIGN IN BALUCHISTAN

†1587. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

(a) the amount spent on "Grow More Food" Campaign in Baluchistan in 1944-45?

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

(b) the amount ear-marked for the above purpose in 1945-46;
(c) the results achieved; and
(d) whether any comprehensive scheme has been prepared; and, if so, the salient provisions?

Mr. J. D. Tyson: (a) The amount given in 1944-45 to the Baluchistan Administration for Grow More Food schemes is Rs. 1,82,000 as grants and Rs. 1,66,000 as loans.

(b) For the year 1945-46 schemes involving recoverable and non-recoverable expenditure of Rs. 10,54,700 and Rs. 4,28,000 respectively have been sanctioned so far.

(c) It has been estimated that some 14,000 tons of additional food will be produced by schemes sanctioned in 1944-45. As a result of the scheme for vegetable seed production about 42,000 lbs. of seeds of European types of vegetables were produced at Quetta valued at Rs. 3,58,000 approximately.

(d) The salient features of the scheme of work for 1945-46 are:
(1) the multiplication and distribution of improved wheat seed.
(2) the distribution of improved ploughs and fodder cutters.
(3) the training of fieldmen.
(4) the composting of town and village refuse, and
(5) the construction of minor irrigation works.

Sachhuts CONFERENCE AT CAWNPORE

1588. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Leader of the House please state:

(a) whether his attention has been drawn to page 4 (12) of the weekly news called *Kaukab-i-Hind* of Lucknow, dated the 2nd February, 1945, regarding holding a sachhuts conference on the 29th to 31st December, 1944, at Cawnpore; and

(b) whether Government of India in Reforms Department received copies of resolutions passed at the said conference along with notes of the Organiser of All-India Hindu Backward Classes League asking for separate representation for Hindu Backward classes; if so, with what results?

The Honourable Sir Sultan Ahmed: (a) and (b). I have now seen the news item referred to, and the resolutions which are said to have been passed. If action is desired on them, the appropriate authorities should be approached.

Maulvi Muhammad Abdul Ghani: What are the appropriate authorities?

The Honourable Sir Sultan Ahmed: The Central Government, the Provincial Government and the local bodies.

Maulvi Muhammad Abdul Ghani: Has the Central Government been approached by these people by sending their Resolutions?

The Honourable Sir Sultan Ahmed: No, Sir.

INDUSTRIAL PRODUCTS OF INDIA

1589. *Mr. Sri Prakasa: Will the Honourable Member for Industries and Civil Supplies please give a list of the various industrial products of India about which Government collects information and also a statement regarding exports under each of these heads on private and Government accounts during the last three calendar years?

The Honourable Sir M. Azizul Huque: It is not possible to furnish the list asked for as information of one kind or another is collected for a large number of products, and preparation of a list of all products, for which information of any kind is collected would involve an expenditure of time and labour which would not be justified in war time. Moreover, it is not clear what products are included under the expression 'industrial products' and what excluded from its connotation.

GRIEVANCES OF STUDENTS OF LADY HARDINGE COLLEGE, NEW DELHI

1590. *Mr. Lalchand Navalrai: (a) Will the Secretary for Education, Health and Lands be pleased to state what restrictions have been imposed upon the students of the Lady Hardinge College, New Delhi for going out and returning late to the College?

(b) What are the rules for visits of relations and friends to girl students? Will he please place the same on the table of the House?

(c) Why was the Founders' Day celebrations at the Medical College postponed *sine die* as announced in the *Hindustan Times* of 18th March, 1945?

(d) What are the grievances of the students which have caused embitterment and for which the Governing Body of the College has to meet on the 24th March, 1945?

(e) Is it a fact that Miss Lila Pandit, President of the College Students' Union, has written a letter to the President of this Governing Body that the students' daily life has been embittered owing to their grievances not having received consideration?

(f) Will he please state how many times the Governing Body met during 1944 and up to March, 1945, and which members of the body elected by the Indian Legislature attended each meeting of the body?

Mr. J. D. Tyson: (a) and (b). A copy of the rules is placed on the table of the House.

(c) As already explained in reply to Mr. Neogy's question No. 1346 on the 26th March 1945. Founder's Day was not celebrated this year because the students intimated to the Principal that they were not willing to attend it.

(d) The meeting of the Governing Body on the 24th March was not called specially to consider the grievances of the students as assumed by the Honourable Member. A copy of the letter sent by Miss Lila Pandit, President of the Students' Union, to the principal explaining the grievances of the students was laid on the table of the House in answer to part (b) of Mr. Neogy's question.

(e) Yes.

(f) The Governing Body met twice during 1944 and once in March this year. The following members of the Governing Body, who are Members of the Indian Legislature, attended the meetings of the Governing Body held on the dates specified against each:

Sir Syed Raza Ali and the Honourable Mr. Sapru attended the meeting of the 25th March 1944;

Sir Syed Raza Ali attended that of the 25th November 1944; and

Sardar Sant Singh attended that of the 24th March 1945.

LADY HARDINGE MEDICAL COLLEGE, RULES REGARDING LEAVE OF ABSENCE AND VISITORS

Leave of Absence and Visitors

Students may go out daily after classes end, but must return in time for roll call at 7-45 P.M. unless a pass has been obtained. Students must sign the book at the front entrance on going out and coming back stating their destination, or object in going out the time of departure and return.

In order to be absent from roll call and out after 7-45 P.M. a student must obtain a pass from the Warden. Application for passes are made in a book outside the Warden's office. Passes are to be applied for before 2 P.M. daily and before 2 P.M. on Saturday for a Sunday pass. The Warden's signature must be obtained before the pass is valid. All passes must be handed to the Durwan at the front entrance on going out. Passes allow absence up to 10 P.M. only, except in very special cases. Students must leave and enter the College by the front entrance only.

All hotels, restaurants and tea shops are out of bounds even when students are spending the week-end with friends, except that students may go to Davico's or Wenger's between 3-30 and 7-30 P.M.

All parents or guardians supply a list of: (1) friends who may visit their daughters or wards or (2) friends with whom they may spend week-ends or odd holidays. Students may only visit the friends whose names are on the list. When visiting friends students should enter the name of the person in the book. It is not sufficient to write "visiting friends". Students may only write "Home" if their parents or guardians actually live in Delhi.

Students wishing to stay with friends and thus be absent from College for one or more nights, must apply on a leave form through the Warden to the Principal and receive her permission before absenting themselves.

Students, wishing to take leave at times other than recognised holidays and week-ends must apply on a leave form through the Warden to the Principal and state the reason for their application for leave.

Visitors on the list supplied by the parents or guardians may come to see students between the hours of 3-30 P.M. and 7-30 P.M. on week-days and between 10-30 A.M. and 7-30 P.M. on Sundays. Gentlemen visitors will see students in the Hall and Visitors' room,

but lady visitors are permitted to go to students' rooms. Permission to see students at other time in cases of emergency can be granted by the Warden.

Students may have visitors to stay in their rooms after obtaining the Warden's permission. The period of stay should not exceed three days.

Seth Yusuf Abdoola Haroon: With reference to part (a) may I know what new restrictions have been imposed upon these students?

Mr. J. D. Tyson: No new rules have actually been added, but the Principal has been tightening up the administration of the rules, and in particular, she has put the quarters of the House Surgeons in the college compound out of bounds to students. The students can only entertain House Surgeons in the students' common room. The reasons for this are congestion in the House Surgeons' quarters and the fact that students were meeting soldiers and other men in those quarters. The second thing is that she has curtailed the number of passes that are issued to these lady students on the ground that Delhi is a dangerous place for young women after dark, especially in the winter months.

Mr. Lalchand Navalrai: Have any arrangements been made for guests, friends and relatives of these students to meet them? And at what place do they meet?

Mr. J. D. Tyson: Yes, Sir. The Honourable Member will find that, in the rules that I have laid on the table, very adequate arrangements have been made.

Mr. Govind V. Deshmukh: Is it a fact that the Founder's Day has been postponed because of the hot atmosphere created by the students?

Mr. J. D. Tyson: Yes. The students intimated that they would not attend; they presented a manifesto saying that they would not attend it. The Principal convened a meeting of the staff and decided not to hold the celebration.

Mr. Lalchand Navalrai: Was it found out from them why they were not attending?

Mr. J. D. Tyson: Yes; they said that unless their grievances, specially those to which I have referred, were met they would not attend.

Shrimati K. Radha Bai Subbarayan: May I know, Sir, if there is a tutorial system in the College, each professor being in charge of a certain number of students?

Mr. J. D. Tyson: I shall require notice of that; it really does not arise.

Shrimati K. Radha Bai Subbarayan: In view of the fact, Sir, that from questions put in this House and reports in the press it is quite clear that the state of affairs in this college is not satisfactory, will Government give their immediate attention to the urgency of appointing a committee to make a thorough investigation?

Mr. J. D. Tyson: No, Sir; we are not at all convinced that conditions are not satisfactory. The college has got its own Governing Body and they are handling the matter.

Mr. Govind V. Deshmukh: May I know if the Governing Body have considered the manifesto issued by the students and their complaints and grievances?

Mr. J. D. Tyson: The Governing Body had two letters from the students before them in their meeting on the 24th March and did consider them,—I do not know with what result.

Seth Yusuf Abdoola Haroon: Did the Governing Body find Delhi a dangerous zone?

Mr. J. D. Tyson: I should point out that this tightening up of the rules was introduced during the cold weather when the nights are long and dark.

Mr. Sri Prakasa: Is it not a fact that moonlit nights are more dangerous than dark nights?

PUBLIC UTILITY CONCERNS HELD BY NON-INDIAN INTERESTS

1591. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Labour Member please state:

(a) the number of public utility concerns held by British and other non-Indian interests in India; and

(b) whether any attempts were made to acquire these public utility concerns?

The Honourable Dr. B. R. Ambedkar: (a) and (b). The information asked for is being collected and will be laid on the table of the House.

EXPENDITURE ON EDUCATION IN BALUCHISTAN

†**1592. *Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) the sum spent on education in Baluchistan in 1944-45;

(b) the percentage this constitutes of the total expenditure;

(c) whether the sum allotted for education is being increased in 1945-46; and, if so, by how much;

(d) how this compares with the amount spent on education in Ajmer-Merwara and Delhi; and

(e) what percentage of the total expenditure was spent on education in 1944-45 in Ajmer-Merwara, Delhi and Baluchistan?

Mr. J. D. Tyson: (a) The revised estimates for 1944-45 for "Education" under "Baluchistan" are Rs. 5,54,400.

(b) 6·52 per cent.

(c) Yes, by Rs. 2,25,200.

(d) The budget estimates for 1945-46 for "Education" under "Ajmer-Merwara" and "Delhi" are Rs. 7,19,400 and Rs. 20,03,600 respectively, as against Rs. 7,79,600 under "Baluchistan".

(e) The respective percentages in Ajmer-Merwara, Delhi and Baluchistan were 21·17, 20·2 and 6·52.

ENFORCEMENT OF ROMAN SCRIPT IN PRIMARY SCHOOLS OF CERTAIN DISTRICTS IN UNITED PROVINCES

1593. *Mr. Kailash Bihari Lall: Will the Secretary for Education, Health and Lands be pleased to state:

(a) if the Government of India are aware that the Government of the United Provinces have enforced the use of Roman script in Primary schools of the Districts of Garhwal, Bulandshahr and Partabgarh for which text books have been compiled and are being printed in the Government Press, Allahabad; and

(b) if the reply to part (a) above is in the affirmative whether the Government of India have enunciated any policy with regard to that?

Mr. J. D. Tyson: (a) Government have no information.

(b) No; the Government of India have not enunciated any policy in the matter.

Mr. Kailash Bihari Lall: In view of the importance of the question, will the Government of India inquire into the matter?

Mr. J. D. Tyson: No, Sir, it is a provincial matter.

Mr. Kailash Bihari Lall: In view of its importance I suggest that this introduction of the Roman script is an all-India matter, and so the Government of India should inquire into it.

Mr. J. D. Tyson: If any province likes to raise it in the Central Advisory Board of Education, I have no doubt that the Board will consider it.

Mr. Kailash Bihari Lall: In view of the fact that the U. P. is a province ruled by section 93 of the Government of India Act and there is no popular Government, will the Central Government inquire into the matter and see that in the interim this rule may not be introduced as it will be very prejudicial to students?

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

PAYMENTS TO CONTRACTORS FOR SILT CLEARANCE AT CHANDRAWAL AND WAZIRABAD, DELHI

1594. *Mr. Kailash Bihari Lall: Will the Secretary for Education, Health and Lands be pleased to state:

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

(a) if it is a fact that, total payments to contractors for silt clearance, at Chandrawal and Wazirabad, Delhi, under the Delhi Joint Water and Sewage Board, New Delhi, etc., during 1941-42, 1942-43 and 1943-44 were only approximately Rs. 3,000, 12,000 and 9,000 respectively;

(b) if it is a fact that during the current financial year the figure of payments has gone above Rs. 50,000;

(c) if it is a fact that the contract of the present contractor is being renewed on the present high rates without inviting fresh tenders; if so, why?

(d) if it is a fact that payment at higher rates is being made for wet silt, while in actual practice, silt is removed only when it has dried up;

(e) if it is a fact that the Board is, at present, paying an exhorbitant rate of Rs. 7-8-0 per hundred cubic feet for extra load for every additional chain, while the rate during the previous years has been less than Re. 1; if so, why; and

(f) if Government are prepared to institute enquiries into the working of the Board and its staff?

Mr. J. D. Tyson: (a) to (f). Information has been called for and will be furnished to the house when received.

EXCESSIVE REQUISITION OF FOODGRAINS FROM CULTIVATORS IN CERTAIN DISTRICTS

1595. *Sri K. B. Jinaraja Hegde: Will the Honourable the Food Member be pleased to state:

(a) whether he is aware that in the following districts, excessive requisition of foodgrains from cultivators was made and that their objections are not heard and that there is agitation in the press against the method employed and the policy followed:

(i) Madras:—South Kanara District, and

(ii) Bombay:—Dharwar, Belgaum, Bijapur and North Kanara; and

(b) in view of the assurance given by the Honourable Member in his reply to Starred Question No. 618, dated the 20th November, 1944 that the cultivators' requirements would be safeguarded, whether Central Government have issued any circulars in this regard so far; if not, whether they propose to do so now?

The Honourable Sir Jwala Prasad Srivastava: (a) I have made enquiries and am assured that excessive requisitioning of foodgrains from cultivators was not resorted to in the districts mentioned. Objections are carefully considered and where necessary rebates are allowed. In Bombay articles in the Press regarding the levy system generally are regularly discussed in District Press Conferences and misunderstandings removed as far as possible. A report has been called for from Madras on this point.

(b) I am satisfied that the need for safeguarding the requirements of cultivators which my Department has already impressed on Provincial Governments and which was discussed at the last Food Conference, is fully understood, and no special directive on the point is required.

Seth Yusuf Abdoola Haroon: With reference to the Honourable Member's reply to part (a) of the question, may I know what he means by "excessive requisitioning of foodgrains from cultivators"? May I know how much grain was left with the cultivators?

The Honourable Sir Jwala Prasad Srivastava: I mean exactly what I have said—no more and no less.

Seth Yusuf Abdoola Haroon: There is no question of 'no more and no less'. I want to know how much grain was actually left with the cultivators for themselves and their families?

The Honourable Sir Jwala Prasad Srivastava: That was not the question on the order paper.

Seth Yusuf Abdoola Haroon: The question was 'whether he is aware that excessive requisition of foodgrains from cultivators was being made'. . . .

The Honourable Sir Jwala Prasad Srivastava: I am satisfied that excessive grain was not requisitioned from the cultivators.

Maulvi Muhammad Abdul Ghani: What are the rules for the requisitioning of foodgrains?

The Honourable Sir Jwala Prasad Srivastava: We have made no rules; these rules are made by the Provincial Governments. The whole system is explained in the Butler Report which is in the Library of the House.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that large complaints have been received in this matter, will the Government issue a fresh circular saying that proper allowances which are promised in the orders made by the Government itself are kept up and that proper allowances are given? The order is all right but the execution is defective. We do not know what machinery he has, but may I know if he will issue a strict circular that the orders which are being issued are strictly adhered to?

The Honourable Sir Jwala Prasad Srivastava: Yes, certainly.

Prof. N. G. Ranga: Will the Honourable Member enquire from his Regional Food Commissioner whether his orders are being strictly enforced and whether the cultivators' requirements are left with the cultivators?

The Honourable Sir Jwala Prasad Srivastava: As I have already stated in my reply, so far as Bombay goes I am satisfied with the reports which I have received that all legitimate complaints are looked into and put right.

Mr. T. S. Avinashilingam Chettiar: What about Madras?

The Honourable Sir Jwala Prasad Srivastava: I am awaiting a reply from Madras. I have written to Madras and as soon as I get information from there, I will lay it before the House.

Prof. N. G. Ranga: Does it cover both the Government of Madras and the Regional Food Commissioner?

The Honourable Sir Jwala Prasad Srivastava: Yes, Sir.

Prof. N. G. Ranga: Is it not a fact that the Honourable Member's attention has been drawn to actual reports of excessive procurements of foodgrains from various other districts also, apart from South Canara—for instance, South Arcot?

The Honourable Sir Jwala Prasad Srivastava: No, Sir. I have not seen any such reports.

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

AUDIT OF ACCOUNTS OF GOVERNMENT OF INDIA PRESSES

1596. *Sri K. B. Jinaraja Hegde: Will the Honourable the Labour Member be pleased to state:

(a) whether the accounts of the Government of India Presses are annually audited by the Accountant General, Central Revenues, New Delhi;

(b) whether copies of the audit reports are sent to his Department for perusal and action; and whether such copies were received in the last two years; if so, the action taken thereon;

(c) whether it is a fact that serious discrepancies in the accounts of paper were found in the last two reports and no action was taken on them; if so, what the reasons are; and

(d) whether Government propose to place a copy of each of the audit reports for the last two years of the New Delhi Press on the table of the House?

The Honourable Dr. B. R. Ambedkar: (a) The accounts of the Presses are audited by the Accountant General, Central Revenues and other Accountants General who act on his behalf.

(b) Reports are submitted by audit to Heads of Departments. Reference is made to Government of India only on points of importance or matters on which settlement cannot be reached.

(c) The 1942-43 report revealed certain discrepancies which were mostly due to wrong entries in registers. The matter is still under examination. The 1943-44 report has recently been received and is under examination by the Controller of Printing & Stationary, India.

(d) No. Important points are included in the Appropriation Accounts of the year by the Accountant General, Central Revenues. These accounts are

examined by the Public Accounts Committee and their report is laid before the Legislative Assembly.

Sri K. B. Jinaraja Hegde: May I know with reference to part (d) of the question whether the Honourable Member will please lay the audit reports on the table of the House?

The Honourable Dr. B. R. Ambedkar: No, Sir. It is not necessary. These are included in the Public Accounts Committee reports.

Sri K. B. Jinaraja Hegde: May I know whether these audit reports are incorporated in full in the Public Accounts Committee reports?

The Honourable Dr. B. R. Ambedkar: Such parts of it as are necessary for the purposes of the Public Accounts Committee are incorporated.

NEW LIST OF VOTERS FOR CENTRAL ASSEMBLY IN BOMBAY

†**1597. *Mr. Abdul Qaiyum:** Will the Honourable the Law Member please state:

(a) whether only two copies of the registered list of voters for the Central Assembly are at present available to the Bombay Public;

(b) the date on which the new list of voters for the Central Assembly was published in Bombay;

(c) the last date for prefering claims and objections;

(d) whether a large number of names have been left out from the new list;

(e) whether owing to inadequate number of new lists, people are experiencing difficulty to find out if their names are on the list;

(f) whether he has read the complaint in this connection in the *Hindustan Times* of 17th March, 1945 (page 4) under the heading 'Central Assembly voters list, several thousands of names omitted' and

(g) whether he proposes to take steps to redress the grievances voiced in the news item?

The Honourable Sir Asoka Roy: (a) and (e). In accordance with regulation 2 in Part II of the Legislative Assembly (Bombay) Electoral Regulations, publication was effected at the headquarters office of the Returning Officer where seven copies were available and at the headquarters office of the Municipality where one copy was available. The public referred freely to the available copies and there is nothing to suggest that any difficulty arose.

(b) and (c). Publication under regulation 2 was effected on the 12th March, and under sub-regulation (3) of regulation 3 claims and objections were required to reach the office of the Judge on or before the tenth day from the date of publication, excluding the day of publication. I would add that publication under regulation 2 was preceded by a preliminary publication under regulation 7 on the 8th January when 15 days were allowed for the submission of applications for enrolment.

(d) No. I lay on the table a copy of the report received from the Returning Officer on this point.

(f) Yes, but the report laid on the table in reply to part (d) shows that the complaint had no foundation.

(g) Does not arise.

Returning Officer's Report

It is not correct to say that a large number of names have been left out from the Electoral Rolls. Every care was taken to include all legitimate names at the time of the preparation of the Rolls. There was first the Government of Bombay's Notification No. 6805, dated 2nd October 1944 in the Bombay Government Gazette. Then I issued a press notice, dated 26th October 1944, through the Director of Information, Bombay, asking all persons intending to have their names enrolled to register them in the Collector's office. Again, after the preliminary publication, the public was again informed through a press communique that qualified persons whose names were not enrolled should apply to the Collector. Only 205 claims have been received by the Revising Authority by the 22nd instant, which shows that only few names were left out. No complaint has been received from the persons who actually came to consult the lists.

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

PRODUCTION AND EXPORT OF CHILLIES

1598. *Mr. Ananga Mohan Dam: Will the Honourable the Food Member be pleased to state:

(a) the production of Chillies in the country in 1941-42, 1942-43 and 1943-44; and the quantities exported out of India and to which countries;

(b) what system was adopted to grant export licences and on what basis the firms were selected for such licences;

(c) the number and names of firms which are authorised to export chillies out of India; and

(d) if in selecting firms Government prefer firms quoting lower prices to those charging higher prices; if not, why not?

The Honourable Sir Jwala Prasad Srivastava: (a) A statement giving such information as is available is laid on the table.

(b) and (d). Price quoted is not the determining factor in the issue of licenses. Licenses are, as a rule, granted by the Export Trade Controllers to established exporters on the basis of their shipments in the basic year 1941-42. The object of confining licences to such exporters is so that, when trade is restricted, it should be reserved as far as possible to those whose normal business has been affected.

(c) There are 194 established exporters. It is not in the public interest to disclose their names.

Statement

(a) Production of Chillies during the period 1941-42 to 1943-44.

Province	Production (Tons)		
	1941-42	1942-43	1943-44
Bengal	Figures not available	3,130	Figures not available
Bombay	7,010	7,381	8,020
Madras	156,595	170,470	Figures not available.

Data for other parts of the country are not available.

(b) Export of Chillies from British India during the period 1941-42 to 1943-44.

(In cwts.)

To countries of destination	1941-42	1942-43	1943-44
Ceylon (excluding Maldives)	128,279	189,201	107,225
United Kingdom (including Channel Islands).	1,987	..	..
Aden and Dependencies	2,192	..	..
Burma	531	..	..
Straits Settlements	10,194	..	..
Federated Malay States	1,646	..	..
Union of South Africa	120	12,091 (to countries other than Ceylon)	6,700 (to countries other than Ceylon)
Mouritius and Dependencies	1,858	..	..
Commonwealth of Australia	657	..	..
Iraq	347	..	..
United States of America	617	..	..
Other countries	753	..	..
Total	149,131	201,292	113,925

Mr. T. S. Avinashilingam Chettiar: What is the answer to part (d) of the question?

The Honourable Sir Jwala Prasad Srivastava: I answered parts (b) and (d) together.

Mr. Ananga Mohan Dam: May I know if it is a fact that a great quantity of Chillies got deteriorated for want of transport facilities?

The Honourable Sir Jwala Prasad Srivastava: I have had no definite complaint to that effect, but the shipping facilities are limited as the Honourable Member must understand.

Mr. Ananga Mohan Dam: Is it not a fact that if the number of exporters is increased, it would be to the advantage of growers of chillies?

The Honourable Sir Jwala Prasad Srivastava: I don't accept that, but I can give the Honourable Member certain figures. In the year 1941-42, we exported 150,000 cwts. of chillies. During the year 1942-43, we exported 201,000 cwts. of chillies, so that the quantity increased in that year.

Mr. Ananga Mohan Dam: May I know if the Honourable Member is aware that there was an insistent demand from the Government of Ceylon for chillies?

The Honourable Sir Jwala Prasad Srivastava: We have met that demand.

Mr. Ananga Mohan Dam: What is the difficulty in increasing the number of exporters?

The Honourable Sir Jwala Prasad Srivastava: I have explained that in my answer.

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

Mr. Govind V. Deshmukh: May I know the number of European exporters?

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

EUROPEAN AND INDIAN I. M. S. OFFICERS HOLDING ADMINISTRATIVE POSTS

1599. *Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands be pleased to state:

(a) the number of European Officers of the Indian Medical Service holding administrative posts as Surgeon-General or Inspector-General of Hospitals;

(b) the number of Indian officers holding similar appointments; and

(c) the number of European officers appointed to these posts since the beginning of the war; and whether such appointments have resulted in supersession of Indian officers; if so, why?

Mr. J. D. Tyson: (a) Eight.

(b) None at present. One Indian officer refused an appointment of Inspector General of Civil Hospitals, when selected for it. Another Indian officer has recently been selected for appointment as Inspector General but has not yet joined.

(c) British officers were appointed to fourteen out of fifteen of these posts filled since the beginning of the war. Appointments to the posts are made by selection by Provincial Governments. As these are purely selection posts no question of supersession arises.

Seth Yusuf Abdoola Haroon: May I know the reasons why the Indian Officer refused the post of Inspector General of Civil Hospitals?

Mr. J. D. Tyson: Domestic reasons; it involved service for the whole year in what is virtually a hill station and he said that his wife's health would not permit his accepting the appointment.

Mr. Govind V. Deshmukh: Who makes the selection?

Mr. J. D. Tyson: The Provincial Governments.

FEMALE SUBORDINATE IN FOOD DEPARTMENT

1600. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Food Member please state:

(a) the total number of female subordinates Division, I and II in the Department of Food and how many of them are Bengalis; and

(b) whether it is a fact that no seniority list of these female subordinates is maintained; if so, on what basis their promotions to higher posts are made; and if any seniority list is maintained, whether it is combined or separate from that of male subordinates?

The Honourable Sir Jwala Prasad Srivastava: (a) Thirteen in all: two Assistants, ten Clerks and one confidential Secretary.

Out of the total of thirteen, three are Bengalis.

(b) A combined gradation list is maintained for both men and women.

Mr. Muhammad Nauman: What is the duty of the Confidential Secretary?

The Honourable Sir Jwala Prasad Srivastava: She is a Confidential Secretary.

Mr. Muhammad Nauman: Is she attached to the Honourable Member?

The Honourable Sir Jwala Prasad Srivastava: No, not to the Honourable Member.

Maulvi Muhammad Abdul Ghani: May I know whether it is a fact that female subordinates are divided into two categories: (i) those under teens; and (ii) those above teens; and, if so, those under teens are retained in the Administration Branch under the direct control of Administration officers and those above teens are spread over different branches in the Department?

The Honourable Sir Jwala Prasad Srivastava: No, Sir. We do not do anything so monstrous as that.

ADMISSIONS IN DHANBAD SCHOOL OF MINES

1601. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member be pleased to state the number of admissions in 1940, 1941 and 1942 to the Dhanbad School of Mines and the number of Muslims in respective years?

The Honourable Dr. B. R. Ambedkar: 26, 24 and 24 out of which the number of Muslim was One, *Nil*, and *Nil* respectively.

Maulvi Muhammad Abdul Ghani: In view of the low percentage of Mussalmans who have been admitted in the Dhanbad School of Mines, has the Honourable Member considered the advisability of fixing the percentage of Mussalmans with minimum qualifications as he has done in the case of the Scheduled Castes or Depressed Classes?

The Honourable Dr. B. R. Ambedkar: I shall carefully examine the matter.

Mr. Muhammad Nauman: May I know if the Honourable Member has done it for the Scheduled Castes and whether the minimum percentage has not been fixed for them?

The Honourable Dr. B. R. Ambedkar: Yes.

Sir Muhammad Yamin Khan: In reply to a supplementary question which I put on the subject on the 16th March, the Honourable Member replied that the Governing Body has got full powers to make the reservation for the admission of students in this manner. Does the Honourable Member confirm that statement today?

The Honourable Dr. B. R. Ambedkar: Yes, Sir. The Governing Body has the right to ask the Government to enlarge its functions and if the Governing Body took the matter up and applied to the Government to have this matter left to them, Government will be glad to consider the matter.

Sir Muhammad Yamin Khan: They have got no such power at present and they have to come to the Government to get this power?

The Honourable Dr. B. R. Ambedkar: Yes, Sir.

Sir Muhammad Yamin Khan: The impression was created by the last reply of the Honourable Member that they have already got this power.

The Honourable Dr. B. R. Ambedkar: They have the power to ask for the enlargement of their functions.

Sir Muhammad Yamin Khan: I am not asking for the enlargement of their functions. I want to know whether they have got the power at present to reserve the seats in the school.

The Honourable Dr. B. R. Ambedkar: Not in the specific terms in which my Honourable friend has referred to it.

Dr. Sir Zia Uddin Ahmad: In view of the fact that my name was mentioned in the reply of the Honourable Member to a supplementary question

on Question No. 1047 on the 16th March, I made enquiries from the Principal of the School of Mines and I found that the Governing Body has no such power.

The Honourable Dr. B. R. Ambedkar: Not at present. If they move in the matter, the Government will be pleased to consider it.

Dr. Sir Zia Uddin Ahmad: Did the Governing Body move in the case of the Scheduled Castes?

The Honourable Dr. B. R. Ambedkar: Yes, Sir. There was correspondence with the Principal. I might inform the Honourable Member that the position with regard to the Muslims, as I find it, is that they do not seem to be keen to take advantage of the school. (Interruption.) My Honourable friend will listen to me. I will give some figures. In 1926-27 three Muslims were admitted, one left. In 1930-31 two were admitted of whom one left. In 1932-33, four were admitted of whom two left. In 1934-35, three were admitted, one left. In 1935-36 two were admitted of whom one left. In 1943-44, two were admitted and one left. In 1944-45 one was admitted but did not join.

Dr. Sir Zia Uddin Ahmad: We had been hearing similar arguments in connection with engineering and other colleges, and on investigation they were found to be incorrect. If the Honourable Member reserves the seats I am sure I can supply him with three times the number that he has reserved.

The Honourable Dr. B. R. Ambedkar: That is a matter which I will consider.

Sir Muhammad Yamin Khan: As it is disclosed by the reply of the Honourable Member that so many Mussalmans left continuously year after year, will the Honourable Member enquire why every year Mussalmans did join but left?

The Honourable Dr. B. R. Ambedkar: I seem to think that there is some explanation. I find on examining the position of the Dhanbad School that from 1926-27 there has been a general decline of students. In 1926-27 the total was 51. In 1929 it fell down to 10 and it is only in 1941-42 the number came up to 24. The reason seems to be the general decline in the coal industry and also because there are very few possibilities of the student being employed afterwards, since most of the mining areas employ uncertificated people.

Sir Muhammad Yamin Khan: Does it mean that the coal mines do not take advantage.

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

PERMISSION TO CERTAIN BOMBAY COMPANY FOR REGISTERING A COMPANY FOR MANUFACTURE OF RADIO SETS

1602. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Civil Supplies please state if it is a fact that Messrs. Eastern Electric and Engineering Company of Bombay have secured permission to register a company with fifty lacs of rupees as capital and an influential Board for the manufacture of radio sets in India?

(b) Is it a fact that the Managing Director of this Company applied for priority air passage to America and the grant of such passage was approved by the Civil Supplies Department, New Delhi?

(c) Is it a fact that on the 14th March, 1945, the Chief Secretary to the Government of Bombay, Political and Services Department, wrote to this firm that their application for a priority air passage could not be entertained?

(d) Is it a fact that the Managing Director of this firm has not yet been granted a passport to proceed to America by the External Affairs Department, New Delhi, in spite of the fact that his application for a passport was favourably recommended by the Government of Bombay?

(e) In view of the declared policy of Government to encourage the manufacture of radio sets in India, do Government propose to call for these papers and consider whether the facilities requested for passport and travel to arrange for equipment and machinery, could not be granted?

The Honourable Sir M. Azizul Huque: (a) The permission has been given to the Motwane Radio Manufacturing Co. Ltd., Bombay.

(b) No. The Managing Director did not apply. Mr. V. G. Motwane, Vice-Chairman of the same Co. did however apply and the Industries and Civil Supplies Department recommended the grant of air passage to U. S. A. for him.

(c) Yes, because Mr. N. G. Motwane, the Managing Director of the firm is already in U. S. A. to look after the business.

(d) The Managing Director, Mr. N. G. Motwane, as stated in reply to part (c) of the question, is already in U. S. A. and hence the question of granting a passport to him does not arise.

(e) In view of the answer to part (c) of the question, does not arise.

Mr. Manu Subedar: In view of the fact that Government's attitude with regard to the encouragement of certain types of industries, such as chemicals, photographic films, radios, etc., is being misunderstood, will the Honourable Member consider some extra effort in order to give facilities of the kind asked for?

The Honourable Sir M. Azizul Huque: Here is a Managing Director who has already gone to America and there is no question of giving a passport to him. He is already in that connection there. I would like to know whether the Honourable Member wants all the Directors to be sent to America.

Mr. Manu Subedar: The Vice-President of the Company is now anxious to go and while the Government of Bombay are agreeable the Government of India are not agreeable and if the Government of India are agreeable, the Government of Bombay are not agreeable. Will the Honourable Member make in the Industries section of his Department some special effort to see that such things do not occur?

The Honourable Sir M. Azizul Huque: The Industries Department has to find air passage even in these difficult times for not merely this company but a number of others as well and I myself have been approached by quite a number of people within the last few weeks and we have to make arrangements for them. I am sure that both the Managing Director and the Vice-President of a company cannot always be sent to America.

Mr. Lalchand Navalrai: If the Honourable Member wants to know from this company why two men are going there, may I ask whether it is a fact or not that the former man, the President, went there not for this purpose? He went there for other purposes. Now he wants this Vice President for this particular purpose. Why should not a passport be given to him?

The Honourable Sir M. Azizul Huque: This is a company for which the capital issue was permitted recently. This gentleman who is in America is called the Managing Director. I cannot understand how a man can go there and say "I have come here for another reason. Send me another man, even though I am the Managing Director"?

Mr. Lalchand Navalrai: Will the Honourable Member enquire of this company (I have made full enquiries) why two passports should be issued? Has the Honourable Member enquired that?

The Honourable Sir M. Azizul Huque: I do not think it is necessary, because it will be difficult for us to find out air passage for two people of one concern. I would be very glad to do so, when the passage position becomes easy.

REPRESENTATION FROM EMPIRE INDIAN LABOUR FORMERLY EMPLOYED IN BURMA

1603. *Prof. N. G. Ranga: Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) if Government have received any representation from the Empire Indian labour, formerly employed in Burma as to their future interests regarding (i) their freedom to emigrate to Burma; (ii) their need to be freed from the former evil of contract system of recruiting and paying labour; (iii) minimum

wages; (iv) unemployment Insurance; (v) improvement of housing conditions; and (vi) provision and other social securities;

(b) whether Government propose to meet these needs of Indian labour in Burma; and

(c) whether Government propose to call a conference of the representatives of former Indian labour in Burma, to ascertain their needs and wishes?

The Honourable Dr. N. B. Khare: (a) and (b). We have not had any representation from any organisation known as "Empire Indian Labour"; but certain representations on the subject have been received. Government are fully alive to the importance of securing satisfactory conditions for Indian labour in respect of the matters specified. They will continue to make every effort to meet these needs of Indian labour.

(c) The suggestion will receive consideration.

CONSULTATION OF LEGISLATIVE ASSEMBLY ON HYDARI MISSION RECOMMENDATIONS

1604. *Prof. N. G. Ranga: With reference to his answer to part (d) of starred Question No. 1204, dated the 21st March 1945, will the Honourable Member for Industries and Civil Supplies be pleased to state whether Government propose to consult this House before coming to final decisions on the recommendations of the Hydari Mission?

The Honourable Sir M. Azizul Huque: I would refer the Honourable Member to the supplementary questions and answers to starred question No. 474 on the 22nd February 1945, answered by Mr. Trivedi.

Prof. N. G. Ranga: Is it not a fact that the Hydari Mission has already concluded certain agreements or has taken final decisions?

The Honourable Sir M. Azizul Huque: Hydari Mission has come back.

Prof. N. G. Ranga: It has come back it is true, has it submitted its report to the Government of India, and, if so, will the Government of India give this House an opportunity of discussing it?

The Honourable Sir M. Azizul Huque: It was answered quite definitely by Mr. Trivedi that it is not a policy committee and had only gone to explore possibilities of certain supplies. It has come back, and it was also answered by Mr. Trivedi as to what will be done after they come back.

Prof. N. G. Ranga: This is a queer position. I put this question myself. When it came up for discussion the Honourable Member wanted notice. I gave him the notice. I asked him whether this House would be consulted at all in regard to the activities of this Mission. The Honourable Member refers me to some other question which was answered, and does not give a specific answer.

The Honourable Sir M. Azizul Huque: This Mission did not go at the instance of the Department of Industries and Civil Supplies, but at the instance of the War Department. Mr. Trivedi answered that the question of acquainting the Legislature with the results of the Mission will be considered after its return.

Dr. P. N. Banerjea: Now that the Mission has come back will Government give us an assurance that the matter will be considered by the House?

The Honourable Sir M. Azizul Huque: That should be addressed to the War Department.

(b) WRITTEN ANSWERS

BLUE-PRINT FOR CONDITIONS FOR INDIAN LABOURERS TO BE ALLOWED TO GO TO BURMA, ETC.

1605. *Prof. N. G. Ranga: Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) whether Government propose to prepare any blue-print for the conditions subject to which Indian labourers are to be allowed to go and be employed in Burma, Dutch East Indies, Malaya, Singapore and other Pacific areas;

(b) whether he is aware that previous to the Japanese entry into war, Indian labour in those countries had serious complaints about the conditions economic, political and social, subject to which they were employed; and

(c) whether Government propose to convene a conference of representatives of the Indian labourers who had been in those countries and who had come back after the Japanese aggression and ascertain their views, needs and demands, before they make their final blue-prints.

The Honourable Dr. N. B. Khare: (a) and (b). Under section 10 of the Indian Emigration Act, 1922, emigration of Indian labourers is not lawful except to such countries and on such terms and conditions as the Government may specify. Of the countries mentioned by the Honourable Member Burma and Malaya are the only two to which emigration has so far been allowed. The Government are aware of the grievances of Indian labour employed in the various Empire countries in the East and will see that satisfactory conditions of employment are assured before emigration of Indian labour is allowed to those areas. The conditions under which emigration will be permitted have to be determined in respect of each country with special reference to local conditions and may have to be settled by negotiation. It is not, therefore, proposed to issue at present any blue-print detailing the conditions under which such emigration will be permitted.

(c) The Government will take into consideration the views of all representative bodies interested in the welfare of Indian labour before coming to any final decision. They have already had consultations with representatives of Indian labour in Burma.

CENTRAL GOVERNMENT SERVANTS NOT PROVIDED WITH QUARTERS

1606. *Sardar Sant Singh: (a) Will the Honourable the Labour Member be pleased to state the percentage of Central Government servants serving in Delhi and New Delhi and having a monthly salary of below Rs. 600 who have not so far been provided with any Government accommodation?

(b) Is it a fact that a Government servant whose monthly salary is below Rs. 600 is not deprived of his quarter when he becomes out of class until accommodation of a higher type can be provided to him?

(c) Will Government please state the number of Government servants in Delhi and New Delhi who were in possession of Government quarters but have been deprived of them on technical ground of transfer from one Government office to another in New Delhi *e.g.* from Agricultural Institute, Pusa, Government of India Press, New Delhi, A. G. P. & T. etc., to the Government of India Main Secretariat Departments?

The Honourable Dr. B. R. Ambedkar: (a) About 65 per cent.

(b) Yes.

(c) The required information is not readily available and its collection at this stage would not justify the labour involved, but I would inform the Honourable Member that except in the case of the staff transferred from Government of India Press, Agricultural Research Institute and A. G. P. & T's Office, who have got their separate pool of quarters, no officer is required to vacate his quarter on transfer from one Government office to another in New Delhi.

PLIGHT OF CENTRAL GOVERNMENT SERVANTS DEPRIVED OF QUARTERS ON TRANSFER TO ANOTHER OFFICE IN NEW DELHI

1607. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state if it is a fact that in a considerable number of cases where Government servants have been deprived of their quarters, the persons concerned have a total length of permanent service under the Central Government in Delhi and New Delhi for a period of fifteen years or more?

(b) Are Government aware that under the existing conditions, some of these Government servants who had to wait in the beginning for a number of years before they got Government accommodation, will have no chance during their service-life to get Government accommodation again?

(c) Is it a fact that distinction between orthodox and un-orthodox quarters has been abolished with a view to enlarge the scope of a Government servant to get accommodation in Delhi and New Delhi?

(d) Do Government propose to consider the cases of Government servants referred to in (a) and (b) above and grant them relief in the matter of accommodation by taking into account their length of service under the Central Government in Delhi and New Delhi. If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) The Honourable Member's attention is invited to reply to part (c) of starred question No. 1606.

(b) Officers mentioned in my reply to the last question may have to wait for their turn in the general pool, but for how long they may have to wait, I cannot say.

(c) Yes.

(d) The length of service in the general pool is always the deciding factor. Government do not consider it equitable to alter this rule in favour of any particular groups of Government servants.

SCARCITY OF QUININE IN FARIDPUR DISTRICT

1608. *Mr. A. Satyanarayana Moorty: (a) Will the Secretary for Education, Health and Lands please state whether the attention of the Government is drawn to a statement issued by Dr. Harendra Chandra Sen, President, Medical Association, Madaripur in the District of Faridpur, and published in the *Amrita Bazar Patrika*, dated March 16th, regarding the complete lack of quinine?

(b) Are Government aware that neither there is any stock of quinine in that local market nor is the civil surgeon readily making it available to Registered Practitioners.

(c) Are Government aware that no quinine is being allotted to the Registered Practitioners in spite of repeated requests to the Civil Surgeon, who is the rationing authority in the District of Faridpur?

(d) In view of the fact that the situation is growing serious due to lack of quinine and also of the presence of a number of acute chronic Malaria cases, do Government propose to make necessary arrangements for the issue of quinine in the immediate future to avert the situation and to save the lives of a large number of persons suffering from chronic Malaria?

Mr. J. D. Tyson: (a) No.

(b) to (d). The distribution of quinine and other anti-malarial drugs within the Province of Bengal is the responsibility of the Provincial Government.

MEMBERS IN NEW DELHI MUNICIPAL COMMITTEE

1609. *Mr. M. Ghiasuddin: (a) Will the Secretary for Education, Health and Lands please state how many members there are in the New Delhi Municipal Committee?

(b) How many of those Members are (i) official, (ii) non-official, (iii) nominated, and (iv) elected?

(c) If at present there are no elected members do Government propose to consider the desirability of introducing a system whereby the majority of members in that Municipality should be elected? If not, why not?

Mr. J. D. Tyson: (a) and (b). The New Delhi Municipal Committee consists at present of 16 members of whom 6 are members *ex-officio* and 10 are nominated. Of the latter number six are non-officials and four officials.

(c) In view of the special circumstances of New Delhi and the large Government interests involved it is not proposed to alter the present constitution of the New Delhi Municipal Committee which is working satisfactorily.

NOTICES FOR VACATION OF HOUSES ON RESIDENTS OF WARD NO. 14 DELHI

1610. *Mr. M. Ghiasuddin: (a) Will the Secretary for Education, Health and Lands be pleased to state whether notice under sections 36 and 38 of the United Provinces Town Improvement Act (VIII of 1919), as extended to the Province of Delhi, has been served on the residents of Ward No. 14 Delhi?

(b) If so, when will the residents of that Ward be actually required to vacate their houses?

(c) What compensation will be given to (i) the zamindars who own the land; (ii) the owner of the house to whom the buildings belong; and (iii) the tenants who live in the hired houses of that Ward, and in what form will it be given?

(d) Will the residents of Ward No. 14 be given houses constructed by Government under the Poormen Housing Scheme?

(e) What are the conditions under which poormen are given those Government houses?

(f) In what locality do Government propose to house the men of Ward No. 14 when they will vacate their houses?

Mr. J. D. Tyson: (a) to (f). I would invite the attention of the Honourable Member to the reply given by me in fulfilment of the promise made on the 21st February 1945 in reply to Starred question No. 449.

REVISION OF PROCEDURE *RE* SPEECHES ON FINANCE BILL

1611. *Mr. Kailash Bihari Lall: Will the Honourable the Leader of the House be pleased to state:

(a) if Government propose to revise the rules and procedure regulating the speeches on the Finance Bill so that even the silent members who count upon the occasion of the Finance Bill to ventilate the grievances of their constituencies they represent, may get an opportunity to speak; and

(b) if Government propose to so amend the rules and adopt a procedure and help to bring about a convention, that either all the members desirous of speaking on the Finance Bill may get an opportunity to speak or those who seldom speak may get preference over those who are known to speak on all occasions?

The Honourable Sir Sultan Ahmed: (a) and (b). Government are prepared to consider whether any steps could suitably be taken with a view to secure not merely or mainly an increase in the number of Members participating in the discussion of the Finance Bill but also and primarily the curtailment of the aggregate amount of time spent on the discussion. In the meantime I must point out to the Honourable Member that the selection between members competing to catch the eye of the Chair is exclusively a matter for the Chair.

STEPS FOR SAFEGUARDING PRIVATE INVESTORS AND SHAREHOLDERS OF INDIAN COMPANIES AGAINST COLLUSION OF MANAGING AGENTS

1612. *Mr. Ananga Mohan Dam: Will the Honourable the Commerce Member please state:

(a) if the attention of the Government has been drawn to the Bombay letter of the Roys' Weekly published on January 21, 1945, at page 12 of the said paper, under the caption 'Post War Plans and the Investor's Future';

(b) if the answer to the above is in the affirmative, what steps Government propose to take, as suggested in the said paper, to protect the private investors and shareholders of the Indian Companies against the Managing Agents and the Auditors who collude with and connive at the activities of the Managing Agents and Directors of the Companies; and

(c) if Government propose to consider the setting up of a Central Machinery for the Superintendence and control of the Indian companies for their uniform administration under the Indian Companies Act throughout the country?

The Honourable Sir M. Azizul Huque: (a) Yes, Sir.

(b) The question of according any further protection to private investors and shareholders of companies under the Indian Companies Act will no doubt receive due consideration when the general revision of company law is taken up.

(c) Government have already noted for consideration the question of centralisation of the administration of company law in this country. It has, however, not been possible to proceed with the examination of this question in the present wartime conditions.

IMPROVING OF SERVICE CONDITIONS OF NURSES

1613. *Shrimati K. Radha Bai Subbarayan: Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether Government have seen the report of the statement by Lady Louis Mountbatten that unless strong measures are immediately taken to improve the service conditions of nurses, the situation will not improve;

(b) if the answer to (a) is in the affirmative, whether Government propose (i) to take strong measures to remove the difficulties regarding recruitment and training of nurses, (ii) to make the service conditions more attractive and to raise the status, pay and emoluments, (iii) to increase the training facilities for them, and (iv) to have a centralised health service for the country;

(c) in view of the urgency of the matter, whether Government propose to deal with it immediately; and

(d) if Government propose to investigate whether recruitment to the W. A. C. (I) affects the medical and nursing professions as there is only a limited number of educated Indian girls and the reasons why some of them prefer service in the W. A. C. (I) though it involves more separation from home?

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

(b) and (c). The improvement of the conditions of service of nurses and the provision of facilities for their training are matters for which Provincial Government are primarily responsible. In 1944 the Government of India pointed out to Provincial Governments the need for improving the conditions of service of nursing personnel and for strengthening the nursing staff. The Government of India have also started a school of nursing administration at Delhi for the training of sister tutors who are responsible for the teaching of probationer nurses. As the executive powers in matters relating to public health rest with Provincial Governments under the constitution it is not possible to centralise the health services.

(d) The Government understand that recruitment to the Women's Auxiliary Corps (India) has to some extent affected recruitment to the nursing profession, presumably owing to the better conditions of service in the Women's Auxiliary Corps.

CLOTH QUOTA FOR DELHI PROVINCE

1614. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) if it is not a fact that the quota of cloth allotted to the Delhi Province is on the basis of 18 yards per head per annum calculated on the population figures of the 1941 census;

(b) if it is not a fact that the population of the Delhi Province has increased by 50 per cent. after 1941;

(c) if it is not a fact that the population of the Delhi Province is 95 per cent. urban and that the consumption of cloth by the people of the urban area is comparatively much more than the consumption by the rural people;

(d) if Government are aware that the meagre allotment of cloth per head in the Delhi Province has created a great dissatisfaction in the mind of the consuming public and that the great rush of purchasers at the cloth shops is likely to culminate in riots; and

(e) what steps Government propose to take to ameliorate the cloth situation in Delhi?

The Honourable Sir M. Azizul Huque: (a) Yes, Sir, it is a fact.

(b) No reliable figures of increase in the population of Delhi since the 1941 Census are available.

(c) No separate quota is fixed for urban or rural areas in any Province. An over-all quota for the entire Punjab Deficit Zone (which includes the Delhi Province) has been fixed on the basis of the estimated pre-war consumption, and the population of the entire Zone.

(d) The quota allotted to Delhi can not be termed "meagre" in anyway. The *per capita* allotment of Delhi is in fact higher than that of several other provinces.

I am informed that there are no grounds to apprehend any such event on account of the rush of purchasers and I do hope, the Honourable Member will not publicise this impression of his which may have some encouraging effect.

(e) Government are making every effort to increase the amount of cloth available in the country by increasing production and importing limited quantities of fine cloth and yarn for the requirements of the Country as a whole.

ISSUING OF PERMITS TO DIFFERENT GROUPS OF DEALERS TO IMPORT CLOTH INTO DELHI

1615. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) if Government are aware of the fact that the expenses incurred on importing cloth into the Province of Delhi through a purchasing agent ranged from 3 per cent. to 4 per cent. while the expenses on importing cloth into Delhi by dealers holding direct quota from the mills outside the Province of Delhi are only 1½ per cent.;

(b) if the answer to the above be in the affirmative, whether Government propose to issue permits to the different groups of dealers for importing cloth from Bombay and Ahmedabad;

(c) if it is a fact that a large number of A class cloth merchants of Delhi have sent a representation to the Director of Civil Supplies requesting him to issue permits to their various groups to import cloth from Bombay and Ahmedabad; and

(d) if the answer to the above be in the affirmative, whether Government propose to make necessary arrangements to issue permits to different groups for importing cloth into Delhi?

The Honourable Sir M. Azizul Huque: (a) Yes. The expenses increased in importing cloth through a purchasing agent are usually higher than the expenses incurred by a quota holder receiving cloth directly from a mill outside Delhi province.

(b) Honourable Member's attention is invited to answer to part (d).

(c) Yes, some representations have been received.

(d) Import permits are issued to licensed importers selected by the co-ordinating authority of the zone roughly on the basis of one importer for each lot of 200 bales.

CLOTH BALES IMPORTED INTO DELHI PROVINCE

1616. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) the number of cloth bales imported into the Province of Delhi per month by dealers holding direct quota from the mills outside the Delhi Province; and

(b) the mode of distribution of such cloth among the A, B, and C, class dealers?

The Honourable Sir M. Azizul Huque: (a) According to information available, 8,186 bales were imported during the quarter ending 31st January 1945 and 2,088 bales in February which gives an average of 2,568 bales per month.

(b) Generally the quota holders sell the goods to wholesalers (A & B), who sell to retailers (Class C); but in some cases the quota holders themselves hold 'B' and 'C' licences and sell the goods to the public through their retail shops.

REDUCED REMUNERATION OF CLOTH COMMISSION AGENTS OF DELHI

1617. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) if it is not a fact that the notification of the Government of India, Department of Industries and Civil Supplies, No. TB(1) 35/45, dated the 1st February, 1945, has reduced the remuneration of cloth commission agents of Delhi from 1½ per cent., to ½ per cent. only;

(b) if Government are aware that the cloth commission agents of Delhi play an indispensable part in the scheme of distribution of cloth among the cloth merchants of the areas outside the Delhi Province and also within the Province;

(c) if it is not a fact that Delhi is a distributing centre of cloth which deals in retail sale as compared to Bombay and Ahmedabad which deal in mill-packed bales;

(d) if it is not a fact that wholesale businessmen who deal in mill packed bales incur very low expenses compared to businessmen who deal in split bales and in pieces; and

(e) if the answers to the above be in the affirmative, what steps they propose to take to increase the remuneration of cloth commission agents of Delhi to keep their business alive?

The Honourable Sir M. Azizul Huque: (a) It is a fact that the profit margin of the Commission Agent has been limited to a maximum of ½ per cent. by the Notification. Prior to the fixation of this limit there was no statutory limit.

(b) Yes. They play a useful part but not an indispenable part.

(c) Retail sales and sales in mill packed bales are transacted in varying proportions in all the three centres.

(d) Yes.

(e) Government do not consider that any increase in the remuneration fixed for Commission Agents is justified.

PRICES OF INDIAN MILL ARTIFICIAL SILKS AND GEORGETTES

1618. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state if it is a fact that an average good quality printed art silk of Indian mills in June, 1939, was being sold at about eight annas per yard, that it was being sold in June, 1943, at Rs. 3/8/- per yard, and that in March, 1945, it is being sold at Rs. 8/8/- per yard?

(b) Is it a fact that printed and plain Georgette Crepe of Indian Mills was being sold in India in June, 1939, at Rupee 1 and Re. 1/4/- per yard, that in June, 1943, it was being sold at Rs. 5/- and Rs. 6/8/- per yard, and that in March, 1945, it is being sold at Rs. 11/- plain and Rs. 13/- printed georgette of average good quality?

(c) What are the ceiling prices fixed under control system for Indian printed art silk and georgette printed, per yard for retail sale?

(d) Is it a fact that prices are not marked on artificial silk of Indian Mills or georgette of Indian Mills? If so, why?

The Honourable Sir M. Azizul Huque: (a) and (b). Government have no definite information regarding prices at these different dates, but the prices mentioned by the Honourable Member appeared to be fairly correct.

(c) No ceiling prices have been fixed so far but under Section 6 of the Hoarding and Profiteering Prevention Ordinance producers and dealers of these articles are allowed to add to the cost of production or the price at which the producer sold the article to the dealer as the case may be, no more than the addition allowed them by pre-war normal trade practice unless this is specifically varied by the Controller General of Civil Supplies.

(d) A notification directing mills to stamp *ex*-mill prices on artificial silk fabrics manufactured by them is under issue.

CONTROL PRICES OF INDIAN SILK SUITING

1619. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Industries and Civil Supplies please state the ceiling control prices of Silks of Indian produce fit for Suiting and Shirwani purposes?

(b) What are the control and ceiling prices per yard of printed Kashmir silk and printed Bengal silk? What are the prices of five to six yards Saree fixed for Kashmir silk and Bengal silk printed quality?

(c) Are prices printed on those varieties of silks or not? If not, why not?

The Honourable Sir M. Azizul Huque: (a) and (b). No ceiling prices have so far been fixed by the Central Government for silk fabrics of Indian manufacture, but the question of fixing such prices is under their active consideration. Prices of such silk fabrics, however, in the meantime continue to be regulated under section 6 of the Hoarding and Profiteering Prevention Ordinance. Under this section the producer or dealer is allowed to add on to the costs of production or to the price at which the producer sells the article, as the case may be, such additions as were allowed by pre-war normal trade practice, unless in any particular case these have been varied by the Controller General of Civil Supplies.

(c) Does not arise.

PRODUCTION AND EXPORT OF COTTON CLOTH

1620. *Mr. Muhammad Nauman: Will the Honourable Member for Industries and Civil Supplies please state:

(a) the total production of cotton cloth in India in yards, in the year 1944;

(b) the total export of Indian cotton cloth and silk cloth in yards, from India to other countries in 1944 and in January and February, 1945;

(c) whether an export licence creates any liability or the expenditure to carry on trade in his own name;

(d) whether cases have been reported to the Department where export licences were handed over to different parties for carrying on export trade; and

(e) what methods are adopted to scrutinize the *bona fide* exporters?

The Honourable Sir M. Azizul Huque: (a) 6,400 million yards approximately, including estimated production of handloom cloth.

(b) 500 million yards approximately during 1944 and 70 million yards approximately during January and February 1945.

(c) An export licence is not transferable and lapses if it is not utilised by the shipper in whose name it is issued.

(d) Yes.

(e) Exporters are required to produce evidence of firm contracts entered into with consignees abroad and also, in certain cases, of having purchased or having contracted to purchase the required quantity of goods in India for export.

CO-OPERATIVE STORES IN DELHI DISTRIBUTING FOOD RATIONS

1621. *Mr. Kailash Bihari Lall: Will the Honourable the Food Member be pleased to state:

(a) if it is a fact that co-operative stores in Delhi have been recognised for distribution of food ration; if so, the number of such stores, and if these stores are contemplated for distribution of kerosene oil and fuel also; if not, why not; and

(b) whether Government propose to recognise more co-operative stores for distribution of food ration instead of opening government shops?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes Sir. The number of such co-operative stores is 26. The question of using them for distribution of fuel and kerosene is under consideration.

(b) It is not proposed to replace the existing Government shops by Co-operative Stores, but the latter will be used as far as possible if and when need arises.

LICENCE FOR DISTRIBUTION OF CLOTH, ETC., TO DELHI PROVINCE CO-OPERATIVE STORES UNION

1622. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) if it is a fact that the Delhi Province Co-operative Stores Union applied to the Government that the selected Co-operative stores be granted licence for distribution of cotton cloth, Indian woollen cloth, knitting wool and other woollen garments and also for sale of drugs;

(b) if the authorities have granted the licence asked for; if so, to how many; if not, why not; and

(c) if Government propose to grant them supplies direct from the mills as in the case of Government shop in Connaught Circus?

The Honourable Sir M. Azizul Huque: (a) An application was received in regard to Indian woollen goods only.

(b) No, because the applicant was not normally a distributor of woollen goods manufactured by Indian woollen Mills.

(c) No.

CONDITIONS FOR SANCTIONING A FAIR PRICE STORE

1623. *Mr. Kailash Bihari Lall: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) the conditions for sanctioning a Fair Price Store;

(b) if any co-operative store in India has been recognised as a Fair Price Store;

(c) if any co-operative store in Delhi applied for being recognised as a Fair Price Store and whether the application was supported by the Director, Civil Supplies, Delhi, the Co-operative Department and the Union of Co-operative Stores; and

(d) if Government have sanctioned any Fair Price Store after the receipt of the request of the Co-operative Store in Delhi; if so, why the request of the co-operative stores was not considered?

The Honourable Sir M. Azizul Huque: (a) Once the necessity for having a Fair Price Shop in the city or the locality concerned is established, selection is made from amongst such of the existing firms as are known for their integrity, business reputation, stability and who possess good situation as are recommended by the Deputy Controllers General and Provincial Governments concerned.

(b) Yes.

(c) Yes.

(d) *First part*: Yes.

Second part: Because before enquiries could be completed on the application of this Co-operative Society of New Delhi another shop, in respect of which enquiry was completed and decision taken, was approved as a Fair Price Shop. No other Fair Price Shop has been sanctioned in Delhi since then.

CANCELLATION OF LICENCES OF CERTAIN CLOTH DEALERS OF DELHI

1624. *Mr. S. K. Hosmani: Will the Honourable Member for Industries and Civil Supplies please state:

(a) if it is a fact that the Director, Industries and Civil Supplies, Delhi, on the 17th March, 1945, has cancelled the licences of twelve cloth dealers of Delhi;

(b) if it is a fact that on cancellation of a licence the licensee is not entitled to sell the cloth in his possession on the date the licence is cancelled;

(c) the arrangement made for the disposal of that cloth in his possession; if no arrangement is made, the reasons therefor;

(d) if it is a fact that in spite of the cancellation of their licences they are still selling the cloth at their shops; if so, the reasons therefor; and

(e) the procedure prescribed for the renewal of their licences?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) He can dispose of cloth already in his possession under a permit issued under the Delhi Cloth Dealers Licensing Order, 1944.

(c) Does not arise in view of answer to (b).

(d) Dealers whose licenses have been cancelled are disposing of cloth in their possession prior to cancellation of their licenses, under a permit issued under the Delhi Cloth Dealers Licensing Order, 1944.

(e) No procedure has been prescribed for renewal of cancelled licences.

DISPENSING WITH PERMITS FOR PURCHASE OF CLOTH, WATCHES ETC., IN DELHI

1625. *Mr. S. K. Hosmani: Will the Honourable Member for Industries and Civil Supplies please state:

(a) if it is a fact that the Director, Civil Supplies, Delhi, has announced that no permits will be required for the purchase of cloth, watches and cycles from the 1st April, 1945; and

(b) if the reply to (a) be in the affirmative, the retrenchment to be made in the staff of that office from that date and the amount of expenditure to be decreased consequently if no retrenchment is to be made and no decrease in the expenditure is contemplated, the reasons therefor?

The Honourable Sir M. Azizul Huque: (a) Yes. By cloth the Honourable Member apparently means imported woollen cloth.

(b) Five junior clearks on Rs. 40 p.m. and a senior clerk on Rs. 60 p.m. who were appointed for the purpose have been retrenched on the 31st March 1945. The reduction in expenditure on account of the retrenchment is Rs. 300 p.m. (roundly). The 2nd part of the question does not arise.

ENFORCEMENT STAFF AT DELHI

1626. *Mr. S. K. Hosmani: Will the Honourable Member for Industries and Civil Supplies please state:

(a) the strength in each category of the Enforcement Staff at Delhi;

(b) the total expenditure on that staff; and

(c) the technical qualification of the Gazetted and Inspecting Staff?

The Honourable Sir M. Azizul Huque: (a), (b) and (c). A statement is laid on the table.

Statement

(a) The strength in each category of the Enforcement Staff under Delhi Administration is as follows:

	Number
Enforcement Officer (Gazetted)	1
Prosecuting Police Inspector (non-gazetted)	1
Chief Investigating Inspector (non-gazetted)	1
Inspectors (non-gazetted)	7
Sub-Inspectors (non-gazetted)	7
Addl. Sub-Inspectors (non-gazetted)	7
Stenographers (non-gazetted)	1
Senior Clerks (non-gazetted)	2
Junior Clerks (non-gazetted)	2
Peons (non-gazetted)	20

(b) The total expenditure incurred on the above staff upto 31st March, 1945 is Rs. 30,360.

(c) The technical qualifications of the gazetted and inspecting staff are shown against each:

Enforcement Officer	Retired Additional Superintendent of Police.
Prosecuting Police Inspector	Retired Prosecuting Inspector of Police.
Chief Investigating Inspector	Retired Police Officer.
Inspectors	2—Retired Police Officers. 4—Lawyers. 1—No police qualifications.
Sub-Inspectors	2—Retired Police Officers. 5—No Police qualifications.
Additional Sub-Inspectors	7—No Police qualifications.

MALPRACTICES BY CANDIDATES AT ELECTION TO SHAHDARA MUNICIPAL COMMITTEE

1627. *Mr. S. K. Hosmani: Will the Secretary for Education, Health and Lands please state the reasons for not disqualifying the candidates of Wards No. 1, No. 3 and No. 4 on their malpractice (forged signatures, thumb impression and false personification as established by the convictions of persons by Magistrate on the spot) during the election in January, 1945, of the Shahdara Municipal Committee?

Mr. J. D. Tyson: Information has been called for and will be furnished to the house when received.

UNSTARRED QUESTIONS AND ANSWERS

SPECIAL OFFICERS FOR AMENITIES OF SEAMEN

127. Maulvi Muhammad Abdul Ghani: Will the Honourable the Commerce Member please state:

(a) the number of special officers for the amenities of seamen at various ports to be appointed during 1944-45 and also 1945-46;

(b) the requisite qualifications for such officers and salary proposed;

(c) the proportion of Muslims in such appointments; and

(d) the number of posts reserved for Muslims in the additional establishment as well as additional officers' appointments during 1944-45 and 1945-46 under Ports and Pilotage Department?

The Honourable Sir M. Azizul Huque: (a) Four Officers were appointed during 1944-45 of whom one resigned. During 1945-46 it is proposed to recruit in all four Special Officers including one in place of the officer who has resigned.

(b) No qualifications have been prescribed nor has any scale of pay been fixed. Preference will be given to persons with war-time experience of seamen's welfare work.

(c) One of the existing three officers is a Muslim.

(d) By "Ports and Pilotage Department" the Honourable Member is presumably referring to the offices with which the Ports and Pilotage budget is concerned. The following additional appointments were made under those offices during 1944-45:

(i) *Bengal Pilot Service*: Six officers were appointed of whom two were Muslims.

(ii) *Office of the Controller of Indian Shipping*: Two officers were appointed of whom one was a Muslim.

(iii) *Mercantile Marine Department*: Three officers were appointed all of whom were non-Indians. The posts are highly technical and are not reserved for any particular community.

(iv) *Shipping Offices*: Four officers were appointed of whom three were Muslims.

Additional appointments to be made in 1945-46 are not known.

MEETINGS OF COCONUT CESS COMMITTEE AND IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH

128. Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands please state:

(a) the number of meetings of Coconut Cess Committee held with dates since its creation; and

(b) the number of meetings of Imperial Council of Agricultural Research with dates in 1944-45?

Mr. J. D. Tyson: (a) No meeting of the Indian Central Coconut Committee has yet been held. The first meeting will take place in Trivandrum on the 20th April 1945.

(b) The Imperial Council of Agricultural Research held the following meetings during 1944-45:

	No. of meetings	Dates
Governing Body	1	4th and 5th September, 1944.
Advisory Board	2	(1) 7th and 8th July, 1944. (2) From 6th to 8th March, 1945.
Annual General Meeting	1	7th March, 1945.

MEETINGS OF STANDING COMMITTEES FOR LABOUR AND FOR GEOLOGICAL SURVEY

129. Maulvi Muhammad Abdul Ghani: Will the Honourable the Labour Member please state:

(a) the number of meetings of Labour Standing Committee with dates held during the current year; and

(b) the number of meetings of the Standing Committee of Geological Survey of India held with dates since its constitution?

The Honourable Dr. B. R. Ambedkar: (a) Presumably the Honourable Member desires information in respect of the Standing Labour Committee for the period from 1st April, 1944 to 31st March, 1945. Two meetings were held during the period—one on 27th June, 1944 and the other on 17th March, 1945.

(b) Presumably the Honourable Member desires information in respect of the Advisory Committee of the Utilisation Branch of the Geological Survey of India. Four meetings were held as shown below:

1st meeting, 26th November 1942.
2nd meeting, 22nd November 1943.
3rd meeting, 6th March 1944.
4th meeting, 14th December 1944.

MEETINGS OF STANDING COMMITTEES FOR INDUSTRIES AND CIVIL SUPPLIES AND FOR COMMERCE

130. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Commerce and Industries and Civil Supplies please state:

(a) the number of meetings of Standing Advisory Committee on Industries and Civil Supplies held during the current year; and

(b) the number of meetings of the Standing Committee on Commerce held during the current year?

The Honourable Sir M. Azizul Huque: (a) and (b). No meetings of these Standing Advisory Committees were held during the current year.

APPLICATIONS FOR *KHAS KHAS TATTIES* FROM OCCUPANTS OF GOVERNMENT QUARTERS IN DELHI AND NEW DELHI

131. Mr. K. C. Neogy: (a) Will the Honourable the Labour Member please state whether he is aware that formal applications in regard to the supply of *khas khas tatties* in the residences occupied by Government servants in Delhi and New Delhi during the ensuing Summer Season, 1945, were invited by the 20th March 1945, *vide* Additional Chief Engineer (Western Zone) Central Public Works Department, circular memorandum No. WII/3708, dated the 20th February, 1945, and No. WII/3708, dated the 13th March, 1945?

(b) Is he also aware that the Summer allotment (1945) is not yet out?

(c) If the reply to (b) above be in the affirmative, does he propose to extend the date for applying for *khas khas tatties* in the case of those Government servants who will be allotted quarters in April, 1945, but have none at present? If not, why not?

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

(b) As seasonal allotments have been dispensed with under the latest Rules, this question does not arise.

(c) Government servants who have no official quarters now and will be alloted official quarters in April, will be permitted to apply for *khas khas tatties* upto the end of April, although the supply of such *tatties*, will be necessarily somewhat delayed.

PROVINCIAL OFFICIALS TRANSFERRED TO RATIONING AND CIVIL SUPPLIES OFFICES IN DELHI PROVINCE

132. Mr. K. C. Neogy: Will the Honourable the Food Member please state:

(a) the number of officials, Provincewise, who have been transferred from places outside Delhi to the Rationing and Civil Supplies offices in the Delhi Province;

(b) the duties assigned to each of them;

(c) whether any of them have been entrusted with outdoor duties; if so, how many; and

(d) whether Government propose to consider their claims for the posts of Circle Rationing Officers, Godown Officers, etc., in view of their past experience; if not, the reasons therefor?

The Honourable Sir Jwala Prasad Srivastava: (a) From C. P. 1. From the Punjab, 11.

(b) C. P. 1 Director of Civil Supplies, Delhi.

PUNJAB

One Administrative Officer (Civil Supplies and Rationing).
One Public Relations Officer.
One Assistant Director of Civil Supplies (General).
Two Circle Rationing Officers.
Four Inspectors.
One Sub-Inspector.
One Clerk.

(c) Yes, Sir. Eleven.

(d) The Delhi Administration will no doubt consider the claims of all these officers for promotion, when vacancies in higher posts arise.

PROMOTION OF STAFF TO POSTS OF CIRCLE RATIONING OFFICERS, ETC., IN DELHI RATIONING AND CIVIL SUPPLIES ORGANISATIONS

133. Mr. K. C. Neogy: (a) Will the Honourable the Food Member please state the policy of Government governing the promotion of the staff to the posts of Circle Rationing Officers and Godown Officers in the Delhi Rationing and Civil Supplies organisations?

(b) Are Government aware that in November, 1944, a post of a Godown Officer was newly created and an outsider was appointed in preference to experienced staff? If so, do Government propose to see that the claims of the existing staff are not overlooked in future?

The Honourable Sir Jwala Prasad Srivastava: (a) The policy is to fill up posts by promotion or direct recruitment, both methods being used, with the object of obtaining the best man for each appointment.

(b) The answer to the first part of the question is in the affirmative. The official appointed as godowns officer had previous experience which made him especially suitable for the post.

The second part of the question does not arise.

STATEMENTS LAID ON THE TABLE

Information promised in reply to part (a) of starred question No. 651 asked by Mr. Kailash Bihari Lall, on the 21st November, 1944

LITERARY ATTAINMENTS OF OFFICERS ON THE HINDUSTANI PROGRAMME SIDE OF ALL INDIA RADIO

The required information cannot be prepared as it has been found difficult to interpret what the Honourable Member means by "writers or scholars of repute". All the officers mentioned in part (a) of the question have good knowledge of Hindi and/or Urdu and have other first class qualifications and experience necessary for their work in the All India Radio.

Information promised in reply to starred question No. 449, asked by Mr. Kailash Bihari Lall, on the 21st February, 1945

NOTICES FOR EVACUATION ON RESIDENTS OF DELHI, WARD NO. 14.

(a) Notices were served in accordance with the provisions of sections 36 and 38 of the United Provinces Town Improvement Act 1919, as extended to Delhi, in respect of the Serai Purani Idgah Scheme in January 1942, and in respect of the Ahata Kidara Scheme in July 1939. Both these Schemes fall within the limits of ward. 14.

(b) In respect of the Serai Purani Idgah Scheme, residents will be required to vacate if their properties are to be acquired. Acquisition can take place only after the scheme is sanctioned under section 40 of the Act. The scheme has not yet been submitted for sanction under that section.

In respect of the second scheme acquisition after sanction is practically complete, and such properties have been already vacated. A few properties remain to be acquired and a few have been acquired but not yet vacated.

(c) Compensation is paid in all cases in cash in accordance with the provisions of the Land Acquisition Act 1894 as modified by the Schedule to the United Provinces Town Improvement Act, 1919, as extended to Delhi.

(d) Yes. All those who are eligible for re-housing.

(e) A note giving details of the schemes is laid on the table.

(f) No decision has yet been taken in respect of the Serai Purani Idgah Scheme. As regards Ahata Kidara Scheme 100 families have been rehoused in Block 10-A in Karol Bagh and 17 families have been rehoused within the scheme area. All remaining families will be rehoused in the scheme area or in other suitable localities

NOTES ON DELHI RE-HOUSING SCHEME

Scope:

The scheme embraces families displaced by the execution of slum clearance schemes by the Delhi Improvement Trust:

(a) Whose monthly income does not exceed Rs. 30 per mensem
(b) who wish to be rehoused, and
(c) Who are willing to accept the terms offered.

Types of dwelling:

There will be three types of dwelling. Allotments will be made on the basis of number in family as follows (two children under 10 years of age counting as one adult).

Number in family.

One-roomed—Not exceeding 3 adults.
Two-roomed—Over 3 but not over 5 adults.
Three-roomed—Over 5 adults.

The one- and two- roomed dwellings are capable of expansion into the three roomed type.

Allotment and terms:

Allotments will be made in accordance with the actual requirements of each individual family to be rehoused and will be approved by the Improvement Trust Board.

It is intended that there should be fixed monthly rents for each type of house, *viz.*, Rs. 1/12/-, Rs. 2/4/- and Rs. 2/12/- for a one-roomed, two-roomed and three-roomed house.

Those able to pay not less than a stated monthly sum, *viz.*, Rs. 3/4/-, Rs. 3/10/- and Rs. 4/- for a one-roomed, two-roomed, and three-roomed houuse, will be entitled to hire purchase terms under which they will become owners of the house after 20 years.

Financial details:

Cost of the houses:

One-roomed—Rs. 564.
Two roomed—Rs. 711.
Three-roomed—Rs. 875.

Taking a concrete scheme, *viz.*, the Paharganj Circus Rehousing Scheme, 142 houses are now under construction to accommodate 515 persons whose existing houses are being acquired in the Paharganj Circus, Improvement Scheme.

The total cost of the new houses is—Rs. 94,600.
The 'pooled' (or average) cost per house is—Rs. 666.
The equated hire purchase instalment ordinarily payable for a house of 'pooled' cost Rs. 666 is composed of:

(a) Equated instalment of principal (Rs. 666+ interest at 4¼ p.c.)—Rs. 50-2-0 p.a.
(b) Ground rent at Re. 1 per 100 square yards per month. 10-11-0 p.a.

N.B.—The plot unit for this scheme is 88.8 sq. yards.

	Rs.	60 13 0 p.a.
(c) Maintenance at 1 P. C. of pooled cost		6 11 0 p.a.
Total		67 8 0 p.a.
or		5 10 0 p.a.

Assuming the family to be re-housed is capable of paying not less than the fixed hire purchase instalments, the balance is met from the subsidy (proceeds of Entertainments Duty)

If the family to be re-housed is not capable of paying the fixed hire purchase instalments, it will occupy the house as ordinary tenant and the amount payable for ordinary tenancy (not carrying ultimate right of house ownership) is calculated as under:—

	Rs. a. p.
Interest on pooled cost at 4¼ p.c.	28 5 0 p.a.
Ground rent	10 11 0 p.a.
Maintenance	6 11 0 p.a.
Total	45 11 0 p.a.
or	3 13 0 p.a.

The family to be re-housed under ordinary tenancy terms will be subsidized from the proceeds of the Entertainments Duty to the extent of the difference between the fixed monthly rents and the actual monthly rent as calculated above.

Information promised in reply to starred question No. 588, asked by Mr. K. C. Neogy, on the 1st March, 1945

RESTRICTION ON NEWS ABOUT STREET ACCIDENTS BY MILITARY LORRIES IN CALCUTTA

The Government of Bengal, report that a working arrangement exists between them and the provincial press whereby all incidents in which civilians on the one hand and military personnel on the other are involved are voluntarily submitted for press advice. In the case of accidents involving military vehicles the press is advised not to publish the report without deleting the word "military". The expression "special type vehicles" is apparently the creation of the press.

Information promised in reply to part (b) of starred question No. 620, asked by Lt.-Col. Dr. J. C. Chatterjee, on the 2nd March, 1945

INDIAN CHRISTIANS ON OUDH AND TIRHUT RAILWAY.

The following are the numbers of Indian Christian employees of the Oudh and Tirhut Railway in receipt of salaries—

(i) over Rs. 150 p.m.	4
(ii) over Rs. 100 but below Rs. 150 p.m.	9
(iii) over Rs. 50 but below Rs. 100 p.m.	38
(iv) below Rs. 50 p.m.	262

Information promised in the reply to part (b) of starred question No. 621, asked by Sir Abdul Halim Ghuznavi, on the 2nd March, 1945

OVERCROWDING ON TRAMWAYS AND BUSES IN CALCUTTA

The number of tramcars damaged and put out of order through reckless driving by military lorries resulting in serious accidents and dislocation of tramlines is not readily available. The number of accidents that occurred during 1944 in which tramcars and military vehicles were involved and in which the Calcutta Tramways Company Limited, have preferred claims, is 265. It is not possible to say how many of these accidents resulted from the reckless driving of military lorries.

Information promised in reply to starred question No. 656 part (g), asked by Mr. Amarendra Nath Chattopadhyaya, on the 5th March, 1945

STANDARD CLOTH, ETC., FOR BENGAL

Name of firm or individual against whom prosecution launched. (1)	Conviction. (2)
1.Benoy Haldar, Diamond Harbour, 24 Parganas.	Fined Rs. 20 or R. I. for 2 weeks.
2. Prionath Haldar, Diamond Harbour, 24 Parganas.	Fined Rs. 15 or R. I. for 2 weeks.
3. Birendra Purkait, Diamond Harbour, 24 Parganas.	Fined Rs. 15 or R. I. for 2 weeks.
4. Akkas Ali Sk., Diamond Harbour, 24 Parganas.	Fined Rs. 15 or R. I. for 2 weeks.
5. Gangaram Agarwall, (Hawker), Silguri	Convicted u/s 81 (4) D. I. Rules and sentenced to pay a fine of Rs. 50 in default to R. I. for 1 month.
6. Abdur Rohman of Akheriganj Bazar, Bhagwangola P. S., Murshidabad.	Convicted and sentenced to pay fine of Rs. 50 I/D to undergo R. I. for 2 months on 28th April 1944.
7. Harish Chandra Sarkar, son of Hiralal Sarkar of Dashmari, P. S. Poba, Dt. Rajshahi.	Fined Rs. 50.
8. Madhusudan Ruj, Dt. Birbhum	Fined Rs. 100 in default to S. I. for one month.
9. Biswanath Ghosh, Dt. Birbhum	Fined Rs. 50 in default to S. I. for one month.
10. Lalchand Parak, Dt. Birbhum	Fined Rs. 150 I. D. one month S. I.
11. Surendra Lal Biswas, Terribazar, Chittagong Town.	Fined Rs. 200.
12. M/s. Prabartak Kutir Silpa of Bangla Bazar, Dacca.	Fined Rs. 10.
13. Krishnadas Biswas, Vil : Panchuria, P. S. Gopalganj.	Fined Rs. 300 in default to R. I. for 3 months.
14. Satyanaranjan Kundu of Narikelberia, P. S. Bagherpara, Jessore.	R. I. for 1 month & fined Rs. 100 in default R. I. for 2 weeks more.
15. Kiran Ch. Kundu of Narikelberia, P. S. Bagherpara, Jessore.	Fined Rs. 200 i/d R. I. for 1 month.
16. Nandalal Kundu of Narikelberia, P. S. Bagherpara, Jessore.	Fined Rs. 100 i/d R. I. for 1 month.
17. Kalipada Kundu of Narikelberia, P. S. Bagherpara, Jessore.	R. I. for one month & fined Rs. 50 I/D R. I. for 10 days more.
18. Radhakindar Mandal, Patrasayer, Bankura	Fined Rs. 25.
18.(a). Soleman Mustan	Fined Rs. 5.
19. Soleman Mustan	Fined Rs. 10.

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20. Samarendra Nath Kundu and Radha Ballav Kundu, Domkol Azimganj, P. O. Domkol.	Convicted & sentenced to pay fines of Rs. 200 and Rs. 100 respectively, in default to undergo R. I. for 1 month and 2 weeks respectively.
21. Nilkanto Haldar	Fined Rs. 15 or R. I. for 2 weeks.
22. Ram Hari Nandi	Fined Rs. 20 or R. I. for 2 weeks.
23. Nilkanto Mandal	Fined Rs. 20 or R. I. for 2 weeks.
24. Basi Bh. Haldar	Fined Rs. 20 or R. I. for 2 weeks.
25. Baidya Nath Mandal	Fined Rs. 20 or R. I. for 2 weeks.
26. Kader Box	Fined Rs. 20 or R. I. for 2 weeks.
27. Tarini Haldar	Fined Rs. 20 or R. I. for 2 weeks.
28. Bankim Haldar	Fined Rs. 20 or R. I. for 2 weeks.
29. Tulsi Ch. Haldar	Fined Rs. 20 or R. I. for 2 weeks.
30. Krishna Dhan Iatna	Fined Rs. 15 or R. I. for 2 weeks.
31. Nagendra N. Mandal	Fined Rs. 20 or R. I. for 2 weeks.
32. Prio Nath Das	Fined Rs. 20 or R. I. for 2 weeks.
33. Gosto Behari Sadhukhan	Fined Rs. 20 or R. I. for 2 weeks.
34. Ashutosh Sadhukhan	Fined Rs. 40 or R. I. for 2 weeks.
35. Gosto Behari Mandal	Fined Rs. 20 or R. I. for 2 weeks.
36. Khirod Ch. Sadhukhan	Fined Rs. 20 or R. I. for 2 weeks.
37. Bijoy Kr. Haldar	Fined Rs. 20 or R. I. for 2 weeks.
38. Bankim Mandar	Fined Rs. 5.
39. Samsul Haque Molla, Mahammed Stores, License No. A/2450 (wholesale) area Calcutta.	Fined Rs. 5.
40. Chand Molla, License No. 1875 Retail, Area Howrah.	Convicted, fined, Rs. 30 in default to R. I. for a month.
41. Ladhuram Gangaram	Fined Rs. 30.
42. Kumerish Chandra Dey, Santipur	R. I. for 2 months & fined Rs. 200 i/d R. I. for six weeks more.
43. Monindra Nath Saha of Newapara, P. S. Abhoynagora. Jessore.	Convicted u/s. 81 (4) D. I. Rules read with 3 of the Bengal Cottton Cloth & Yarn Control Order 1943 and is sentenced to be detained till rising of the Court.
44. Cambay Bhutia, Kurseong	Fined Rs. 20 i/d. R. I. for 2 weeks.
45. Bhagirath Nasker, Diamond Harbour	Fined Rs. 20 i/d. R. I. for 2 weeks.
46. Inanda Nasker, Diamond Harbour	Fined Rs. 20 in default R. I. for 2 weeks.
47. Sati Prasad Chaubey, Diamond Harbour	Fined Rs. 20 in default R. I. for 2 weeks.
48. Satya Charan Sadhukhan, Diamond Harbour.	Fined Rs. 50.
49. Saroj Kumar Ganguly, Kalna	Fined Rs. 100.
50. Gopeswar Chatterjee	Fined Rs. 40.
51. Satya Pada Das, Kalna	Fined Rs. 40.
52. Rajani Kanta Dey , Kalna	Fined Rs. 50.
53. Hari Das Nag, Kalna	Fined Rs. 50 in deafult one month's S. I.
54. Kiriti Bhusan Das, Sadar, Birbhum	Fined Rs. 25.
55. Kumudini Mohan Sirkar, Katwa	Fined Rs. 25.
56. Baikuntha Behari Basak, Sadar A	Fined Rs. 15.
57. Rangapada Saha, Bogra	Fined Rs. 25.
58. Bidhu Bhusan Poddar	Fined Rs. 25.
59. Kasim Molla son of late Anis Chand Molla of Randhunibari, P. S. Belkuchi, Dist. Pabna.	Fined Rs. 10 or R. I. for 2 weeks.
60. Akhoy Kumar Das, Sadar Sub dvsn, Bankura.	Fined Rs. 200.
61. Jagadamba Singh, Tamluk Sub-Dvn. Midnapore.	Fined Rs. 25 or R. I. for 2 weeks.
62. Ramranajan Guni Nirol, Dt. Burdwan	Fined Rs. 50 or R. I. for 6 weeks.
63. Radhika Prasad Nath, Dainhat, Burdwan	Fined Rs. 170 or R. I. for 3 months.
64. Sunil Kumar Saha, Lohagara	Fined Rs. 200 or R. I. for 1 month.
65. Pandarik Maity, Tamluk Sub Dvn., Midnapore.	Fined Rs. 50 or R. I. for 3 months.
66. Thakapa Bera, Tamluk Sub Dvn., Midnapore.	Fined Rs. 350 or R. I. for 6 months.
67. Laksminarayan Daga, Gopalganj, P. S. Gopalganj, Dt. Faridpur.	Fined Rs. 10 or R. I. for 2 weeks.
68. Jagindra Nath Paul, Sadar Subdvn. Bankura.	

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69. Bibhuti Bhusan Goraih, Sadar Sub Dvn., Bankura.	Fined Rs. 20 or R. I. for 6 weeks.
70. Chiranjilal Gangadhar Agarwalla	Fined Rs. 100 or R. I. for 1 month.
71. Mobarak Mia of Laugani, P.S. Jhikergacha, Dt. Jessore Sadar.	Fined Rs. 150 or R. I. for 2 months.
72. Bhujanga Bhusan Mukherjee, Prop. Bangaluxmi Bastralaya, Khagra, P. O. Berhampore.	Fined Rs. 400 and Rs. 200 or R. I. for 4 months and 2 months resepectively.
73. Waresh, Sadar Sub Division Rajshahi	Fined Rs. 25.
74. Kabir, Sadar Sub-Divsn. Rajshahi	Fined Rs. 25.
75. Ratait Karkun	Fined Rs. 25.
76. Jainuddih	Fined Rs. 25.
77. Dulal Chandra Mandal of Natanganj	Fined Rs. 40 or R. I. for 3 weeks.
78. Jitendra Nath Kundu of Galsi	Fined Rs. 40 or R. I. for 3 weeks.
79. Ram Kanaj Ganguli of Galsi.	Do. Do. Do.
80. Bhupendra Nath Mukherjee of Galsi	Do. Do. Do.
81. Abdul Gaffur of Tentultala, Burdwan	Fined Rs. 15 or R. I. for a week.
82. Nalininath Banerjee of Raniganj, Birbhum	Fined Rs. 10 or R. I. for a week.
83. Serajuddin Ahmed	Fined Rs. 30 or R. I. for a month.
84. Haripada Sadhu of Kapilmuni	Fined Rs. 100 or R. I. for 2 months.
85. Baksa Show of Khulna	Fined Rs. 10 or R. I. for 3 weeks.
86. Thakur Show of Khulna	Do. Do. Do.
87. Darbari Show of Khulna	Do. Do. Do.
88. Suk Chand Show of Khulna	Do. Do. Do.
89. Rashid of Maidhy, Halisahar P. S. Double Morry's Chittagong.	Fined Rs. 15 or R. I. for 10 days.
90. Mvi. Habudulla, Taltala, Noakhali Town, Noakhali.	Fined Rs. 250, R. I. for 3 months.
91. Kanajlal Singha of Katwa, Burdwan	Fined Rs. 50, R. I. for 3 months.
92. Manikulla Akand	Fined Rs. 25, R. I. for one month.
93. Raniram Parameswaria Prosad	Fined Rs. 200 or R. I. for 3 months.
94. Ramendra Nath Talukdar son of Rajendra Nath Talukdar of Sherpur, P. S. Sherpur.	Fined Rs. 25 or R. I. for 15 days.
95. Kashimuddin Munsi of Datmia Beni Madhab, P. S. Raiganj (Pabna).	Fined Rs. 2 or R. I. for 2 days.
96. Hazarimall Thakur of Jaipurhat, P. S. Jaipurhat.	Fined Rs. 60, R. I. for one month.
97. Muslimuddin Miah of Dhanghora, P. S. Raiganj (Pabna).	Fined Rs. 25, R. I. for 15 days.
98. Salimuddin Miah of Jhapra, P. S. Raiganj (Pabna).	Do. Do.
99. Kumud Bandhu Bhowmik of Karilabari, P. S. Raiganj, (Pabna).	Do. Do.
100. Abdur Rahman Munsi or Parba Lakshikola, P. S. Raiganj (Pabna).	Do. Do.
101. Abdur Rahman	Fined Rs. 7, R. I. for one week.
102. Mufizuddin Akand	Do. Do. Do.
103. Eman Ali	Do. Do. Do.
104. Amjad Hossain Sarkar	Do. Do. Do.
105. Ismail Hossain Akand	Do. Do. Do.
106. Nurul Hossain Ahmed	Fined Rs. 20, R. I. for one month.
107. Rahim Boksho Sirker	Do. Do. Do.
108. Osman Ghani Khandaker	Do. Do. Do.
109. Sufiuddin Miah	Do. Do. Do.
110. Sabber Ali Shaikh	Do. Do. Do.
111. Habibar Rahman	Do. Do. Do.
112. Altaf Hossain Shaikh	Do. Do. Do.
113. Ayenuddin Sarker	Do. Do. Do.
114. Bashiruddin Sardar	Do. Do. Do.
115. Harendra Nath Modak	Do. Do. Do.
116. Alimuddin Akand	Fined Rs. 25, R. I. for one month.
117. Nashimuddin Shaikh	Fined Rs. 20, R. I. for one month.
118. Saiadat Hossain	Do. Do. Do.
119. Amiruddin Shaikh	Do. Do. Do.
120. Amiruddin Shaikh	Do. Do. Do.
121. Reazuddin Shaikh	Do. Do. Do.
122. Kalipada Das of Dainhat	Do. Do. Do.
	Fined Rs. 100.

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123. Chunilal Haldar	Fined Rs. 25, R. I. for 2 weeks.
124. Nanda Kumar Bairagi	Fined Rs. 50, R. I. for one month.
125. Amrita Lal Das	Do. Do. Do.
126. Prem Chandra Kamar	Do. Do. Do.
127. Janendra Nath Biswas of Kayamkhola, P. S. Jhaikergacha, Jessore.	Do. Do. Do.
128. Bhuban Chandra Maity, Tamluk Sub Dvsn. Midnapore.	Fined Rs. 50, R. I. for 2 months.
129. Upendra Nath Giri, Tamluk Sub Divn. Midnapore.	Fined Rs. 50, R. I. for one month.
130. Dinabandhu Sarker, Maharajarhat, P. S. Raniganj.	Fined Rs. 10. R. I. for a week.
131. Sk. Golam Bari of Burdwan Town	Fined Rs. 50, R. I. for 2 months.
132. Easin, Dacca, Sadar Sub Divn	Fined Rs. 10, R. I. for a week.
133. Satish Chandra Nandi of Burdwan Town	Do. Do. Do.
134. Ali Ahmed, C/o. Aknali Bhuyia	Do. Do. Do.
135. Mvi. Abdul Bari, son of Abdul Aziz	Fined Rs. 15, R. I. for 2 weeks.
136. Suresh Chandra and Joy Chandra Sen	Fined Rs. 60, R. I. for one month.
137. Jugal Nandi, Visnupur, Sub-Divn.	Fined Rs. 50, R. I. for a fortnight.
138. Harikisun Kalwar	Fined Rs. 200, R. I. for 6 weeks.
139. Md. Tobarek Hossain of Kayamkhola Bazar, P. S. Jhikergachi.	Fined Rs. 10, R. I. for 15 days.
140. Osman Ghani	Do. Do. Do.
141. Abdul Hossain Mia	Do. Do. Do.
142. Afzal Hossain	Fined Rs. 8, R. I. for 15 days.
143. Abdul Karim Akanda	Do. Do. Do.
144. Nur Mammad Sk.	Do. Do. Do.
145. Siddique Hossain Sk.	Fined Rs. 10, R. I. for 15 days.
146. Ramjan Ali Bepari	Do. Do. Do.
147. Tayeb Ali Bepari	Fined Rs. 15/-, R.I. for 1 month.
148. Rajabulla Adhikari	Fined Rs. 75-/, R.I. for 75 days.
149. Nityananda Ghose, Nilmoniganj	Fined Rs. 150/-, R.I. for 6 weeks.
150. Mandar Ch. Das of Kishahpur Bazar, P.S. Keshabpur, Dt. Jessore.	Fined Rs. 40/- R.I. for 1 month.
151. Sadek Ali Kurikar of Iswardi Bazar	Fined Rs. 200/-, R.I. for 6 months.
152. Shaik Afjar	Fined Rs. 150/-, R.I. for 3 months.
153. Nagendra Nath Saha of Chanchuri.	Fined Rs. 125/-, R.I. for one month.
154. Sudhir Kumar Singh, Tamluk sub-dvn, Dt. Midnapore.	Do.
155. Paliram Marwari, Visnupur Sub Dvn.	Fined Rs. 250/-, and Rs. 50/-
156. Charu Ch. Dey & Ors.	Fined Rs. 350/-, R.I. for 2 months.
157. Siva Pada Kundu	Fined Rs. 20/-, R.I. for 3 weeks.
158. Bhadu Kanta Debnath of Mahadebpur	Do.
159. Kedar Nath Kabiraj of Mahadebpur	Do.
160. Karim Mahammad, P. S. of Mahadebpur	Do.
161. Sree Pulin Chandra Debnath of Mahadebpur	Do.
162. Mani Gopal Pandit of Mahadebpur	Do.
163. Brojeswar Nath Pandit of Mahadebpur	Do.
164. Pran Krishna Adhikary of Mahadebpur	Do.
165. Krishan Gopal Pandit of Mahadebpur	Fined Rs. 10/-
166. Chandi Charan Mallik, Burdwan	Do.
167. Atior Rahman of Galsee	Do.
168. Bijoy Krishna Hui, Burdwan	Fined Rs. 25/-
169. Biswa Nath Paul of Paraj	Fined Rs. 30/-
170. Biswa Nath Paul of Paraj	Fined Rs. 5/-
171. Mahaden Todsel	Fined Rs. 5/-
172. Gopeswar Maji of Bhatar	Fined Rs. 5/-
173. Gopal Chandra Sain of Bhatar	Fined Rs. 200/-, R.I. for 3 weeks.
174. Harowowarimull Agarwalla	Fined Rs. 10/-, R.I. for 15 days
175. Eakub Ali Mondal	Do.
176. Jameswar Ali Akanda	Fined Rs. 10/-, R.I. for 10 days.
177. Gangaram Hanumanbox, Chuadanga	Fined Rs. 10/-, R.I. for 10 days.
178. Kedderbox Poddar, Mohanlal Banwarilal, Chuadanga.	Fined Rs. 100/-, R.I. for 3 months
179. Jiterndra Nath Bharati of Majdia	Fined Rs. 75/-, R.I. for 75 days.
180. Kshitish Chandra Kundu of Sarsana	Do.
181. Profulla Kumar Roy of Darsana	

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182. Kamala Rani Biswas of Darsana.	Fined Rs. 75/-, R.I for 75 days.
183. Hazarilal Kundu of Majdia	Fined Rs. 25/-, R.I. for 25 days.
184. Paresh N. Dutta and Amar N. Dutta of Darsana.	Fined Rs. 35/-, R.I. for 35 days.
185. Krishan Kanta Bakshy of Darsana	Fined Rs. 75/-, R.I. for 75 days.
186. Jasoda Kumar Biswas of Darsana	Fined Rs. 75/-, R.I. for 75 days.
187. Sudhir Kumar Dutta of Krishnanagar, Dt. Nadia.	Fined Rs. 25/-, R.I. for one month.
188. Sudhir Kumar Sen of Krishnanagar	Fined Rs. 5/-, R.I. of 7 days.
189. Md. Jalil Mia	Fined Rs. 15/-, R.I. for 3 months
190. Beni Singh son of Jagan Singh of 10B, Hari Sankar Lane, Calcutta.	Fined Rs. 50/-, R.I. for 6 weeks.
191. Baidya Nath Biswas	Fined Rs. 50/-, R.I. for 6 weeks.
192. Nanda Lal Shaha and 2 others	Fined Rs. 20/-, R.I. for 1 month each.
193. Chandi Charan Mallick of Burdwan	Fined Rs. 10/-, R.I. for 1 month.
194. Atior Rahman of Galsi	Fined Rs. 10/-, R.I. for a week.
195. Bijoy Kumar Hui of Tentultala, Bazar, Burdwan.	Fined Rs. 10/-, R.I. for 10 days.
196. Biswa Nath Pal, Vill. Paraj	Fined Rs. 30/-, R.I. for 2 weeks.
197. Biswa Nath Pal of Paraj	Fined Rs. 25/-, R.I. for 2 weeks.
198. Gopeswar Maji of Bhatar	Fined Rs. 5/-, R.I. for a week.
199. Mahadev Todoal of Bhatar	Fined Rs. 5/-, R.I. for a week.
200. Gobinda Chandra Sain of Bhatar	Fined Rs. 5/-, R.I. for a week.
201. Pravulal Sagaogi of Lalgola	Fined Rs. 300/-, R.I. for 3 months,
202. Muralidhar Agarwalla of Bogra	Fined Rs. 50/-, R.I. for 30 days.
203. Jameshar Ali Akanda of Bogra	Fined Rs. 10/-, R.I. for 10 days.
204. Yeakubali Mondal of Bogra	Fined Rs. 30/-, R.I. for 15 days.
205. Ramani Mohan Dey and (2) Kartic Chandra Samanta of Burrabazar, Burdwan.	Fined Rs. 10/-, R.I. for a week.
206. Jagadanda Hazra of Burdwan	Fined Rs. 5/-, R.I. for 5 days.
207. Giasuddin of Mahadevpur	Fined Rs. 15/-, R.I. for 3 weeks.
209. Gahorali Shaikh	Fined Rs. 15/-, R.I. for a month.
210. Priya Nath Moira and anr.	Fined Rs. 10/- for 2 weeks.
	Fined both the accused Rs. 25/- R.I. for one month.
211. Mangal Shaw Bhowmik and anr. of Nabadwip P. S. Nabadwip.	Fined Rs. 500/-, R.I. for 5 months.

In Calcutta.

212. Ajit Kumar Sen Gupta, Calcutta	Fined Rs. 50/-
213. Madhodas Tewary, Calcutta	Fined Rs. 10/-
214. Subnaran Sarma, Calcutta	Fined Rs. 50/-
215. Abdul Hai, Calcutta	Fined Rs. 50/-
216. Ram Chandra Shaw, Calcutta	Fined Rs. 100/- or 2 months R.I.
217. Ramdeo Lachminarain, Calcutta	Fined Rs. 100/-
218. Ramdeo Lachminarain, Calcutta	Fined Rs. 100/-
219. Hanumandas Mundra Rekgab Das Mundra	Fined Rs. 250/-
220. Bulaki Das Brahim, Calcutta	Fined Rs. 100/-
221. Ganpat Roy Agarwalla, Calcutta	Fined Rs. 15/- or 1 month R.I.
222. Satya Narain Co., Calcutta	Fined Rs. 10/- or 5 days R.I.
223. Ghasiram Bhuramall, Calcutta	Sentenced to 4 months, R.I. and fined Rs. 300/-
224. Ghasiram Bhurmal, Calcutta	Sentenced to 2 months R.I.
225. Satya Narain Bajpai, Calcutta	Fined Rs. 100/- or 1 month S.I.
226. Joy Kissoro Ajarwalla, Calcutra	Fined Rs. 500/-
227. Debendra Ch, Bhadra, Calcutta	Fined Rs. 50/-or 1 month R.I.
228. Satish Ch. Banerjee, Calcutta	Fined Rs. 75/-
229. Gopal Ch. Roy, Calcutta	Fined Rs. 75/-
230. Bhudhar Ch. Nandy, Calcutta	Fined Rs. 500/-
231. Sishir Gopal Guha Calcutta	Fined Rs. 250/-
232. Sanchay Lal Baid, Calcutta	Fined Rs. 50/-
233. Makhan Lal Das, Calcutta	Fined Rs. 15/-
234. Matilal Chiranjilal, Calcutta	Fined Rs. 50/-
235. Rashid Ahmad, Calcutta	Fined Rs. 25/-
236. Satish Ch. Dey Calcutta	Fined Rs. 300/-

1	2
237. Radha Shyam Shaw, Calcutta	Fined Rs. 50.
238. Mati Lal Shaw, Calcutta	Fined Rs. 25.
239. Bajranglal More, Calcutta	Fined Rs. 100.
240. Dongar Mall Bajaj, Calcutta	Fined Rs. 100.
241. Bhudhar Ch. Nandy, Calcutta	Fined Rs. 500.
242. Bireswar Bhattacharjee, Calcutta	Fined Rs. 250.
243. Hari Krishna Sakul, Calcutta	Fined Rs. 30.
244. Fatik Chandra Shaha, Calcutta	Fined Rs. 50.
245. Bhagawan Lal, Calcutta	Sentenced to 1 month R. I.
246. Jagannath Ram, Calcutta	Fined Rs. 500.
247. Hafiz Sumsuddin, Calcutta	Fined Rs. 300.
248. Nandalal Didowania, Calcutta	Fined Rs. 50.
249. Sagarmall Agarwalla, Calcutta	Fined Rs. 100.
250. Adinath Das, Calcutta	Fined Rs. 40.
251. Fatechand Agarwalla, Calcutta	Fined Rs. 50.
252. Arjun Shaw, Calcutta	Fined Rs. 50. in default R. I. for 2 months.
253. Matilal Bhatter, Calcutta	Fined Rs. 50.
254. Shew Prosad Lohia, Calcutta	Fined Rs. 30.
255. Hari Pada Das, Calcutta	Fined Rs. 30.
256. Mohammed Idris, Calcutta	Fined Rs. 30.
257. Srinibash Agarwalla, Calcutta	Fined Rs. 4.
258. Jangi Lall Ahir, Calcutta	Fined Rs. 10.
259. Chandra Sekkar Dubey, Calcutta	Fined Rs. 400.
260. Kamala Kinkar Samanta, Calcutta	Fined Rs. 300,L.
261. Alak Narayan Pandy, Calcutta	Fined Rs. 200.
262. Banespopal Gupta, Calcutta	Fined Rs. 2,000.
263. Khosh Nabi, Calcutta	Fined Rs. 250.
264. Jagabandhoo Das, Calcutta	Fined Rs. 15.
265. Sadhu Mohan Chatterjee, Calcutta	Fined Rs. 20.
266. Tulsi Singh, Calcutta	Fined Rs. 30.
267. Sayed Nurali, Calcutta	Fined Rs. 100.
268. Kumeresh Ch. Sen, Calutta	Fined Rs. 100.
269. Mangilal Daga, Calcutta	Fined Rs. 2,000.
270. Sachi Nandan Das, Calcutta	Fined Rs. 20.
271. Chandanlal Kshatriya, Calcutta	Fined Rs. 20.
272. Govinda Ch. Das, Calcutta	Fined Rs. 10.
273. Ful Chand Shaw, Calcutta	Fined Rs. 10.
274. Gopal Ch. Ghottak, Calcutta	Fined Rs. 40.
275. Ashutosh Adya, Calcutta	Fined Rs. 40.
276. Bimal Ch. Burman, Calcutta	Fined Rs. 10.
277. Srikishan Khetry, Calcutta	Fined Rs. 2000.
278. Satish Kumar Dutt, Calcutta	Fined Rs. 100.
279. Fida Hossain Md. Ali, Calcutta	Fined Rs. 2,000-8
280. Gour Shahai Singh , Calcutta	Fined Rs. 25.
281. Amulya Ch. Bhowmik, Calcutta	Fined Rs. 50 .
282. Abdul Alim, Calcutta	Fined Rs. 50.
283. Amir Chand Pain, Calcutta	Rined Rs. 100.
284. Hirdey Narain Sukul, Calcutta	Fined Rs. 250.
285. Jagarnath Chandra, Calcutta	Fined Rs. 150.
286. Raj Kumar Bajpai, Calcutta	Fined Rs. 15.
287. Muralidhar Sukul, Calcutta	Fined Rs. 10.
288. Mayadhar Shao, Calcutta	Fined Rs. 100.
289. Ram Kissore Dubey, Calcutta	Fined Rs. 50.
290. Mahammad Yussuf, Calcutta	Fined Rs. 15.
291. Rzam Chandra Show, Calcutta	Fined Rs. 15.
292. Dhirendra Nath Jana, Calcutta	Fined Ris. 50.
293. Sk. Ranson Ali, Calcutta	Fined Rs. 100.
294. Sk. Zahon, Calcutta	Fined Rs. 100.
295. Sashadhar Mondal, Calcutta	Fined Rs. 20.

Information promised in reply to starred question No. 671, asked by Khan Bahadur Shaik Fazl-i-Haq Piracha, on the 5th March, 1945.

NON-PAYMENT OF COMPENSATORY DUES FOR OVERSTAY BY HAJ SHIPPING COMPANIES

No pilgrim waited at Jedda for more than 15 days. The question of payment of compensation did not therefore arise.

Information promised in reply to part (b) *of starred question No. 769, asked by Shaikh Rafiuddin Ahmad Siddiquee, on 7th March, 1945.*

TRANSFERRING NON-MUSLIMS TO PERSONAL BRANCH OF GENERAL MANAGER'S OFFICE OF BENGAL AND ASSAM RAILWAY

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

Grade	Number of posts filled		Permanent post filled by	Tempy. post filled by	Method of filling.
	Permt.	Tempy.			
Office Supdt. 425-25/2-475/-	1	. .	Mr. V. R. Iyer		Promotion in 'P' Br. Koilaghat Office after approval by the Selection Committee.
'G'—Rs. 230/	2	. .	1 Mr. R. C. Dutta		Do.
210-10-300/-			2 Mr. R. M. Banerjee		Do.
Do.			1	Mr. S. C. Ganguly	Transfer from Distt. Office on promotion subject to approval by selection Committee. He has since died.
Spl. F. 180/-	1	. .	Mr. K. D. Palit		Promotion in Personnel Branch in Koilaghat Office after approval by the Selection Committee.
170-10-220/-					
'F' —140/-	2	. .	1 Mr. M. R. Gazi		Do.
			2 Mr. A. Hoque		Do.
150-10-200/-					
Do.			1	Mr. J. M. Chakraburtty	Do.
'E' 100-10/2-120/-	2	. .	1 Mr. A. T. Chatterjee		Do.
110-10-140/-			2 Mr. N. C. Chatterjee		Do.
Do.		2		1 Mr. E. Hoque	Do.
				2 Mr. S. N. Dass	Do.
'D' 65-5/2-85/-			1 Mr. T. P. Bose		
85-5-100/-	2	. .	2 Mr. K. D. Banerjee		Transfer from Distt. Office on same pay.
Do.		4		1 Mr. S. Chakraburtty	Promotion in Personnel Branch in Koilaghat office on seniority basis.
				2 Mr. Almas Ali	
				3 Mr. A. Wahed	
				4 Mr. A. Latiff II	
ABC' 30-3-45-5-60/-	12	. .	1 Mr. A. Wahed		Direct recruitment.
28-4-40-5-60/2-5-80/-			2 Mr. S. N. Dass		Do.
			3 Mr. S. N. Mukherjee		Do.
			4 Mr. D. P. Bose		Do.
			5 Mr. B. C. Dey		Do.
			6 Mr. A.A. Siddique		Do.
			7 Mr. A. Quader		Do.
			8 Mr. S.A. Golder		Do.
			9 Mr. A. Satter		Do.
			10 Mr. M. N. Chakraburtty		Do.
			11 Mr. B.N. Maitra		Do.
			12 Mr. S. N. Alovi		Do.

Grade	Number of posts filled		Permanent post filled by	Tembpy. post filled by	Method of filling.
	Permt.	Tempy.			
'ABC' 30-3-45-5-60/-	..	23		1 Mr. Md. Ramjan Ali	Ditrect recruitment.
28-4-40-5-60/2-5-80/-				2 Mr. Sk. Sultanuddin	Do.
				3 Mr. Abdul Majid	Do.
				4 Mr. S. K. Chakraburtty	Do.
				5 Mr. N.G.Sarkar	Do.
				6 Mr. N.G. Ghosh	Do.
				7 Mr. Md. Nowman	Do.
				8 Mr. M. M. Saga	Do.
				9 Mr. K. Dhara	Do.
				10 Mr. S. Rahaman	Do.
				11 Mr. Sk. S. Ahmad	Do.
				12 Mr. A. Mannan	Do.
				13 Mr. M. Hossain	Do.
				14 Mr. B. K. Sen	Do.
				15 Mr. R. C. Roy	Do.
				16 Mr. K. Pramanick	Do.
				17 Mr. K.N. Islam	Do.
				18 Mr. G.N. Chatterjee	Do.
				19 Mr. S. Rahaman	Do.
				20 Mr. A. Ahmed	Do.
				21 Mr. J. K. Chowdhury	Do.
				22 Mr. Alimuddin Sikder	Do.
				23 Mr. M. Hossain Khan	Do.

Information promised in reply to parts (a) *and* (c) *of starred question No. 790 and starred question No. 794, asked by Mr. Muhammad Nauman, on the 7th March, 1945.*

IGNORING CLAIMS OF MUSLIM SUBORDINATES FOR PROMOTION IN CERTAIN WORKSHOPS OF EAST INDIAN RAILWAY

No. 790.—(a) and (c). The reply is in the negative.

QUALIFICATIONS OF CERTAIN NON-MUSLIM CHIEF CLERKS OF CHIEF MECHANICAL ENGINEER'S OFFICE, EAST INDIAN RAILWAY.

No. 794.—(a) The Honourable Member is probably referring to the transfer of Grade I Chargeman (Welding Group) which took place in September, 1943, and not during 1944. The Chargeman in question had passed the High School Examination (equivalent to Matriculation Examination) and held a proficiency certificate from the Quasi Arc Welding, Co., London. Owing to ill-health following a blood donation, the Chargeman had to be found a sedementary occupation and as he was qualified for the post of Chief Clerk, which was then vacant, he was appointed to it. The circumstances were, therefore, special.

(b) Government are informed that a Chargeman (promoted from the Workmen' grade) was appointed to work as Welding Chargeman as a temporary measure.

(c) The posts of Chief Clerks are normally filled by selection from amongst the clerical staff of the Mechanical Department on the basis of suitability-*cum*-seniority. The reply to the latter part is in the negative, but it is pointed out that communal considerations are not taken into account when filling such posts.

Information promised in reply to starred question No. 819, asked by Mr. Govind V. Deshmukh, on the 8th March, 1945

MONEY REQUIRED FOR REPAIRS OF KHEDEDIA FORT MONUMENTS

(a) and (b). The exact amount of the estimate is not known at present, but the repairs are expected to cost about Rs. 500 and will be taken in hand during the financial year 1945-46.

Information promised in reply to starred question No. 923 asked by Sri K. B. Jinaraja Hegde, on the 12th March, 1945.

SAVING DUE TO REDUCTION IN PETROL RATION, ETC., IN MADRAS PRESIDENCY

(a) 26,680 gallons of petrol per month.

(b) Public transport vehicles including commercial trucks in the Madras Presidency consume about 2.62 lakhs gallons of petrol per month. Statistics are not available to show the consumption of petrol by those vehicles separately in 1940. Rationing was introduced only in August 1941.

(c) 3½ lakhs of gallons per month.

(d) 2,137 vehicles.

(90) gallons.

Information promised in reply to starred question No. 1347 asked by Mr. K. C. Neogy, on the 26th March, 1945.

RESERVING FISHING AT CERTAIN GROYNES AT OKHLA FOR EUROPEAN PUBLIC

No such reservation has been made.

SHORT NOTICE QUESTION AND ANSWER

POSITION *RE*-EXTRA THREE PIES INCOME-TAX IN FINANCE BILL CONSEQUENT ON WITHDRAWAL OF THE INCOME-TAX AND EXCESS PROFITS TAX (AMENDMENT) BILL

Sir Cowasjee Jehangir: (a) In view of the Income-tax and Excess Profits Tax (Amendment) Bill not having been moved, will the Honourable the Finance Member be pleased to state the position in connection with the imposition of the extra three pies on the Income-tax in the Finance Bill?

12 NOON

(b) Did not the Honourable Member state that the extra imposition was intended to cover the cost to Government of the concessions made in the Bill now withdrawn?

The Honourable Sir Jeremy Raisman: (a) As the Finance Bill has now become law, tax at the enhanced rate becomes effective from the 1st April, 1945.

(b) If the Honourable Member will refer to the concluding portion of paragraph 47 of my Budget Speech, he will notice that I said that this increase in the surcharge will make up the loss that would accrue as a consequence of the grant of the earned income relief only and not all the concessions contained in the Indian Income-tax Amendment Bill in question.

Sir F. E. James: With reference to the latter part of the answer will my Honourable friend the Finance Member consider the possibility of giving the concessions suggested or provided for in the Bill in respect of grants made for scientific research, an object which, I know, my Honourable friend has very much at heart?

The Honourable Sir Jeremy Raisman: I quite agree with my Honourable friend that I am extremely sympathetic to the object which he has mentioned but the general attitude of Government is that they will not be justified in proceeding to place income-tax concessions in India on the most modern and rational basis if they cannot at the same time secure any assistance in dealing with gross forms of evasion.

Dr. P. N. Banerjea: Is this retaliation?

Sir Cowasjee Jehangir: Will the Honourable Member state, now that the concession on unearned increments will not be given, whether he will by an ordinance withdraw the three pies that he has imposed on the income-tax?

The Honourable Sir Jeremy Raisman: The situation arising out of the fact that the scheme of taxation as envisaged in the Budget has not been completely enacted will naturally receive the consideration of Government.

Sir Cowasjee Jehangir: Do I understand that Government will make an announcement at some later date in this Session as to what they desire to do in connection with this extra three pies they have put on the income-tax? May I point out to the Honourable Finance Member that he cannot have it both ways: either he has his three pies and gives the concessions, or he takes away the three pies and does not give the concessions?

The Honourable Sir Jeremy Raisman: I should be quite prepared to justify the increase in the income-tax without any concession. That is not, I admit, the position which I took up in the Budget speech, but, as I have said, the situation will have to be considered by Government, and I am not prepared to give my Honourable friend any categorical assurance as to what the result of that consideration will be.

Sir F. E. James: May I ask the Honourable Member to state whether, before he declined to make the motion the other day, he had satisfied himself that he could not get the support of the principal parties in the House for the particular measures that he had proposed to put in the Bill?

The Honourable Sir Jeremy Raisman: Yes, I made several efforts to devise a form of amendment which would give Government the minimum which it required, but I regret to say that I found that there was no prospect of an amendment being passed by the House. I consider that I went to the limit of reasonable compromise, and I do not see what further could be done. The House must accept the results of its own action.

Sir Cowasjee Jehangir: May I ask the Honourable Finance Member, without contesting his right to withdraw that Bill or the reasons he had for withdrawing it, now that he has withdrawn the Bill and now that an extra three pies has been imposed without concessions, whether Government will not be justified to give favourable consideration to some change by an ordinance one way or the other, one way being to give the concessions, and the other to remove the three pies? The Honourable Finance Member's speech indicated very clearly why the three pies was put on. One thing or the other must be done.

The Honourable Sir Jeremy Raisman: I have already said that Government will take the resultant situation into consideration.

RESOLUTION *RE* REMOVAL OF SECTIONS 111 TO 121 OF THE GOVERNMENT OF INDIA ACT, 1935—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the following resolution moved by Mr. Manu Subedar on the 2nd March 1945:

"That this Assembly recommends to the Governor General in Council that early action be taken for the removal of sections 111 to 121 (both inclusive) of the Government of India Act, 1935."

Sir Cowasjee Jehangir had not finished.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, it is well over a month ago, or about a month ago that I was addressing this Honourable House in support of the Resolution moved by Mr. Manu Subedar. I do not know whether the House wants me to read it again: I presume they know what it is.

When I was speaking, the last point I was trying to make or which I made, was that, when we went to England to attend the First Round Table Conference, we did not receive the support that was due to us from India. Mr. President, I will remind this Honourable House that those who went to England then, were characterised as traitors to their country by a certain section of the press. But in the next Round Table Conference, the second one, we had the good fortune of having Mr. Gandhi as one of our colleagues. Now, the criticisms in India of the work which we were attempting to do were not very helpful. I mentioned, when I was speaking a month ago, that there was some talk in this country of repudiation of the sterling loans of India. Well, in India it was perhaps not realised what a panic that one statement made in England. The result was that not only had we to interview the Governor of the Bank of England, but the Prime Minister actually made a statement in the House of Commons assuring the investors of the stability of their investments. Sir, I need not go into details, I have not got the time, but I am sure this Honour-

[Sir Cowasjee Jehangir.]

able House heard my friend the Honourable Planning Member with great attention. He explained in detail the way in which India's position deteriorated during the four years in which this matter was being considered in England. In the first year there was a suggestion that there should be an appropriate convention based on reciprocity. Finally it ended by the British Government including in the Act of 1935 these clauses against which we still protest. I need not here go into all these stages of deterioration, which have already been so lucidly explained. But I would like to draw the attention of this Honourable House to what happened in the second year. Again the public in England, and perhaps the Government, took fright at what was going on in this country and began to discuss another kind of discrimination—administrative discrimination: that was in the second year; and if I may be allowed, I will just repeat here a few words that I addressed to the preliminary session in 1931 on this question of administrative discrimination. This is what I said then:

"What do you mean by administrative discrimination? It is practised every day by you. 'Buy British goods' will be interpreted as discrimination. Prime Minister, what would your House of Parliament say to you if you gave a big contract to a foreign firm, because it quoted 2 per cent. less? I should call you unpatriotic; I would say you had neglected to do your duty; but you would be accused of discrimination under this clause. You must eliminate this clause; you cannot work it."

Well, as the Honourable House knows, there are certain safeguards against what is called administrative discrimination which will be impossible really to work in the interests of this country.

Now, fourteen years have elapsed since those days, and great changes, especially in the last five or six years, have taken place in the world. The world has moved at a pace at which it has never moved in its history. In 1931-32 the very word 'dominion status' was not allowed to be mentioned. It was not even included in the preamble to the Bill of 1935; but today we have received a solemn pledge that dominion status will be granted to this country after the war is over, and it has been admitted . . . .

Mr. Abdul Qaiyum (North-West Frontier Province: General): May I know which pledge the Honourable Member is referring to?

Sir Cowasjee Jehangir: The Cripps proposals: many a statement made in the Houses of Parliament have corroborated that statement and I will read out one if you like . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Read out the pledge.

Sir Cowasjee Jehangir: I will read out a statement which is as good as a pledge. As I have said, fourteen years have passed, and now we have received this assurance of dominion status and the Under Secretary of State for India, speaking in the House of Lords in connection with these safeguards, said:

"To make an offer of complete self-government and to exact guarantees for special British interests was inconsistent."

Therefore it has been admitted that it is inconsistent with dominion status to have these sections in the Act.

Mr. Sri Prakasa: Negative pledge!

Sir Cowasjee Jehangir: We have been told that Government is planning for the future and a new department has actually been brought into existence with a very distinguished man at its head, and we were told that planning is to take place just now and may be put into execution after the war. That means that planning is to take place under the present constitution with these sections of the Act as the constitution of this country, and these plans are to be put into execution when dominion status is the order of the day in this country. May I ask how it is possible to plan with such sections in the Act if such sections are inconsistent with dominion status? Therefore, you are planning today under conditions which are inconsistent with the time when those plans will be put into execution. That is the position; and if that be the correct position, we can come to but one conclusion and that is that these sections in the Act and some of the provisions in the Instrument of Instructions should be taken as a dead letter from now and immediately. It is unnecessary to have a change in the Act or an amendment in the Act. An executive action saying that the Government in England is prepared to allow the

Government in India, the Governor General and the Governors, to treat these sections as a dead letter from now will meet the position, and then planning can go on on the basis of dominion status for this country. Therefore I wholeheartedly support the Resolution moved by my Honourable friend, which talks of the repeal of these sections. It may be said that repeals of sections of the Act are inconvenient. We have seen many sections of the Act repealed and amended during war time . . .

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): The Act has been changed ten times!

Sir Cowasjee Jehangir: But even then in this case, so far as I can see, it can be done by executive action, the Secretary of State giving instructions that these sections of the Act shall be treated as a dead letter. That can be done immediately and should be done . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Cowasjee Jehangir: I will finish. It is inconsistent to talk of offering India dominion status and discussing the question of retaining now or in the future these sections. It is such arguments that cause doubts in the minds of my countrymen. You cannot keep your cake and eat it. You cannot take credit for offering India dominion status after the war and argue about retaining these sections now or in the future. You cannot tell your allies that you have offered India dominion status, and that it is for India to take it, and also argue that certain safeguards will have to be included in any future constitution. It is illogical, it is inconsistent and it throws grave doubts upon the intentions of those who make the offer. I have not the slightest doubt in my mind after the statement made by the Under Secretary of State for India in the House of Lords that there is no intention on the part of the British Government to include any such sections in any future Act. Having been satisfied on that, we now claim and we now demand that these sections shall be treated as a dead letter from now onwards.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. President, I rise to support this Resolution. Mr. Manu Subebdar has raised a number of vital issues on this Resolution at a most opportune moment, now that we are thinking of developing our industries. What are these provisions—sections 111 to 121 of the Act? These provisions contain in a nutshell the history of British exploitation of India for the last 200 years; exploitation,—organised, scientific and calculated. These sections bear Parliament's stamp on what Lord Curzon proclaimed with brutal frankness—the gospel of exploitation as a handmaid of administration. This chapter of the Government of India Act, I should like to call it, is the Britishers' charter for India's economic serfdom. It is a fetter on the Indian Legislature, both Federal and Provincial. According to these provisions, neither the Federal Legislature nor the Provincial Legislature has got the power to legislate for the benefit of India's trade and industry.

Now, that we want to construct new industries and to reconstruct old industries which had been destroyed during these years, the question is—can we do so with these provisions on the Statute Book? As the Act stands at present, I have been told the other day by the European Members, it is not possible for the Government of India to take any measures whatsoever for helping indigenous industries against the powerful competition of foreign companies, whether it be shipbuilding or aircraft or the motor industry or the Indian chemical industry or the film industry. The Honourable the Development Member declared in unmistakable language that it is not possible for the Government of India to take any measures for protecting Indian industries, so long as these sections exist. It therefore follows necessarily, from the point of view of India, that these provisions must go lock, stock and barrel and they must go now and immediately. What is the Government's answer to this Resolution of Mr. Subedar? The answer of the Development Member, I understood, is this. A trade argeement is part of a general political and constitutional settlement. Therefore His Majesty's Government will negotiate a trade agreement

[Mr. Akhil Chandra Datta]

with the future Government of India and therefore he says we must wait till that time and until that time these sections will continue on the Statute Book. In other words, he turns down this Resolution of Mr. Subedar.

Let us now consider and visualise what will be the position of Indian industries if we accept this position, and if we wait till the new constitution comes. The position will be this: that between now and the uncertain event of a new constitution, British companies with 100 per cent. British capital and directorate will establish themselves and control industries in this country and what is still worse, powerful combines and cartels with international ramifications will be established in this country. As regards the intrusion of foreign capital, I take the liberty of quoting a memorable utterance by President Wilson on this point:

"A country is dominated by the capital invested in it. It is a fundamental idea that in proportions as foreign capital comes in and takes hold, foreign influence comes in and takes hold. Therefore, processes of capital are in a sense processes of conquest."

So, in fact, it will be another conquest, in addition to the conquest that there is already.

We in India are told that we are now to plan and not to execute but unlike India, all other countries are already not only making plans but they have begun to execute their plans. Therefore our industries will be doomed and foreign industries will get a fresh start, with fresh capital for exploitation, between now and the new constitution. What is the meaning of development of industries? It is development of industries, owned, controlled and managed by Indians. Therefore, if the position formulated by the Honourable Development Member is accepted, then the inevitable result will be immeasurable and irreparable damage to our industries. Sir Ardeshir Dalal is a shrewd business man and he knows that it will not do to wait. He realises that immediate action is necessary. He says that we cannot wait for a constitutional settlement. He also says that if we wait the industrial development of the country will be hampered. Having said this, he says at the same time another thing. He first spoke as Sir Ardeshir Dalal of Tatas' industries and signatory of the Bombay Plan but as a Development Member he is haunted by the spectre of His Majesty's Government, the Government of India and his European collagues. He is overwhelmed with doubts and difficulties. His courage fails him. He says that although an immediate solution of this problem is necessary, the problem is difficult. It is not only difficult but delicate and that the difficulties cannot be minimised. As I have stated, the trade agreement is an integral part of a general constitutional settlment. That is what he says: If we seek an immediate change and an immediate new agreement, and if we seek to encroach on the Britishers' protected field, then our spirit may be misunderstood. It is just possible we may lose their good will, their sympathy and support and expert advice and so on. He says that in post-war years we are in need of their capital goods and expert advice.

We cannot afford to incur that displeasure. We have heard the warning from Prof. Hill, who is believed to be most favourably inclined towards Indian industries. He says: "If you want capital goods, if you want our expert advice would be on a strictly share basis, and that share basis should be 50:50." In dustry, well, it canot be out of love or for a minor share in controlling but it would be on a strictly share basis, and that share basis should be 50-50." In other words, British industry and Indian industry will be equal partners. Therefore in his anxiety to avoid a catastrophe, the Honourable Member for Planning and Development says, put off the evil day, and on behalf of Government he pleads for further consideration. Now, Sir, what is this further consideration for? Is it a new problem which requires further consideration, which requires further time. I am afraid this plea of Government is not quite *bona fide*, it is only putting off the evil day. Why is it done? Did not Mr. Amery himself in 1942 commit himself in connection with Cripps proposal that "guarantee of special protection of British commercial interests in India will not be a condition for acceptance of any new Indian constitution"? If that is sincere and honest assurance, then accept this Resolution and start with a clean slate. We are not

opposed to a new agreement. There must be some agreement. We are not opposed to that agreement. Mr. Hill proposes to have a new agreement when India will be free. If that is so, why not do it now when you are still in power? The only question is that the negotiation should be with a National Government and not with a subordinate Government, or an agreement between a principal and agent.

Now, Sir, it has been said by the Honourable Member for Planning and Development that Indian opinion has never reconciled itself to this. Then, will he fight for the removal of these obnoxious sections? Will he vote with us? I say, Sir, an immense responsibility lies on the Development Member. He has to develop Indian industries, and he has to be on his guard in developing Indian industries that he does not develop British industries at the expense of Indian industries. Within certain limits he can make or mar Indian industries at the moment. India expects him to do his duty on behalf of India. I invite the Honourable Member to support this Resolution and vote with us in the 'Ayes' lobby.

Sir Henry Richardson (Nominated Non-Official): Sir, I do not pretend to address myself to the Resolution now before the House with anything but misgiving—a misgiving which has not been relieved by the statement made by my Honourable friend the Member in charge of Planning and Development when he spoke on the 2nd of March last. A number of claims have already been put forward for the Resolution by the Honourable the Mover, and I will not attempt to traverse all of them in the short time available to me to give the House my views on this most important matter touching the welfare of the community which I represent. An opportunity will, I hope, be given to other speakers of my party as the debate proceeds.

Now, Sir, in our opinion, if the debate is to be of practical value it is important that its scope should be confined strictly to the immediate object of the Resolution; we are not discussing the Indian constitutional problems in general, we are not even discussing the position of British business in a completely self-governing India. We are concerned only with the question as to whether Sections 111 to 121 should, at this particular juncture, be removed from the Government of India Act.

My Honourable friend Mr. Manu Subedar in a speech of studied and commendable moderation, based his case upon two different types of arguments—one he characterised as the sentimental argument and the other as the practical argument.

The sentimental argument for the Resolution amounts roughly to this: that the existence of these statutory restrictions upon India's power to plan the economic life of the country is derogatory to the national dignity and as Mr. Manu Subedar put it, contrary to that new spirit of the world in which India so richly shares.

That argument must command the respect of every independent people; nevertheless logic compels us to recognize that any reciprocal arrangement, whether in the Act or outside it, must involve some restrictions and limitations. The remedy lies not in the removal of a particular block of sections but in the complete re-orientation of methods. We in this Group stand fully committed to the principle that India must frame her own constitution, and it is in the speedy application of that principle rather than in tinkering with particular chapters of the Act that we see the means of satisfying India's legitimate pride.

I turn now to the practical arguments for the Resolution. Here, unfortunately, neither the Honourable the Mover, nor the Planning and Reconstruction Member, was as explicit as we could have wished—each seemed to display a certain unwillingness to state what he would propose to do after the removal of the present restrictions. Greater clarity in this matter would have made this debate more real. It is all very well to come to this House and say "These sections prevent us from planning India's post-war development"—but the Honourable Member can hardly expect our support if we are left in the dark as to what he proposes to do after the disappearance of these restrictions. The

[Sir Henry Richardson]

sections concerned merely prohibit discrimination in one form or another, against British interests. What particular aspects of this prohibition interfere with India's planning? To put it in another way, what particular forms of discrimination do the Honourable the Mover and the Honourable the Planning and Development Member want to practise, in order to further India's development? We are not told, but we are given a vague hint.

There is a danger, we are told, that Indian business will be unable to compete with great non-Indian combines which will establish themselves by legitimate commercial means and that the Government of India will be powerless to help by reason of Sections 111 to 121. Mr. Manu Subedar may be right in fearing the action of great combines but I doubt whether he is right in supposing that they will necessarily be non-Indian. It may well be that great Indian combines will be the principal menace to the growth of new Indian concerns in a self-governing India. Such methods are by no means confined to one country. It may be that some protection of small companies against great combines of any nationality will be needed. That, however, is an entirely different issue from that of the relation of Indian business to British business as such. Mr. Manu Subedar has very skilfully confused the issue. We are not at the moment discussing legislation against combines: We are discussing discrimination against British interests.

When my Honourable friend talks of helping Indian business against non-Indian competition, what has he in mind? Does he want to interfere with and restrict non-Indian business? Or does he merely want to help Indian business in some positive way?

Let us remember that sections 111 to 121 are purely negative in their action —they merely prevent discrimination. Discrimination may be of two kinds—one positive and the other negative. If you were to say to a British company "Because you are 100 per cent. British, you shall not sell motor cars or buy jute, or manufacture tea", that would be *positive* discrimination. If, on the other hand, you were to say: "We will give a subsidy to all Indian match manufacturers but not to British match manufacturers in India", that would be *negative* discrimination.

It may be that in our deliberations we ought to distinguish between these two kinds of idscrimination. It may be that the position regarding the grant of subsidies does require re-consideration and perhaps modification. When, however, we come to positive discrimination—the imposition of restrictions on British companies—I must state our position very definitely. We claim the right—born of our long connection with India—to carry on and develop business here in fair competition with other interests. If the object of the Mover is to place obstacles in the way of British business in this country and by positive discrimination against us, to give Indian business an advantage, let me tell him quite plainly that we are not prepared to accept that position. We claim no commercial privileges as compared with any other community, but we do claim, and we shall continue to insist that we must be left free to carry on business in this country without discriminatory restrictions. That is a position from which we shall not be willing to move.

Let us consider for a minute how sections 111 to 121 have worked up to now. These sections have been in the Constitution Act for ten years and I doubt whether with the exception of a handful of specialists and students, the vast majority of people in the United Kingdom or India had ever heard of them. So far as I myself know, they have not, during all this time, been the subject of a single reference to the Federal Court which is the legal authority charged with the interpretation of the Constitution. So that, if it is my Honourable friend's case that these sections of the Act have been hanging round the neck of India and impeding her industrial development for a decade, that is a contention which I cannot accept for the simple reason that it does not square with the facts. Honourable Members may be able to bring forward other reasons for the revision or modification or abolition of these dozen sections of the Act, but the allegation that they have acted or may act as a positive deterrent to

the development of Indian commerce and industry carries no conviction at all. Indeed, Sir, it so happens that the period during which these so-called safeguards have found a place in the constitution represents ten years of the most intensive industrial development in the history of this country—development carried out almost wholly through the instrumentality of Indian capital and by the application of Indian technical skill over an ever widening sphere. This is self-evident at Tatanagar, at Calcutta, at Cawnpore, at Delhi, at Bombay, at Ahmednagar, and I could mention many other places where huge Indian-owned and managed enterprises have grown up, adopting the same technique in regard to management as has been so successfully used in the building up of Indian industries by European-managed concerns for many years past, and all this has happened despite the presence of the sections in the 1935 Act which are the subject of this Resolution.

In my view then, the history of the last ten years provides a complete denial of the statement that the operation of these sections of the Act hampers the development of Indian industry, and I cannot resist the conclusion that some of our Honourable friends mean something quite different from what they say. Some of them are perhaps concerned not so much with securing fair play for Indian business interests—an aim in which they have our full support—as with ensuring the denial of fair play to British business interests. I feel that in this matter my Honourable friend, Sir Ardeshir Dalal, should come out into the open and tell us what he really means. Is it his object merely to secure the fullest possible opportunity for the development of Indian industry? Or is it his wish to place obstacles in the way of British business in this country and by discriminaton against British business to give Indian business an advantage in competition with us? If that is his object, let him have the courage to say so, so that the world and Britain may know just how the matter stands.

It has always been contemplated that Sections 111 to 121 of the Government of India Act might be replaced by a convention and of course when India becomes completely self-governing, the position of the British community will be a matter for negotiation. When those negotiations take place, each side will have to be a giver as well as a taker. There is much to be gained by mutual co-operation. Co-operation between the two is, in our view, vital to the future of India. We, on our part, shall want to be assured of being able to carry on our legitimate business in this country. It may be that the assurance will take the form of a treaty between the two countries, just as it may be that even under the present Government of India Act a convention might serve the same purpose. We are concerned however not so much with form as with substance, and I say with all the emphasis at my command that we are not prepared to give up the right to carry on our business fairly and without discrimination in this country.

A great era of industrial development lies ahead in India and whatever may be the case in the rest of the world, we here are moving into an economy of expansion rather than of contraction. In such a world there is room both for the new comer and for the old established business. What is required for their mutual benefit is not discrimination against one or the other, but a helpful spirit of understanding and co-operation between them. We on our part are willing to be actuated by that spirit and must refuse to support a Resolution which, in its aim, is a negation of the principle of co-operation.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I rise to accord my wholehearted and unreserved support to the Resolution that has been moved by my Honourable friend, Mr. Manu Subedar. I am very happy, Sir, that when he moved the Resolution he took the opportunity of reminding this House of the uncompromising opposition that our great Leader, Mr. Jinnah, consistently showed against the inclusion of these sections in the State Book. Sir, I have before me the proceedings of the Federal Structure Committee for 1931 and I just quote a part of a sentence from the statement that he made when he was taken to task by Lord Reading for sticking to his opinion and opposing the inclusion of these sections. There he stated that although he might be a single individual, and notwithstanding the rebuke from

[Mr. H. Sathar H. Essak Sait]

Lord Reading he still opposed. That was, Sir, the attitude of Mr. Jinnah, and that certainly should be the attitude of every Indian with regard to this question.

But so far as we on these Benches are concerned, we have a little difficulty and that is this: The Muslim League is committed to the revision of the whole Constitution Act, not only the Act itself but the very basis on which the Act has been formulated. That being so, I want to make it quite clear, not only to this House but to the country at large, that in demanding the repeal of these sections, it does not mean that we accept the other sections of the Act. I am very glad that Mr. Manu Subedar made it quite clear that his object was not to preclude the revision of the Act in the other sections. But I am still not very happy about the time chosen for this motion because the question of the revision of the whole constitution is to be taken in hand now that the war is coming to an end. At this juncture that we should be asking in this House to discuss such a small matter and demand the repeal of what after all, compared to the big issue at stake, is certainly a small matter is something about which I am not very happy. However the demand having been made, we on these Benches accord our full support to it.

Sir, the matter which troubles me, which I have mentioned, was exemplified by the emphasis in the speech of my Honourable friend, Sir Cowasjee Jehangir, when he stressed on the words 'dominion status' so often. He said that we are going to have dominion status and that the presence of these sections in the Act stands against that conception. We know his political history. He will consider it a great gift if this country is granted dominion status. But, I believe, neither the Congress nor the Muslim League will even look at it if it is offered now. (Interruption.) That difference exists in the outlook between us on this side of the House and my Honourable friend, Sir Ardeshir Dalal. I want it to be clearly understood both in this country and in England that this is an opportunity which India is not going to lose by getting into discussions of such small matters. This motion is before the House; we want it to be passed, but the greater questions which are at issue have to be tackled and we will see to it that they are tackled and settled to the satisfaction of all sections of this country. That being our attitude, whatever purpose I had intended to serve by my amendment is not going to be served at present. I would, therefore, with your permission, ask the leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Abdul Qaiyum: Mr. President, my Honourable friend, Sir Cowasjee Jehangir, while speaking on the Resolution referred to various promises and pledges made by Great Britain to this country—promises of full-fledged freedom as soon as the war is over. Various speakers have in the course of their speeches referred to the fact that the war is soon drawing to a close. At a time like this people in this country and outside this country are thinking of peace,—a peace which has been long denied to them, a peace which is coming nearer and nearer. In view of the repeated promises of freedom by Great Britain, it was really strange to hear the remarks which fell from the lips of the Honourable the Leader of the European Group. Sir, the Honourable the Leader of the European Group displayed the mailed first under a velvet glove. His words were very sweet and the manner in which his speech was delivered also showed that it was a speech which was delivered without any excitement, without any heat, but at the same time the iron-hand was visible under a very thin muslin glove. The House will pardon me for using the word muslin instead of velvet. This is because of the approach of the hot weather!

Sir, he said, if I have understood him correctly, that he had great respect for the sentimental reason which was behind this Resolution, namely the desire on the part of Indians to have industries of their own and to be treated as equals by the rest of the mankind. But he went on to say that when he looked at it from the logical point of view, he could not induce himself and his Party to

extend their support to this Resolution. I waited patiently that something of that logic on the score of which the Honourable the Leader of the European Group was withholding his support to this very reasonable Resolution would be vouchsafed to this Honourable House, but nothing of that kind has happened. The fact is that the Honourable the Leader of the European Group really meant self-interest when he was using the word 'logic'. If the European community in this country, in the year 1945, are not prepared to forego all these privilges, as a result of which they have a dominant voice in the industry and

4-30 P.M. commerce of this country, it shows that there is absolutely no desire on their part in practice, in spite of pious pronouncements to the contrary, to part with power or to part with the privileges which are mainly responsible for their dominant position in this country. When we begin to mistrust British promises, when we say that we have got absolutely no faith in British promises, we are fully justified, because the long course of British practice, the long course of British business transactions and political dealings in this country, proves that these pious promises were never meant to be translated into action. I may inform the Honourable the Leader of the European Group that it would be much better for their class interests as well as for the European community in India if, instead of hanging on to these sections of the Government of India Act, Sections 111—121, they should change their attitude and begin to rely in the future on something which will be more useful to them, something which will be more remunerative in the long run, *viz.*, the goodwill of the people of this country. Are you prepared to depend on the goodwill of the people of this country or are you going to rely on these sections of the Government of India Act, Sections 111—121, the only sanction behind which is the British Army of occupation in India and the British bayonets and the British guns? Sir, this policy of discrimination is masqueraded as equality between the British subject domiciled in the United Kingdom and the British subject domiciled in British India, between a British company incorporated in the United Kingdom and carrying on business in India and an Indian company incorporated in British India. This so called equality is really a cleverly conceived design to kill all Indian enterprise and Indian industry. After all you cannot have equality between unequals. Indian industries are just beginning to rise. They require development, they require organisation, their resources have to be marshalled, experience has to be pooled, and how can this infant industry in the early stage of development be treated on terms of equality with well established British industry supported by political power and supported by the resources, the experience, the skill and the capital which is behind all those big concerns. My Honourable friend, the Leader of the European Group, in the course of his speech stated that the danger to India was not so much from British cartels and big British firms but from Indian cartels. Among the very sections of the Government of India Act he will find one section, where his community have agreed to the principle of cartels and big trusts, only if they were allowed to share it with the Indian capitalists on a basis of 50:50 proportion. It is this policy which finds expression in this section of the Government of India Act, which has been responsible for the absence of large and heavy industries in this country. If you look at section 115 of the Act, you will find—I will read only the relevant portion:

"No ship registered in the United Kingdom shall be subjected by or under any Federal or Provincial law to any treatment affecting either the ship . . . . . which is discriminatory in favour of ships registered in British India."

As long as this section of the Government of India Act remains on the Statute Book, how are we going to develop our shipping industry and our ship-building yards in India? We were told the other day in the course of a speech which was delivered by a British Admiral in the Assembly Library that if you want to have a strong navy in war-time, you must have a strong and efficient mercantile marine of considerable and respectable size in peace time, because it is only the mercantile marine and the people who man the mercantile marine, the trained personnel, who can be converted into a fighting Navy when

[Mr. Abdul Qaiyum.]

a war is on. With this section 115 remaining on the Statute Book, it is small wonder that the Indian shipping cannot make any headway at all and that even in the matter of coastal shipping, British shipping enjoys a dominant position as against Indian shipping. So much overpowered are the British community in India and their compatriots in Great Britain by this desire of self-interest, that they would not allow India in peace time on one pretext or another to have any large scale industries like chemicals, automobile factories, shipbuilding industry, aircraft factories. Even locomotives could not be manufactured in India and we discovered, when the matter was first brought up on the floor of this House, that there was such a thing as an Act of the British Parliament which forbade the manufacture of locomotives in this country. What was the position when the war started, when the German submarines became very active and machinery and manufactured goods could not be brought into this country and India was invaded by Japan in the East? In the absence of these heavy industries the position of India became very precarious. The same sort of spirit is at work. Do they have these sections, sections 111 to 121, or some corresponding sections in the constitution of the British self-governing Dominions? Is it not a fact that Australia was able, during this great war, when Australia was practically cut off from the rest of the world, to set up a big aircraft industry and the Australians have become self-sufficient in the matter of aircrafts? Before the war various questions were put on the floor of the House to the Members of the Government of India demanding that aircraft factories should be set up in India and it was really amazing to be told by one Honourable Member after another from the Government Benches that the materials which were necessary for the manufacture of aircraft in this country could not be obtained on sufficiently economic basis in this country. These arguments really conceal the real argument, namely that as far as heavy industries are concerned, Britain must supply us and we must continue to receive it.

Among these very sections we find section 118. My Honourable friend Mr. Manu Subedar referred to this section 118 in the course of his speech and I think a reference was made to it by Sir Cowasjee Jehangir, I mean the power to secure reciprocal treatment by convention. I have read this section two or three times and I find that it is laid down therein, and I would like to be corrected if I am wrong, that these sections will remain till such time when a convention is agreed to between Great Britain and India, whereby the provisions which are laid down in these sections become the law or are placed on the Statute Book in India and the United Kingdom, and then these sections will become redundant and not be enforced. What is the use? You force India to enact laws, embodying these very pernicious sections which have been responsible for killing Indian industry and enterprise and it is only then that you would be prepared to forego these sections 111 to 121.

Sir, I find that the spirit which lies behind the attitude of the British in India is not a very helpful one. It is not the kind of spirit which we expect from them. India has changed, and has changed tremendously, and greater changes are in store in this country. If you are going to rely on the type of legislation which is the subject matter of this debate, if you are going to rely on force, then in this country also people will lose all faith in constitutional methods and organise themselves and resort to force to meet your force with equal or greater force, if they can. But there is another method. In this world now no nation can remain in seclusion or isolation. Distances have been abolished, nations are much more interdependent to day than they were before the second world-war began. India may be dependent for certain things on Great Britain, but Great Britain will be much more dependent on India for the very many things which we can give her after the war. Surely without that co-operation it will be impossible for nations to carry on. Now, if you are going to have that type of co-operation, then the type of speech which was delivered by Sir Henry

Richardson is not the kind of speech which is really going to help British industry or British enterprise in this country. You must give up your reliance on these sections of the Government of India Act, and I would urge upon the European community in India to rely more and more on the good will and spirit of co-operation of the people of this country. This present camouflage of equality for the United Kingdom's citizens and incorporated companies is no real equality, but it is a deliberate attempt to stamp out or crush or cripple Indian industrial enterprise. Sir, I am very grateful to my Honourable friend Mr. Manu Subedar for having brought forward this Resolution, and for having drawn attention to these sections of the Government of India Act, which are no less than a scandal, and I hope something will be done to remove these obnoxious sections from the Statute Book. Sir, I support the motion.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): My Honourable friend Sir Henry Richardson's speech indicates that there has not been the slightest change in the attitude of the British interests in India from the attitude that was taken up by their spokesman in the years 1930 and 1931 at the two Round Table Conferences when they put forward proposals which have resulted in what I may compendiously term as the Benthall clauses of the constitution. Sir, it was on the 15th November 1931 that Mr. Benthall, as he then was, in a frank statement, for which I should like to congratulate him, made it quite clear that unless their rights were protected—I am quoting his words—in the clearest and most unequivocal manner, they must reserve their consent to the transfer of power. Sir, in a less direct language my Honourable friend, Sir Henry Richardson, has virtually given expression to that threat. He says: well, if this is what you intend, you had better tell England about it. Now, Sir, my Honourable friend, Sir Edward Benthall, on that occasion, also made it clear that they could have got whatever they wanted for the mere asking from His Majesty's Government. He referred to the two different courses that were open to them. He said: "we could of course have gone to His Majesty's Government direct, and if we did so, we should have gone with confidence of support in the fullest possible manner." But he preferred, he said, to have their demand agreed to by British Indian opinion as a result of negotiations on this subject.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. K. C. Neogy: Sir, before the adjournment, I was dealing with Sir Edward Benthall's statement before the Second Round Table Conference. He continued that the commercial rights of the Britisher in India were not for negotiation, and then he emphasised that those rights had been won by them legitimately "by years of industry and integrity". I am very sorry that I do not find the Honourable the Finance Member in his seat just now, because, I should like to ask him as to whether having regard to the accumulated sterling reserves to the credit of India at the present moment, the British rights, whatever they are in regard to commercial matters, are or are not subjects, appropriate subjects for negotiation. We know what has been done in several colonies in this regard where British investments have been bought up by negotiation through the good offices of government; and India is entitled to expect action on those lines being taken. With regard to the question of the rights having been won by "years of integrity", I find that my Honourable friend Sir Henry Richardson makes his claim on long connexion or association with India. Whether it is association, or whether it is integrity, let us examine how we have benefited by the past policy of the British industrialists and commercial magnates in India.

[Mr. K. C. Neogy.]

I do not want to give any opinion of my own in this connection; but I will content myself by quoting a few lines from statements made by sober and sedate persons like Sir Phiroze Sethna and Sir Purshotamdas Thakurdas on this point before the Round Table Conference. Sir Phiroze Sethna was specially referring to the interests which the British commercial people claimed and he said:

"It is a vested interest which was created by discrimination in favour of Europeans against Indians in the past."

Sir Purshotamdas Thakurdas said that Mr. Benthall was—

"suffering under the reaction of what has been done till now by the present constitution and our predecessors, the racial discrimination which has been exercised by the Government of India ever since India was taken over from the East India Company practically up to to-day".

My Honourable friend Sir Henry Richardson said that no action has been necessary to be taken under these clauses of the constitution during the last ten years. If that is any argument at all, it might be utilised for the purpose of making out that the discrimination that there has been in the sphere of administration, has all along been in favour of the Britisher; and there is nothing in the constitution which entitles us, poor Indians, to ask for protection against that kind of discrimination to which reference was made by men like Sir Phiroze Sethna and Sir Purshotamdas Thakurdas at the Round Table Conference.

My Honourable friend did not, I am afraid, do justice to the Honourable Member for Planning when he said that he could not make out what he was driving at, what his difficulties were. I have gone through the transcript of the Honourable Member's speech and I find that he specifically referred to the question of shipping as a test case. He pointed out that if the provisions of the Act had to be adhered to, then if Government decided to give a subsidy to a comparatively small Indian shipping company to promote the interests of Indian shipping, then they would be compelled to give similar subsidies to the P. and O. and the B. I. companies—two most powerful concerns that have in the past succeeded by cut-throat competition in strangling all attempts at the establishment of an Indian mercantile marine. I should like in this connection to refer to certain articles which Mr. S. R. Bomanji wrote to the *Bombay Chronicle* in 1937, which have been reprinted in the form of a leaflet, which I am prepared to hand over to my Honourable friends of the European Group. There Mr. Bomanji gives his personal testimony as one of the three pioneers who had taken the initiative in starting an Indian shipping company some years ago, and he testifies to the attempts that the P. and O. company made to crush the attempts of Messrs. Tata and Sons, when they started their Bombay-Japan line. Messrs. Tata and Sons issued a small pamphlet giving the details of the case and these are a few extracts from that pamphlet:

"Having been instrumental in destroying the old Indian Shipowning trade, it has been unceasingly employed, ever since its establishment, in raising the rates of freight, and consequently hampering facility of intercourse, between India and the further East."

Again it says:

"With scores of liners, English and foreign, plying in these waters, which our petted and much glorified Anglo-Indian company can afford, and perhaps finds it good policy to tolerate, it is only jealous of a small enterprise like ours, and while it can lovingly take foreigners and possibly future enemies of England to its bosom"—(*the reference is to the Japanese interest which the P. & O. Company were then favouring*)—"it discards the poor Indian, for whose special benefit it professes to have come to India and from whose pocket it draws the greater part of its subsidy."

This is an extract from a leaflet published by such a responsible firm like Messrs. Tata and Sons; and if my Honourable friend Sir Frederick James were here, I would have asked him to verify these statements, (because I understand he is now connected with that firm) and after having verified these statements give the benefit of his knowledge to his colleagues on those benches. This pamphlet goes on to point out how this policy of the P. and O. company actually ruined the Indian yarn trade and how ruinous the rate war was that was waged. Then again it refers to another interesting thing. Says this pamphlet:

"It is notorious how a misleading report to the effect that the steamer 'Lindisfarne' run by the Tata Line was unseaworthy and unsuitable for the carriage of cargo was circulated by interested parties; and when a protest was made by Messrs. Tata and Sons, the P. & O. Company through their lawyers apologised saying:

'we have also since ascertained from an underwriter who had a considerable line on cotton and yarn to China by the "Lindisfarne" that she discharged her cargo there in good condition.

Under these circumstances, we beg to withdraw unreservedly our said letter of 6th June and regret the mistake which occasioned it'."

Now, Sir, if we wanted more evidence of this kind, the pages of the evidence volume of the Report of the Indian Mercantile Marine Committee would give us ample material for coming to the conclusion that the position which British shipping companies occupy today is not due to the "integrity" to which reference was made by Sir Edward Benthall, but to very iniquitous methods.

Naturally, therefore, the question is, are we or are we not going to make it impossible for firms like the P. & O and the B. I. companies, as referred to by my Honourable friend the Planning Member, to derive any benefit from any policy that India might adopt for the purpose of developing an Indian mercantile marine? I have no time to refer to the relevent evidence, but I may refer to a few pages—page 399, pages 482 and 446 and so on of the evidence volume of the Indian Mercantile Marine Committee. And then again I should like to refer to a statement which Mahatma Gandhi made on this point before the Round Table Conference. He said:

"Some of you may have heard of a budding company between Chittagong and Rangoon. The directors of that company, poor struggling Muhammadans, came to me in Rangoon and asked me if I could do anything. My whole heart went out to them, but there was nothing to be done. What could be done? There is the mighty British India Steam Navigation Company simply underselling this budding company and practically taking the passengers without any passage money at all."

"I could quote instance after instance of that character", says Mahatma Gandhi.

That the charge is fully established is admitted even by a deputation composed of Sir John Thompson, ex-Chief Commissioner of Delhi, Sir Alfred Watson, ex-Editor of the *Statesman* and Mr. Edward Villiers, sometime President of the European Association, who gave evidence before the Joint Parliamentary Committee on behalf of an organisation, and this is what Sir Alfred Watson says:

"I am bound to say, speaking as an European, that the Indians have a case for a large share in their coastal shipping; and, although I opposed the Bill very strongly because it savoured of expropriation, I recognise that Indian company after Indian company which endeavoured to develop a coastal service has been financially shattered by the heavy combination of the British interests."

This is a testimony from unexpected quarters. Now, I put it to my Honourable friend Sir Henry Richardson—can he justly claim any consideration on the ground of his long association with India? Can Sir Edward Benthall claim that integrity has characterised their commercial activities in India?

Sir, in the year 1915 when the Industrial Commission was appointed, it was possible for the Government of India to contemplate, and even approve, the idea of Indian industries being started by Indians with the help entirely of Indian capital, controlled and manned by Indians. In the year 1923-24, again, when the Government of India appointed the Indian Mercantile Marine Committee, the Government of India thought that it was possible for the Government to have a genuine Indian mercantile marine set up—and I find that in the recommendations which were made by that committee they definitely suggested coastal reservation for Indian shipping—the recommendation will be found on page 27 of the report of that committee . . . . .

Mr. Deputy President (Mr. Akhil Datta): Your time is up.

Mr. K. C. Neogy: On page 29, it will be found that that committee suggested that a particular concern—I think it is the Asiatic—which was about to be sold—should be transferred in favour of Indian companies. I understand

[Mr. K. C. Neogy.]

that although this company has changed hands, it has gone into the hands of the B. I.

Now, Sir, it is a strange irony that what was possible to be done in 1915, and what was contemplated seriously by the Government of India in 1923-24, it is absolutely unconstitutional for us to contemplate at the present moment, and that it is not possible under the constitution as it stands to give effect to the recommendations of the Indian Mercantile Marine Committee to which people like Sir John Byles, Senior Partner of a Consulting Naval Architect firm, who was employed by the India Office, and Captain Headlam, later Sir Edward Headlam, head of the Royal Indian Marine were parties. That is an eloquent commentary on the present constitutional position of India. I support the Resolution.

Mr. N. M. Joshi (Nominated Non-Official): I support this Resolution from the point of view of the freedom of India, of the Indian Legislature and of the Indian Government. There is no doubt that the sections which are sought to be repealed are sections which impose very large restrictions upon the powers of the present Legislatures and of the present Government of India. These restrictions, if you read the sections, are indeed very extensive. They relate to companies, trade, professions, employment in Government service and all walks of life. No Government which claims to be free will tolerate such restrictions and as we all Indians want freedom of our country, we cannot allow these restrictions to remain. We want these restrictions to go from now, because we want freedom today and there is no reason why these restrictions should be allowed to continue. These restrictions are founded upon the distrust which the British people have for Indians. The British people feel that Indians are not friendly to them and Indian Governments and Indian Legislatures may do harm to their interest. I consider that such a distrust is an insult to the people among whom the Britishers are living. It is an insult to the Indian Legislatures and to the Indian Governments, even the present Government of India. I would like to ask our European colleagues of this House what reason they have to show this distrust of the Indian people. If we can judge from the conditions under which European business has prospered in this country, judge the way in which Europeans in different professions have prospered, if we can judge from the positions which the Britishers hold in Government service in this country, I feel that there is absolutely no justification for the Britishers here or in Great Britain to show any distrust of the people of this country. They have prospered in every walk of life. They are perhaps the one single community in India who have occupied the topmost places in trade, business, industry and in Government service. Their position has been secured by Government by various methods and therefore when these Britishers show distrust of the Indians, they are doing an injustice to the Indian community from whom they have benefited. I would suggest to our British friends in this country and to our colleagues in this House, if they cease to show distrust of the Indian people and if they show that they are prepared to give freedom to the Indian people, the Indian Legislatures and the Indian Government, they have nothing to fear and I would go so far as to say that if they show good will towards the people of this country, they will prosper in this country much more than they have done.

Therefore, I would suggest to them in their own interest that they should give up their distrust of the Indian people and show themselves ready to give freedom to the Indian people. By this Resolution, we are seeking to secure the freedom for the Indian Legislature and the Indian Government. By passing this Resolution, we are not suggesting that the Legislature here and now decides to adopt a policy of discriminating against Europeans whether that discrimination is in favour of Indian interests or not. By this Resolution today, we are demanding that the Indian Legislature and the Indian Governments should be free to follow whatever policy they like, whatever policy they think is in the

interest of this country and the British people must show why that freedom should not be given to the Indian Government and the Indian Legislature. If Indian Government and the Indian Legislature finds that it is not in the interest of India to discriminate against British business in the country, why should the Indian Legislature or the Indian Government discriminate against Britishers? If they find that discrimination is absolutely necessary in the interest of India, then Sir, why should they not discriminate. After all even the Britishers in this country will admit that the Government and the Legislatures in this country must look to the interests of this country and to nobody else. That is the claim even of the present Government that they conduct the affairs of this country only in the interest of Indian people and of India I therefore feel that our British colleagues in opposing this Resolution have not shown any argument why these sections should not be repealed. As regards justice, my Honourable friend Mr. Neogy has shown that large parts of the vested interests they have in this country, have been created by discrimination. The whole Government was in their hands and the Britishers have discriminated against Indians and built up their interests here. But, Sir, we are not claiming freedom to discriminate against Britishers, although that discrimination may not be in the interests of India. But if Indians want to develop their own industries and if Indians find that discrimination against the Britisher is necessary in the interest of the country, then Indian like any other people in the world are entitled to discriminate. If Britishers will trust Indians and will show good will towards Indians, then they will find that there are a large number of people in the country who do have good will towards Britishers. But if they continue to show distrust towards Indian people, then, Sir, many people who have good will for Britishers cannot show their good will, because we stand for our freedom first. Our freedom comes first, and our good will to Britishers or to any other people comes afterwards. I therefore suggest to our European colleagues that they should depend upon the good will of the people in India, if they do that, then, Sir, they will find that there are many friends of them in this country. Many people in this country have good will towards Britishers. But today they cannot show it because the Britishers are the enemies of our freedom. We cannot show good will towards people who are enemies of our freedom. If you insist upon these clauses being kept on the Statute Book, then you are the enemies of freedom and so long as you insist upon these clauses remaining, we cannot show good will towards Britishers who are against our freedom.

The Honourable Member for Planning and Development told us that the Government of India is considering the question of a treaty between Great Britain and India. I would like to warn him that we would like to have a treaty with Great Britain or with any other country, but that treaty must not be a treaty which is forced upon us under which our freedom will be as much curtailed as it is curtailed by these sections. Sir, I have studied that section also, which talks of convention between the two countries. Sir, convention is a good thing, if it is a voluntary convention, if it is a free convention; but if it is a convention which is forced upon us, then it is as bad as the sections in the statute book. I therefore suggest to the Government of India let them first repeal all these sections. If these sections are repealed then let a treaty be negotiated as a free traty between two independent countries. We are not against a treaty with Great Britain, but that treaty must be on a voluntary basis, it must be a free treaty and not a conditional treaty. If the Britishers say that if you make a treaty embodying the principles or conditions in these sections, then these sections must be suspended. That is no voluntary treaty. That is as bad as the sections themselves. I therefore warn the Government of India that if they are thinking of making a treaty as a sort of substitute for these sections, a treaty which is not a free treaty or a treaty which is not approved of by this Legislature and is forced upon this country by the Government, then that treaty will not be respected by this Legislature. I therefore appeal to the Government.

[Mr. M. N. Joshi.]

of India to bear this in mind, let them first insist upon the repeal of these sections and then by all means let them negotiate a treaty which will be acceptable to this House. I remember a few years ago the Government of India made a treaty regarding textile industry between Great Britain and India. A Member of the Government of India went to England and negotiated a treaty, that treaty was not approved by this Legislature and still it remained a treaty. If that is the view of the Government of India that they can negotiate a treaty and impose upon this country without the approval of the Legislature, then they will be committing a grave wrong. I therefore suggest to them that they should not negotiate a treaty and make it final before they secure the approval of this Legislature.

The Leader of the European Group stated that they wanted fairness, fair competition. There cannot be fair competition between people who have established interests here, and people who have not got power. In this country all the power is concentrated in the hands of Governor General and the Governors who are all Britishers. Therefore this talk of fair competition is not a sincere talk and it should not be used by Britishers at all who today are getting the benefit of power being concentrated in the hands of British Governors and a British Governor General. I therefore feel that it is in the interest of British traders and Britishers who want service in this country, of the Britishers who want to follow professions in this country that they should give up dependence upon these artificial props, artificial safeguards and they should depend upon the good will of the people of the country. I have no doubt that if they show trust in the Indian people, if they show that they are not against the freedom of Indian people, then they should have no fear in this country. But so long as they show distrust for us, so long as we feel that they are against our freedom,

3 P. M. my fear is that Britishers may find that they have made a mistake in distrusting the Indian people. Trust would have given them much more but on account of the distrust they stand the risk of losing something which they do not want to lose.

Mr. C. P. Lawson (Bengal: European): Sir, I have listened to Mr Joshi's speech on this Resolution before the House. He first asks us why we have this distrust. He calls it distrust and he asks us why this distrust exists. Sir, I am very sensible of the extremely moderate manner in which this debate has been conducted and I am more than anxious to avoid anything which may cause heat. I am also sensible to the expressions of good will that have come from my Honourable friends opposite, and I need not tell you, Sir, that we on this side greatly appreciate those expressions. But it would be idle on our part to shut our eyes to certain evidence which comes constantly before us, evidence that perhaps our competitors in this country are a little too anxious to slip into our shoes. It is not a matter of recent occurrence; it has been growing with the growth of Indian commerce and industry in this country. I might perhaps quote very briefly an extract from the *Eastern Economist* of this time a year ago. Commenting then upon the speech recently made by Sir John Burder, the then President of the Associated Chambers, the *Eastern Economist* said:

"British industrialists might have suffered initial losses as part of subsequent profit. But it is puerile to claim sympathy for something that happened during the course of an economic process. Equally untenable is his expectation of equality of treatment in trade and commerce for his community in India."

Then, Sir, we have had frequent resolutions passed by the Federated Chambers urging expropriation of our interests. And indeed only recently in this House we heard from the benches to our right a Member say, on the debate on inland waterways, that if he were pressed he would have to admit that his attitude was purely racial. Now, Sir, I am confident of the good will of most of my Honourable friends opposite; but in the light of that evidence and in the light of such remarks which include a racial bias we naturally feel that we need protection.

Sir, this debate has taken a very largely business line, but it is not merely business and commercial matters that are covered by those sections. The right of entry, travel and residence, acquisition and holding of property, holding of public office, occupation, trade, business and profession,—all come within the purview of these sections. And, Sir, to me the value is the value of reciprocity. The Reciprocity Bill was piloted through this House, enshrining a similar principle, and it was piloted through not by the official benches but by my Honourable friend Mr. Govind Deshmukh. And I must remind the House that these sections apply not to the dominions, not to the States; they are sections providing for reciprocity between Great Britain and India. Now, Sir, the point that I wish to make is this; Mr. Joshi says there is no freedom until we get rid of these sections. Sir, I confidently believe that very shortly we shall not merely get rid of these sections but get rid of the whole act. But when Mr. Joshi says that there is no freedom until these sections go, I want to know what is going to be put in their place. He says, a freely negotiated treaty. Sir, in due course I hope also that we shall have a freely negotiated treaty. But in the meantime we ask for this protection and I think in justice we can ask that this Act is not amended piecemeal. Now, Sir, national pride, impediments to free planning for this country, have both been put forward as reaons why these sections should be removed. Let me deal first with the question of national pride. This House is aware that recently a Commission, by name the Soulbury Commission, has visited Ceylon. That Commission has received evidence regarding the constitutional future of the island. May I quote very briefly extracts from the submission made to the Soulbury Commission by the Indian Mercantile Chamber in Ceylon? They say:

"Indians have been associated with the internal trade in Ceylon from very early times and have occupied an important place in the commercial life of the island, next only to that of the Europeans."

I think, Sir, we can in justice claim the same position in India. The submission of the Indian Mercantile Chamber continues:

"As regards the Indian mercantile community, it has set the pace of commercial enterprise in the island, aroused her people's interest in commercial pursuits and set an example for thrift, hard work and commercial integrity."

I contend that we can claim the same position: Sir, let me go on and let the House note carefully the next submission of the Indian Chambers:

"It is further necessary to provide for safeguards against discriminatory legislation affecting British subjects domiciled in India or the United Kingdom by providing safeguard, analogous to those provided in the Government of India Act of 1935, to safeguard interests in India of British subjects domiciled in the United Kingdom."

In other words, Sir, the Indian Chambers of Ceylon, the Indian commercial community of Ceylon, are demanding from Great Britain precisely the safeguards which this House now requires to remove from the Act. Sir, I am not trying to make a debating point; this matter seems to me deeper-rooted than that. I think we have got to take a wider view of the whole situation. We have got to consider the repercussions of everything we do. The time is almost gone when we can take this or that action and leave some one else to carry the baby. I think, Sir, that we must remember that there are Indians in Ceylon, a million and a half in Malaya, and other millions in Burma, Indo-China, and other places. I think that we have got to understand what will be the effect even of every gesture that we make, and I ask my Honourable friend opposite to agree that in the present state of things the removal of these clauses could be no more than a gesture. We hope in the near future that the whole Act will be replaced by something new and we equally hope—we certainly on this side hope—that by free negotiation we may continue in this country, as we have done in the past, bearing the burdens equally with Indians.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): On terms of absolute equality.

Mr. C. P. Lawson: There is a considerable bogey in the minds of many people that by the operation of these sections, there is danger to the advance of Indian industry. I, on the other hand, contend that it is by the principle of reciprocity that this country is most likely to develop. There is an inclination to the

[Mr. C. P. Lawson.]

narrow view that the sole value of an industry is in the dividends that are paid. That, to my mind, is a totally erroneous view. The value of an industry to this country is the resources that are opened up, the taxation that comes to the State, and the employment that it gives to the people. Let us not blind our eyes to the fact that, for some years to come, this country will need every bit of technical help it can get. There may be a feeling of satisfaction because of the fat sterling balances which exist and can be used. These balance as revenue may sound good, but as capital for planning they will go nowhere. I am convinced that if help is needed in this country, it will best be got by negotiation and certainly not by a policy of the "closed door".

Sir, there are many other points which I could mention but in conclusion I should like to utter just this word of warning. In this talk of sections in the Government of India Act and their central implication, we are apt to forget the diverse nature of the problem that is before us. Members in this House may feel that help from abroad has a certain value and they may adjust their attitude of a closed and open door accordingly. There is no reason to think that all the units that now are and will be in this country will take an identical view, and there is no doubt that the help that is so greatly needed will go where it is most welcome. I think that we have all got to regard this thing in its wider implication and I personally look forward to a future of mutual co-operation, ...

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

Mr. C. P. Lawson: . . . to the time when the tumult and shouting will have died, when India undoubtedly will be free and when there will be complete co-oparation between Great Britain and a self-governing India.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I rise to support the motion and in doing so I feel that the task of supporting the motion has been made easy by the type of opposition that this motion has encountered in this House so far. I do not want to beat about the bush; my Honourable friend, Mr. Lawson, has recognized that if I have many faults, I have at least one virtue—that of candour—and it is true that we have been provided with a reply to this motion from the real opposition to the best interests of the people of this country.

Sir, need we mistake that tone adopted by the Honourable the Leader of the European Group when he challenged the Honourable Member for Planning and Development to come out in the open if he dared, knowing full well that the Honourable the Member for Planning and Development will perhaps find that the climate of Delhi is not congenial to his health if he continues to court the displeasure of the European Group. I do not want to embarrass my Honourable friend, Sir Ardeshir Dalal, but facts are facts and facts must be faced.

I would like to refer to one or two matters in reply to what my Honourable friend of the European Group has said. Sir Henry Richardson was quite clear. He said if we based our objection to these clauses on sentimental grounds, he will sympathize with us, but if we based our objection on practical grounds he will say no, and that is exactly the answer which my Honourable friend, Mr. Manu Subedar, has got. Sir, let us say in this House that we are not appealing to anybody's sentiment. It is not a matter of self-pride, but really a matter of accumulated wisdom of years. The moderates and elders in this country have often appealed to the sentiments of the Britisher, appealed to be judged by those principles which he holds near and dear to him, and have asked him to look at India from the same angle and concede to India the same privileges as they themselves enjoy, their bleating to the Britisher was of no avail and now my Honourable friend Mr. Subedar has been bleating perhaps like a lamb—and these painted lions have been roaring in reply to indicate that it is of no avail.

We understand that if we want we can press upon the Government and Sir Ardeshir Dalal to approach the British Government with a request to them to

act on the terms laid down by section 118 and here and now establish a convention, a convention which will for the time being over-ride the clauses that are offensive to us, but if the convention breaks down for any reason and if one party to the convention feels that anything has been done to violate the convention, these clauses will come back into operation in all their severity. Therefore any insistence of action under section 118 is of no value to us, and Sir Henry Richardson need not feel that we are gullible enough to be persuaded to resort to the way out provided by this section.

My Honourable friend, Sir Henry Richardson, has been telling us that the facility that is granted to British industry is of negative character and that they get no practical benefits therefrom. He asked, 'Where is the case that has been taken to the Federal Court where an infringement of these sections has been found in the matter of Legislation that has been enacted since the 1935 Act came into being.

Sir, the question of going to the Federal Court was for him and his Group and I know they all along have found no reason to go to the Federal Court. How could this Government which is just a Government which carries out the *hookum* of the Secretary of State and the British Parliament, which can be made to do what the British commercial interests in this country wants them to do, and which have a representative in the cabinet chosen from the British commercial community to keep the community fully informed of the views and proclivities of this Government, how could this Government ever undertake any piece of legislation that would conflict with sections 111 to 121. May I ask Sir Henry Richardson to tell us that if he knows when a Banking Bill is framed, in which inadvertently the framers, perhaps the Reserve Bank of India, not being aware of sections 111 to 121 in the same manner as some of the people in Britain are not, frame clauses imposing certain restrictions not of very serious nature, merely in the matter of furnishing routine returns, in the matter of satisfaction of certain conditions regarding capital structure, leave out the United Kingdom, the Legislative Department of this Government very hastily adds to the words "Banks incorporated in British India" wherever it is found the words "and in the United Kingdom". I will ask Sir Henry Richardson, if he has eyes to see, to get a copy of the Banking Bill and to satisfy himself that those two letters of the Alphabet U. K. have been added hastily, so much so the structure of the whole Bill is vitiated by it. It is an ugly scar on any piece of legislation that is enacted by this House and which every Indian finds hurts not merely his sentiment but his pride also and he even wishes for the day when a revolution will overtake the country, so that he will at least breathe in peace no matter what the troubles the revolution might bring in its wake. May I ask if Sir Henry Richardson remembers, as he ought to remember, about the views of his Group that certain provisions of a Bill that will come before the House in due course contained provisions that carried with them the flavour of discrimination, Sir, he and his Group have telegraphed to the Secretary of State, if rumour be true, and have persuaded other European interests in this country to exert pressure on the Government, so that that spirit of discrimination can be erased from that particular Bill that is to come before the Legislature. With all these recent events I dare say, indelibly imprinted in the mind of Sir Henry Richordson, honest man as he is who is here to represent the integrity of the British nation, how dare he come and challenge us to tell him what they have done, what has been done so far to prove that these provisions have operated adversely to Indian interests.

One word that fell from the mouth of Sir Henry Richardson which, much as I am inclined not to deviate from the subject of discussion, really reveals the crux of the situation. Sir Henry Richardson by a slip of the tongue confused Ahmednagar for Ahmedabad. Ahmednagar, with all that history will tell posterity about that fort, with all that the history of India will tell about it to the people of the world,—that fort is the key behind the whole power, and prestige for which my Honourable friend Sir Henry Richardson stands.

[Mr. T. T. Krishnamachari.]

Sir Henry Richardson told us that there have been ten years of phenomenal development in this country in the industrial field. I am sure if Sir Henry Richardson and his friends had had the power to stop it, they would have. It is only the force of circumstances, those forces which were far too powerful for them to stave off which have probably helped India to become industrialised. In this House we have heard times without number questions from people on this side of the House asking why India has not progressed industrially as Canada and Australia have done during this war. Those people will find the answer in the fact that the British interests in this country did not want it. I understand that the Secretary of State sent a *hookum* last year that those industries which were not on a production basis in June 1944 should not be encouraged. Can we do anything in this country today without the Secretary of State putting his imprimature on it? Could we at least get back some portion of our exports surplus for purposes of financing and starting industries in this country except a bare pittance of 6 crores of rupees, which my Honourable friend, the Finance Member, in a spirit of generosity has proposed to set apart each year for this country? Why really beat about the bush? Why not say that the European community in this country do not want a change. What is the use of saying that a future constitution will come and then the Indian might have all that he wants. It is not about the future that we are speaking. My Honourable friend Mr. Essak Sait was quite right when he said that we are not speaking about the future constitution. If the future constitution comes, it is going to be a constitution under which we would be able to exercise our rights and that appeal which my Honourable friends Sir Henry Richardson and Mr. Lawson made, if not made in a different tune altogether, will be of no avail. Sir, so far as we are concerned, the basis on which the economic *dharma* of this country will be based will rest on the words of the greatest man, so far as this country is concerned, Mahatma Gandhi spoken in this connection. I have before me an article contributed by him to the *Young India* of the 26th March, 1931. Describing the position of the Indian he says:

"In the administration of the country, the Indian generally is a mere clerk. In business he is at best a commission agent."

Further on he says:

"British trade where it is not hurtful to India's interest can be placed, when we reach a state of honourable association, on a favoured basis"—*and he winds up by saying* —"That is a dream I should love to realise."

Those are the principles on which we are and shall be guided, not on those principles which my Honourable friend Sir Edward Benthall spouted out in the Round Table Conference, to which my Honourable friend Mr. Neogy referred the other day,—

"the rights which we have legitimately won by years of industry and integrity. We are not demanding something new but the retention of something which we already have; and no one would willing allow themselves to be deprived of something which they have justly earned and which they value very highly. I think you will agree with me that that is a fair claim."

Hitler felt that Czechoslovakia was a country the rights over which he had earned very rightly and legitimately. He felt that a portion of Poland was his due very rightly. It is that totalitarian spirit of which the Britishers in this country accuse the people on this side which has made Sir Edward Benthall spout out those words in the Round Table Conference.

Reading further the speeches of Sir Edward Benthall on that occasion I find that he has enunciated a policy with regard to private property. When he referred to the rights of private property he meant British property in India and when the Chairman, Lord Sankey, interjected with the words "something like the French Revolution of 1789" he exclaimed that he was not aware of it. I cannot blame him for not knowing anything about the French Revolution. He cannot be familiar with the French Revolution. He will only be familiar with it when it overtakes him and his community with all its consequences.

What is the integrity on which Sir Edward Benthall has expatriated? I have before me a book "A short History of India" written by an Englishman and an Indian Civil Servant, and here is a story of Lord Clive. Clive himself is reported to have spoken of the history of his period as a history of chicanery, intrigues, politics and Lord knows what. And here is mentioned a disgraceful story of how Clive took something like half a million sterling Home and how he cheated a poor man Umi Chand. That is the type of integrity on which the claim of these people is based and that is the integrity which we have to uphold here by agreeing to a convention under the provisions of section 118 which can be broken at their will and the whole gamut of the provisions of sections 111 to 121 will be restored again.

My Honourable friend Mr. Lawson said that Indian competitors want to get into his shoes. I have no idea as to what exactly is his trade and I do not know where exactly he feels that the Indian is trying to get into his shoes. I suppose he was speaking subjectively but I can assure him that he is very safe in this Government's hands. That the entire Government and the Indian Member in charge of the portfolio in which he is interested are out only to protect his interests and nothing else. Sir, my Honourable friend finally said that after all it will only be a gesture if the terms of the resolution are complied with. Yes, it might be a gesture but we feel, Sir, that the existence of Sir Ardeshir Dalal is superfluous—I do not mean in this world but as a Member of the Government of India. The existence of his Department will be superfluous unless the department and the industries which it wants to support cease to be encumbered by the provisions of sections 111 to 121. I think the interim period, between now and the time a new constitution will come into being. Whether it will be a short or a long period, is quite important. Whether it is a gesture or a mere bogey, we in this House want the effect of these clauses neutralised, and if my Honourable friends on my left want live in peace in this country—and the people of this country will certainly let them live in peace so long as the people of this country hold the name and the ideals of that great man Mahatma Gandhi dear—let them come forward and support the motion. Sir, I support the motion.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): My Honourable friend, Mr. Manu Subedar, in the course of a lucid and persuasive speech traced the history of the insertion of the sections 111 to 121 in the Government of India Act, and made out a very strong and convincing case in favour of their deletion. The historical background of such insertion was further emphasized by my Honourable friends, Sir Ardeshir Dalal and Sir Cowasjee Jehangir. It is clear that between the years 1918 and 1930 there was no desire on the part of Britain to impose statutory restrictions on Indian industry and trade in the name of commercial safeguards. But a change came over in the year 1931, and in the course of the next three years their attitude further stiffened. Now, what was the cause for this change? It has been suggested that the boycott of British goods and the irresponsible utterances of some Indian politicians were responsible for this change. If that be so, these sections were incorporated in the Government of India Act, not on a well-throughout basis, but on the basis of temporary irritation. And, now that boycott of British goods does not exist any more, and now that irresponsible statements are not being made by Indian politicians, the time has come when these sections should cease to exist.

What is the nature of these sections? It seems to me that these sections cannot be given proper application without resort to fiction and falsehood. The Honourable Sir N. N. Sircar, then Law Member of the Government of India, at the time of introducing Indian Insurance Bill, said that under section 113(a) of the Act a United Kingdom company was to be deemed to be an Indian company. Then he made a significant comment with the observation: "Whenever

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white is asked to be taken as black, we say white must be deemed to be black". Sir, this is the nature of these safeguards.

Now, what was the object, the ostensible object, of the insertion of these clauses. The object was to provide against discrimination to be made by Indians against British. Is there any justification for this fear? My Honourable friend, the Leader of the European Group, I am very sorry to say, disturbed the even tenor of the debate in this House by a fighting speech. He said that discrimination by Indians was a real thing. He not only made many misstatements, but he also threw out a challenge to the Honourable the Planning Member. Now, is this a right attitude? Is this a correct attitude? Sir, it is well-known history, told us by English historians, that British capitalists here resorted to many methods other than fair-play in building up their industry. Let Montgomery Martin give the reply to the words that fell from my Honourable friend, Sir Henry Richardson. Let Horace Hayman Wilson, the great historian, give the reply to him. I will not quote from them because their statements are well-known: Even as late as 1926 the inequitable Cotton Excise Duty existed in India. And what was its object? Its object was to hamper the growth of cotton industry in this country. It is therefore the guilty conscience of my friend and his colleagues which creates this fear of discrimination from the Indian side against the British.

Sir, it is clear that Indians are a generous people, and given goodwill they will respond to it, and they will never adopt any measures which will do the British any harm without doing any good to the Indian. Sir, the real reason for the insertion of these sections was that Indians should not be able to get as much protection as was due to them against the unfair competition of the British.

My friend, the Deputy Leader of the European Group, referred to reciprocity. But can there be real reciprocity between India and Britain? The conditions of the two countries are not on a par. The British people have built up so many industries on a large scale in this country: how many industries have been built up by Indians in Britain? There can be no reciprocity. The British people have monopolised the entire shipping of this country: but how many Indian-owned ships trade with Britain or have a share in the coastal trade of Britain? Can there be any comparison between a weak person and a strong person? No. Therefore, it is that India does require protection against unfair competition. That is what we want. We do not wish to hamper British industry, but we want fairplay for ourselves.

Next comes the question of national self-respect. India is determined to win freedom, with the good-will of Britain, if possible and without their good will, if necessary. Now, is it not wisdom on the part of Britain to show their goodwill? My Honourable friends of the European Group talk of co-operation, but can cooperation be one-sided? If there is to be co-operation between Britain and India, there must be some gesture from the European Group; but I am very sorry to find that my Honourable friends of the European Group took up an attitude which is far from welcome to us sitting on these benches. Even at this late hour, if wisdom dawns on our European friends, there will be good both to India and to Britain, but if they persist in their attitude of selfishness there will be harm both to Britain and to India. Let us now hope that they will give up their selfish attitude and look at things from a broader angle of vision. That is what I expect of men who are well versed in the affairs of the world and who have spent a great part of their lives in this country.

Sir, this Resolution seeks nothing more than the deletion of 11 sections of the Government of India Act. What harm can ensue if these sections are removed? I do not think any great harm can ensue because Indian industries are still in an infant stage and they will not be able to oust the British industries in the course of a few years. Therefore let us all unite and let us all agree to

the deletion of these sections which have disfigured the Government of India Act for these last ten years.

I support the Resolution.

Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural): Mr. Deputy President, I find myself in a somewhat difficult position in this House today. The Government through their spokesman have declared to the House that they are entirely neutral in this matter. Therefore it appears that the only issue lies between us and the European vested interests in this country. It is one of the most extraordinary things that has ever occurred in this House during its life of many years; and therefore it would be right for me, without surrendering anything which we believe in, to speak in terms as measured as I can, because it is no longer a matter of words only. If the Government of India felt as they now feel rightly, that during the course of the Round Table Conference none of the representatives of India agreed to these proposals; but nevertheless by reason of the vote of a house over which we have no control and who govern this country by brute force, one naturally thought that they would put in provisions which, in the matter of constitutional language is called law; and that is where this law is made; and hence it is that the Government of India, at all events now, recognise that the time has now arrived when they cannot resort to the same kind of policy as has hitherto been pursued. If my friends on the other side feel that, one may even be thankful for little mercies, and I expect that after that declaration and after the feeling in this House over this question, the only opponents probably would not have been opponents at all; and I wish to say this, that throughtout the many years that I have been here, I have not yet heard one word from my friends of the European Group ever saying that the time has now arrived when India should be free; and yet they profess that "in matters of sentiment we are with you; but in the matter of interest we are with ourselves: so that sentiment is respected only to be broken and enlightened self-interest requires that we shall claim who is 'right".

I wish to say a few words before I come to define the position which this side of the House, which as Sir Henry Richardson said might easily be the other side of the House, if they mean what they say—and I am entitled to take every word as perfectly sincere—before I come to define our position, I wish to say a few words about what Sir Cowasjee Jehangir spoke before this House. Sir Cowasjee Jehangir reminded this House that some persons of influence in the politics of this country said something which aroused the suspicion of the British people. I think my Honourable friend may have heard that statement, but I think it is right that he should know the circumstances under which that was spoken. The Indian National Congress appointed a National Debts Scrutiny Committee, and I am one of those who sat on that committee for a period of six months, and if a just examination of the imposition of burdens on this country rouses suspicion, there must be something more diseased in those who look and find their suspicion than those who claim a just examination of their rights. That committee has published a report which is, I believe, perfectly well known and probably deserves to be a little better known than the publicity which has been given to it hitherto; and my friends of the European Group of all others ought to have examined that; and even if they have not done so, they should do so now. It was reported by that committee that not only has India been conquered by its own money but for all the wars waged, including the annexation of Burma, the money has to be paid by and debited to Indian funds and during the course of that examination we pointed out that if ever there is going to be any just dealing on what you may call the British standard and not mine, even then most of these burdens would have to be re-examined. For it is quite easy to be very uneasy about sterling balances when they exist in their favour; but I do not see any sign of uneasiness when sterling balances exist on my side and in my favour; so that what Sir Cowasjee Jehangir says amounts to this, that at the time when the sterling debt existed in so far as it was against India it became a matter of suspicion, but when the

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sterling debt exists in favour of India, it becomes a matter of complete indifference—an extraordinary justice even according to British jurisprudence. So that, I want you to know the exact facts and we know where we stand, and so that we may not think that merely because by habit of life I am earnest in the causes I plead that there is anything but justice. I should like to call attention to the advice tendered to the Europeans here and to the Europeans outside by the *London Times* during the last two weeks. I read out the first cable of the 9th March from the *London Times*:

"Anti-British sentiment if not replaced by better understanding may attain a pitch at which it will imperil that close cooperation between British and India in the world after the war upon which the future of both these countries and indeed of general security largely depends."

The same very highly respected paper in London wrote again on the 20th March and I will read it lest my friends here may not realise the gravity of the way in which they claim their rights:

"Britain should now begin a gradual remodelling of the structure, staffing and procedure of the governmental machine in preparation for the complete transfer of power to Indian hands."

These are the sentiments which I expected my friends to support in this House. My friends talk of a right of free trade in this country, of free competition in this country without restriction. Of course they call it a right and of course they remember that that right is a creature of law and for the moment undoubtedly that right has been conferred upon them by the force of British arms, because they claim the right to legislate and place restriction on our powers of legislation. They themselves, I believe, recognise that if not now, within a very short time, India has got to have a complete right to govern the country through its own representatives and to make its own laws. Remember therefore that what is now claimed as a right can be equally wiped out in a second by that legislature which will claim to make laws in its own interest. So that, this word 'right' is extremely relative and I wish so much emphasis had not been placed upon it. But let us face the facts, particulary in the light of past experience that we have had in this country. My Honourable friend said that so far as these provisions are concerned, they have done no harm to anybody and hence we might as well leave them alone and when the time for dominion legislature comes we shall see whether this thing can be regulated by a treaty. I will not speak in the terms in which my Honourable friend Dr. Banerjea spoke. I will not say—we have done no wrong, please excuse us and therefore take it away. On the other hand, I am one of those who claim the right and intend to claim the right, when I have the right to legislate unfettered, to legislate in the best interests of this country. When the interest of this country conflicts with the interest of any country, including Britain, I am proud to say we will legislate against you. There is no need to beat about the bush. Indeed we must conserve the resources of this country in our own interest and when I and my countrymen have the right to legislate for themselves, I do not see why they should not.

I give you a most outstanding example of an outrageous character which will clearly show that without the exercise of that right we will not be able to progress. I am fully familiar with the controversy and the agreement that was brought about—and I know all the details, including some secret ones, as they are called—between the P. and O. Co. on the one hand and the Scindia Steam Navigation Co. on the other. It was preceded by a rate cut which threatened practically to destory the capital of the Scindia Steam Navigation Company. My friends are fully aware of the rates that were then being charged from India to Burma and to the Persian Coast. The whole object was—either you agree to share with us on a small basis or we destory you, because even though we may lose in the long run, that loss we can afford to bear, so that in the end, having killed you, we will raise the rates again and will have an undisputed supremacy. These are the actual facts of the case and ultimately the Scindia Steam Navigation Co. had to submit to that pressure and come to terms, so that there was an arrangement between them in regard to the nature of the

trade, the nature of the work and the nature of the places where they could go. Is there anybody in this country who can honestly say that when we are faced with unfettered competition with people who have built ocean going ships for many centuries, there is any chance of our shipping trade being kept alive or of its making any progress? Supposing that we wanted to protect the inland trade at all events of this country and wanted to protect the Indian people and help them to build up their own mercantile marine, are we to be told by any other people, except by brute force, that we are not to have the right to legislate in such a way that we can bring about the growth of that trade?

What happened to the sugar trade? My friends are fully aware of that. I remember the happenings of that time. There were certain small British interests in the Java sugar trade and at that time we legislated so as to impose an import duty. It is only by that means that we were able to build up the present sugar industry in India. I do not find my friend Mr. Jamnadas here. He was very proud of the progress of the industry as if he had done something to support it but the fact remains that it is by that means that we have been able to build up some industries. What else is a country to do, which is, though old in civilisation, an infant in its industry and progress? My friends will say—if you get out of our hands, you will get into the hands of our brown competitors. The question arose about the boycott of British cloth. I do not feel shy in the least about it. At that time it was pointed out to me by a very esteemed European friend of mine—instead of paying Rs. 3 to me you pay Rs. 3 to Mr. Ambalal Sarabhai who happens to be one of the mill owners of Ahmedabad and the poor man gets nothing. I asked him a question in return. If Ambalal has got the money, I shall be able to use it some day but if you have given it, it has gone for ever out of this land. It is no use warning me against the brown competitors. I am quite aware of what they are and how we can deal with them when the time comes and when the Legislature is in our hands completely. I am not afraid of that.

So that we are left with this proposition only. It is not a matter of sentiment. What is the good if I get up and honour you in all humility because by your strength you are able to subdue me. It is not a matter of

4 P.M. pride to me that it is so. The question is, do you still think at this time of the world that you should get everything from me, men, money and munitions, except willing co-operation, because you will not trust me. When the war is over, you will still continue to think in terms whether you should have the right or freedom as you call it and crush everybody who comes up in this country in order to satisfy the progress of this country. Is that what you call right? Is that what you call justice? Is that the reward or return for 200 years of progress? I have myself been a witness to the study of 'Expansion of British Empire' by a British Writer, Col. Seely. If I may trust him, I should like you to read that book. He says that but for the exploitation of this country in good time, you would not have been in the world where you are, at all events 25 years ago. I should like every Englishman to study Seely's 'Expansion of British Empire' which is written in cold blood no doubt with a view to flatter the vanity of his own race. He tells us the great truth that but for the exploitation of this country in good time in the 19th century, the earlier and the latter part of it you would not have acquired your position in this world. Instead of being grateful, as if we are going to inflict any injustice, you come and remind us of the right of freedom. I beg of you, friends, you are sitting here also by the same brute force, otherwise, 11 of you are sitting here as the pretended representatives of India but merely to protect your own interests. You sit there in this House, probably you would not find a similar place when a proper Indian legislature comes into being when law is law, that is to say, administered by my own countrymen and by nobody else. I am reminded in this connection of Lord Macmillan when he went to America the other day he said, law approximates to justice when law is made by those for whom it is meant. But if law is made for those for whom it is meant by somebody else, then it is a species of oppression, but none the less equally oppressive in tyranny. It is therefore no use relying on these kinds of laws,

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may be notwithstanding the Resolution which is bound to be passed by this House, we may still not be able to get the provisions repealed.

But I can tell you this much. I can say that, because the Honourable Sir Edward Benthall is present in this House. Some years ago we were travelling back from Europe by air. I discussed with him many problems including this one. I am not at liberty today to disclose any discussion that took place then and what he thinks about it. But I am at liberty to say this that if a more enlightened and better spirit prevails, then only you will be able to maintain the same Honourable co-operation which you desire, but it must be genuine real co-operation. It is not like the co-operation in which you have invited me here to sit in this Assembly. You tell me, what is the good of you people, you do not co-operate. But I tell you we have been co-operating all these six years out of ten, but not a single thing we passed in this House has ever been accepted by that side. Why do they ask us to co-operate unless what they mean is this, that you come here to embroider us. But that is the last thing we propose to do in the very near future. We can tell you that, so that we are here we are going to co-operate, but you should behave like gentlemen. Wherever you lose, you come and argue with us, come and compromise with us, understand our point of view. But that is not co-operation according to you. It is no use calling people here and when they do come, then say, you do not co-operate, what is the good? I put the same question to my Honourable friends over there, please do co-operate, but do not put on the word 'co-operation' a meaning different from what we do. According to us, co-operation does not mean imposition by a superior on an inferior, that knid of co-operation I will not willingly grant, but if co-operation means equality of opportunity having regard to my own interests to the extent to which I am free to support them, then that co-operation is at your disposal. I still like to hope to hear some day before the House is dissolved, that you stand there for the complete freedom of India. That is your best protection. But I have not heard one word about it, day in day out these ten years. We have been absent for 4½ years. What has happened has happened, right or wrong. The Government think that theirs is the only right stand. If that is your attitude, then you cannot blame us, if we tell you frankly what we are thinking. You are entitled to tell me what you claim to be your right, but when it becomes a right, you will remember that right is a creature of law and law is a creature of legislation, and legislation is a matter wherein, I think, it is restricted by complete power of autonomous legislation. You must remember that any Dominion today can legislate as any of the other Dominions. It is no use to quote to me what some of my Honourable friends claim in some other place. It is a pure debating point. I think my Honourable friend was conscious of that, I will only refer my friends to the *London Times*, a very noted, a very moderate and a very highly respected paper. There is still time for you to profit by it. There is still time for *locus poenitentiae*. You co-operate with us in getting our complete freedom and we will see to it that in so far as your trade here is concerned, we will accept you as honourable friends. But if you are going to oppose this in the manner in which you are doing now, how can you say that there is distrust on my side. What is it that brought this provision in the Act? It is because you are fully conscious how badly you treated us for the last 150 years and more and that is why you think that when India comes to her own, she is not going to give you the same right as you call it. It is really the painful consciousness on your part that you realise how you have been lording over us. If you had not done any wrong to India, why do you anticipate it? What makes you think that discrimination will take place? If you are conscious that you have not done well by India, and if that is so and if you feel there will be some difficulty about your future position if India is left to her own, then the fault is entirely yours and not mine. There is no bitterness, but there is all the earnestness and there is all the sincerity in our ultimate claim to manage our own affairs in our own way in the best interests of India, My Honourable friend Sir Cowasjee Jehangir tells me,

but, oh! these provisions are entirely inconsistent within the meaning of the statute law, let alone freedom. Supposing it is, and he tells me in dulcet words what does it matter, planning is not ours, because after all planning made under those conditions is no good. Suppose you plan something, you plan the establishment of an industry, you plan aircraft industry, you plan any other industry of that kind, if it only means that it is going to be done under those restrictions, then I am afraid that I must tell plainly to the great commercial magnate of my city the plain truth that planning under those conditions is useless. But he wants me to go into a fool's paradise when he wants me to think that this particular provision would be treated as a dead letter. I am not young enough to believe such stories, nor am I credulous enough to believe the stories that I have been treated to. Therefore here and now a plan is made without any restriction and entirely in the interest of India, in the interest of my country, or that plan had better be postponed.

Sir Cowasjee Jehangir: I rise to a point of personal explanation. My Honourable friend is trying to imply that I meant to say that these sections in the Act are already a dead letter. I did not mean to say that. I did not say that. What I said was that by executive action, from tomorrow these sections in the Act should be treated as dead letter. That is my demand and that is very much the same as the Resolution. So I would beg of my Honourable friend not to put words into my mouth which I had not uttered.

Mr. Bhulabhai J. Desai: Why does he want to differ from me?

Sir Cowasjee Jehangir: I have not differed from it; I supported it. The Honourable Member has got into the habit of trying to put words into the mouths of others which are not correct.

Mr. Bhulabhai J. Desai: I will not give way any more.

Sir, the position therefore is this. We demand that we should be in a position to legislate in a manner in the best interests of India. If these restrictions come in the way, I think the House will be unanimous—including Government—in saying that they should be repealed. That, Sir, is the Resolution; I support it.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I well recall the occasion to which my Honourable friend the Leader of the Opposition referred, and I have always felt from that day that I owed him an apology. Whereas I enjoyed the entertainment of his conversation I am aware that I stood him a very bad dinner!

Sir, my Honourable friend Mr. Neogy has an unerring eye for an inconvenient quotation, preferably a quotation of at least twelve or preferably twenty years old. I wonder whether my Honourable friend is a fisherman, whether he belongs to the Okhla Fishing Club; because my Honourable friend rarely throws a fly without getting a rise. On this occasion he has thrown a fly to a very small fish which is hardly worth his consideration. But my Honourable friend sometimes forgets that he cannot always get away with a quotation out of its context; other persons have access to books in the library, and I have just as many books under my desk as he has. I might, for instance, go back to that memorable session of the Round Table Conference to which he referred, and quote from the speech of Mahatma Gandhi who said:

"But having said this I want to associate myself, completely with the British merchants in European houses in their legitimate demand that there shall be no racial discrimination."

But that would not be fair because it would be out of its context. He then goes on and refers to a white elephant, that was not a reference to me but to the city of Delhi! A little further he says:

"And then about the coastal trade too, the Congress undoubtedly has the greatest sympathy with he desire to develop national coastal trade; but if in the Bill about the coastal trade there is any discrimination against Europeans as such, I will join hands with the Europeans and fight that Bill or the proposal which discriminates against Englishmen because they are Englishmen."

But, Sir, it would not be fair to make any thing of that because it is out of its context.

Mr. K. C. Neogy: May I take it that the Honourable Member accepts the formula which Mahatma Gandhi propounded on that occasion as an alternative to the formula which he wanted?

The Honourable Sir Edward Benthall: I am not giving way, as my time is limited

I now wish to be rather more serious in my quotations and to say that my own position today as a Member of the Government of India is precisely the same as Mr. Benthall's was in 1931 as a business man, but not in the distorted sense that my Honourable friend Mr. Neogy referred to. What I said on that occasion was:

"We contemplate that if we can arrive at a commercial agreement on general principles between the two countries, *not imposed* but negotiated fully at this Conference, we should perhaps have established a bond between the two countries which would put the past months once and for all behind us and would enable the traders in both countries to get on with their work on a real basis of identity of interests."

And a little further on I said:

"We contemplate that the result of our discussions would be set forth in the form of an agreement as a schedule to the Act. We believe that this will be a more satisfactory and a more *permanent* method of dealing with the problem than a restrictive clause in the Act; and it is based on the idea of honourable cooperation."

But, Sir, when we attempted to translate that into fact we found it more difficult. The legal pundits attempted to frame an agreement but they found that the political relationship which existed then, and which exists today, between His Majesty's Government and the Government of India made it constitutionally inappropriate to execute such an agreement, however unanimous the consensus of opinion at the Round Table Conference might have been. We were therefore reluctantly forced back from the ideal of a freely negotiated agreement from which we started and which held the field at the first Round Table Conference to the clauses in the Bill. And the only survival of the initial suggestions is section 118 of the Act which makes provision for a convention but which, I understood from their speeches, does not commend itself to some of my Honourable friends.

Now, Sir, that is in brief my version of the history of the past. Where do we stand today? The position today has been made perfectly clear by the Honourable Mover when he quoted the Duke of Devonshire and by my Honourable friend the Member for Planning and Development when he quoted the Secretary of State, Mr. Amery, who in 1942 said that any such provisions—such as are contained in the clauses— would more appropriately be a matter for negotiations with the future Government of India. Sir, there is no dispute about that at all; I do not think there need be any argument on that point. But the Resolution and the speeches which have supported it press for earlier action, largely on the grounds that the Government of India are entering on a scheme of planning for industrial development and that therefore a change should be brought about. Now, Sir, I have listened carefully to the speech of the Leader of the European Group,—for whom I must say I have great sympathy as he has inherited the rather delicate position in these matters which I at one time held,—and I did not find him unsympathetic to the exploration of the position. An impartial observer would not, I think, find him unsympathetic to the exploration of the position *if* he knew with greater precision what was intended. Well, Sir, Government have for some time been alive to this problem and they are fully alive to it at the moment. But I am not sure, from certain discussions which have taken place in this House, concerning San Francisco in particular, whether the Honourable Members opposite really wish this Government to enter into a trade agreement with His Majesty's Government. (*A voice*: "No.") I thought that would be the answer and that is one of the difficulties. Any complete agreement between His Majesty's Government and India must form part of a complete political settlement. Sir Cowasjee Jehangir said that there was no need to alter the Act, that it could be treated as a dead letter. I do not think the problem is quite as easy as that. We live under the rule of law, as the Honourable the Leader of the Opposition has said, ...

Mr. Bhulabhai J. Desai: Very much so.

The Honourable Sir Edward Benthall: . . . . These clauses exist in the Act and they can be challenged in the Courts, and if they are challenged the courts have to interpret them. So you cannot just treat them as a dead letter.

Sir Cowasjee Jehangir: Then they must be repealed. Either you treat them as a dead letter under executive action, or have them repealed. There is no other alternative.

The Honourable Sir Edward Benthall: That is just what I am saying. It is not quite such an easy matter as the Honourable Member suggests, and on reflection he apparently agrees with me. The House will appreciate that the Government of India contemplate such a bold way as my Honourable friend suggests nor if they are to meet with success, can they approach the problem in the bold way which the Resolution suggests, but the Government of India will proceed to frame suggestions with greater precision and will take up the matter with His Majesty's Government. As the Honourable Member for Planning and Development has already assured the House, the matter is actively under consideration.

This is a very complicated and a difficult matter one which calls for the highest statesmanship and it can only be settled in a spirit of mutual goodwill. I think, Sir, that, on the whole, the House has shown a recognition of the importance and complexity of the problem by the high tone of the debate. I would like here to quote in all seriousness another remark of Mr. Gandhi on the same occasion when he said:

"Having said this, I want to close with this remark. I do not despair of finding a common formula that would satisfy the European friends."

I hold the same faith, that with goodwill between the two countries and the earnest endeavour of everyone concerned, a happy outcome will be found. I hope that the Government of India will be successful in securing at least a temporary understanding if we cannot, as I hope in due course we shall, make progress on the principles which would form the basis of a future agreement to be freely negotiated by the future Governments of the two countries. Sir, my Honourable colleague, the Planning and Development Member, who is in charge of this subject, has no easy task. I know of no one who is more suited or more capable of initiating and consummating an act of statesmanship of this sort and I am sure that the good wishes of all sections of the House go with him.

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

Mr. Manu Subedar: We have had an appeal for fairplay from the Members of the European Group, having denied fairplay to Indians during the last 150 years. We have had an appeal from them for partnership having kept us out for the last 150 years from the economic advantages to be gained out of activities in this country. Now we have an appeal for reciprocity from the same quarters, having denied that reciprocity to this country during the last 100 years. Mr. Churchill spoke of principles of British fairplay when he addressed soldiers recently on the German soil. When I think of the raw deal which this country has had in hundreds of matters whenever there was a conflict between the interests of India and England, raw deals which have been recorded in the economic history of India for generation after generation, I feel really that the Members of the European Group are straining our imagination and our credulity a little too far.

Sir, the Honourable Leader of the European Group, Sir Henry Richardson, spoke of logic with regard to the dealing of this question. I wish he had not invoked my logic because then I am going to ask him whether England, having major interests in the trade of many other countries—in South America—in Asia, in South Africa, and elsewhere—, has anywhere a representation in the Central Legislature of the kind and type which my friends here enjoy? Are they not satisfied with the key position in this Legislature and in the Provinces which they are enjoying, which is contrary to the practice anywhere else where they have major trade interests as in India? Are they not satisfied with the

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protection which section 298 gives them in common with every other minority? Are they not satisfied with this administrative discrimination, which Sir Cowasjee referred to, which is part of the Instrument of Instruction in the discretion vested in the Viceroy and Governors of the Provinces which we want to destory but which this Resolution does not at the moment claim to destory. Are they not happy with these things? I have never been able to understand the position of my Honourable friends in the European Group. Whenever we speak of difficulties of food in this country, they talk of the increase of population. When we speak of protection to industries, they talk of the consumers or they talk of reciprocity, as my Honourable friend Mr. Lawson talked today; they claim protection for themselves as some of them did in the speeches today, but resist protection for Indian industries. When we draw attention to the heavy military charges which have gone beyond the capacity of this country, they immediately try to divert the attention by talking of civil expenditure! Sir, when I talked of cartels and pools and powerful bodies, with or without the combination of Indians, coming and attacking this country, my Honourable friend of the European Group promptly tried to deflect me by saying that there are Indian cartels, why don't you deal with them. Every time we are asked to go and deal with something else than what is the most important thing which we bring up here.

The position of these people is even more subtle and complicated than that. When His Excellency the Viceroy expanded the Executive Council on the plea of Indianization, who was it that got into the Executive Council? One of the European traders in the person of Sir Edward Benthall. It may not be known, Sir, that there was a vigorous protest from the Federation of Indian Industries and Commerce against this very unfair use made of the so-called expansion and Indianization of the Executive Council. It was in response to the Indian agitation that my Honourable friend, Sir Ardeshir Dalal, finds his place there. If his appointment is not going to be just an empty balancing—an empty ballast to the wrong action taken in getting Sir Edward Benthall in the office, then these particular sections must, in our opinion, go before Sir Ardeshir can do any useful work. And look at the most extraordinary position in which the European commerce has found itself today. My friend Sir Edward Benthall has not supported the plea which has been made by the Leader of the European Group. He rather half-heartedly was obliged to make an appeal to no other than Mahatma Gandhi whose words and whose doctrines and whose actions on other occasions he has no sympathy with and he does not derive any strength or support therefrom. These sections are the hall-marks of India's dependence and humiliation, as I said once before, and they should go.

The position of the European Group is very peculiar. Events would occur in the world shattering many more things than the position of the Europeans in this country. Lord Wavell can go to U. K. with a programme the purport of which is not yet known fully. Sir Henry Richardson can talk glibly about the changes of seats in this House, even before the next Session begins; but, Sir, the sections must remain. Anything may happen in the world but the sections cannot go, because they are sacrosanct. This reminds me of the story of the man who had a donkey. He believed in the sacredness of the river Ganges and he was a very devout believer. So he took his donkey day after day to the Ganges and after one hundred baths, he still found that the donkey did not become a horse! Things are moving on and fast in this world but it seems that my friends of the European Group cannot adjust themselves to any situation of any kind. We are put off from the major issues dealt with by the Leader of the Opposition and the Honourable Nawabzada Liaquat Ali Khan in their speeches on the Finance Bill on the plea that there is not sufficient unity in India. But there are other problems on which there is unity. There is for example the problem with regard to the examination of military expenditure in this country incurred behind our back, about which no information is possessed by anybody. We merely ask for its examination by the Leaders of the Opposition Parties. This demand was made in many speeches on the floor of this House and the

other place, yet in spite of the fact that there is complete unity on this subject, have we got this demand conceded yet? It is a united and reasonable demand. It has been evaded, Sir. As Burke said, "The age of chivalry is gone and the age of chicanery and evasion has come in".

Similarly, Sir, this other demand with regard to these sections, is one on which there is complete unanimity. The House will have noticed only two and half speeches which were made. While the two speeches were full-blooded opposition to the Resolution from the European Group, I must say that Sir Edward Benthall's speech really was a vulgar fraction, if I may say so with regard to it. It was neither the one nor the other. I wish he had said in a full-blooded and direct manner that these sections must remain, they are necessary, they are my right. He did not say that. He was evolving some kind of a substitute but let me say here and now that while we want the repeal of all these sections including section 118, we want no substitute whatsoever. This Government uses India as and when they like. They are using India to secure a vote at the San Francisco Conference—a vote which I am not sure whether it would not be cast for the enslavement, continued enslavement of other nations including people of this country. These people are not above using India when it suits them. But when we ask for this simple thing, a simple repeal of these provisions which, as they themselves said, were only negative, there is evasion. I ask if they are negative, why continue them? You are talking of giving dominion status to this country. If dominion status is coming, why not start with this gesture of goodwill, which is a simple article of faith, which will arouse goodwill and trust also from the other side.

I do not desire to deal with Sir Henry Richardson's speech, because more important persons like the Chairman of the London Chamber of Commerce and the Chairman of the Federation of British Industries have spoken with regard to the relation of India and England in terms very different from those used by my friends here. They are threatening the Planning Member to come out in the open. They ask "What is it you want". "Do you want to discriminate against British industries?" Sir, they are inciting us so that we may come out and say yes, that is what we want. In introducing this motion I made it quite clear and I repeat it now that we have no desire to interfere with any legitimate interests established in this country. Let that legitimate interest trust us. As for reciprocity, when there is a free India capable of arranging on equal terms, capable of negotiating freely, that free India will certainly give all that my friends desire. And, as they themselves said, they have got something to give us and we have got something to give them. I am all for such an agreement as and when India is free. In the meanwhile this blot on the Statute Book should disappear. Here is Prof. Hill, who says that you cannot have things for love. He does not like a minor ordinary share in controlling industry. "If they want to develop they must go equal shares with the people here. Going halves always seems fair" says Prof. Hill. May I ask Prof. Hill and those who are behind him and those who brought him out to this country, why was it not fair hitherto until 1945? How does it become fair today? Why have Indians been kept out of all legitimate opportunities in this country? Who has got the best mines? Who has got the best forests? Who has got the most lucrative utility services, such as electrification tramways, railways, etc.? Who has always the ear of this Government? Who has taken a privileged position? Who is getting the most advantageous military contracts and who is, taking all in all, deriving the lion's share out of the economic activities of this country? These things do not fit in with the simple half shares which Prof. Hill is asking for today. If you want this half share, come first with some goodwill towards us. Sir, I want to read a quotation from that great statesman, Mr. Baldwin, the most distinguished and powerful statesman of England for a long time, so much so that he was able to throw out a monarch from the throne. Mr. Baldwin addressing the union of Conservative and Unionist Association in 1931 says:

"Whatever a Government may do, you cannot prevent a population nowadays, and especially an oriental as opposed to an occidental population, if it considers it has been unjustly treated, from expressing its feelings by refusing to buy goods. The refusal to

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buy goods commonly called a boycott, has been brought to a fine art in the East. The Japanese have experienced in China what a boycott means. We have some experience of what it means in India."

He goes on to say:

"There has been a great talk about safeguards. All the safeguards are being examined by the Joint Select Committee but, whatever safeguards we have, the real safeguard is the maintenance of goodwill. If there is not a basis of goodwill, your trade will eventually wither away, and I regret to say that some of the measures which have been suggested, and which Lancashire people have been asked to support, have, in my judgment, been calculated to destroy rather than to further any possibility of goodwill."

And may I say that the speeches of my two friends here are not calculated to increase that fund of goodwill, to rouse any enthusiasm in us with regard to reciprocity for which they have pleaded. Therefore I suggest that the time has come when everybody must take stock of his position and make claims which can be only supported by justice and by the reasonableness of the cause. You cannot gain anything in this country without the goodwill of the masses of this country. I plead that for the honour and for the self-respect of this country, for the honour and self-respect of this Assembly which is governed by these sections, these sections should be abolished at once.

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

"That this Assembly recommends to the Governor General in Council that early action be taken for the removal of sections 111 to 121 (both inclusive) of the Government of India Act, 1935."

The motion was adopted.

RESOLUTION *RE* ENACTMENT OF LAWS CONDUCIVE TO WELFARE OF PEASANTS AND LABOUR

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I want to raise a point of order. The resolution of Mr. Amarendra Nath Chattopadhyaya cannot be moved in this House because many clauses refer to action which can be taken only in the provinces.

Mr. President (The Honourable Sir Abdur Rahim): These clauses may be rejected or amended.

Sir Muhammad Yamin Khan: Can discussion be allowed on giving effect to the findings of the Floud Commission, giving more rights and privileges to the agriculturist, etc.?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member forgets that there is a Department of Education, Health and Lands here.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council to take such steps as would make the present Government enact such laws as would be conducive to the welfare of the peasants and labour of the country who form the majority of the population on the following lines:

(1) giving effect to the findings of the Floud Commission,

(2) radical changes in the land revenue system of the country as a whole, giving more rights and privileges to the actual agriculturist, i.e., tiller of the lands,

(3) promotion by the State of large scale co-operative production and co-operative distribution by setting up societies registered under Co-operative Societies Act,

(4) productivity of labour, to be promoted by introduction of modern mechanical means of production by the State,

(5) all disabilities created by the prevailing Tenancy Act, to be withdrawn for the benefit of the actual tillers of the land and there should be only an unitary system of land tax realisable by the State and all small agriculturists to be amalgamated for the purpose of collective production,

(6) production in fields and the factories should be more for use of consumers than for uncontrolled profits of the investors,

(7) there shall not be any landless labour in the fields of production and unemployment of labour shall be adequately compensated, and

(8) there shall not be any landless tiller of land and all compulsory factory labour shall be either adequately compensated for or shall be employed by the State."

Just a few minutes back we passed a Resolution here which was in relation to discrimination between Indian capitalist and British capitalist. Just now I want to represent the grievances of the poor peasants who form 70 per cent. or even more of the population of India. Here we represent propertied classes

and not the peasants. Of course as Indians we claim to represent all people here, but we come here on the votes of propertied classes.

Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural): Franchise is one in three for males and one in ten for females.

Mr. Amarendra Nath Chattopadhyaya: We do not represent the peasants at all. Our esteemed Leader has perhaps made a mistake in this matter. For the last ten years I have been here, and I know of no single, enactment in this House which has been for the benefit of the masses, particularly of the peasantry, the landless peasantry. Sir, it is high time for us to take up the cause of these people for whom there is a very small number to speak in the Legislature. All speak for those who have vested interests. Almost every Session we have amendments relating to Indian Insurance Act, Banking Act, Indian Companies Act, but we have not moved any Bill which really related to the peasantry and the unrepresented masses. Of course there are some enactments in regard to labour, and they too are half-hearted.

Now, Sir, I am speaking of an Act which was passed by the East India Company in 1793, now, 152 years ago. This Act which conferred permanent settlement was passed for the benefit of the Company out of which a few men in Bengal reaped great benefit: they were the Zamindars. This Act seems to be anachronism now. The world has passed through various vicissitudes, particularly we have seen how this permanent settlement has caused great havoc in Bengal. In 1943 it is these tillers of the soil who died for want of food. Some of them might have lands.

(Interruption by Mr. D. K. Lahiri Chaudhuri.)

I know you are a big Zamindar. You have failed to look after your ryots.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Question.

Mr. Amarendra Nath Chattopadhyaya: Had you not failed, these people would not have died.

Now, I shall read the criticism by the Government of India as published in the Floud Commission Report with regard to this permanent settlement:

"The memorandum on the Land Revenue Policy of the Indian Government issued in 1902 referred to the evils of absenteeism, of management of estates by unsympathetic agents, of unhappy relations between landlord and tenant and of the multiplication of tenure holders or middlemen between the zamindar and the cultivator" *and it described the Permanent Settlement as a system of agrarian tenure* "which is not supported by the experience of any civilised country, which is not justified by the single great experiment that has been made in India, and which was found in the latter case to place the tenants so unreservedly at the mercy of the landlord that the State has been compelled to employ for his protection a more stringent measure of legislation than has been found necessary in temporarily settled areas. At the same time it is not necessary to deny that there have been and are public spirited and charitable landlords who have contributed to the social and educational welfare of the Province."

Sir, there is another observation by one settlement officer of Bakarganj: in the report, he has described the position as the most amazing caricature of an ordered system of land tenure in the world. This has been the feeling for 152 years and today I am moving this Government to do something—this Government which no doubt is bureaucratic, which no doubt is unrepresentative, but which yet is responsible for the weals and woes of the vast population of India. They may be irresponsible to us, to the Legislature, but we know they are responsible for the weal and woes of these 400 millions of people. We have censured them in many cases for their acts of omission and commission; yet we have to tell them that it is their responsibility to take up this matter in right earnest, in all seriousness and to find out ways and means to make an end of this old effect obsolete settlement which was made in Bengal 152 years ago. The question no doubt is very intricate and there is no doubt that the Government will have to take up the responsibility of undoing the thing which the East India Company had done so long ago and which has created a lot of complications in the whole of the revenue system of the land. Except the Government, nobody can take charge of this, and therefore I recommend with all

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earnestness that they should take up this question and try to give effect to the findings of the Floud Commission. The Floud Commission is definite about this matter: they have said in definite language and in unambiguous language that this must go; and though there are people in the commission who formed a minority committee and tried to defend the retention of this, yet the majority of the commission had agreed and definitely said that this should go. With this in hand, the other will follow—radical changes in the land revenue system of the country as a whole. That has to be done by giving more rights and privileges to the actual agriculturists. Why should there be any question about the rights and privileges of the tillers of the land with regard to ownership of the land? From the days of Manu and up to the days of Todar Mul, this land has been in possession of the agriculturists. The state only claimed a portion of the crop—the quota was one-sixth, one-fourth or one-third. But the agriculturists have been divested of their rights in various ways: in Bengal they have been denuded of all that they possessed and the country has been impoverished to an extent from which it is very difficult for us to get them restored. I therefore say with all the emphasis at my command that it is time for us when we are going to claim freedom, we must free this vast mass of people from economic dependence from the idle zemindars. The system has created a class of people who have fattened on the labour of others: all these years they have reaped the benefit of this settlement and now it is time for them to say "Let us have something else in lieu of this system: let us leave the real tillers of the land and the agriculturists more of their produce and their primary wealth of the land: that is the ownership; let them have all the rights and all the privileges". Why should there be any question about it I do not know. I am sure my friends on my right and my Congress friends and my Muslim friends will all join hands with me to say that it is their right to get back to them all their rights and privileges which they enjoyed before this settlement system which the British Government had created. Today we have already given notice to the British Government to quit India. Mr. Jinnah says "Quit India, but before that divide India". I shall say "If you quit India, you have to undo the mischief that you have done for so many years and that mischief lies in this Act which has impoverished the country to the utmost". I am sure at the end of this war we are to have freedom and before that, we must see that this Government which has been so much derided by us on this side, this present Government takes the credit of creating a situation which will make them eternally happy and set a place in history of India's freedom that they have achieved success on one point at least in the civil administration.

In the civil administration, they have failed to feed the people; they have failed to clothe the people; they have failed in many aspects of things; though the emergency of war has covered all sins of omission and commission on their part. But this is not an emergency affair: the agriculturists have helped the war from all points of view. They have given up their own food to meet the demands of the Government; and now it is time for the Government to return their rights and privileges. Sir, the radical changes which are required are many; and within a few minutes they cannot all be stated. I am on the Food Committee and I have always been talking of the necessity of co-operative concerns being started for distribution and of co-operative producers societies being set up. But nothing has been done in that direction. I would therefore request that the Government take up this matter in right earnest and see that co-operative producers societies and co-operative distributors societies are set up. With the advent of the new order, which is called post-war reconstruction I am not at all concerned. I am concerned with the present. We do not know when the war is going to end. We do not know how long we shall have to fight Japan; we do not even know why we fight with Japan, when British and American can easily take charge of them. But we have to fight; and during this period this Government can, if they so choose, if they seriously think so, set up these co-operative producers societies and the co-operative distributors societies . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has ten minutes more. If he wants, he can continue his speech on the next day. He has ten minutes more.

Mr. Amarendra Nath Chattopadhyaya: I will continue later.

Mr. President (The Honourable Sir Abdur Rahim): Very well: I think the Honourable Member will stop now.

But before the House adjourns, I ought to explain what I meant to lay down in connection with the point of order raised by Sir Muhammad Yamin

5. P. M. Khan. I have held, after careful consideration of the whole position, that it is not for the Chair to rule whether any proposed enactment is *ultra vires* of this Legislature, that is, whether it is within the competence of this Legislature or not. That is what I meant when I said in answer to Sir Muhammad Yamin Kan's point of order that the House is at liberty to reject or amend any clause of this Resolution, if the House so chooses.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th April, 1945.

LEGISLATIVE ASSEMBLY

Thursday, 5th April 1945

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. Lalgudy Swaminath Vaidyanathan, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) Oral Answers

Last heavy Floods in Varuna River at Benares

1628. *Mr. Sri Prakasa: Will the War Secretary be pleased to state:

(a) if he is aware of the heavy floods in September, 1943, in the river Varuna (Barna) at Benares;

(b) if the said river is a mere rainy season stream;

(c) if he is aware that the said floods were due to the levelling up of nearly two hundred square miles of land in the neighbourhood for military encampments because of which no water, during the exceptionally heavy rainfall at the time, could be absorbed in the innumerable dug-outs that existed before, and all the water went into the stream itself;

(d) if a number of villages were completely destroyed;

(e) if no information could be given of the floods in time; and

(f) if compensation was paid only to the officers who had suffered and not to any private persons?

Mr. C. M. Trivedi: (a) and (b). Yes, Sir.

(c) No, Sir. I am informed that the floods were due to the fact that there was an abnormal rainfall at Benares amounting to about 15 inches in two days. I am further informed that the area of land levelled in the locality for military purposes was about 5 or 6 square miles only.

(d), (e) and (f). I have no information. The matters referred to are the concern of the Provincial Government.

Mr. Sri Prakasa: Has the Honourable Member assured himself that even the levelling of five or six square miles did not affect the floods?

Mr. C. M. Trivedi: I have, Sir. I have been assured that the levelling of about 5 or 6 square miles did not affect the floods.

Mr. Sri Prakasa: With reference to part (f), may I know if it is a fact that only officers of Government were given compensation for losses suffered and not the residents of the villages?

Mr. C. M. Trivedi: I have no information on the point.

Mr. Sri Prakasa: May I take it that that is not the concern of his Department?

Mr. C. M. Trivedi: I have no information. The question of compensation is a matter for the Provincial Government.

Mr. Govind V. Deshmukh: Will information be sought for?

Mr. C. M. Trivedi: If the Honourable Member will put down a question, I shall certainly obtain the information.

Large quantity of Petrol used by Military People for Non-Military Purposes.

1629. *Mr. Sri Prakasa: Will the War Secretary be pleased to state:

(a) if it is a fact that military people use a large amount of petrol for their non-military purposes;

(b) if Government exercise any control in this; and

(c) if Government propose to see that the military authorities use only a reasonable amount of petrol for such purposes?

Mr. C. M. Trivedi: (a), (b) and (c). In certain circumstances military personnel are allowed to use military vehicles for purposes of recreation, etc. Strict control is of course exercised over the movements of vehicles for these purposes.

I am arranging to place in the Library of the House a copy of the instructions on the subject.

Mr. Sri Prakasa: Does the Honourable Member satisfy himself with only giving instructions or does he take any steps to see that these instructions are actually implemented in practice?

Mr. C. M. Trivedi: Yes, Sir, we do not stop with merely giving instructions but we ensure by submission of reports that instructions given are actually carried out. The Honourable Member will see that the particular instructions of which I have placed a copy in the Library require that a report should be submitted every quarter.

Mr. T. S. Avinashilingam Chettiar: May I know whether the fact that the instructions are followed is shown by reduction in consumption of petrol?

Mr. C. M. Trivedi: I suppose the effect will be shown in the figures.

Mr. T. S. Avinashilingam Chettiar: Is it shown there?

Mr. C. M. Trivedi: These concessions were only introduced recently and there has not been time enough to see what the consumption of petrol will be. It is with a view to satisfy ourselves about the consumption of petrol that the instructions were issued. We have called for a report in the beginning of July and thereafter every three months to see whether the instructions are being actually carried out or not.

Mr. Sri Prakasa: Are petrol consumption returns examined by competent authority on behalf of the Department?

Mr. C. M. Trivedi: Yes, Sir, for the information of the Honourable Member I will read out the relevant paragraph of instructions:

"A careful check of the amount of petrol used under this Instruction will be maintained and a report forwarded by Headquarters, Armies/Commands to General Headquarters, by the 15th July showing the amounts for the period 1st April, to 30th June and thereafter every three months."

HEALTH OF MEMBERS OF THE CONGRESS WORKING COMMITTEE

1630. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member please state:

(a) the latest information with regard to the condition of the health of the members of the Congress Working Committee;

(b) whether Pandit Govind Vallab Pant has been operated upon and if so, whether by doctors of his own choice; and

(c) how many of them have gone down in weight?

Sir Richard Tottenham: (a) Mr. Vallabhai Patel and Mr. Narendra Deo had mild attacks of influenza during the week ending 24th March. Otherwise there has been no important change in the state of health of the Members of the Congress Working Committee since the reply given to Mr. Satya Narain Sinha's starred question No. 106 on 10th February, and I have nothing further to add to that reply.

(b) No, but he has been released.

(c) The latest available information about their weights was given in the reply to Mr. Satya Narain Sinha's question on 10th February.

Mr. T. S. Avinashilingam Chettiar: May I know where these Working Committee Members are kept at present?

Sir Richard Tottenham: I cannot give detailed information, but I think most of them have by now returned to their own Provinces.

Mr. T. S. Avinashilingam Chettiar: Who remains in Ahmednagar Fort now?

Sir Richard Tottenham: I believe Maulana Abul Kalam Azad is still at Ahmednagar. I am not quite sure.

Mr. Badri Dutt Pande: Why was Pandit Govind Ballabh Pant taken to the Central prison, Bareilly, and then released at the gate? Why was he not released at the Railway station?

Sir Richard Tottenham: I could not give any information about that. The matter was left entirely to the Provincial Government.

Mr. T. S. Avinashilingam Chettiar: How many Members of the Working Committee have been sent to provinces other than their own?

Sir Richard Tottenham: I think the only Member of the Working Committee who has been sent to a province other than his own is Mr. Asaf Ali.

Maulana Zafar Ali Khan: Why was Mr. Asaf Ali transferred to Gurdaspur jail instead of Delhi jail?

Sir Richard Tottenham: Because there is no jail in Delhi where persons detained without trial can be kept.

Mr. Sri Prakasa: May I know whether it is now no more the concern of the Central Government, but only the concern of the Provincial Government?

Sir Richard Tottenham: They are the concern of the Central Government.

Mr. T. S. Avinashilingam Chettiar: Just one more supplementary question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): These questions do not arise. Next question.

NATIONAL LABORATORIES

1631. *Prof. N. G. Ranga: Will the Honourable Member for Planning and Development be pleased to state:

(a) how many National Laboratories are going to be or are being started in the country;

(b) whether Government will keep in mind the need for starting them in such regions as really need their presence and not in a few centre like Calcutta and Bombay which have already so many other laboratories and technological institutes; and

(c) whether in recruiting researchers, and directors for these laboratories, the needs of the hitherto undeveloped provinces will be kept in mind, in order to send them out later on to their respective provinces to start and direct similar laboratories?

The Honourable Sir Ardeshir Dalal: (a) Five; they are:

(i) A National Physical Laboratory at Delhi.
(ii) A National Chemical Laboratory at Poona.
(iii) A National Metallurgical Laboratory at Jamshedpur.
(iv) A Central Fuel Research Station at Dhanbad, and
(v) A Central Glass and Ceramics Research Institute at Calcutta.

(b) The factors mentioned by the Honourable Member, among others, were borne in mind before deciding on the location of the various Institutes.

(c) Yes.

PAUCITY OF INDUSTRIAL CENTRES OR TECHNOLOGICAL INSTITUTES IN PROVINCES

1632. *Prof. N. G. Ranga: Will the Honourable Member for Planning and Development be pleased to state:

(a) if Government are aware of the fact that a number of provinces such as C. P., Punjab, Andhra, Karnatak, Sind, Orissa have no great industrial centres, or technological institutes or colleges;

(b) if Government are aware that many of their educated youths have not had a chance of obtaining the requisite industrial and technological training and other equipment;

(c) whether Government are aware that if no special consideration is given to the special weakness of such provinces, the proposed scholarships for technical training are likely to go to a few centres like Calcutta, Bombay, Ahmadabad, Jamshedpur, Dalmianagar, Cawnpore; and

(d) whether Government propose to consider the advisability of distributing these scholarships in such a way that undeveloped provinces may also have some share in them?

The Honourable Sir Ardeshir Dalal: (a) and (b). Yes.

(c) and (d). The selection of sponsored students will be made with reference to the requirements of post-war development plans which are being prepared by the Central and Provincial Governments. When making the selection,

the Governments of hitherto undeveloped areas will no doubt bear in mind their own needs.

Mr. T. S. Avinashilingam Chettiar: What steps are Government taking to see that industries are fairly well spread over the country?

The Honourable Sir Ardeshir Dalal: Regionalisation is one of the things which Government has to look into. All the panels as well as the provincial committees have been instructed to look into that.

Seth Yusuf Abdoola Haroon: May I know whether the Honourable Member has drawn the attention of the provinces to this fact?

The Honourable Sir Ardeshir Dalal: Provincial committees will undoubtedly look after the interests of their own Provinces.

Prof. N. G. Ranga: Has any special allotment been made by the Central Government to these undeveloped Provinces? Otherwise the Provincial Governments may make a few recommendations and the Government of India may say, these are their recommendations and we have made our final decision?

The Honourable Sir Ardeshir Dalal: You mean financial allotment?

Prof. N. G. Ranga: No, Sir. The proposal is to send 500 scholars abroad. When you are making the selection, are you going to give any special allotment of these scholarships to undeveloped provinces so that more people from these provinces might get themselves trained and come back to their respective provinces and develop the industries in those provinces?

The Honourable Sir Ardeshir Dalal: As I have explained before, the needs of the undeveloped Provinces and of the less advanced communities have to be specially borne in mind by the committees which are selecting the candidates.

ADVISABILITY OF RESTORING SALT CONCESSIONS UNDER GANDHI-IRWIN PACT

1633. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state:

(a) if Government are aware that there is a shortage of supply of salt and inadequacy of Indian production, if so, why Government have reduced or annulled or suspended the concessions made under the Gandhi-Irwin Pact of 1931 allowing the workers and residents of coastal and other salt producing areas to produce enough salt for their domestic and agricultural needs and for trading in salt in eking out their livelihood; and

(b) whether Government propose to consider the advisability of restoring and extending those concessions?

The Honourable Sir Jeremy Raisman: (a) Government are aware that there have been occasional local shortages of a temporary nature, though Indian production as a whole is in no sense inadequate to the demand that exists for such salt. So far as Government are aware, there has been no reduction, annulment, or suspension of the concessions granted in 1931.

(b) Does not arise.

Prof. N. G. Ranga: Is it a fact that in several places, in the Madras Presidency specially, the period during which salt is allowed to be manufactured has been very seriously reduced?

The Honourable Sir Jeremy Raisman: It may be that there are reasons for that; but I am not aware that the period has been reduced. I do not think that follows from the Government of India's orders.

Mr. T. S. Avinashilingam Chettiar: Is it not definitely a fact that so far as Vedaramman in South India is concerned, these privileges are withdrawn and will Government enquire and see that the people are really allowed to exercise these privileges, as stated by the Honourable Member?

The Honourable Sir Jeremy Raisman: It has always been the case in connection with the pact that certain malpractices would lead to the withdrawal of the concession. I do not know if the Honourable Member is referring to that; but if it is not as a result of the abuse of the concession I certainly will have the matter inquired into.

Prof. N. G. Ranga: Is the Honourable Member aware of the fact that in pursuance of the Gandhi-Irwin Pact peasants are allowed to manufacture salt for their family consumption, also for the needs of their cattle and for local sale as well, provided they take it as head-loads? Is he aware if any restrictions have been placed in regard to these three concessions?

The Honourable Sir Jeremy Raisman: I cannot say I am aware of that, but if the Honourable Member will furnish me with any information I will have that looked into.

Mr. T. S. Avinashilingam Chettiar: Will Government consider the advisability of punishing people who resort to malpractices and not withdraw the concessions?

The Honourable Sir Jeremy Raisman: I think it was laid down in the Pact that abuses will be followed by withdrawal of the concessions.

Seth Yusuf Abdoola Haroon: Was any similar representation made by the Karachi Salt Manufacturers' Association as regards concessions to be granted in Karachi and Okha ports?

The Honourable Sir Jeremy Raisman: I shall require notice of that question.

INSTALLATION OF BROADCASTING STATION FOR ANDHRA COUNTRY

1634. *Prof. N. G. Ranga: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) whether Government have received representations from Andhras and their Associations for construction of a Broadcasting Station at Bezwada or Rajahmundry or some suitable place in the Andhra country;

(b) whether Government have given any assurance or reply; and if so, to what effect; and

(c) when Government propose to provide a Broadcasting Station for the Andhras, in the Andhra country, to broadcast in Telegu, the local language?

The Honourable Sir Sultan Ahmed: (a) Yes.

(b) The reply was to the effect that the claims of the Andhra country would be given due consideration in any future scheme for a further development of broadcasting in India.

(c) I cannot give any date.

Seth Yusuf Abdoola Haroon: May I know if consideration will be given only to this province or to other provinces also?

The Honourable Sir Sultan Ahmed: To other provinces also.

Prof. N. G. Ranga: May I know if it is possible to give first priority to this particular area?

The Honourable Sir Sultan Ahmed: I am afraid, no.

FINAL AUTHORITY ACCORDING CONSENT TO ISSUE OF SHARES IN THE CASE OF BANKS

1635. *Mr. Akhil Chandra Datta: Will the Honourable the Finance Member be pleased to state:

(a) whether in the case of Banks, Government or the Reserve Bank functions, as the practical final authority in the matter of according 'consent' to issue of shares;

(b) whether the Examiner of Capital Issue exercises the responsibility of scrutinising the objections of the Reserve Bank and giving the applying Banks the necessary chance for answering or meeting the objections of the Reserve Bank before finally disposing of the application or whether the Reserve Bank's opinion is the last word in the matter;

(c) whether Government have accepted the policy and principle adopted by the Reserve Bank in regard to 'consent' matters;

(d) whether Government propose to consider the advisability of having its own machinery for dealing with the applications of Banks for 'consent' if they contemplate to continue the restrictions; and

(e) whether Government are aware of the direct inconsistency as disclosed by the proposed share capital standard under the proposed Banking Law and the existing restrictions on issue of capital; and if so, how they propose to reconcile the two conflicting measures?

The Honourable Sir Jeremy Raisman: (a) the Government of India is the final authority.

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(b) It is not the usual practice of the Examiner of Capital Issues to put to the applicants for consent to a capital issue by a Bank any objections raised by the Reserve Bank of India before seeking the orders of the Government of India; but reasons for refusal are supplied on request and any unsuccessful applicant is always at liberty to apply for reconsideration; such applications are carefully examined.

(c) The Government of India nearly always, but not invariably, find themselves in agreement with the Reserve Bank in matters of policy and principle.

(d) The Government of India are not prepared to alter their present procedure, whereby the Reserve Bank are asked to function as their expert advisers in cases relating to banking.

(e) If the Honourable Member's meaning is that in some cases the refusal of consent to a proposed issue means that a Bank with branches in more than one Province will find it difficult to comply with the provisions of clause 11 of the new Banking Bill, the answer is that the Government are aware of this: but the Bill is not yet law and even if it becomes law in its present form it leaves sufficient time in which to consider the question of attaining the requisite capital and reserves, failing success in which it would be open to the Bank to close branches in other Provinces.

Mr. Manu Subedar: Under the existing law, have there been any cases of banks applying for an increase of capital in order to conform with the new interpretation to come on to the Schedule, and if any such banks had been refused an increase of capital which was made necessary by Government's own action in interpreting the requirements of the Schedule?

The Honourable Sir Jeremy Raisman: I am afraid I could not answer that question off-hand. But I must point out that the interpretation of the Reserve Bank Act relating to the capital and reserves of banks is a perfectly natural one, and it was entirely wrong, in my opinion, for banks to proceed on the assumption that they would be complying with the requirements of the Act if they merely maintained a nominal book value corresponding to the value given in the Act.

Mr. Manu Subedar: I am not disputing the authority of the Reserve Bank or the interpretation of the Schedule. My question is whether these people who are forced on account of the new interpretation to seek an increase of capital are shut out by any action taken by the Reserve Bank or by the Controller of Capital Issues?

The Honourable Sir Jeremy Raisman: The answer to that is probably in the negative, but I shall require notice in order to give a precise reply.

Mr. Akhil Chandra Datta: With reference to part (c), what is the policy or principle for either granting or refusing consent?

The Honourable Sir Jeremy Raisman: I think we have issued press communiques indicating the criteria which are applied to new issues generally. I imagine in the case of banks one of the criteria is the necessity and value to the country of further institutions of this kind and the location of them, and the possible need which they will fill must be taken into account.

Mr. Akhil Chandra Datta: With reference to part (e), is the Defence of India Rule 94-A still in force under which banks are required to obtain consent of the Government of India for the issue of fresh capital?

The Honourable Sir Jeremy Raisman: I do not know why the Honourable Member questions whether it is still in force; it is one of the Defence of India Rules.

Mr. Akhil Chandra Datta: I ask it for this reason. In the proposed Banking Bill a certain standard is laid down about capital, and unless that standard is complied with it is proposed that banks will not be allowed to carry on business. In view of that provision in the Banking Bill, are Government considering the desirability of now abrogating rule 94-A?

The Honourable Sir Jeremy Raisman: I have answered that in reply to clause (e) of the question. The position will be that either the bank will have to establish a case for additional capital and obtain approval, or, if it should fail to do so, it may not be able to maintain branches on the scale which it does at present.

Mr. Akhil Chandra Datta: Have Government considered this aspect of the question that refusal of consent or delay in giving consent will prejudicially affect the banks and will make them unable to comply with the standard laid down in the Banking Bill?

The Honourable Sir Jeremy Raisman: I have no doubt that when the provision in the Banking Bill becomes law, if it becomes law in the present form, Government will certainly take into account the new situation which has arisen.

JOINT-STOCK BANKS APPLYING FOR FINANCIAL ASSISTANCE OF RESERVE BANK OF INDIA

1636. *Sir Abdul Halim Ghuznavi: Will the Honourable the Finance Member be pleased to state:

(a) whether, during the whole career of the Reserve Bank of India any Joint-Stock Bank ever applied for any financial assistance from the Reserve Bank; if so, what the names of the applying Banks are;

(b) the fate of each of those individual applications for assistance;

(c) the reasons for the refusal to assist where no assistance was rendered; and

(d) whether he is aware of any reactions on the applying Banks after refusal of assistance from the Reserve Bank; if so, what the reactions were?

The Honourable Sir Jeremy Raisman: (a) Yes; since the inception of the Reserve Bank 40 joint stock banks have applied for financial accommodation. It is not in the public interest to disclose their names.

(b) All except five banks were granted accommodation.

(c) The reasons were: in two cases, the lack of eligible assets, in two more cases the unsatisfactory financial position of the banks, and in one case, the refusal of the bank to agree to investigation by the Reserve Bank.

(d) If the Honourable Member means reactions arising directly from the refusal of assistance, the answer is in the negative. There are usually other factors which enter into the matter.

Mr. T. S. Avinashilingam Chettiar: What has happened to these banks to whom the assistance was not given? Have they broken down?

The Honourable Sir Jeremy Raisman: I dare say some of them have, but, as I have just said in answer to part (d), it does not mean that the cause of their failure necessarily is merely the refusal by the Reserve Bank.

Mr. Manu Subedar: The eligible assets are mentioned. May I know whether these banks had nothing of value on which advances could be made to them?

The Honourable Sir Jeremy Raisman: By 'eligible' is meant assets which are acceptable as security for assistance by the Reserve Bank.

Mr. Manu Subedar: Is it intended to confine assistance merely when they produce Government securities? May I know whether Government will consider the desirability of recommending to the Reserve Bank the evaluation of all assets? Anything which is an asset has got a value, and is there any special reason why banks applying for assistance to the Reserve Bank should not get immediate advance on anything which has definitely got a value?

The Honourable Sir Jeremy Raisman: I am not aware that the Reserve Bank confines its consideration only to Government securities. I dare say that it takes other assets into account, but it is obviously a very difficult and delicate matter to decide in a general way what types of assets should be regarded as qualifying for this purpose.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if he has any idea of what assets are eligible? I certainly agree with him that it is not Government securities alone but some other assets as well are eligible, and since those assets are defined in section 17, will the Honourable Member pursue the

(c) Only two of the 19 officers referred to in (a) above hold substantive rank of Major and below.

(d) One.

Mr. T. S. Avinashilingam Chettiar: What is the total number?

(No reply was given.)

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member whether Indians are not available for the posts?

Mr. C. M. Trivedi: The policy is that the most suitable officer available—Indian or British—is invariably selected for senior appointments in the Medical Directorate.

Mr. T. S. Avinashilingam Chettiar: May I know why till now no Indian officer holding a rank of Colonel and above has been appointed? There is not even one officer in that category.

Mr. C. M. Trivedi: I have said that the most suitable officer available—Indian or British—is invariably selected for senior appointments in the Medical Directorate.

Mr. Govind V. Deshmukh: May I know what the Honourable Member means by 'suitable officer'? Are Indians not qualified or have they not got ranks?

Mr. C. M. Trivedi: I mean suitable for holding senior appointments in the Medical Directorate.

Mr. Govind V. Deshmukh: May I know whether they have not got the necessary medical qualifications and the ranks?

Mr. C. M. Trivedi: I can only repeat what I have said that the most suitable officer available—Indian or British—is invariably selected for senior appointments in the Medical Directorate.

Mr. Govind V. Deshmukh: That does not explain my point.

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member who selects these officers?

Mr. C. M. Trivedi: The selections are made by the D. M. S.

Mr. Manu Subedar: In view of the fact that there are many Indians holding both the medical qualifications and the ranks, and the feeling of the public on this matter, will Government take the earliest opportunity of getting Indians into this cadre here?

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

LOWER RANK I.M.S. AND R.A.M.C. EUROPEAN OFFICERS HOLDING HIGHER RANKS UNDER INDIA COMMAND AND SOUTH EAST ASIA COMMAND

1640. *Mr. Govind V. Deshmukh: Will the War Secretary be pleased to state:

(a) the number of European officers of the I.M.S. and R.A.M.C. holding permanent rank of Major or below who are now holding appointments carrying rank of Colonel and above under the India Command and South East Asia Command;

(b) whether in making such appointments, Indians with longer service and higher qualifications have been superseded; if so, why;

(c) how many Indian Lieut-Colonels of the I.M.S. have been retired since the beginning of the War and for what reasons, if any have been re-employed, if so, how many in (i) the same rank, and (ii) higher ranks;

(d) how many retired European officers of the I.M.S. and R.A.M.C. have been re-employed in (i) the same rank, and (ii) higher ranks than when they retired; and

(e) how many officers of the I.M.S. and R.A.M.C. are holding temporary or acting rank of Colonel and above in the India and South East Asia Command; how many of them are Europeans and how many Indians?

Mr. C. M. Trivedi: (a) 70, including officers of the Indian Army Medical Corps.

(b) Appointments of the rank of Colonel and above are filled by selection, and there have been cases in which officers, both British and Indian, have not been selected for such appointments, although they had longer service and higher qualification.

(c) 43; of these 34 retired on reaching the age of superannuation and the remaining 9 on medical grounds.

18 of these 43 officers have since been re-employed in the same rank as that in which they retired. None was re-employed in a higher rank.

(d) 48 European officers of the Indian Medical Service/Indian Army Medical Corps and the Royal Army Medical Corps have been re-employed in the same or in a lower rank. None was re-employed in a higher rank.

(e) 94 officers of the Indian Medical Service/Indian Army Medical Corps and 76 of the Royal Army Medical Corps are holding temporary or acting rank of Colonel and above in the India and South East Asia Commands. Of these 38 Indian Medical Service/Indian Army Medical Corps officers are Indians and the rest Europeans.

Mr. Govind V. Deshmukh: With reference to (b), may I know whether officers who were junior to Indians in that rank became senior to the Indians and if so, what is the explanation?

Mr. C. M. Trivedi: As I have said, appointments in the rank of Colonel and above are filled by selection and if no senior Indian was selected it was because the junior officer was considered more suitable.

Mr. Govind V. Deshmukh: Who makes the selection? Is it by a board or selection?

Mr. C. M. Trivedi: So far as I am aware, the selection is made by the Director, Medical Services. I will however find out and let the Honourable Member know.

Prof. N. G. Ranga: Why is it that when Indians who are of permanent Lieut.-Colonel status were available, Englishmen of lower rank were preferred?

Mr. C. M. Trivedi: I must explain that it is not a question of nationality. It is a question of selection.

Prof. N. G. Ranga: If it is a question of war emergency, why is it that such senior officers are not sent to the war front. They are not even kept at General Headquarters but sent to the mofussil.

Mr. C. M. Trivedi: I do not follow the Honourable Member.

Mr. Govind V. Deshmukh: Am I to understand that my suggestion for having a board will be accepted?

Mr. C. M. Trivedi: If a selection is made by one person, I will have the suggestion for a board considered.

Dr. P. N. Banerjea: Are these not cases of discrimination against Indians?

Mr. C. M. Trivedi: No, Sir.

DESIRABILITY OF TRANSFERRING MAULANA NOOR-UD-DIN BEHARI TO A BIHAR JAIL

1641. *Mr. Ram Narayan Singh: Will the Honourable the Home Member be pleased to state:

(a) if Government are contemplating to transfer Maulana Noor-ud-Din Behari, a member of the All-India Congress Committee, an original resident of the Bihar Province and a security prisoner of the Delhi Government, to some jail in his own Province;

(b) whether Government are aware that the Maulana has not been keeping good health and his family has not been able to pay a single visit owing to the great distance from Bihar to the Punjab jails in which the Maulana has been kept by the Delhi Government; and

(c) whether Government are aware that the Maulana's business in the Delhi Province has virtually been closed and that there is little likelihood of the Maulana's staying in the Province of Delhi after his release if and when ordered?

Sir Richard Tottenham: (a) I understand that the Chief Commissioner Delhi has no such intention.

(b) The Chief Commissioner has no reason to believe that the Maulana is not keeping good health. I understand that he and his family lived in Delhi

for many years before his detention but that his wife left Delhi of her own accord some time ago and that his son has gone to Hyderabad (Deccan). I have no information as to when the last family interview took place.

(c) I understand that the small shop which he kept in Delhi has since been closed, but I have no means of knowing what he would do if he were released?

Prof. N. G. Ranga: Is any allowance being made to his family?

Sir Richard Tottenham: I should require notice.

SOLUTION OF POLITICAL DEAD-LOCK

1642. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member please state:

(a) whether correspondence has been going on between the Central and Provincial Governments for ending the political dead-lock in India; and

(b) whether the departure of Lord Wavell to England is in connection with finding a solution for the political dead-lock?

Sir Richard Tottenham: The question should be addressed to the Honourable the Leader of the House.

Mr. T. S. Avinashilingam Chettiar: This question has been printed as the last question of the day. Since it has been postponed for that day, will you kindly see that it is taken first on that day, that is the last day.

Mr. President (The Honourable Sir Abdur Rahim): It is for the Leader of the House to say.

Mr. T. S. Avinashilingam Chettiar: It has been printed for the 9th and it is the last question for that day. Since it has been put today, it has been postponed till the last day. Will he answer it as the first question on that day?

The Honourable Sir Sultan Ahmed: It is entirely for the President to decide as to the order of the questions.

Mr. T. S. Avinashilingam Chettiar: If you agree.

Mr. President (The Honourable Sir Abdur Rahim): This question will be placed according to the order of the notice that is given.

The Honourable Sir Sultan Ahmed: I have no objection but the other Members will have who have questions to put.

Mr. T. S. Avinashilingam Chettiar: It is only one question and it is an important one.

Mr. President (The Honourable Sir Abdur Rahim): I think you had better find out from the other Members. It would not be well for me to introduce such a precedent.

C.I.D. SURVEILLANCE ON MR. SRI PRAKASA

1643. *Mr. Sri Prakasa: With reference to his speech in the course of the general debate on the Finance Bill on March 22, 1945, will the Honourable the Home Member kindly state:

(a) if he has been informed by the local authorities of Benares that there has not been any surveillance on me by the local C.I.D.;

(b) if it is not a fact that members of the C.I.D. have enquired from me, my father and other members of my family direct about my guests and from servants about my movements;

(c) if C.I.D. men at the Benares Cantonment Station have not compelled the Ticket Collectors to go and examine my tickets and give them numbers thereof; and

(d) if the C.I.D. men had not been posted outside my host's house at Cawnpore and if I have not been disturbed at night while travelling by policemen asking questions about myself and the purpose of my travelling?

Sir Richard Tottenham: In his speech in the general debate on the Finance Bill the Home Member said that his enquiries had shown that Mr. Sri Prakasa was mistaken in supposing that four Criminal Investigation Department men had taken a house near his, the better to watch him, and were still there. The suggestions made in parts (a) to (d) of this question may be true, but I see no reason to make enquiries regarding them. Surveillance is a matter for the Provincial Government.

Mr. T. S. Avinashilingam Chettiar: Is it true that three men are put to watch him and not four?

Seth Yusuf Abdoola Haroon: Is it the Government's policy to keep a watch over all the elected Members of this House?

Mr. Sri Prakasa: In view of the fact that the Honourable the Home Member said that all the complaints I had made in the course of my speech on the Finance Bill were figments of my imagination, may I take it that he was referring only to the fact that I was not correct in the number of men who had been deputed to watch me and was correct in the other particulars I gave, in view of the answer of the Honourable Member this morning?

Sir Richard Tottenham: I am not quite sure what information the Honourable the Home Member had, but I am sure he was not referring only to the number of men!

DETENTION OF MR. BRIJ KRISHNA CHANDIWALA OF DELHI

1644. *Mr. Sri Prakasa: Will the Honourable the Home Member please state:

(a) if Mr. Brij Krishna Chandiwala of Delhi has been a security prisoner since August 1942, and, if so, the charges against him; and

(b) when his case was last reviewed, and if Government are considering the desirability of releasing him?

Sir Richard Tottenham: (a) Yes. The detention order of the Chief Commissioner, Delhi, recites that it was made with a view to preventing him from acting in a manner prejudicial to the public safety and the maintenance of public order.

(b) The case was reviewed last December and will be reviewed again before long.

Mr. Sri Prakasa: In view of the fact that Mr. Brij Krishan Chandiwala is suffering from what are called local sores, and in view further of the fact that his correspondence is being greatly delayed on important matters, will the Honourable Member consider the desirability of bringing him from his present place of confinement to Delhi?

Sir Richard Tottenham: No, Sir, that would be impossible.

Mr. Sri Prakasa: Would the Honourable Member give me any idea of the state of the health of Brij Krishan Chandiwala?

Sir Richard Tottenham: This man has been detained under orders of the Chief Commissioner, Delhi, and the Government of India has no direct information of the health of these people.

Mr. Sri Prakasa: In view of the fact that the Chief Commissioner Delhi is directly under the Government of India, would it not be right for the Members of this House to enquire?

Sir Richard Tottenham: Certainly, I will enquire and get the information.

Mr. Sri Prakasa: Could the Honourable Member also enquire as to whether Mr. Chandiwala is being given Delhi newspapers also or only the newspapers published in the Punjab?

Sir Richard Tottenham: I will make enquiries.

HANDCUFFING OF DR. SUKHDEO AND MR. RAGHUNANDAN SARAN ON ARREST

1645. *Mr. Sri Prakasa: Will the Honourable the Home Member please refer to his reply to part (b) of starred question No. 1286 asked by Mr. D. K. Lahiri Choudhury on March 22, 1945, and supplementaries arising therefrom, and state:

(a) if it is not a fact that Dr. Sukhdeo was arrested the other day in a village outside the Delhi city and brought in hand-cuffs, and, if so, the reason for this treatment;

(b) if Mr. Baghunandan Saran was also not similarly handcuffed, even though ill, when he was arrested; and

(c) if it is not a fact that he was kept hand-cuffed even while he was being medically examined in hospital?

Sir Richard Tottenham: (a) Yes. Dr. Sukhdeo was handcuffed because the police thought he might attempt to escape.

(b) and (c). I have no information. Mr. Raghunandan Saran was not arrested in Delhi or by the Delhi Police; nor as far as I know was he detained either in jail or hospital in the Delhi Province.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (a) of the question and in view of the fact that the Home Member had said in this House that the status of a person is taken into consideration as regards handcuffing, is the Honourable Member satisfied that Dr. Sukhdeo was rightly handcuffed?

Sir Richard Tottenham: The Honourable Member is inviting an expression of opinion from me; I am afraid I cannot give it.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to parts (b) and (c) of the question and in view of the fact that Mr. Raghunandan Saran was arrested at Dalhousie under orders of the Delhi Government, will the Honourable Member kindly take steps to see that their principles are followed in all such cases regarding handcuffing?

Sir Richard Tottenham: Whose principles?

Mr. Sri Prakasa: The principles of the Government of India as adumbrated by the Honourable the Home Member the other day.

Sir Richard Tottenham: We cannot enforce those principles on the Provinces.

Prof. N. G. Ranga: In which jail is he being kept today?

Sir Richard Tottenham: He is not in jail.

Mr. Sri Prakasa: May I take it that when the Government of India issue orders for the arrest of a person in a particular Province, the Provincial authority have full powers to do exactly as they like with the prisoners of the Government of India?

Sir Richard Tottenham: It must be left to the discretion of the officer who makes the arrest how he treats the prisoner when he has arrested him. The principle that the Honourable the Home Member enunciated the other day was that handcuffing was deprecated unless the arresting authority thought that there was sufficient reason to believe that the man might otherwise make his escape. I presume that it was on that ground that handcuffs were used in this case, if they were used.

Prof. N. G. Ranga: May I know if a man is kept in handcuffs even while he takes his food?

Sir Richard Tottenham: I think not!

BAN ON REPORT OF THE INDIA LEAGUE DELEGATION

1646. *Mr. A. Satyanarayana Moorty: Will the Honourable the Home Member please state:

(a) whether there is a ban on "Conditions of India", a report by the India League Delegation in 1932 signed by Miss Ellen Wilkinson and which has a preface by Lord Betrand Russell;

(b) when the ban was imposed and what the reasons are for imposing the same; and

(c) whether Government propose lifting the ban at least now; if not, why not?

Sir Richard Tottenham: With your permission, Sir, I propose to answer Questions Nos. 1646 and 1660 together.

The report "Conditions of India" was banned on 29th March 1934. The apparent object of the report at that time was to bring the Government of India into hatred and contempt, and nothing has since happened to change its character. Government do not therefore intend to remove the ban.

Mr. T. S. Avinashilingam Chettiar: May I know how can that report defame the Government of India? What are the aspects of the report which defamed the Government of India. Has the Honourable Member read the report?

Sir Richard Tottenham: The book contained about 500 pages and it was the general character of the book, rather than particular passages, which was objectionable.

Prof. N. G. Ranga: Is there any book which can sufficiently defame this Government?

(No answer was given.)

Mr. Sri Prakasa: Is the Honourable Member assured that this book is worse than "A Verdict on India"?

Sir Richard Tottenham: Again, the Honourable Member is inviting an expression of opinion.

Mr. Sri Prakasa: You may give it: we do not mind.

BROADCAST OF DRAMATIZED VERSION OF "VERDICT ON INDIA"

1647. *Mr. A. Satyanarayana Moorty: Will the Honourable Member for Information and Broadcasting please state:

(a) whether he is aware that a dramatised version of Beverly Nichols's "Verdict on India" was put on the air some weeks ago by the National Broadcasting Company;

(b) whether the Government of India's propaganda agencies have a direct or indirect hand in it;

(c) whether Government propose to take steps to put an end to this Anti-Indian propaganda in the United States of America; and

(d) whether Government propose to take the Standing Committee for the External Affairs Department into confidence about the activities of their propaganda agents?

The Honourable Sir Sultan Ahmed: (a) Government have seen an item in the Press to this effect.

(b) No.

(c) Does not arise.

(d) The Indian Information Services work under the supervision of the Agent General for India in America, and are responsible to the Department of Information and Broadcasting. The Government of India do not propose to alter this arrangement.

Mr. T. S. Avinashilingam Chettiar: With reference to part (a) may I know whether the Government of India have enquired into the matter and found whether there was any truth in that report?

The Honourable Sir Sultan Ahmed: The Government made no enquiries at all.

Mr. T. S. Avinashilingam Chettiar: Why not make enquiries?

The Honourable Sir Sultan Ahmed: So much rubbish comes through the press nowadays that it is very difficult for the Government to make enquiries.

Mr. Sri Prakasa: How much of this rubbish is contributed by the Honourable Member's Department?

Mr. Govind V. Deshmukh: If there is so much rubbish in the press, will the Honourable the Leader of the House stop having conferences with press-wallas?

Mr. T. T. Krishnamachari: May I know if the Honourable Member is aware that his Department has supplied the press recently with a lot of rubbish by way of background material for being used on some future occasion?

The Honourable Sir Sultan Ahmed: It is a matter of opinion but I understand that the background materials which are provided by the Department are very much appreciated and are acceptable to the press.

INEQUITIES IN GRANT OF WAR ALLOWANCE

1648. *Mr. Ram Narayan Singh: (a) With reference to the statement of the Honourable Sir Jeremy Raisman made on the floor of the Indian Legislative Assembly on the 2nd November, 1944, in connection with the adjournment motion moved by Mr. Akhil Chandra Datta relating to the failure of the Government of India to extend to the non-gazetted officers of the Central Services the benefits of War allowance to the same extent to which these have been given to the gazetted officers (*vide* Finance Department office memorandum No. F. 2 (52)/W/44, dated the 25th September, 1944), will the Honourable the Finance Member be pleased to state whether the position has since been reviewed and the anomalies removed? If so, to what extent?

(b) What are the reasons for granting a uniform war allowance of 10 per cent. of pay to Government employees drawing pay up to Rs. 1,000 per month? Are Government aware of the opinion of the Rau Committee that "the principle of granting a dearness allowance at a fixed percentage of the income is open to criticism: it gives more to those who have already more and ignores the fact that the increase in the cost of living which the allowance is meant to neutralise is greater in the case of lower-income-groups than in the higher"?

(c) The reason for the provision by the Government of India of war allowance to certain gazetted officers at a rate higher than that in the case of non-gazetted officers, entitling a gazetted officer drawing pay of Rs. 200 p.m. to a war allowance of Rs. 50 as against Rs. 20 only in the case of a non-gazetted officer drawing the same pay, the percentage in the case of the former being 25, and that in the case of the latter 10?

The Honourable Sir Jeremy Raisman: (a) The revision of war allowance is still under the consideration of Government.

(b) The Rau Committee's enquiry and report concerned only the lower paid staff. For these dearness allowance is admissible, and this is not calculated as a percentage of pay.

A war allowance has been introduced in order to afford necessary relief to those on higher rates of pay. For these a percentage is considered equitable, and it should be remembered that the net benefit of a percentage allowance in these ranges is increasingly modified by income-tax.

The alternative of the percentage war allowance was offered to those entitled to dearness allowance as a measure of liberalisation.

(c) The minimum was prescribed for gazetted officers because they have to maintain a somewhat higher status than non-gazetted officers on equal rates of pay.

PRINCIPLES LAID DOWN BY RAU COMMITTEE IN REGARD TO ADJUSTING WAGES TO PRICES

1649. *Mr. Ram Narayan Singh: (a) Will the Honourable the Finance Member please state if Government have accepted, or if they propose to accept the following general principles laid down by the Rau Committee in regard to adjusting wages to prices;

(i) "The fact that a man accepts a certain wage does not prove its adequacy . . . he may accept it merely because he cannot get anything better no wage can be called adequate unless it is sufficient to maintain them in a proper state of health and efficiency,

(ii) "Where the wage was not adequate before the war and has become less adequate since, or where it was originally adequate and has become inadequate owing to the war—a dearness allowance should be granted so as to restore the earner as nearly as possible to his pre-war level, and

(iii) No one whose wages provided no margin over the cost of minimum subsistence must be pushed below that level by the rise in prices"?

(b) How do Government propose "to restore the earner as nearly as possible to his pre-war level", regard being had to the loss he has had to sustain during the past years and also the loss he is going to suffer during the coming years even after the termination of the war as a result of higher level of prices?

The Honourable Sir Jeremy Raisman: (a) Government agree generally with the three broad principles referred to in this part of the question, but it will be realised that in applying such principles in practice, there is scope for difference of opinion and difficulties inevitably arise in determining with any degree of precision what was adequate and sufficient to maintain a worker in a proper state of health and efficiency before the war and what is adequate and sufficient in present day conditions.

(b) Government have throughout endeavoured through the grant of dearness allowances and other concessions, to ensure for their lower paid staff sufficient to maintain themselves and their families in a reasonable state of health and efficiency. Owing to temporary shortages of certain commodities, it has not always proved possible to ensure for each and every Government employee the same quantities and range of commodities as before the war. Government have, however, had the matter under constant review, as will be evidenced by the succession of revisions of dearness and other allowances to which Government have given effect from time to time.

ACTION AGAINST "VERDICT ON INDIA".

†**1650. *Sardar Sant Singh:** Will the Honourable the Home Member please state if he has read the speech of Mr. Frank R. Anthony, M.L.A., delivered during the course of discussion on the Finance Bill on the 23rd March, 1945? If so, what action do the Government of India propose to take against the continued publication of the book "Verdict on India" in this country?

Sir Richard Tottenham: I have not read the speech, Government do not propose to take any action against the book, as there is no provision of law under which a book can be banned merely because certain individuals or classes do not agree with the personal opinions of the author expressed therein.

INADEQUACY OF NURSING STAFF

1651. *Shrimati K. Radha Bai Subbarayan: Will the War Secretary please state:

(a) if Government have seen in the Press the statement by Lady Louis Mountbatten that "medical units working behind the lives are desperately short of hands. They have only 45 per cent. of the nursing staff that they actually require. The situation as a whole is rather serious and I think that the authorities should not allow this state of affairs to continue any longer"; and, if so, what steps Government propose to take for improving this state of affairs;

(b) whether Government are aware that the shortage of nurses is due to the fact that the girls who would have taken up nursing are being induced to join the W. A. C. (I) which has less arduous duties and evidently more attractions; and

(c) if, in view of the urgency of the need for nurses, and in view of the fact that the work done by the W. A. C. (I) could be done by men, Government propose to stop further recruitment to the W. A. C. (I) and also give intensive training in nursing and medicine to women who are already in the W. A. C. (I); if not, why not?

Mr. C. M. Trivedi: (a) Yes, Sir. As regards the second part the following steps have been taken:—

(i) Trained nurses have been asked for from the U. K.

(ii) Men of comparatively high educational standards have been enlisted in the nursing section of the I.A.M.C. for training in nursing duties.

(iii) Women with nursing experience are not eligible for the W.A.C. (I), unless they have previously refused to serve as nurses.

(iv) All personnel of the W.A.C. (I), with training as nurses have been asked if they were willing to transfer to the nursing services; and those who agreed have already been transferred.

(b) and (c). The point made by the Honourable Member in part (b) has some substance, but the W. A. C. (I), is seriously under strength and we are still short of the manpower whom the W.A.C. (I), was formed to replace. It is felt that the small results which might be achieved by accepting the Honourable Member's suggestion would hardly balance the consequent loss of the W.A.C. (I). The real requirement is, I suggest, a large number of Indian women who feel a call for the nursing profession.

Shrimati K. Radha Bai Subbarayan: Sir, with reference to the Honourable Member's reply to part (a) of the question, is it a fact that Lady Louis Mountbatten said that it was impossible to expect nurses to come from the United Kingdom, because the British Government themselves have not got a sufficient number now for the Western Front?

Mr. C. M. Trivedi: We expect the situation in this respect will be eased when the war with Germany is over.

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

Shrimati K. Radha Bai Subbarayan: With reference to the reply to part (b) of the question, Sir, is the Honourable Member aware that the Health Department has a different impression, *viz.*, that the recruitment to the W.A.C. (I), does affect the nursing profession?

Mr. C. M. Trivedi: That is a matter of opinion. I have already said that the point made by the Honourable Member has some substance.

Shrimati K. Radha Bai Subbarayan: In view of that fact, Sir, will the Government call for a conference of medical representatives from the Provinces, of representatives of the nursing profession and of the women's organisations to consider what immediate steps should be taken to improve the situation?

Mr. C. M. Trivedi: I will consider that.

Shrimati K. Radha Bai Subbarayan: May I ask, Sir, if it is a fact that the Indian military hospitals are suffering badly for want of nurses, and that prominent Indian citizens who are visitors to these hospitals have complained to Government that the conditions there are very unsatisfactory, and that many of our young men who are wounded and are being treated in these hospitals, are suffering a great deal due to lack of proper attention?

Mr. C. M. Trivedi: I am fully aware of the shortage of nurses.

VISIT OF DR. AMARNATH JHA TO AMERICA

1652. *Mr. A. Satyanarayana Moorty: Will the Honourable Member for Information and Broadcasting please state:

(a) whether the Government of India invited Dr. Amarnath Jha, Vice-Chancellor, Allahabad University, to proceed to U. S. A.;

(b) if so, the purpose of his visit;

(c) what will be the estimated cost of his tour; and

(d) the subjects on which he is going to lecture, and whether these subjects will be supplied to him by Government?

The Honourable Sir Sultan Ahmed: (a) to (d). Prof. A. N. Jha was invited, but as it was not possible to arrange for the tour to take place before May and June, which are the worst months for lecture tours in the United States, the proposal has been dropped for the time being. The remainder of the question does not arise.

Mr. T. S. Avinashilingam Chettiar: The remainder does arise.

Sardar Mangal Singh: Was anybody else invited?

The Honourable Sir Sultan Ahmed: Sardar Ujjal Singh.

Sardar Mangal Singh: What reply did he give?

The Honourable Sir Sultan Ahmed: He was prepared to go, but there was the same difficulty.

Prof. N. G. Ranga: For what purpose was he invited to go to America?

The Honourable Sir Sultan Ahmed: As regards the subject matters they were required not only to give formal lectures, but to do everything possible by informal talks, interviews with columnists, and other means, to dispel the illusions which still seem to be prevalent in America about India. Apart from this, they were to emphasize the magnitude of India's war effort against Japan, and India's leading place in the future of Asia. As far as political matters are concerned, they would have been free to express their personal points of view. They were required to give the general position as being that India can be satisfied with nothing less than full self-government within the British Commonwealth; but they were to be free to say anything they liked about the methods by which it should be secured.

COMPENSATORY HOUSE RENT ALLOWANCE TO CENTRAL GOVERNMENT SERVANTS IN DELHI

1653. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Finance Member please state if he is aware that the compensatory house-rent allowance is admissible to the non-gazetted ministerial servants of the Central Government employed in Delhi or New Delhi drawing pay up to Rs. 500 per mensem who applied for, but have not been provided with, Government accommodation and have consequently, made their own arrangements for residential accommodation in private rented houses?

(b) Is he further aware that the same allowance is not admissible to the non-gazetted ministerial servants of the Central Government employed in Delhi or New Delhi drawing pay up to Rs. 500 per mensem who satisfy all the above conditions but live in their own houses instead of in private rented houses? If so, what are the reasons for this discrimination?

The Honourable Sir Jeremy Raisman: (a) Yes.

(b) Yes. The allowance has not been granted to such of the ministerial staff as reside in their own houses as the concession is only intended to afford relief to those who are at present being forced to expend an unduly high proportion of their pay as rent for private accommodation.

COMPENSATORY HOUSE RENT ALLOWANCE TO CENTRAL GOVERNMENT SERVANTS IN DELHI

1654. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Finance Member please state whether he is aware that, before the Finance Department orders regarding the grant of compensatory house-rent allowance contained in their office memorandum No. F.44(9)-W/44, dated the 21st July, 1944, came into force, the non-gazetted ministerial servants of the Central Government employed in Delhi or New Delhi drawing pay up to Rs. 500, per mensem mentioned in part (b) of the preceding question, while in occupation of Government residences, used to receive rents for their own private houses from their respective tenants which were in excess of 20 per cent. of their monthly pay?

(b) If the reply to (a) above be in the negative, do Government propose to authorise the Rent Controller, Delhi, to determine the rents of the private houses owned and occupied by the officials mentioned in (b) of the preceding question to enable them to justify their claims for drawing the compensatory house-rent allowance from 1st July, 1944? If not, why not?

(c) Do Government propose to grant compensatory house-rent allowance to those non-gazetted ministerial servants of the Central Government who fulfil the conditions laid down in paragraph 1 of the Government of India, Finance Department, Office memorandum No. F.44(9)-W/44, dated the 21st July, 1944, but reside in their own houses instead of in private rented houses with effect from the 1st July, 1944? If not, why not?

The Honourable Sir Jeremy Raisman: (a) Government have no information on the point.

(b) and (c). I would refer the Honourable Member to the reply I have just given to his previous question. Government can see no justification for extending the concession in the manner suggested and they do not intend to do so.

GRANT OF CONVEYANCE ALLOWANCE TO CERTAIN CENTRAL GOVERNMENT SERVANTS IN DELHI

1655. *Mr. Ananga Mohan Dam: Will the Honourable the Finance Member please state whether the Finance Department orders contained in their office memorandum No. F.44(8)-W/44, dated the 21st July, 1944, regarding the grant of conveyance allowance to Central Government servants in Delhi, will also apply with effect from the 1st July, 1944, to those Government servants who surrendered their quarters in the beginning of the summer season, 1944, and were living in their own houses when the orders referred to above came into force? If not, why not?

The Honourable Sir Jeremy Raisman: Yes. A copy of the relevant orders is laid on the table of the House.

No. F. 44 (8)-W/44.
GOVERNMENT OF INDIA
FINANCE DEPARTMENT
New Delhi, the 6th February, 1945
OFFICE MEMORANDUM

SUBJECT :—*Grant of conveyance allowance to Central Government servants in Delhi.*

In partial modification of the orders contained in Finance Department, Office Memorandum No. F. 44 (8)-W/44, dated the 21st July, 1944, on the subject noted above, the

undersigned is directed to say that it has been decided that in the case of Government servants living in their own houses in Delhi or New Delhi, the conditions laid down in paragraph 2 of the Memorandum referred to will not be applicable.

K. R. P. AIYANGAR,
Deputy Secretary to the Government of India.

To
All Departments of the Government of India, and the Secretaries to the Governor General.

No. F. 44 (8)-W/44

Copy forwarded to the Political Department, the Federal Court of India, the Auditor General of India, etc., etc.

By order, etc.,
B. L. BATRA,
Assistant Secretary to the Government of India.

No. F. 44 (8)-W/44
GOVERNMENT OF INDIA
FINANCE DEPARTMENT
New Delhi, the 19th March, 1945
OFFICE MEMORANDUM

SUBJECT :—*Grant of conveyance allowance to Central Government servants in Delhi.*

With reference to this Department Office Memorandum No. 44 (8)-W/44, dated the 6th February 1945, the undersigned is directed to say that the orders contained therein will apply with effect from the 1st July, 1944.

B. L. BATRA,
Assistant Secretary to the Government of India.

To
All Departments of the Government of India and the Secretaries to the Governor General.

No. F. 44 (8)-W/44

Copy forwarded to the Political Department; the Federal Court of India; the Auditor General of India; the Financial Commissioner, Railways; the Central Board of Revenue; the Financial Adviser, War and Supply Finance; the Additional Financial Adviser, Supply; the Accountant General, Central Revenues; the Crown Finance Officer; the Financial Adviser, Communications; the Chief Controller of Supply Accounts; the Controller of Food Accounts and the Accountant General, Posts and Telegraphs.

By order, etc.,
B. L. BATRA,
Assistant Secretary to the Government of India.

NATIONAL SAVINGS FORTNIGHT HELD IN DELHI

1656. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Finance Member please state whether he is aware that a 'National Savings Fortnight' was held in Delhi from the 8th to the 22nd January, 1945, during which the maximum possible collections were made for investment in National Savings Certificates?

(b) Is he aware that the Chairman, Provincial National Savings Committee, Delhi, decided to recommend that all the authorized agents who secured collections of Rs. 25,000, or more for investment in National Savings Certificates during the fortnight will be given a letter of commendation by the Chief Commissioner, Delhi, and that those who collected Rs. 10,000 or more (but less than Rs. 25,000) will be given a letter of commendation by the Deputy Commissioner, Delhi?

(c) Will he please state separately the number of authorized agents in each of the two categories referred to in part (b)?

(d) How many authorized agents in each category have actually been given letters of commendation? If none, when do they hope to get them?

The Honourable Sir Jeremy Raisman: (a) to (d). Enquiries are being made and a reply will be laid on the table of the House in due course.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have sent the circular which the Finance Member promised to send over the matter of collection of small savings in the country?

The Honourable Sir Jeremy Raisman: No, not yet.

Prof. N. G. Ranga: When does he hope to send the circular that no undue measures of oppression and repression should be used in order to make people subscribe to these funds?

The Honourable Sir Jeremy Raisman: When my constant pre-occupation with the Assembly is over, I hope to be able to attend to the matter.

Mr. T. S. Avinashilingam Chettiar: Do you expect to issue it before you go?

The Honourable Sir Jeremy Raisman: The continuity of the Government of India does not depend on individuals.

(*b*) WRITTEN ANSWERS

PRESS CONFERENCES HELD

1657. *Mr. S. K. Hosmani: Will the Honourable Member for Information and Broadcasting please state:

(a) the number of press conferences held since 1st January, 1945, the names of the Accredited Press Correspondents who attended them and the reasons for those who could not attend any of them; the material supplied to them and the dates on which that material was given publicity in the newspaper they represented;

(b) the names of the correspondents who are accepted for, or rejected from, accreditation, and the category in which they are placed together with the date of such accreditation since March 1943;

(c) if circulation of news by news agencies through peon or by hand is a form of *News Bulletin*;

(d) if the Debates of the Central Legislature are supplied to the Accredited Press Correspondents on the condition that they are admitted to the Press Galleries of that legislature; if not so, the reasons for the justification of the expenditure on their supplies to those correspondents who are not admitted to the Press Galleries of that Legislature;

(e) the number of copies of the Debates of the Central Legislature received from that Legislature for distribution to Accredited Press Correspondents, and the number so actually distributed together with the reasons for any discrepancy; and

(f) the authority who has arranged the Middle East tour for Press Correspondents; the amount of expenditure incurred thereon, and the correspondents who availed themselves of the invitation?

The Honourable Sir Sultan Ahmed: (a), (d), (e) and (f). A statement is laid on the table of the House.

(b) The Honourable Member's attention is invited to the replies given in this House on March 1, 1945, to Mr. Badri Dutt Pande's unstarred question No. 34 and part (c) of unstarred question No. 35.

(c) This is a matter of opinion and the Honourable Member can draw his own conclusion.

Statement

(a) 7 Press Conferences were held between January 1st and March 29th, 1945. These Conferences were attended by Representatives of important newspapers and news agencies. Representatives do not, in general, send us their reasons for non-attendance. Nor are there any means of checking whether material handed to Correspondents at Press Conferences is published in all the newspapers they represent. Normally reports are published the day after a Press Conference is held or on the day fixed for publication.

(d) and (e). No. Copies of the Debates of the Central Legislature are supplied to Category "A" correspondents irrespective of whether they are or are not admitted to the Press Galleries of the Legislature. Distribution is confined to Category "A" correspondents. Copies of the Debates of the present Session of the Legislature so far received have been distributed to them.

(f) The tour was arranged by the War Department. The expenditure involved was approximately Rs. 15,000. The following newspaper representatives went on tour to the Middle East:

1. AMRITA BAZAR PATRIKA, CALCUTTA. Mr. J. N. Sarkar.
2. CIVIL & MILITARY GAZETTE, LAHORE. Mr. F. W. Bustin.
3. DAWN, DELHI. Mr. Pothan Joseph.

4. DHINAMANI, MADRAS. Mr. A. N. Srinivasan.
5. HINDU, MADRAS. Mr. V. K. Narasimhan.
6. HINDUSTAN TIMES, NEW DELHI. Mr. Durga Das.
7. NAVA BHARAT, NAGPUR. Mr. Nandi Kishore.
8. NAWA-I-WAQT, LAHORE. Mr. S. H. Mahmud.
9. SAKAL, POONA. Mr. J. P. Deshmukh.
10. TIMES OF INDIA, BOMBAY. Mr. H. R. Stimson.

CLASSIFICATION OF ACCREDITED PRESS CORRESPONDENTS

1658. *Mr. S. K. Hosmani: Will the Honourable Member for Information and Broadcasting please state: if it is a fact that Accredited Press Correspondents are grouped in Class A and Class B, according to (i) his standing in the profession as determined by the time he has spent in the profession as correspondent, (ii) the status he has attained as Servant or Proprietor, and (iii) the standing of the newspaper or news agency he represents?

The Honourable Sir Sultan Ahmed: Correspondents are accorded category 'A' or 'B' privileges according to:

(1) the time they have spent and/or the status they have attained in the profession.

(2) the standing of the newspaper or newsagency they represent.

PROTECTION OF TRAVELLING PUBLIC FROM HARASSMENT BY POLICE AT JUMNA BRIDGE, DELHI

1659. *Mr. S. K. Hosmani: Will the Honourable the Home Member please state the measures taken for the protection of the travelling public from harassment by the Police on duty at the Jumna Bridge, Delhi? If no measures have been taken why?

Sir Richard Tottenham: I regret that the enquiries I have initiated in this matter have not yet been completed. The result will be laid on the table of the House in due course.

BAN ON REPORT OF THE INDIA LEAGUE DELEGATION

†**1660. *Mr. Satya Narayan Sinha:** Is the Honourable the Home Member aware that a report was published in London by the India League Delegation which was signed by Miss Ellen Wilkinson and the preface of which was written by Lord Bertrand Russel? Is the said report still banned in India? If the reply be in the affirmative, does he propose to lift the ban; if not, why not?

UNSTARRED QUESTION AND ANSWER

DEARNESS ALLOWANCE TO PENSIONERS

134. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Honourable the Finance Member be pleased to state if it is a fact that the concession of dearness allowance has been given to Government pensioners drawing pension up to Rs. 75? If so, at what rate and on what principles?

(b) Is dearness allowance allowed in any form to pensioners drawing between Rs. 80 and Rs. 200? If not, the reasons therefor?

(c) Have any official or non-official enquiries been made with regard to dearness allowance to pensioners? If the reply is in the negative, do Government propose to set up an Enquiry Committee for the purpose?

The Honourable Sir Jeremy Raisman: (a) and (b). I have nothing to add to the reply I gave on the 16th November 1944 to Starred Question No. 481. There has been no subsequent change in the rate of temporary increase in small pensions.

(c) No special enquiry has been held in regard to the relief to pensioners. The present rates were however fixed after consultation with the Provincial Governments and they have the general support of these Governments, and I do not think that the constitution of an enquiry committee would materially add to the information already in the possession of the Government of India.

†For answer to this question, see answer to question No. 1646.

MOTION FOR ADJOURNMENT

REQUISITIONING BY GOVERNMENT OF BRAHMASHRAM MASUR, AMBERNATH

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Govind V. Deshmukh who desires to move that the business of the Assembly be adjourned to discuss a definite matter of urgent public importance, namely, the requisitioning by the Government of Brahmashram Masur, which includes temple and holy religious math and residential huts of the hermits at Ambernath—an action which will irritate the Hindus and cause bitterness towards the Government.

Mr. Ram Chandra (Secretary, Defence Department): I have now been able to get information both from the Bombay Government and the military authorities. The information which I have been able to obtain shows that the temple has not been requisitioned. As regards the Ashram, the notice which was issued was not accepted by the inmates of the Ashram, and the Ashram has not been taken possession of. Further, the Honourable Member will be glad to know that it has been decided to de-requisition the Math and the Ashram which includes the hermits' huts.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Will the same procedure be followed in the case of the temple in South Kanara?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR COMMERCE DEPARTMENT

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following non-official Members have been elected to serve on the Standing Committee for the Department of Commerce; Mr. N. C. Chunder, Seth Sunder Lall Daga, Maulvi Muhammad Abdul Ghani, Mr. Sami Vencatachelam Chetty, Mr. E. L. C. Gwilt, Mr. Kailash Bihari Lall, Mr. Muhammad Hussain Choudhury, Bhai Parma Nand and Mr. Manu Subedar.

ELECTION OF A MEMBER TO THE CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA

Mr. President (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that Dr. Sir Ratanji Dinshaw Dalal has been elected to sit on the Central Committee of the Tuberculosis Association of India.

ELECTION OF A MEMBER TO THE PUBLIC ACCOUNTS COMMITTEE

Mr. President (The Honourable Sir Abdur Rahim): I have further to inform the Assembly that upto 12 Noon on Wednesday, the 4th April, 1945, the time fixed for receiving nominations for the election of a Member to the Committee on Public Accounts only one nomination was received. As there is only one vacancy I declare Mr. G. W. Tyson to be duly elected.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I have given notice of an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): It was received after 11 A.M.

Maulvi Muhammad Abdul Ghani: It was handed over at 10-35.

Mr. President (The Honourable Sir Abdur Rahim): I have not seen it: the Secretary says he got it after 11 o'clock.

Maulvi Muhammad Abdul Ghani: I handed it over myself here. May I inquire from the Honourable Food Member?

Mr. President (The Honourable Sir Abdur Rahim): I did not get it at all. I have not seen it at all. The Honourable Member ought to have sent it to me.

Maulvi Muhammad Abdul Ghani: Are they different?

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Before we proceed can the Honourable Member give a further notice of adjournment motion tomorrow?

Mr. President (The Honourable Sir Abdur Rahim): That is for him to decide. I am not going to give any instructions.

Prof N. G. Ranga: Government might raise objection.

Mr. President (The Honourable Sir Abdur Rahim): If the Government raises any objection I will consider and decide it.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): May I ask if, when an Honourable Member of this House makes a statement before the House that he handed over the notice at 10-35, is it open to be questioned?

Mr. President (The Honourable Sir Abdur Rahim): Certainly, the gentleman to whom he says he handed it over says he received it after 11 o'clock.

Sir Muhammad Yamin Khan: Who is to be trusted?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no reason to think, he is not justified in suggesting, that my informant is misleading me.

Sir Muhammad Yamin Khan: Sir, the question is between two persons. One is an Honourable Member of this House and he has made a certain statement . . . . . 12 NOON

Maulvi Muhammad Abdul Ghani: The fact is, Sir, if you will permit me to make a statement . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member resume his seat? I have given my ruling.

Maulvi Muhammad Abdul Ghani: On a point of order, Sir . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): There is no other point of order. I have heard him enough.

Maulvi Muhammad Abdul Ghani: Without hearing me, Sir, how can you decide that there is no point of order?

Mr. President (The Honourable Sir Abdur Rahim): The same question is being repeated; and repeating it in another form does not make it a point of order.

Further consideration of the motion moved by Mr. Kazmi.

THE INDIAN PENAL CODE (AMENDMENT) BILL—*contd.*

(INSERTION OF NEW SECTION 93A)

The Honourable Sir Asoka Roy (Law Member): Sir, I was in possession of the House. This motion was last before the House on the 1st of March; and in view of the time which has elapsed since my speech on the motion was interrupted, I will with your permission briefly remind the House of the points which I sought to make on that occasion.

I urged in the first place that properly understood this Bill did not touch any question of parliamentary privilege as such, but sought merely to amend the ordinary criminal law by inserting or by setting up a general exception with the effect of extinguishing any criminal liability which would arise from the publication, otherwise than by an official report, of any speech made in an Indian Legislature. I submitted that there was no case for a wholesale immunity of this nature and that no support for such wholesale immunity could be drawn from the law in force in the United Kingdom. I cited the well known case of Wason *v.* Walter, where it was held that a faithful report in a public newspaper of a debate in either House of Parliament containing matter disparaging to the character of an individual which had been spoken in the course of the debate is not actionable at the instance of the person whose character has been called in question. But the publication is privileged on the same principle as an accurate report of proceedings in a court of justice is privileged, *viz.*, that the advantage of publicity to the community at large outweighs any private injury resulting from the publication . .

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): What is the case you referred to?

The Honourable Sir Asoka Roy: Wason *v.* Walter, which was referred to on the last occasion. On the authority of this case I submitted that under the law of the United Kingdom no civil action or criminal proceedings will lie for libel in

respect of a fair and faithful newspaper report of the proceedings of Parliament but that the publication of a speech which would otherwise render the newspaper liable to prosecution for an offence other than libel will not be protected by reason of the fact that the speech was made in Parliament and was published in the course of a full and fair report of the proceedings of Parliament. I then referred to the fact that not only was there no protection in the United Kingdom from prosecution in respect of the publication of proceedings of Parliament when such publication would otherwise constitute a public crime, but that a proposal to insert a clause to this effect in the Bill which became the Libel Act, 1843, was rejected and thereafter the proposal had never been renewed. When the House rose, I had just quoted and adopted as my own an argument used by Lord Brougham in resisting the insertion of the proposed clause in the House of Lords.

From what I said, I hope it will be clear to this House that the Honourable Mr. Kazmi is mistaken in supposing,—as he apparently does,—that his Bill would do nothing more than bring the law in this country into line with the law of the United Kingdom. In support of his view of the position, he cited a passage from an article in Halsbury's Laws of England on libel and slander. That passage occurs in the recital of the occasions under which a plea of privilege can be set up as a defence to an action arising out of a defamatory statement and it therefore bears out my statement of the relevant law in the United Kingdom. A similar comment applies to the citation by the Honourable the Leader of the Opposition of the dictum from Wason *v.* Walter quoted in page 108 of May's Parliamentary Practice, that "if a member publishes his own speech reflecting on the character of another person and omits to publish the rest of the debate, the publication would not be fair and so would not be privileged, but that a fair and faithful report of the whole debate would not be actionable". Reference was made by my Honourable friend the Leader of the Opposition to the Parliamentary Papers Act of 1840. The substance of the provisions of that Act is contained in the passage which my Honourble friend Mr. Kazmi read from Halsbury's Laws of England and also in the passage at p. 109 of May's Parliamentary Practice which was read by my Honourable friend the Leader of the Opposition. That Act gives statutory protection to proceedings in respect of certain publications. That, however, in no way affects the view of the *ratio decidendi* of Wason *v.* Walter which I have submitted to this House. The proposition laid down in Wason *v.* Walter is neatly summarised in para. 591 of Halsbury's Laws of England at page 485:

> "Fair and accurate reports of proceedings in Parliament although disparaging to the character of individuals have a common law immunity similar to that given to fair and accurate reports of proceedings in courts of justice."

It will be noticed that Wason *v.* Walter laid down what was considered to be the common law immunity; and the Parliamentary Papers Act gives certain statutory protection. My Honourable friend the Leader of the Opposition, I am sure, is aware that the High Courts in India have accepted the case of Wason *v.* Walter as good law in this country, and in that view I do not think the position in India is as unsatisfactory as Mr. Kazmi would have us believe. I admit, however, that there are no statutory provisions here similar to the provisions of the Parliamentary Papers Act of 1840. Sir, on this aspect of the case, my position is as follows. An argument could be drawn from the law of the United Kingdom in favour of an exemption of full and fair newspaper reports of the proceedings of a legislature from liability to civil or criminal proceedings for libel but no argument can be drawn therefrom for—indeed the strongest possible argument can be drawn against—the wholesale exemption from criminal liability proposed in Mr. Kazmi's Bill.

Sir, it appears to be suggested in the Statement of Objects and Reasons that the provision made in Standing Order 29 of our Standing Orders, which may be assumed to be common to all Indian Legislatures, is sufficient to ensure that nothing will be said in a legislature of which the publication could constitute an offence. The obvious reply is that, if this suggestion were in fact sustainable, this Bill would be unnecessary, because there will be no possibility of the accrual

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in practice of the criminal liability which the Bill seeks to extinguish. But, in fact, it is of course obvious that it is not practicable for the Chair to intervene until an infringement of the Standing Order has sometimes been actually committed and a full and fair report of the proceedings may often involve publication of matter offending against the Standing Order and against the criminal law of the country.

The sole practical case sought to be made for the Bill is that adequate press publicity for the proceedings of Legislatures will be impossible if the Press is not freed from liability to prosecution in respect of reports of the proceedings. I put it to the House with complete confidence that this argument is, on the face of it, illusory and that the proceedings in this House and other Legislatures in fact receive the most ample press publicity. It is highly significant that the only instance which any Honourable Member has been able to cite of the publication of a speech made in an Indian Legislature involving untoward consequences to the Editor or publisher was the case to which reference is made in the Statement of Objects and Reasons and I note incidentally that this solitary case is beside the point for the purposes of the present Bill inasmuch as the sole effect of the Bill, with its proposed insertion of a new general exception to the Indian Penal Code, would be to take the publication in good faith of speeches made in the Legislature out of the category of an offience as defined in section 40 of the Code and the Bill would in no way preclude action under the Indian Press Emergency Act, such as was taken in the *Abhyudaya* case. I may remind Honourable Members that case was nearly ten years old.

For all these reasons, I regard the Bill as misconceived and I put it to the Honourable Mr. Kazmi and the Honourable the Mover of the amendment that their appropriate course would be to ask for leave to withdraw their motions and thereafter, if they are so advised, to give notice of a new Bill designed to bring the law of this country into line with what is in fact the law of the United Kingdom. My Honourable friend the Leader of the Opposition in supporting the motion for circulation made it quite clear that he did not desire to go beyond what he called the threefold protection given by the Parliamentary Papers Act of 1840. But, Sir, that is not what Mr. Kazmi's Bill seeks to obtain. My Honourable friend the Leader of the Opposition conceded that Mr. Kazmi's Bill was not accurately expressed. That, Sir, I submit was putting the point euphemistically.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): That can be cured.

The Honourable Sir Asoka Roy: My friend Dr. Banerjea says that it can be cured. I wonder if my Honourable friend has read the language of the Bill. The present Bill seeks to introduce into the Indian Penal Code a section which is to be numbered as 93A, and which lays down that "no publication made in good faith of any speech or speeches in any Indian Legislature is an offence." I can see no prospect of any rational measure being evolved on the basis of the existing Bill and I am therefore unable to support the amendment for the circulation of the Bill.

As to the original motion, I would merely desire to supplement what I have already said by pointing out that the subject matter of the Bill relates to the concurrent legislative list and that it would be beyond all reason for the House to refer the Bill to a Select Committee and thereby to accept the principle of the Bill, with no indication whatever that its principle would commend itself to Provincial Governments or Legislatures or to judicial opinion or to the public at large. I believe, Sir, the Honourable Mover of the amendment realised that fully and in a short speech he indicated that it would be desirable to have circulation of the Bill, but as I have explained I cannot lend my support to the motion for circulation because I think the Bill with all respect to Mr. Kazmi is hopelessly drafted. He has introduced a Bill in this Legislature which is not what he believes it to be. My Honourable friend Mr. Kazmi thought that he was doing nothing more than introducing a Bill to bring the law of this country

into line with the law of the United Kingdom. I can appreciate the point made by my Honourable friend the Leader of the Opposition that he would like a Bill more or less on the lines of the Parliamentary Papers Act of 1840 but, as I submitted to this House, that is not what Mr. Kazmi seeks to obtain and in those circumstances I venture to think that the House should accept my suggestion and ask the Honourable Mover of the Bill and the Honourable Mover of the amendment to withdraw their motions and Mr. Kazmi could then ,if he so desired, put forward a Bill on the lines indicated by the Leader of the Opposition. That is all I have to say.

Dr. P. N. Banerjea: Why should not Government bring forward such a Bill?

The Honourable Sir Asoka Roy: That question need not be answered by me.

Mr. T. S. Avinashilingam Chettiar: I am glad that my Honourable friend Dr. Banerjea put that question. The Law Member's attitude has been entirely negative. The only positive suggestion that he made was that another Bill can be brought forward in this House. He knows full well the hurdles which a non-official Bill in this House has to pass through. If he is anxious and sincere, the only thing open to him is to give an assurance on the floor of the House that this Bill may be withdrawn and he will bring forward a Bill on the model he has chalked out.

The Honourable Sir Asoka Roy: May I say that I have no anxiety in this matter at all. I do not think the position is very unsatisfactory at the moment. I have already indicated to you, Sir, that the decision in Wason *versus* Walter has been accepted as good law in this country. I have in mind the well known case decided in the Calcutta High Court, the case of Lala Lajpat Rai *versus* *Englishman* newspaper, where the judgment of the High Court, sitting on appeal from the judgment of Mr. Justice Fletcher, laid down in unmistakable terms that what had been decided in Wason *versus* Walter was settled law. I think the decision in Wason *versus* Walter is a very satisfactory decision.

Mr. T. S. Avinashilingam Chettiar: Then, Sir, if I were to question the alternative suggestion that he has given . . . .

The Honourable Sir Asoka Roy: I had to give that suggestion. If my Honourable friend Qazi Muhammad Ahmad Kazmi's legislative zeal continues, he might consider the drafting a Bill on the lines suggested by the Honourable the Leader of the Opposition. My Honourable friend the Leader of the Opposition realised that the Bill as drafted was a hopeless Bill, if I may say so with great respect to Mr. Kazmi. He said in his speech, "I admit that the Bill is not comprehensive, that the language of Mr. Kazmi's Bill is not very accurately expressed, but we can see some principle behind it and after circulation we might try to straighten out something from this Bill". Well, Sir, I think it is a much more satisfactory course to adopt to have a proper Bill drafted and proceeded with, if the House so desires.

Mr. T. S. Avinashilingam Chettiar: Is my Honourable friend prepared to follow the opinion of the Leader of the House in this matter in that he supported the motion for circulation of the Bill?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may go on with his speech.

Mr. T. S. Avinashilingam Chettiar: Sir, this Bill may be considered from two points of view. Before going to certain of the decisions which the Honourable the Law Member quoted, I should like to say this. It is no use quoting the English law, quoting the English practice and saying that in this matter we can follow the English law and English practice knowing full well that the liberty of the Press in England is something which is not available in this country, knowing full well that the English press is allowed to publish almost everything which does not impinge on the security of the country. What happens in this country? Action is taken against the Press on almost everything, when the Press says something very plain about the administration of the country. Anything is brought under Press control. Anything is construed as bringing the administration into contempt. What else can the Press say; because

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the Government in this country deserves only contempt. If the Press publishes such a thing, then action is taken against them. I only heard this morning that a book which published the exact situation and condition of the people in this country was construed to bring the administration into contempt and it was prosecuted. I submit that the Press in this country has always feared to publish speeches lest they should come under the clutches of law and the only place where frank expression of opinion can be given is this House

The Honourable Sir Asoka Roy: May I interrupt my Honourable friend? I thought he said that we only heard today about prosecution for a book.

Mr. T. S. Avinashilingam Chettiar: I only heard today from the Honourable the Home Member at question time.

The Honourable Sir Asoka Roy: There was no prosecution.

Mr. T. S. Avinashilingam Chettiar: I am sorry, I should have said, proscribed the book. I can refer my Honourable friend to question No. 1646.

The Honourable Sir Asoka Roy: We are talking of debates in the Legislature and not of books in general.

Mr. T. S. Avinashilingam Chettiar: My Honourable friend will understand my point of view, if he only waits for a minute more. I was saying, Sir, that the only place where we can give frank expression of opinion is this House. Here we are able to expose properly the vagaries of the administration of the country. Have you heard, Sir, that in any other country, in the matter of savings movement, the highest and the worst forms of oppression have been exercised by the administration of that country? But can anybody dare say this anywhere outside this House and yet be free from going to jail? We cannot say this outside the country because we will be prosecuted straightaway. We are able to refer to all those oppressions in this House, but if this is not broadcast outside the House in the country by publishing those speeches in the newspapers, if you shut the mouth of the public even in this, what else can be done? My Honourable friend said that there was only one case in which action was taken when a speech delivered in this House was published. I agree that only in one case action was taken. But how many thousands of cases there are, in which the newspapers refused to publish because they were afraid that they would come within the arms of the law. This talking of statistics leads us nowhere. It is just like the Honourable the Home Member saying what is the percentage of arrests in this country compared to the population of the country? So, I submit that for every one of the cases in which presecution was launched, there are thousands of cases in which people fearing prosecution did not publish the speeches at all in the newspapers. So, referring to the solitary instance mentioned in the Statement of Objects and Reasons is not really any argument at all against the Bill.

Now, Sir, I come to the question of the actual wording of the Bill . . . .

The Honourable Sir Asoka Roy: May I interrupt my Honourable friend once more? Apart from this solitary reason which Mr. Kazmi gave in his Statement of Objects and Reasons, I do not know whether my Honourable friend was present when the Honourable the Leader of the Opposition was making his speech or heard him say—I am reading one sentence from several sentences, all to the same effect—"though I confess no action has been taken either by a private individual or at the instance of the Crown, this matter should be put on a sound footing as a matter of privilege". Also in another passage, he says, "It happens fortunately that the publication of the reports of this House, other than official publications, have not been brought up before any court of law". So, my Honourable friend is conceding that even in this country, reports of the Legislature are hardly ever brought before courts of law on any civil or criminal proceedings.

Mr. T. S. Avinashilingam Chettiar: The point is that it is open for the Government to prosecute the people, if they consider fit and if they publish the proceedings of this House. That is the law today. You cannot deny that

The Honourable Sir Asoka Roy: May I again point out to my Honourable friend that what Mr. Kazmi seeks to say is this, that nothing which is said

in this House is to be treated as an offence under the penal laws of this country. That, Sir, I submit is a position which would not be right, because can you not conceive of a Member of this House making a speech which would be a direct incitement to class hatred, setting up one class against another, can you not conceive of a speech made by a Member of this House wherein he utters words with intent to wound the religious feelings of some other Members. You can certainly conceive certain instances of that kind. Therefore, what I have been pointing out to my Honourable friends in this House is that you cannot have a law on the lines of Mr. Kazmi's Bill that nothing said in any circumstances in this House is to be treated as an offence.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member should continue his speech.

Mr. T. S. Avinashilingam Chettiar: It is for this reason, Sir, that I admit that the Bill is capable of amendment. We do not say that everything that is said in the Bill is sacrosanct, every comma, every semi-colon must be retained. The motion before the House is that the Bill be circulated for eliciting public opinion, that opinions may be obtained, then it may be referred to a Select Committee and then it may be properly amended in the Select Committee. But all the arguments advanced by the Honourable the Law Member are designed to prove that the Bill is not necessary and that the Bill admits of no amendment. Over that, we have to disagree. I was saying that there are two aspects of this Bill. The speeches made in this House may be published outside in the newspapers or by private presses by the Members themselves. One is that action may be taken by Government for sedition and bringing the Government into contempt; they have the elaborate machinery of law for practising repression in this country. Secondly, it may be a libel against particular individuals or particular classes of individuals. So, for the first case I think it should not be possible for Government to take action on the publication of speeches made in this House. The reason is this. Paragraph 61 of the Manual of Business and Procedure lays down that—

"(1) The matter of every speech shall be strictly relevant to the matter before the Assembly.

(2) A member while speaking shall not

* * * * *

(v) utter treasonable, seditious, or defamatory words."

That is a complete protection to Government. If even then you say that such speeches are made you imply that the President is not doing his job properly.

Mr. President (The Honourable Sir Abdur Rahim): The President cannot always say off-hand whether a speech answers such a description.

The Honourable Sir Asoka Roy: I think the Honourable Member was not listening to my speech.

Mr. T. S. Avinashilingam Chettiar: I was listening but I was not convinced by it.

The Honourable Sir Asoka Roy: You will never be convinced by what I say.

Mr. T. S. Avinashilingam Chettiar: The point that I am trying to make is that there is something in the rules and there is the President here to see that speeches are not seditious or made with a view to bring the Government into contempt. In this connection I must say that conditions in this country are not the same as in Europe. Here anything said about a white man or about the administration is sedition; here to claim independence is sedition. While Government say on one hand that independence will be given to India, the Independence Day celebrations are banned and people are arrested and put in jail even today for celebrating it. And then a Member of Government has the temerity to say, "We hold on to that promise but we will still put you in jail". Here national flags are banned; are Union Jacks banned anywhere in the United Kingdom? These things can be said in this House only; outside it is a concentration camp and people are afraid to express their opinions. And what we want is that even outside this

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House people should not be denied the right to publish speeches that are made here and frank expressions of views made in this House should be allowed to be published in the newspapers of the country. That is the purpose of this Bill; and it is no use trying to cloud the issues by saying that in England and America it is different. Of course it is different; nothing takes place there which happens in this country. The whole atmosphere is different. The standard of liberty is different in India from that obtaining in those countries, in regard to the people and the press. So there is no use quoting the example of those countries. There it is a government of the people and reflects the views of the people; here Government goes against the wishes of the people. The case mentiond by the Honourable Law Member is, I hope, the one mentioned on page 108 of May's Parliamentary Practice:

"The Lord Chief Justice of England, in a more recent case, further laid it down that 'if a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debate, the publication would not be fair, and so would not be privileged,' but that a fair and faithful report of the whole debate would not be actionable."

May I take it that this means that anything said and spoken in this House can be published as a whole in a newspaper and will not be actionable by law in this country? Is that the Honourable Member's contention?

The Honourable Sir Asoka Roy: Sir, I do not know if my Honourable friend wants to me to make a second speech.

Mr. President (The Honourable Sir Abdur Rahim): No, the Honourable Member should go on with his speech.

Mr. T. S. Avinashilingam Chettiar: I only wanted a 'yes' or a 'no'. I maintain that it is possible to take action against libel made against any individuals or persons in this House. We do not want protection about that. But the protection that we want is against the action of the State itself. They are the main culprits; and that is the main object of introducing this Bill. The Honourable Mover surely does not want to abuse people here then broadcast it to the country; what he does want is this. That when we express our views about the State in this House we are not free to express them outside because action is taken. The Bill may be properly amended to provide for punishment for libel against individuals, but action should not be taken in cases of expression of opinion against this Government. I request the House and also the Law Member not to be misled by English precedents; conditions there are not the same as here in regard to this matter. So that if we make a law it must have reference to the conditions obtaining in this country. There is at least one place where frank expression of views about Government is allowed in this country and the proceedings of that place should be allowed to be published throughout the country. I suggest to the Law Member that if he has that confidence in my Leader to which he gave expression, he should accept the motion for circulation which my Leader supported and which was moved from this side of the House.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the motion before the House is for circulation or for a Select Committee. The question is whether the Bill is such as to be killed at this stage. The two points are whether this Bill is important or not and whether it is a contested Bill or not. It is certainly an important Bill and it is also contested by one side or the other who put forward different views. That such a Bill should not be circulated and opinions collected is wrong. It may be said that if we have more opinions to support one side or the other it would be better. So I say it would be wrong on the part of Government to throw out the Bill at this stage. The situation today requires more opinions to be collected and more material to know the mind of the people, and also the mind of the press, as to whether such an enactment is necessary or not. Who are affected, I ask? You are at present not allowing the press to speak out and show to the Honourable Member in charge that it is not only one instance of handicaps that has happened but there have been many cases where they have not published the stuff; they have withheld it; they have been helpless. It is therefore necessary that they should be given a lead, the sort of lead which the Honourable Member has given by saying 'if any fair and full debate is published, there will be no offence'. But do they know this? No. At the time of the former case already referred to, the opinion of the press was different, yet a ban was put on them. Therefore, they think that they cannot publish anything, not even a full and fair report. They are afraid of doing so, because they know that Government has its own way of interpreting the extracts or the portions which are published. They can say 'it is not fair, and it is not full', and therefore it comes under the law which provides for punishment. Therefore, I submit that the Honourable Member should, on the contrary, welcome such opinions, and win for himself the credit that during his tenure of office such laws, which are very important, are enacted.

The Honourable Sir Acoka Roy: The credit will go to Mr. Kazmi.

Mr. Lalchand Navalrai: You are finding fault with him too much; you had better find fault with yourself. I can see that you are blaming him for framing the Bill in this particular manner—I am coming to that point.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Lawyers live by such quibbles!

Mr. Lalchand Navalrai: The greater lawyer on your side has already spoken —we have respect for him.

Dr. P. N. Banerjea: The lawyer from our side is also speaking.

Mr. Lalchand Navalrai: What I am submitting is that the press requires a lead in this case because your law is at present doubtful. They think it is wrong to publish an extract from the debate of this House or the other House —they have that mentality. When I say that I have in mind the case of Mr. K. Kanta Malaviya, which has been referred to, who after he said something here, went and published it in his own paper. It is from that day that press is shirking and does not even publish what the Honourable Member calls 'a fair and full report'. Therefore I say that this matter should be made clear and the public should know the views of the Honourable Member. If I understood him aright, the Honourable Member said that any publication of the proceedings of this or the Upper House cannot be considered an offence if it is a fair and full report. The second thing that he said was that if it is not so, if that is libellous—then he will be liable to punishment. That should be made clear to everybody that that is the view of the House. If this Bill is not referred to a Select Committee who will know what the Honourable Member has said in this House? Who is reading all our debates to find out what the different Members have said? Therefore, from that point of view, Sir, I submit that the Bill be circulated.

Then I come to the great fight which the Law Member had with Mr. Kazmi. The Honourable Member said that his Bill covers everything; it is a general Bill; it covers even a libel; it says that if any libellous publication has been made, it should also be protected. I do not think that the Bill as framed by Mr. Kazmi means that. While reading the Bill, the Law Member said that according to this Bill Mr. Kazmi wants that any kind of publication, in other words, any speech or speeches in any Indian Legislature of whatever nature they may be, should be protected. But that is not what the Bill provides. It says:

"No publication made in good faith, of any speech or speeches in any Indian Legislature, is an offence."

Mark the words 'good faith'—perhaps that has not attracted the attention of the Honourable the Law Member. If any publication is made in good faith, without malice, and it is done with care and caution, then there is no question of libel. The Bill in that sense is perfect. It is only because the Honourable Member is taking a very technical view that he does not agree with that. But we know that whenever they have no case they bring in technical objections to throw out a Bill. Then my Honourable friend says that theBill is unnecessary—that is how he has put it; 'he has unnecessarily put that construction on the Bill'. If he puts the right construction, then probably he shall have to frame the Bill as the Honourable Member desires. Therefore, I submit that

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that objection of his also goes. Sir, on page 285 in Chitty's Statute—Parliamentary Procedure—it is stated:

"In case of any civil or criminal proceeding hereinafter to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the court or judge such report, paper, votes, or proceedings, and such copy with an affidavit verifying such report, paper, votes, or proceedings, and the correctness of such copy and the court or judge shall immediately stay such civil or criminal proceeding, and the same, and every writ or process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this act."

Then again, the second part is this with regard to the extracts:

"It shall be lawful for any civil or criminal proceedings to be commenced or prosecuted for printing any extract from or abstract of such report, paper, votes or proceedings to give in evidence under the general issue such report, paper, votes or proceedings and to show that such extract or abstract was published *bona fide* and without malice and if such shall be the opinion of the jury a verdict of not guilty will be entered for the defendant or defendants."

Thus I have shown that publication of full and free and fair proceedings even according to parliamentary Acts is not punishable. I have also shown that anything that is done without malice and *bona fide* in good faith, that is also protected. Therefore why should not this Bill be accepted? The point is this. It is all right that the opinion of the Honourable the Law Member will be acceptable to any Court if he advocates as the Advocate-General and comes forward to say that it is no offence at all. But how many Advocate Generals do that, in practice, may I ask? Therefore protection is necessary. Elucidation of the whole question is necessary from the privilege point of view and also from the legal penal code point of view, and it should be made clear how far the press has got privilege to publish. I have shown that this Bill is not unnecessary. That the Bill is not wrongly framed; that the Bill wants only protection for fuller and fairer reports to be published, if there are any extracts or any portions which are defamatory and not made in good faith or out of malice they will not be protected. Therefore I submit that the Bill is a necessary one and I think it is a Bill which should have gone to the Select Committee to be considered there by the Honourable Members, as I find that the Members who are proposed on this Committee most of them are lawyers and they will certainly understand the whole question, consider the law and then come to a conclusion as to what is the privilege and what is no privilege with regard to the publication of these reports.

Mr. Ananga Mohan Dam (Surma Valley *cum* Shillong: Non-Muhammadan): I really cannot understand why the Honourable the Law Member opposes the move on the part of our Honourable friend Mr. Kazmi. There is no country in the world which has not the freedom of having the speeches delivered in Parliament published in papers as Mr. Kazmi has shown to us. Sir, it seems that the Honourable the Law Member is thinking in terms of nineteenth century legislation. It was in that legislation that trade unions were not allowed. People were not allowed to combine and speak of their grievances. I say the same thing is being repeated by the Honourable the Law Member in this twentieth century. Everybody wants freedom of speech and association, and for freedom of speech the United States of America have sent their editors on tour round the world to see which will be the best way to publish news for the convenience of the people. At the present time everyone wants news to be published and all the right-thinking men of the world are thinking out the best way of publishing the news from one part of the world to the other.

This Bill here is concerned with the speeches delivered in this Parliament of India. Here we voice the grievances of the people, the troubles of the people and those things which concern the people and their lives. Suppose we speak of raising their standard of life and comfort and modifying and amending the laws which stand against them. We want that the people should know our activity. If this fair publicity is to be checked and prohibited, then what remains of this Parliament of India in the direction of educating the electorate? Mr. Kazmi has shown that this is not even against the Government of India

Act. Section 67 of the Government of India Act provides that no person shall be liable to any proceedings in any court by reason of speech or vote in either Chamber or by reason of anything contained in any official report of the proceedings of that Chamber. These official reports are available to any citizen at reasonable prices. This is a privilege given to us by the Government of India Act. If the Government of India Act says that no person shall be liable to any proceedings for speeches delivered in this Assembly Chamber, why should the Government stand and plead for a case that these things cannot be published outside the House? I do not think that in this twentieth century the Honourable the Law Member ought to have stood up and told us that this is the thing that Government wants for the protection of the rights of the citizens of India. But we are living in days of topsy-turvydom. Things that we think right are not thought right by the Government of India. Things we think necessary for the freedom of the people are not thought as such by the Government of India. Therefore, the Honourable the Law Member of the Government of India stands in the Parliament of India and says something should be done to curtail the powers and privileges of the Assembly Members and the rights of the people to have an access to the proceedings of this Assembly.

The Honourable Sir Asoka Roy: I never said anything of the kind.

Mr. Ananga Mohan Dam: I did not mean that. I expected that the Honourable the Law Member of the Government of India ought to have given us what Mr. Kazmi is now pleading for. These books are accessible to the public. What is the harm if the same thing is published in the journals and weeklies and dailies and people come to learn what is happening. Why should not the debates be reported fully in those papers?

Reference has been made by my Honourable friend Mr. Kazmi to the case of Mr. Krishna Kant Malaviya. That was a case which really makes us think twice or thrice whether the methods followed by the Government of India are right. We want that all these obstacles which stand in the way of our right of freedom of speech should be removed from the statute book and an enactment should be made which will help this freedom of the people.

Sir, in England they have got the Bill of Rights. In Ireland also they have similar legislation. In countries like Australia and Canada there are such measures which enable the speeches to be published. I do not understand why the Government of India should oppose both sending this Bill for circulation as well as sending it to the Select Committee, where all these considerations, the pros and cons, will be debated by the Members in order to come to a right conclusion. As laymen we must remember that the technicalities of the law should not stand in our path of progress. The fact must be clear to us that law is made for man and man is not made for law. (*The Honourable Sir Sultan Ahmed*: "Hear, hear"). I am very glad that Honourable the Leader of the House is supporting me.

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Mr. Sri Prakasa: It is not good to be supported by him.

Mr. Ananga Mohan Dam: We must welcome support from whatever quarter it may come. Therefore I say that this Bill by Mr. Kazmi should go to the Select Committee, where the lawyers may consider the pros and cons and give us the right lead.

Another point of which I am reminded by my Honourable friend over there is that we are getting dominion status very soon. So the advantages and privileges which are enjoyed by other dominions should be enjoyed by my country. If Government say that there is already dominion status in action in India, why should they oppose this law being enacted? They may then say to the Americans and other people that India has got a status which is equal to theirs. My Honourable friend, the Member for Information and Broadcasting, will not be required to give them any false news. He will be able to give them the right news, that this privilege which they enjoy is also enjoyed by Indians. Therefore it will be good from all points of view to allow this Bill to go to the Select Committee, where all points may be thrashed out and the

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right lead may be given to the people in regard to the publication of the proceedings of this Parliament of India. With these few words I support the motion.

Sardar Mangal Singh (East Punjab: Sikh): Sir, the issue before the House is quite simple, that the speeches made in this House should be allowed to be published outside for the information of our constituents, so that they may know what we are doing here. I do not wish to go into the legal subtleties, although there are big books lying before me, but I wish to put before the House the common sense point of view.

The Honourable the Law Member is generally very quiet and appears to be a goody goody gentleman but where his subtlety comes in, he is very mischievous. On this simple Bill he says that it is unnecessary and he reinforces his arguments by his great legal knowledge. I wish to point out that so long as you, Sir, are in the Chair, there is no danger that you would allow any Member to say anything irrelevant or anything unparliamentary and therefore the Honourable the Law Member should have no worry that any Member will be allowed to say things which are not desirable.

My simple difficulty is that the debates in this House are published in English. Most of my voters do not understand English. I want to tell them in their own language what I am saying here in this House. Why should the Law Member prevent me or, if I do so, haul me up? He is shaking his head but I want to get this assurance that what I say in this House, I am entitled to tell my voters in my own language. I want to get that right, the right to tell my voters in their own language what speeches I am making in this House. They do not understand English and they will not be able to understand these debates. I want to know whether I am allowed to tell them or not. I can now publish my speech along with the proceedings of the whole day. If I reproduce the debate of the whole day, including my speech, I have very little danger of incurring the displeasure of the Honourable the Law Member but if I select my own speech, I am liable to be prosecuted. In these days of paper scarcity why should not the Government allow us to pick out our own relevant speeches and put them before our constituents? There should be no difficulty. What is the motion before the House? Not that this Bill should be passed immediately. My Honourable friend Mr. Kazmi has been very reasonable. He has come forward with a proposal that this simple Bill which should have been passed within ten minutes is to be referred to a Select Committee. We are prepared to sit and discuss across the table. We will go there with open minds and if the Honourable the Law Member with all his ability and with all his legal knowledge is not able to convince us across the table and is not able to show that this Bill is really unnecessary, as he said this morning, then he should be prepared to accept this motion. Let the Select Committee sit, discuss the pros and cons of the Bill and then come to a decision. I wish to ask the Honourable Law Member why is he afraid of this simple proposition? He should welcome it, but if his case is so weak, and if he stands on very rickety legs, then of course he should admit the case of the Opposition and agree to the passage of the Bill in the next Session. Sir, with these words I commend the motion to the House.

Mr. Sri Prakasa: Sir, in supporting Mr. Kazmi's motion, I must at the very outset state that I cannot for one moment agree with the description that it has pleased the Honourable Law Member to give it, namely, that it is an absolutely hopeless Bill. To describe the Bill as absolutely hopeless would be as wrong as to describe the Honourable Law Member himself, as absolutely hopeless. I personally think that the Bill is full of hope: at least it gives me the hope that what is said and done in this House will, if the Bill were passed, have some chance of publicity in the outside world.

Sir, I have listened with all care, respect, and attention, to the learned, lengthy and ponderous speech of the Honourable Law Member which he delivered in two parts. I have also heard with great admiration the three supplementary speeches delivered by my Honourable friend, Mr. Avinashilingam

Chettiar was on his legs when the Honourable the Law Member interrupted; and the House must have marked his impatience when my Honourable friend here would not give in. It was not my Honourable friend Mr. Avinashilingam Chettiar who asked the Honourable Law Member to stop as he wanted to continue. It was the Law Member who said, 'Wait a minute, let me finish'.

Sir, I am not, as the House very well knows, a very learned man in any sense. I am a simple man of the street, and I want to bring before this House the attitude of the man in the street which I believe is very important, because I think the man in the street is the most important individual. The difficulty that a person like me faces is this. These learned lawyers are full of subtleties and bring fat volumes in support of their arguments. But above all they are weighed down by the precedents of a country that is far away from us, and the conditions of which are very different to ours. I do not see any reason why we should be worried about British precedents, and why we cannot have precedents of our own. I believe that our Legislature should set its own precedents, and not quote precedents from other lands. I personally am always against quotations from books to support my arguments. I think we ought always to be able to bring a fresh mind to bear on all the problems that face us and not believe that those who have gone before us or live in other lands have said or say the last word on any subject, or that our ancestors were and foreigners are necessarily wiser than ourselves.

The problem is not so much of law as of principle. I should like to know why we in the House are privileged to speak without any danger of being hauled into a law court. There must be some reason for this privilege being given to the Members of the Legislature. This privilege is obviously given so that a Member of the Legislature may be able to speak his mind completely, frankly, freely, without the sword of Damocles always hanging over his head and his being in constant danger of a possible prosecution. Nobody can possibly speak with candour if somebody is always pointing a pistol at him, and that is why in the Legislatures of the world, the privilege is given to the members to speak out their minds. And if that privilege is allowed in this House, why should not that privilege be extended to us outside the House as well.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Abdul Qaiyum (One of the Panel of Chairmen) in the Chair.

Mr. Sri Prakasa: Sir, I was saying, when the House broke up for lunch, that the reason for giving us in the House the privilege to say practically anything we like, is due to the anxiety of all concerned that members of a legislature should be allowed to speak without fear or favour; and I was asking as to why this privilege should only be confined to the precincts of the House and should not be extended further, and why speeches delivered here could not be reported outside. It is thus a matter of principle and I think it is right that we should establish this principle. As my friend, Sardar Mangal Singh, was saying, it is the right of our constituencies to know what their representatives were doing in this House; and if the privilege of publishing the proceedings of the House is not extended to the press, our constituencies are bound to be ignorant of our doings here. As you know, Sir, many of us represent large general constituencies, and it is not always easy for members to reach all parts of their vast constituencies all the time. The only way in which they can reach their constituents is through the press. If the press is barred from publishing what they say here, then the constituencies have really no chance of knowing what their Members are doing.

I am sure the Honourable Law Member as well as other Members of the

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House in the course of their vast and varied studies, must have come across a rather interesting and entertaining book called the "Pageant of Parliament" by Michael MacDonaugh. That book is far more interesting than May's Parliamentary Practice or even Anson's Law of the Constitution. There the author says that many members of the House of Commons prepare laboriously and painfully, brilliant speeches which they hope to deliver in the House of Commons; and their sweethearts and members of their families come into the galleries in the hope of hearing them speak. But it not unoften happens that the Speaker turns his blind eye on them, and they don't get the chance to speak, with the result that the elaborately prepared speeches have to be taken as delivered. Now, here, we are not out only to please our sweethearts, if there should be any, or members of our families who might come in anticipation of hearing speeches from those they love; we have also to think of our constituents, and though the member of Parliament in England may be satisfied with an audience of a very restricted description, here we have to reach a larger audience. That is one great difference between England and our own country and therefore I think other laws and rules and conventions should apply to us, than those that apply there.

Then, it seemed to me—and the Law Member will correct me if I am wrong—that the Law Member was stressing the point of 'libel' a little too much; and if I am not wrong, he said that libel, if published in good faith, could be excused but nothing else. My feeling is that if libel is published outside it may just as well be punished I do not mind. But what I do mind is the restriction placed on the publication of what may be called political speeches. My Honourable friend the Law Member did not have very much to do with public life outside this House; but he should have, as Law Member, some sympathy with us, with whom he now comes in contact and who are nothing if not politicians. Now, a politician not only loves to hear himself speak but he also loves to be heard, and if the Honourable Law Member is going to deny us the privilege of getting ourselves heard by a larger audience, which we in our innocence imagine is always anxious to hear us, then he is putting us in difficulties; and I think I have a right to claim from him this privilege of being heard. We are not like children who should only be seen and not heard. We want to be heard.

As things are, political speeches are strictly barred out. We cannot deliver them outside, specially as things are today; the only place where we can say what we want is this House, and therefore when we say something in this House, we wish that it could be reported outside. It is essential that our privilege should extend outside the House also and what we say here may be heard and read by the world at large. Here, we have to expose many of the doings of the Government; we cannot do so outside. As things are today if you complain of bad grain being sold at a ration shop, you are likely to be hauled up by Government under the D.I.R.; if you say that telephones are being refused to us because we have not paid so much subscription to the war fund, you are likely to be hauled up; but you can say all these things here. Even the most scrupulous, meticulous, careful President will not prevent you from saying such things in this House, under the terms of the Standing Orders quoted by my Honourable friend behind. But the fact is that you cannot say these things outside—we all know that they cannot be—and if you say them only in this House, then nobody hears us. Therefore the Law Member should certainly see his way to extending this privilege. He must realise the enormity of the offence that he is committing by preventing our speeches from being published outside.

We are not speaking here only for the few persons who sit in this House. We are not anxious to have the speeches printed only in the so-called Hansard —the little books which print the proceedings of the Assembly. We want those speeches to go further. How many people read the proceedings as they are published officially? The Honourable Law Member can say: "If you are very

anxious to publish your speeches, why not buy the requisite number of copies from the Assembly Office and distribute them among your constituents?" His great predecessor Sir Nripendra Sircar actually did recommend that procedure, saying that will also bring so many extra five annas into the coffers of the Government. But when I feel that speeches could be available to my constituents for an anna a copy, along with a lot of other news, in a newspaper, why should I be made to pay five annas per copy to get my speeches read through the officially published proceedings of the House?

And then, Sir, I should like to ask in all seriousness what exactly is the principle behind the right of Government to print all these speeches itself and prevent others from printing it. When the speeches can be printed in one Press without the Heavens falling, surely they can be printed in other presses also. I can understand the Government saying that certain speeches to which it objects cannot be printed even in its official publications. There would be some logic, justification and reason in that; but when it can be printed in the Government Press, when it can be available in the Library of the House, when it is all printed verbatim in the proceedings of the House, why is it that we are prevented from publishing them outside. I should like to understand the exact reason for this. We in this House expose the misdeeds of Government which we cannot do outside. There the all powerful District Magistrates swoop down upon us. There we are unable to do anything. There if we complain, members of Government ask us to give specific instances. We can give specific instances; and if the specific instances are published outside, then they can have some good effect. Otherwise giving of specific instances and the apologia of the Members opposite have no value.

Sir, it is said that things should be done in good faith. The Honourable the Law Member laboured the point of good faith a little too much; but the fact is that when things are done in bad faith, actual deliberate bad faith, that are in favour of Government, there is no objection to the publication of that. For instance, let me recall to the mind of such Members as were in this House at that time, the debate on Mr. B. Das' private Bill for the abrogation of the Criminal Law Amendment Act. The then Law Member, Sir N. N. Sircar delivered a six hour oration against that Bill, though he was very impatient when other Members even took half an hour or 45 minutes in support of that Bill. The Anglo-Indian papers in definite bad faith, I have no doubt, printed large extracts of that speech in order to damn the freedom movement of the land. The Government, because it suited it, would not take any action against them; but when Pandit Krishna Kant Malaviya printed his speech in his paper, in perfect good faith, action was taken immediately because of which it has been necessary for my friend Mr. Kazmi to bring this Bill before the House.

Looking at the problem from any standpoint, it seems that the privilege given to this Assembly must be extended if we really seriously desire that there should be political education of the people.

Amazing orders have been passed to prevent newspapers from publishing perfectly innocuous reports. For instance, the Punjab Government notified that the proceedings in the *habeas corpus* application of Mr. Jai Prakash Narain are not to be published and that no paper is even to publish the fact that there is a gazette notification to that effect. Formerly it was possible for my friend Mr. Neogy to write a book or a report on somethings that were happening in 1930, which book or report was promptly banned by the Government of Bengal. At that time he was wise enough to read out large extracts of that book in the course of his speech in the Legislative Assembly and those extracts were published without any risk in the newspapers of the time. So, Mr. Neogy was able to fulfil the purpose for which he wrote the original report. But now that is not possible and other laws and other precedents have come into operation and the speeches delivered by us or even the questions asked by us cannot be published outside without risk to the newspapers concerned.

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I, therefore, think that the time has come for some action to be taken in this behalf and we must congratulate Mr. Kazmi for bringing forward this very useful and very hopeful measure, whatever the description the Honourable the Law Member may choose to give to this venture. If my Honourable friend the Law Member is really very serious and sincere on this object and if he really thinks that the law as it is is not satisfactory—as he seemed to imply in his speech—and that there should be a change in that law along lines which he indicated in his speech or speeches, then it is up to him and to his Government to bring forward the necessary and relevant amendments to the Act as it stands. If Government would do that, it would, I think, earn the gratitude of most of us and I am sure the Honourable the Law Member would be able to make his name immortal for having given a privilege to the House which it did not possess before. I do hope that this matter will receive the very serious consideration of my Honourable friend and instead of opposing this measure he will support it; and instead of damning it he will welcome it.

Some Honourable Members: The question be now put.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:

"That the question be now put."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I do not want to take up much of the time of the House because both sides have had their full say. In regard to what the Law Member said about the drafting of the Bill, I need only say that the drafting is defective. But there is one thing which I want to point out particularly to the Law Member. He said that the only privilege that is enjoyed by Members of Parliament in the publication of their speeches relates to cases of libel and slander and to no other case. With all respect to his learning, I want to differ from him on that point. I have been trying to look at the preamble of the Act of 1840. But unfortunately the thing is just not here. If one looks at the preamble one will find that the Act does not relate only to libel and slander but to all civil and criminal actions. Now, it is different. When we look up the Empire Digest, when we look up the Halsbury's Laws of England, we find that this thing is mentioned only under the head libel and slander. I have not been able to find out any cases. It appears that mostly the complaint of the people of England referred to libel and slander and so far as the Government is concerned, the question of executive action for throttling the people for political speeches did not exist in England. What I mean is this. To consider or to think that the present law in England and the present protection in England is only to be confined to libel and slander does not appear to me to be correct so far as the Statute of 1840 is concerned. We, here, on account of the political conditions in this country are entitled to have a law on the same basis and if we put it under the Indian Penal Code, its place would be an appropriate one. The Honourable the Law Member referred to the Press Emergency Act. The mere inclusion of it in the Panel Code will not repeal the provisions of the Press Emergency Act. What I maintain is this. That so far as this country is concerned the provisions of the Indian Penal Code and the Criminal Procedure Code have been nullified by the ordinances of the Viceroy. We know well that in spite of its inclusion in the Indian Penal Code, this Press Emergency legislation will be there and in the name of war, in the name of emergency, all sorts of ordinances will be enforced so long as the present conditions continue. What we want is this, that at least at a time when there is no such excuse for executive action, when such laws can be even temporarily suspended, at that time at least Members of this House may have this privilege of publishing their speeches. I may at this stage also say that I am prepared to accept the motion for circulation of the Bill for eliciting public opinion. I do not press my motion for referring the Bill to the Select Committee.

Mr. Chairman (Mr. Abdul Qaiyum): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1945."

The motion was adopted.

THE KAZI'S BILL

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

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages amongst Muslims be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir George Spence, Mr. Muhammad Nauman, Maulvi Muhammad Abdul Ghani, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Mr. Abdul Qaiyum, Khan Bahadur Sheikh Habibur Rahman, Mr. Hooseinbhoy A. Lalljee, Kunwer Hajee Ismaiel Alikhan, Mr. Govind V. Deshmukh and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in moving this Bill, I am prompted by the standing and crying necessity of the Muslim community. So far as I understand it, the position is that the Government are prepared to accept the motion if my Honourable friends of the Muslim League Party are prepared to support me. The Government in that case might concede for reference of the Bill to the Select Committee. That was what I understood to be the position till yesterday, unless something has happened thereafter. Now, I will address myself both to the Government and to the Muslim League Party.

Mr. Chairman (Mr. Abdul Qaiyum): And the whole House as well.

Qazi Muhammad Ahmad Kazmi: Yes, Sir, and the whole House as well, and I will try to persuade them to appreciate my point of view which I have got to place before them. So far as the other Parties are concerned, probably they have not made up their mind and I think I can appeal to them also just to lend me their ears for the purpose of this motion. As I was saying, Sir, this Bill refers to the institution of Kazis, a very old institution so far as the Muslims are concerned. The Kazi is a socio-religious functionary, he not only used to act as a judge but also as a repository of all laws and usages and also as a registrar of records, to be the guardian of minors, lunatics and also of persons who were not traceable. He used to do many other duties, such as to decide divorce cases, to preside at and perform certain ceremonies such as marriage ceremony and used to conduct the Juma and Id prayers. He was also necessary for certain socio-religious matters such as dissolution of marriages. Now, Sir, we find that after the advent of the British rule, that a good deal of the functions were taken away from the Kazis but yet the functions that were necessary from a religious point of view still remained with the Kazis. In Regulation XXXIX of 1793 the preamble provides:

"The Kazis are stationed at cities of Patna, Dacca and Morshidabad and the principal towns and the purgánahs for the purpose of preparing and attesting the deeds of transfer and other law papers celebrating marriages and performing such religious duties or ceremonies prescribed by the Muhammadan law, as hitherto have been discharged by them under the British Government and also for superintending the sale of the distrained properties and paying charitable and other pensions and allowances under Regulations XVII and XXIV of 1793. The nature of the above-mentioned duties renders it necessary that persons of character and duly qualified with respect to legal knowledge should be appointed to these offices and encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor General in Council."

So after the advent of the East India Company their position was recognised and they continued to perform those duties up till 1864, when this Government brought in an Act in which they said that they could not continue to appoint these Kazis for this purpose, and they left it to the Mussalmans themselves to appoint persons who were capable of acting as Kazis and who were in a position to administer the religious functions of the Mussalmans so long as they were consistent with the Schedule. From 1864 the Mussalmans felt great difficulty because according to their ideas a person can only be qualified as a Kazi if he were appointed by the State and

3 P.M.

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on account of the absence of Kazis on the gradual deaths of Kazis who were appointed by the State prior to 1864 the handicap accentuated. The Mussalmans were at a disadvantage and there was regular agitation in Madras; and ultimately the late Sir Syed Ahmad Khan succeeded in getting an Act passed in 1880—XII of 1880—in the Legislative Council of that time in which they recognised that a Kazi would be appointed by Government on petition by the Mussalman community of a city. At the same time it was porvided that he shall have no judicial or any other power. But there was one other flaw in that and that was that it would not prevent any other Kazi or any other person from solemnising marriages or carrying on the duties of a Kazi. As a matter of fact when there was no such restriction it was only to be expected, as it actually happened later on, that these persons gradually lost power and influence, other persons came into the field and the whole organised society of Mussalmans became disorganised. The present Bill was introduced with this intention that the State may enforce the very principles that have already been accepted by the enactment of Act XII of 1880; and I see little reason for Government to oppose this, because it is only intended to supplement the provisions of that Act. In that Bill it was enacted that Mussalmans may apply to Government for the appointment of a Kazi. But the wording is so indefinite that it is very difficult to say what the word "Mussalman" means; and instead of leaving it to the Mussalmans in general I have in this Bill tried to provide a machinery by which proper persons would be elected,—that being the elected representatives of the Muslim community. I am even at this stage prepared to accept any other kind of machinery by which Kazis may be appointed because the simple object is that the Muslim community as a whole will have the power of recommending to Government, and Government, must be in a position to know that he is a person who has got the confidence of the Mussalman community.

I will just lay before the House some of the criticisms about this machinery. Some people think that because I have provided a district committee to nominate a Kazi consisting of elected representatives of two Muslim Vakeels, two Ulemas two Muslim members of the Municipal and District Boards, and so on, this committee shall have a political complexion and the result will be that political ideas will prevail with the people in the appointment of Kazis. I really fail to appreciate that criticism, because if the representatives of Vakeels and Ulemas—persons who know law and religion—are considered to be people with a political bias, what other persons can be found in the Muslim community who will be free from this political complexion. Every person living in this country will be found to have some political idea or other, whether he be a Vakeel or a merchant or a religious man. How can you say that a Muslim who happens to have a political idea in his mind should not be elected Kazi for that particular district? If that is the view, I think you will say that only Government servants should be appointed members of the committee. But are Government servants free from political bias? Have they got no political notions whatever? Are they so blank as not to understand what is going in round about the world? I do not agree with that view. Whatever other bias Government servants may or may not have, they are certainly not free from political bias; they will be prepared always to support Government in all political matters. Can we therefore say they have no political bias? They are not free from it; and so I should like to know from the gentlemen who criticise the Bill on that ground as to what other committee can be constituted which will be to their satisfaction. And for this reason I made a very humble submission to the Muslim League Party namely you invent some machinery and I will substitute that for this. But I would like to hear if they have succeeded in making any machinery. You can make changes and amendments in it, you can increase the proportion of certain classes of people, but to make a committee in these days which would be absolutely free from political bias is an impossibility. So far as this provision is concerned, there is no inconsistency between this Bill and the Act of 1880.

Next comes the functions of the Qazi. Sometime ago I introduced in this House, a Bill entitled 'Muslim Qazis Bill' and that Bill continued to appear at different times on the agenda of this House till today. But today I have not moved even for its continuation knowing full well the attitude of the Government and Muslim League party and finding that even this simple Bill is not to be considered by my Honourable friends. That Bill was intended really to remove the very long-standing grievance of Mussalmans, namely, that cases of dissolution of marriage should be tried only by a Muslim officer—not a Muslim officer because that does not comply with the provisions of the Shariat, but by a Muslim Qazi and I, in consultation with certain Ulemas, Ulemas of great fame like Maulana Ashraf Ali, Maulana Husain Ahmed and other persons of repute, tried to invent a machinery according to which this objection of Mussalmans, that a decree for the dissolution of marriages can only be given by a Muslim Qazi, might be met. But so far as the position of the Government was concerned, their case was that they were not going to accept any independent tribunal, for deciding cases, even of dissolution of marriage. I never understood the position of the Government on that matter because I know that for Christians, Anglo-Indians and even Europeans who happen to come to this place only by accident and who are not the permanent residents of this country, special matrimonial tribunals have been provided under the law? Only the other day, after I came to this Honourable House, an Act was passed under which special matrimonial courts were set up for Parsis. But so far as Mussalmans were concerned, the attitude of the Government was that they were not going to give this small right namely that cases of dissolution of marriage should be decided by a Qazi or even by a Muslim judge.

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After the introduction of this Bill, it was circulated for opinion. The Honourable Members must have copies though I am afraid they might not have been able to find time to go through those, and probably they do not even know as to what is written in those opinions. I do not mean to say that because nobody has looked into them, therefore it is necessary for me to read them all before this House. That is not my intention. But I want to assure the House—and I will make a very brief reference to the various opinions that we have received—that they all almost *unanimously* support the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Let us have the opinion of the Leader of the House.

Qazi Muhammad Ahmad Kazmi: His opinion will be given in the House itself—it is not published in these opinions—but I can place before you the opinion given by a countryman of the Leader of the House a person belonging to Bihar.

Sir, I want to give a short synopsis of the opinions that we have received. The opinions always begin with Panth Piploda . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): How many Qazis have they got?

Qazi Muhammad Ahmad Kazmi: I will just tell you. So far as my Bills are concerned, I can assure the House that I have found Panth Piploda to be the most helpful. Not only that, but they are so prompt that if you were to look at any copy of opinions, you will find that Panth Piploda takes the first place.

Mr. Sri Prakasa: Have you located it on the map?

Qazi Muhammad Ahmad Kazmi: The Chief Commissioner of Panth Piploda says: "I have no useful comments to make on the proposed legislation which appears to be desirable".

Next comes Baluchistan. I think Honourable Members will have no difficulty to find out that place on the map. Before dealing with the opinions I may just say a word regarding the reason of a little difference of opinion here and there. In this connection I would draw the attention of the House to the opinion of an official of Bombay, expressed at the time when this Act of 1884 was intended to be enacted. The Honourable Mr. Gibbs from Bombay is reported to have said that he might mention with regard to this Bill that the inconvenience of not having Kazis has been experienced on the Bombay side. In former years before Act XII of 1864 had been passed, there were Government Kazis appointed in all the principal places of Bombay and they were often of great use in settling small disputes which might otherwise have troubled the magistrates or the courts. He had never been able to make out why in that Act there was a clean sweep made of all Kazis in the country but it had done harm by leaving Muslims without any sort of head to whom they might refer their domestic difficulties and this want had been much felt and obliged them to take the law into their own hands and commithing breaches of it. He was therefore glad to see that the present Bill was brought in.' This was in 1880 when it was expected that the Bill of 1880 would be helpful in removing some of the handicaps that the Muslims were suffering from. Unfortunately that was not to be. What we find is that according to the old methods this system of Kazis continues in many places. At some places it has been disturbed: at other places it continues in its old condition and that has been one of the reasons of the differences so far as particular localities are concerned. What has happened is this: that now persons who are hereditary Kazis think that they have got the right of performing the duties of a Kazi though they have no qualification for it and they want to oppose any change of the kind because they think that if necessary qualifications are imposed they will go out.

The Honourable Sir Asoka Roy (Law Member): Are you a hereditary Kazi?

Qazi Muhammad Ahmad Kazmi: Now only in name:

As an example of this I would just refer the Honourable Members to the opinion of an officer from the United Provinces. His opinions are reported on page 50. This officer is the District Judge of Gonda. He says:

"There is a system obtaining in all the districts that certain families work as Kazis for reading Nikah. These families have their own jajmans. The Bill enforces a qualification for Kazis. Most of the Kazis who read Nikah do not possess those qualifications and they would very strongly oppose the Bill."

This is one of the grounds on which the District Judge of Gonda thought fit to record his opinion against this Bill.

Similar is the case of an opinion from Madras. You will find it on page 55. They have supported the principle but they have said: Abhiramam Muslims oppose Kazis Bill as it encroaches Jammats Rights. The question is whether an opposition of this kind is to be considered as any opposition at all.

Before considering the opinions we must remember one thing more in this connection. Before the Kazi Act had been enacted in 1880, the Bengal Muslims felt the necessity of the Kazis very much and they made an Act in 1876. It was a comprehensive Act.

The Honourable Sir Asoka Roy: Bengal is opposed to your Bill now.

Qazi Muhammad Ahmad Kazmi: I will just request the Honourable Member to appreciate the nature of the opposition which they have advanced. What they say is this: That we have already got a very comprehensive law in respect of registration and record of marriages and the present Bill does not deal with all those aspects. Therefore we think that it will not be satisfactory for this province.

We as the Central Legislature are alone in a position to draft a model Act, an Act which according to the necessities of the Muslims shall have the model provisions which are necessary for these particular needs, and what I say is this: that the Bengal Act, though it was enacted as early as 1876 does not really meet the difficulties of the Mussalmans and out of the opinions that have been received from Bengal I do not find any real opposition from anyone of them. As a matter of fact all the opinions from Bengal support the principle of the Bill. They only complain that sufficiently exhaustive provisions are not in this Bill. And then again they say that even though Act XII of 1880 is in force in Bengal, this Act of 1876 in no way contravenes the provisions of the Act of 1880. But what is there? Does it really meet the needs of the Mussalmans in so far as a person of the name of Kazi is appointed by the Government? It does not. However the Bengal Act is helpful in so far that its actual enforcement in Bengal would remove many of the doubts that may arise so far as Muslims in other Provinces are concerned. There is one general notion that any machinery that is invented for the purpose of carrying on this system of kazis will involve expenses which will be beyond the capacity of the Muslims. I assure the House that in Bengal the Department of kazis does not get any help or subsidy from the state. It is the parties to a particular marriage or dissolution who contribute to the records. The progress in Bengal so far as that particular thing is concerned has been remarkable. In the opinion of Khan Bahadur S. M. Sualeheen on page 89 he finds that in the first years of the Act 1876 the record of marriages used to be from 2,000 to 3,000 annually. In 1913-14 it was 3,500 and from that it rose in 1939 to 43,940 and in 1940 it was 98,308. This means that because they adopted a certain system of recording marriages it has gradually come into force. But the main difficulties so far as the Muslims in Bengal are concerned is that under the Bengal Act it is the registrar of marriages, who has got no religious sanctity behind him, he has only to prepare and keep a record the marriages. He has not to perform the nikkah, and the result is that it always involves some inconvenience to the parties to get the marriage recorded. I may just give an instance. Under the Bengal Act after the performance of nikkah within a period of thirty days the parties or the couple along with some witnesses may apply to the Registrar of Marriages to get their nikkah registered. Is this not an additional burden and additional trouble? What we want to provide is that the very person who performs the nikkah shall also be supplied with the register and he will make the entry then and there. the House can very

I was dealing with Bengal, and what I was saying is this: that so far as Bengal Muslims are concerned, none of them say that there is no necessity of recording marriages or of appointing Kazis. What they say is this; that the Bill must be an elaborate one in which there should be provisions not only for the record of marriages, but also for the record of divorces. If in the Select Committee we have the desire or the inclination to provide for these we can do so, if we sit together and come to an understanding in that respect we can incorporate it in the Bill. The present Bill does not in any way negative that idea.

Now, Sir, in the whole of India it is only in Bengal that we have got this Act: in other places we have not got anything but the remants of the old Kazi system remaining in some form or other.

There are some opinions from the Punjab. I want to make the position clear. When I say that opinions from Bengal and the Punjab are against, I do not mean to say that the majority is against. As a matter of fact, the majority of opinions from every province is in favour of the Bill. I will give the figures after a short time, but at present I only say that I am taking up the position of the people who are opposed to the Bill. in order to make it clear what their point of view is. Now whatever little opposition there appears in the statements of some persons, that is on two grounds. One is that in the Punjab Municipal Board and District Board Acts, there is provision for registration of marriages, that is being done by the District and Municipal Boards, and that therefore there is no need for a separate law.

Now, I have looked into the Municipal and District Board Acts of the Punjab. I may just mention I had some difficulty in finding out the provisions on which they have so much relied. In the Punjab District Boards Act I find that under the Duties of District and Local Boards, Section 20(b), out of about 15 to 18 items, one item—(n)—is to the effect—Registration of births marriages and deaths. That is one of the duties of the District Boards. That is the only provision in the Punjab District Board Act. Now, so far as the Municipalities Act is concerned, I have had great difficulty in finding out the provision. Ultimately I succeeded in finding it out—not under the powers of the Boards but in the powers of making bye-laws. Section 188 of the Punjab Municipal Act gives the power to make bye-laws, sub-section (c) provides that the Municipal Committee has got the power to provide for the proper registration of births, marriages and deaths, etc., etc. That is so far as the Punjab is concerned.

In U. P. I thought that there might be some similar provision in the Municipalities and District Boards Acts, but I find that section 7 of the U. P. Municipalities Act—clause (a)—only gives powers to the Boards to provide for registering births and deaths, and there is no question of marriage. That is so far as U. P. is concerned.

So, so far as provisions of law are concerned we do not find even this small provision for registration of marriages.

One thing has to be considered—how far it will be possible for municipalities to keep registers of the type which are really necessary for the purposes of Muslim marriage. A Muslim marriage contemplates dower,—debt, etc. A Muslim marriage is a contract, a contract which can be revoked also. There is considerable difference on this point between Hindus and Muslims so far as relationship of marriage is concerned, unless the Hindu Law is also evolved or becomes what is contemplated by the Law Committee. But just as it stands today, once marriage it is always a marriage, and there is no such complication so far as actul relationship of wife and husband is concerned. So far as Muslims are concerned another important item that often comes into prominence is the dower debt. In cases of dispute between husband and wife, the question of dower comes in; where the husband is indebted, the question of dower debt comes in; and in many other cases it comes in, directly or indirectly. Now the question is, whether reliable records of marriages, like the records of births and deaths, can be maintained by district and municipal

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boards. The present system of keeping records is that the sweeper of the house goes and makes a report of birth or death: it is the liability of the master of the house himself to do so, but in practice it is sufficient if the sweeper goes and gives that information. If a more cumbersome machinery is to be provided for such registration, then the registration will become impossible without employing more staff which must be paid for and probably the municipal and district boards will not be in a position to provide that staff. The system of kazis is a self-sufficient system, which pays its own way. I have mentioned the case of Bengal and if the Honourable Leader of the House and the Law Member consider that position, they will see that no subsidy is required. This is the only possible system among the Muslims which can be relied on in the matter of marriages and divorce.

I have received certain criticisms of this Act on the basis that an all India act of this type is not required—that it should be left to provincial legislation. I have given the whole history and pointed out in detail that as a matter of fact there is no custom to the contrary to be found in any province. If we agree that the record of marriages is to be maintained in a particular way, then I see no reason as to why that record should differ from place to place and province to province? In these days when in spite of diversity of Hindu law, when actually different principles are to be found in different provinces—in some provinces the female gets a share and in others she does not, in some she gets absolute rights over the property of her husband and in other provinces she does not; in some provinces she can get a gift from her husband in her absolute right and it becomes her stridhan and in other provinces it does not—the laws are different in the principles and details and still an attempt is being made today to codify the law and enact a law for all Hindus in India: So, the Muslims situated as they are, consistent with the claims that they are making and with the simplicity and equality which is to be found in different provinces,—is the Central Legislature incapable of devising machinery for the purpose, and shall it have to be left to the provinces? Again it was all India agitation that brought into force Act XII of 1880. It is the same agitation that Muslims are now making. Has that Act not been considered for the whole of India? There is another option. If you want to avoid that difficulty of provinces, Act XII of 1880 provided that it will be for the provinces to adopt in their various areas. As a matter of fact it was first adopted in Madras, then partly by Bengal. The Bengal Act, I of 1876, was adopted partly by persons in Bihar also. So it is always for us to determine and to point out the various places to which the Act should apply. What are the big and tremendous difficulties which thwart all our attempts to solve a problem of this kind? Probably the feeling is that everything should be left to the provinces and nothing can be done here.

I will just refer very shortly to the various opinions that have been received from the provinces. I mentioned two provinces—Panth Piploda and Baluchistan.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Have they not been circulated to all Members?

Qazi Muhammad Ahmad Kazmi: Yes; they have been; has the Honourable Member read them?

Sir Muhammad Yamin Khan: Yes.

Qazi Muhammad Ahmad Kazmi: May I know what is the number of opinions that have been received?

Sir Muhammad Yamin Khan: I do not want to be cross-examined. We know all that.

Qazi Muhammad Ahmad Kazmi: They know nothing.

Sir Muhammad Yamin Khan: If they do not know, they do not want to know.

Mr. Chairman (Mr. Abdul Qaiyum): I think the Honourable Member had better address the Chair.

Qazi Muhammad Ahmad Kazmi: I am sorry. They are addressing me; that was the difficulty. From Coorg we have got only one opinion—that is in favour; from Ajmer-Merwara we have got the opinion of persons in high authority—Judicial Commissioner, District Judge, Additional District Judge and so on, and the Ulemas of Dar Ulum Momia Ajmere. Every one of them supports the Bill. Central Provinces and Berar . . .

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): On a point of order, Sir: all the opinions are with us here; Honourable Members may or may not have seen them: that is their duty. It is presumed that the Members have gone through them—Government has given them every facility for knowing everything about the Bill. Now going through all the details covering so many pages—is it not mere waste of time? You are the custodian of the privileges of the House. In this Session and in the preceding Session the whole of the time was taken up over one Bill. This is the second Bill and all the other legislative measures pending—none of them will see the light of day. You are to protect our privileges. We have also a right to have our say. The Honourable Member in my opinion should not go on like this . . . . .

Mr. Chairman (Mr. Abdul Qaiyum): Order, order, the Honourable Member attempted to make a fairly long speech and I could not find out what his actual point of order was. Will the Honourable Member please state in one sentence what his point of order is?

Maulvi Muhammad Abdul Ghani: My point of order is that the time of the House should not be wasted over unnecessary things by going through all the opinions.

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Mr. Chairman (Mr. Abdul Qaiyum): I do not think there is any time limit to a speech on a Bill and I hardly see any point of order in the objection raised by the Honourable Member. Mr. Kazmi may proceed.

Sir Muhammad Yamin Khan: You can draw the attention of the Honourable Member to this.

Mr. Chairman (Mr. Abdul Qaiyum): Under the rules, he cannot be stopped.

Qazi Muhammad Ahmad Kazmi: I only want to clear my position briefly. I myself have got three Bills which I am anxious to introduce. I do not want to take a single minute more than is necessary. Mr. Chairman, I have only referred very cursorily to the opinions and my learned friend took objection and said that I was reading the opinions.

Mr. Chairman (Mr. Abdul Qaiyum): The Honourable Member may proceed.

Qazi Muhammad Ahmad Kazmi: Thank you. I am only giving a summary of the opinions received from the various provinces. Otherwise how can I convince the people. I received a communication from the Muslim League Party in which they say that different conditions prevail in different provinces and my Bill is unworkable. That is why I have to refer to the provinces. So, I want to clear my position on this point and justify my action by referring to the opinions briefly.

Now, Sir, as regards the opinions from C. P. and Berar, there are 12 opinions in favour. With the exception of two all the rest are in favour. You will find it on page 14. The District and Sessions Judge of Nagpur says that registration must be for all communities.

Mr. Lalchand Navalrai: Do you agree with that?

Qazi Muhammad Ahmad Kazmi: I agree but it would not fulfil the requirements of the Muslim Community.

Mr. Lalchand Navalrai: He says 'for all'.

Qazi Muhammad Ahmad Kazmi: I have no objection to bring in a Bill for all, if you will support it. Then I come to the Commissioner of Berar on page 14. He says that the Bill will interfere with the hereditary kazis whose office is recognised by inam grants. These are the only grounds on which the Bill has been opposed so far as C. P. and Berar are concerned. It is for the House to judge whether this objection is a legitimate one. Then comes the opinion of far off Assam. If there was any province which would have differed, it would

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have been Assam. But what do we find: Government of Assam says: "I am directed to say that there is unanimous support for the Bill from the Muslim public and this Government support it in principle but consider that it is defective in many matters" and they point out what necessary amendments have to be made. From the N. W. F. P., we have got ten opinions in favour. The Government say: "The concensus of opinion is in favour of the Bill" and amongst the supporters of the Bill you will find the Advocate General, Judicial Commissioner, Kazi Muhammad Mir, Registrar, District and Sessions Judge, Malik Khuda Buksh and Khan Muhammad Gaffar Khan and others. The Government of Sind support the Bill and suggest certain modifications. Madras says that the provisions for public recognition of marriages is to be welcomed, although the procedure should be simplified. Then out of 21 opinions received only two are against.

The Honourable Sir Sultan Ahmed (Leader of the House): Most weighty opinions in the country!

Qazi Muhammad Ahmad Kazmi: Of course, they are weighty, but what is their basis? In some cases jagirs are attached to Government Kaziships in Madras. They ask what is to happen to the present Government—Kazis and those who are enjoying jagirs now? So, they say, confusion is likely to arise. This is one of the opinions to which the Honourable the Leader of the House has referred. It is on page 21. I will draw the attention of the Leader of the House to the difficulty which the contemplates. In making the selection of Kazis, we have provided that when there are persons with equal qualifications those will have preference who have been hereditary kazis or who are respectable persons in the locality. Therefore persons who have got jagirs in Madras will be entitled to become Kazis, provided they are qualified. I do not see any reason whatever for a person, however high the authority may be from which that opinion comes, who is illiterate and incapable of performing the duties of a Kazi, to be appointed to perform the duties of Kazi simply because jagirs were granted to him by the Moghul Emperors and his enjoyment should not be disturbed by an enactment of this kind. This is the only reason on account of which opposition has come from Madras. Only two opinions are against the Bill and the rest are in favour of the Bill.

Now coming to Delhi Province, this being the Capital city where the Mughal Emperors ruled for a long time, the Muslim practices have been much more stable than at other places. One gentleman says: "So far as Delhi is concerned, I understand there are certain families of Kazis who have been doing this work for generations without any complaint." So far as that class is concerned, how is this Bill going to affect them adversely? We want to see that they continue in that position so long as they perform their duties to the satisfaction of the public.

Then, Sir, I would not bother the House with any further detailed opinions. So far as Bihar is concerned, there are more than 50 opinions, including the opinions of Judges of High Courts, of District Judges and Magistrates and furthermore of Inspectors General of Registration and members of the permanent committee for supervision of Muhammadan Registrars and Kazis of Bihar. In Bengal I have already pointed that there is Act I of 1876 and a portion of Bihar is also governed by that Act. You will be interested to find that out of four persons belonging to the permanent committee of supervision of Mohammadan Registrars and Kazis of Bihar who have given opinion on this Bill, three persons support this Bill in full. I have already dealt with Bengal. As regards Bombay, out of 30 opinions that have been received, I can only find two against the Bill and the rest are in favour of the Bill. So far as U. P. is concerned, we have got 25 opinions in favour and three are against. As regards the Punjab, 18 are in favour and eight are against. But when you read all these eight opinions, you will find that they rely on the Registration by municipal and district boards. I have thus shown to the House that so far as the Bill

is concerned, it—subject to a little variation—have got the unanimous support of the Muslim community. Sir, I have finished and my Honourable friends need not be impatient any longer. I submit I have tried my best to show to the House that the interest of the Muslim community requires this legislation to be placed on the Statute Book and I therefore move that the Bill be referred to the Select Committee.

Mr. Chairman (Mr. Abdul Qaiyum): Motion moved:

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages amongst Muslims be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir George Spence, Mr. Muhammad Nauman, Maulvi Muhammad Abdul Ghani, Maulvi Syed Murtuza Sahib Bahadur, Maulana Zafar Ali Khan, Mr. Abdul Qaiyum, Khan Bahadur Sheikh Habibur Rahman, Mr. Hooseinbhoy A. Lalljee, Kunwer Hajee Ismaiel Alikhan, Mr. Govind V. Deshmukh, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir Muhammad Yamin Khan: Sir, I am opposed to this measure and I have given my reasons for the same which my Honourable friend Qazi Muhammad Ahmad Kazmi read out to the House. Besides the reasons given there, there are many other reasons why this Bill should not be supported. We have carefully gone into the provisions of this Bill, we find that this Bill instead of doing any good to the Muslims, will cause the greatest harm and injury to the Muslims and the Muslims will suffer a good deal if this Bill is placed on the Statute Book.

Sir, this Bill has been brought forward by a Qazi—Qazi Muhammad Ahmad Kazmi—which really means favouring everything for the Qazis and it is absolutely against the interest of the Muslims and the Muslim community. He only shows favour to a particular community or those people who still continue to call themselves heriditary Kazis. That is the word he used. Heriditary Kazis are going to be benefited by this Bill if it is made into law. Some useless people will go about begging that they should be appointed Kazis and nobody else should be appointed in their place. I will show how this Bill is going to cause the greatest injury to Muslims. The first thing is it imposes a kind of tax. The very first thing which Mr. Kazmi is anxious to bring in this Bill is the fee of Rs. 2-8-0, whether the man is capable of paying it or not. The man may not have four annas in his pocket, but yet he has got to pay Rs. 2-8-0 to the Kazi. If the Kazi is not able to go to the house of the marriage party and perform the ceremony, then the married couple should go to the Kazi's house and get the marriage registered. If they do it within 15 days of marriage, then they have to pay no fee, but if it is on the 16th day and thereafter, the married couple has got to pay Rs. 2-8-0. This imposes two kinds of penalties on the marriage party, firstly the husband and wife must travel from the village to the headquarters of the district and get their marriages registered, if through the fault of the Kazi, the Kazi himself could not be present. It does not impose any kind of penalty on the Kazi, whoever has been appointed, if he is absent from the marriage ceremony. The only thing is that his fee cannot be relaxed. If the marriage is celebrated by anybody else than the Kazi who did not happen to be present, then the married couple will have to pay Rs. 5 instead of Rs. 2-8-0. Then, Sir, if it is beyond 15 days, then the couple has to pay Rs. 10 as fees. There is something more in the present Bill, any person placing reliance or leading evidence in any civil or criminal suit in respect of marriage which is not entered in the register of the Kazi will have to pay a penalty of Rs. 15. Sir, from beginning to end my Honourable friend Qazi Muhammad Ahmad Kazmi is looking to the interests of Kazis and not to the interest of the Muslim community. My Honourable friend seems to think that by bringing forward this Bill he is just conferring some favour on Muslims; on the other hand he is imposing a penalty which penalty we refused to allow ourselves to be subjected to every time it was attempted by the Government. Here my Honourable friend comes to this House and shows his anxiety to introduce the very legislation which probably if Government had introduced, he would have been the very first person to get up and oppose it and say, no. Then who is going to

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be Kazi? I am surprised that an eminent lawyer like my Honourable friend can use words like this:

"For an appointment to the post of a Kazi a man must be educated, conscientious"—*I do not know who will judge these qualities*—"and well versed in questions relating to marriages", etc.

I do not know what he means by "questions relating to marriages". I could understand if he had said, "the law relating to marriages", but when an eminent lawyer of his standing uses the words "questions relating to marriages" I must say I am very much surprised.

Then who will appoint these Kazis? For that he provides a funny kind of committee; the District Judge, the District Magistrate, one Muslim Vakeel, one Muslim member of the municipal board elected by the Muslim members, Members of the Central Legislature representing that district, etc. My Honourable friend belongs to Saharanpur and practices at Allahabad; if there is to be an appointment of a Kazi at Muzaffarnagar—a district which he represents—he will be called from Allahabad to give his vote. My Honourable friend Sir Zia Uddin Ahmad represents four divisions or about 16 districts; he will have no other business but to run about and give his vote for appointment of Kazis.

Then come the Ulemas, and who are they? My Honourable friend knows only one province, *viz.*, the U. P. and his only intention is to have this Bill for the U. P. only. And not being a member of the U. P. Legislature he has brought up his Bill in this House for the whole of India. The reason is that all the ulemas belong to Deoband (in the Saharanpur district which is my Honourable friend's home district), to Saharanpur, to Thana Bhawan, Moradabad, Amroha, Gulauti, Budaon, Bareilly, Cawnpore and Allahabad. These are the schools from which the ulemas must come who will vote for the appointment of a Kazi. And a Kazi to be selected must be trained in one of these Madrassahs. That is to say, a person to be appointed Kazi in Madras or Bengal or the North-West Frontier must be trained in one of these schools in the U. P.

Qazi Muhammad Ahmad Kazmi: This list is to be kept by the Provincial Governments who can frame a list according to their own needs and knowledge. This list is not exhaustive but only illustrative and is to be supplemented by provinces which bring this into force.

Sir Muhammad Yamin Khan: The Honourable Member says:

"Preference shall be given to persons who shall have obtained a certificate from any of the Islamic schools mentioned in Schedule A of this Act."

And the Schedule is exhaustive, and only men trained in these schools are to be appointed Kazis. I know there are many Muslims who did not agree that anything should be imposed on their provinces; some people may have agreed here and there, but there have been great differences of opinion in different parts of the country, and people who have given their opinion are no better than Members of this House. Members of this House represent the people and they are in full touch with the people; they say that the circumstances that prevail in different parts of the country are different and therefore the imposition of a law like this on the Mussalmans will be injurious to their interests. I do not say that marriages should not be registered; but the Bill as drafted, if it becomes law, will prove disastrous. My Honourable friend's anxiety is that when a valid marriage has been performed no one should question its validity. Now what is this valid marriage that he wants to be in the register? If a Kazi in the district has got three or four of his Naibs, every Naib is supposed to have got one register and not many registers. Supposing within the jurisdiction of every Naib there are ten marriages at a time, how are all to be put on the register at the same time? At present what happens is that the Kazi or the person who performs the marriage takes the register, the names are put down and signatures are taken there and then. If the Naib is not present at the marriage ceremony these names will never be taken down at that time. So the marriage will either have to be postponed or fixed according to the convenience of the Naib Kazi. If people want the marriage to take place at 10 o'clock

the Kazi may say that that time will not suit him and it should be solemnised at 7 o'clock the next day. So either this register will not be spared or the register will be filled in at some subsequent time. That means that it will not be authoritative if the signatures of the parties and witness are not taken at the time.

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

Therefore I think this Bill has only got a propaganda value and nothing beyond that. My Honourable friend may have been induced by some Kazis to introduce this Bill, but he knows that a large majority of Muslims are opposed to it who sincerely have the interest of the Muslims at heart. If in spite of that he persists in this Bill I think it is only for propaganda and nothing else. There are many other useful Bills which are pending and I do not propose to go into further details and take time of the House. Already the Honourable Member took nearly one hour and twenty-five minutes. I therefore finish my speech by saying that the Bill is most undesirable from beginning to end as it stands.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Mr. President, I think I can safely begin my speech by congratulating my Honourable friend, Mr. Kazmi, on bringing forward a measure for which there is a very long-felt demand among the Mussalmans and especially among the progressive sections of the Mussalmans in India. I must also congratulate him for having taken so much pains and having spent so much of his valuable time in bringing forward a measure which is very much needed at the present time.

Sir, I painfully listened to the speech of my Honourable friend, Sir Muhammad Yamin Khan. He opposed the Bill and attacked it from different points of view. He said that the registers would not be enough to go round and that if a marriage was to be performed at 7 P.M., the register may not arrive till 9 A.M. the next morning, and he said all sorts of things which I wish he had not said. He said that the Honourable the Mover was favouring a particular school for recruiting Qazis which was either situated in his district or near his district. All sorts of objections have been made but the fact remains that there must be some sort of law in British India which would bring about the registration of marriages of the Mussalmans, as a result of which it will not be difficult to prove that a certain couple were married at a certain point of time, who were the witnesses to the marriage, who was the vakil for the marriage, what was the amount of dower fixed. If a marriage comes off well, there will be no necessity to refer to the register, but the unfortunate part of the situation is, that human nature being what it is, occasions very often arise and the occasions are quite frequent when it is necessary to prove whether a particular marriage has taken place or not. I will give you an instance on the point and such instances are common: A distant collateral of a girl working under the old-fashioned ideas might be very anxious to secure the hand of a certain girl in marriage, and the girl may be an educated girl or her parents may be anxious to marry her to some one else whom they consider a more suitable match. In my part of the country, as soon as the girl is betrothed to somebody in a distant family, what happens is this. The distant collateral goes to the Police Station and reports that such and such girl is married to him and cases are at once instituted first under section 497 and 498 of the Indian Penal Code. These cases are fought from the lower court to the highest court and after so much money has been wasted then the parties resume their duel on the same issue on the civil side whether A is the lawfully wedded wife of B and therefore C had no right to marry her. In such a situation, the position of the girl becomes very tragic indeed. There have been many instances where the question as to who is the rightful husband of the woman—whether A, the man who brings in a false claim with a view to prevent the marriage of the girl or the person to whom the girl is anxious to get married or has been married. So much money is wasted and people are involved in litigation; there is bad blood created, and very often crimes follow as a result of this litigation. There are other instances also in

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which it becomes sometimes necessary when there is a dispute between a husband and wife, to find out what the amount of dower was, and in that case people are forced to produce false witnesses in the court who come and recite the Kalima and then start telling lies—one says the dower was Rs. 10 and the other says the dower was Rs. 10,000—and it becomes impossible for the court of law to decide what is true and what is false. This is the state of affairs which prevails, and it is absolutely desirable that Muslim marriages should be registered. We must have some authority in a district. You may not call him Qazi if the word Qazi does not appeal to my Honourable friend, Sir Muhammad Yamin. By all means call him a Registrar—the name does not frighten me; I have got very clear views in the matter; I don't want to be tied down to the old institutions which are of no use in a fast-changing world;—call him a Registrar of Marriages, put him in a chair and provide him with a red-liveried chaprasi, and make him look as modern as you like, and make him look as unlike a Qazi as you please, but for God's sake do have some agency which will register the marriages of Mussalmans and which will put an end to all this ruinous and scandalous litigation which is going on in different courts of law all over India.

Sir, this very House sometime ago passed a very important measure, namely the Dissolution of Muslim Marriages Act. There were about 17 or 18 grounds on which a Muslim woman can claim a dissolution of marriage in the court of law, and instances have become very frequent where Muslim women often resort to a court of law and it is a very wholesome sometimes to get a dissolution of marriage. Sometimes the question arises—and it happens very often—whether a marriage did take place or did not take place. All sorts of complications ensue and if Muslim marriages are registered, there would be no trouble in finding out whether A and B are lawfully wedded couple, what amount of dower was agreed upon, and who were the witnesses.

There is one thing more: The other question which has been raised, is that it is no business of the Centre to legislate for the provinces on a measure of such a nature as the one which is now being discussed by the House. The first reply to such an objection is that, after all, even in a Centre, constituted as it is, even in a House where the non-Muslims outnumber the Muslims, there has been a healthy convention that all such matters are decided by the majority opinion of the Muslim Members of the House. So there is no question of any danger that any non-Muslim influences will prevail in shaping the Bill in such a way that it would be injurious to the interests of the Mussalmans. If this matter is left to the Provinces, I think that the condition of Muslims in the provinces where they happen to be in a minority will become very difficult indeed. It may not be possible for a handful of Muslim Members in a big House to take the initiative in the matter of legislation of this kind. But when you have a well-knit community with a uniform system of law, as Muslims are,—I think the Muslims can claim to be a most closely knit community in this country, rather throughout the world; they have the same system of law, they have the same ideas, they have the same social code—there could be no objection on the score that the Centre should not legislate for the provinces.

When I lend my support to this measure it is for another very very wide and cogent reason. I happen to represent a constituency which is very go-ahead in such matters. It was my province—the North-West Frontier Province—which was the first province to enforce the Muslim Personal Law, namely the Shariat, which is the law of the land and under it a Muslim daughter, a Muslim wife, a Muslim mother, a Muslim sister, can, as a matter of right, obtain a share in the property of the deceased. Now there are very few other provinces in India where such is the condition.

Sir Muhammad Yamin Khan: It has always been the Law in the United Provinces.

Mr. Abdul Qaiyum: I would like to know why when a measure of this kind was brought before the Central Legislature, some Honourable Members

hesitated to have it made compulsory for the Muslims. The Muslim Law, as far as the Muslims are concerned, is absolutely obligatory on them to follow. I, for myself, cannot understand why we have a Central Act under which it is left to a Muslim to go before a District Magistrate and then declare that when he dies he should be governed by the Muslim Law. Why should we not have a law here that in the matter of succession, marriage, and all other allied matters, the Muslims shall be governed by the Muslim Law. I had to move a particular amendment to that Bill to take the Frontier Province out of the purview of that Bill. If unfortunately that Bill had passed in the form in which it had been brought then there would have been trouble in my province, because our people are now following the Shariat, and the courts are giving their decisions according to Shariat, and if the optional clause had come in, it would have obliterated all the good effect of the Provincial Act. According to the Shariat, the position of women . . . . .

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): You had your Act before that.

Mr. Abdul Qaiyum: We did not have the Act before that. I can here and now categorically say that the first Act which was passed was in 1935 and before that a Muslim woman could not inherit any property. They were following custom whereby a widow could have the income of the property as long as she was a widow and there were always attempts made to marry her with a view to take over the property. Efforts were sometimes made to put her out of the way if she would not die in good time. All sorts of complications ensued as a result of that law. For the first time in 1935, the Muslims in the North-West Frontier Province, irrespective of their political differences, joined together, and they called a Shariat conference and thus forced the hands of the legislature, and a law was passed whereby all Muslims are now governed by the Muslim Personal Law, namely the Shariat.

Sir, I am representing the wishes of my people when I say that we do want some sort of law whereby marriages will be registered. But if my Honourable friend, Sir Muhammad Yamin Khan, really feels that there is a terrible objection because it should be left to the Provinces . . . . .

Sir Muhammad Yamin Khan: I did not say that there is a terrible objection to the marriages being registered. I said that the Bill which is before us is hopeless in this matter.

Mr. Abdul Qaiyum: I would not say that the Bill is hopeless. One of the objections which my Honourable friend had was that the Qazi would get Rs. 2-8-0. I should like to know from my Honourable friend if he would produce one single Mulla tor less than Rs. 2-8-0. I know the type of Mullas who perform the nikah. Once I was briefed in a case in which I was defending a man who had been charged for an offence of enticing away a married woman. A witness was brought and he was put on oath and he said that he had performed the nikah of the two parties. My instruction was that this man did not know anything about Shariat or anything about the *khutba* of nikah; that he was only a *mali*. I suggested to the court and the court put a question and asked him to recite the *khutba* whereby he had performed the nikah. The man was dumbfounded and he walked out of the court. My Honourable friend says that Rs. 2-8-0 is a frightfully big sum. I know that Mullas are charging much more than that.

Sir Muhammad Yamin Khan: I say it becomes a tax when you fix a sum in this way. A man may give anything with his free will, but when you fix Rs. 2-8-0 he will be forced to pay.

Qazi Muhammad Ahmad Kazmi: The matter was only for a Select Committee and the imposition of fine or the amount of fee to the Qazi and all these things were matters to be considered by a Select Committee.

Mr. Abdul Qaiyum: Now, I should like to know a mulla who would really charge something less than Rs. 2-8-0.

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Let us have a registrar who will register Muslim marriages. That is the object of this Bill. There is no doubt that there are certain provisions in the Bill which may be objected to by some people. It is not such a bad Bill as my Honourable friend Sir Muhammad Yamin Khan would like us to believe. I do hope that if he reads the Bill a second time, he would see that it is less hideous than what it appeared to him on his first reading. After all the motion is for reference to a Select Committee. If the Honourable Member and members of his Party are prepared to go to the Select Committee and if there are any objectionable clauses in the Bill they can be improved. I for one do not think that the clause dealing with the composition of the District Committee is a very happy clause. It seems to be much too complicated and involved. These are matters that can be straightened out in a select committee. And if the objection is that we are encroaching on the autonomy of the Provinces, the Provinces do not seem to be frightfully conscious of their autonomy in these days of ordinances and Defence of India Rules. I think that Provincial Autonomy has been reduced to something like a farce, and most of the powers have been taken away by the Centre. If my Honourable friend would be satisfied, we can easily add a clause that the enforcement of the Bill should be left to the Provincial Government with such modifications as may be needed in the light of local circumstances. Let us not kill such a good and wholesome measure at this stage, because the Muslim community would be deprived of the benefit of a much-needed reform. I would appeal to my Honourable friend Sir Muhammad Yamin Khan and the members of his Party to allow the Bill to go to a Select Committee—let us try to improve it. Let us also try to see that the autonomy of the Provinces, which as I said does not exist, does not suffer. Sir, I support the Bill.

The Honourable Sir Asoka Roy: Sir, I should like to make the attitude of Government in regard to this Bill clear in a very few words. An earlier identical Bill was circulated for the purpose of eliciting opinion thereon and the opinions received in regard to that Bill which, as I said was identical in terms, were in part hostile and in part favourable. I think the two opinions were almost equally balanced. In those circumstances and having regard to the active opposition of the Muslim League Party in this House, Government cannot support the reference of the Bill to a Select Committee, and must leave it to the Muslim Members of the House.

Qazi Muhammad Ahmad Kazmi: Mr. President, I have very carefully listened to the only one speech that has been delivered against the Bill, the speech by Sir Muhammad Yamin Khan.

An Honourable Member: It is the speech of the Party.

Qazi Muhammad Ahmad Kazmi: May be it is the Party's view but I do not think the Party would ascribe things which were uttered by Sir Muhammad Yamin Khan. I think that Sir Muhammad Yamin Khan has misunderstood the whole position from the very beginning.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Because you are a qazi: that is the trouble.

Qazi Muhammad Ahmad Kazmi: The offer that I made was that you prepare any draft that can be put before the House, that will be acceptable to me. Even today I am making this offer. This Bill is not in the interest of any particular qazi but in the interests of the Muslim community and you can join your heads together and produce a draft embodying your ideas and notions which you think will be acceptable to the Muslim community and I am prepared to withdraw this Bill. I am prepared in the Select Committee to have it altered substantially but the question is whether you have the time and intention to do that.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): We oppose it in principle.

Qazi Muhammad Ahmad Kazmi: But you have not spoken so. I know that you wanted to oppose it in principle. I would have very gladly heard it and

that was what I wanted to hear. What is the principle on which they are opposing the Bill? Is it the principle enunciated by Sir Muhammad Yamin Khan, the mouthpiece,—as he thinks himself to be,—of the Muslim League Party that a fee of Rs. 2-8-0 would be too heavy and crushing a burden on the Muslim community?

Sir Muhammad Yamin Khan: It goes up to Rs. 15 penalty.

Qazi Muhammad Ahmad Kazmi: I am only ashamed to have to reply to arguments of the type which are being advanced by Sir Muhammad Yamin Khan. Does he not understand this single A. B. C. D. of the procedure of this House that this penalty can be increased, decreased or even abolished if it goes to the Select Committee. It was for this very purpose that I had put his name for the Select Committee but he said that he did not want to be on the committee. Every possible effort on my part to bring him and other gentlemen to consider this point seriously had utterly failed and it was then that I decided that whatever be the fate of the Bill I would carry it to the House. Instead of that, he had the audacity to suggest that I had kept the name of Darul-ulam Deoband or of certain institutions of Allahabad because I happened to reside there. Had he the sense to read section 10 sub-clause (a) he would have known that these are matters of detail which have to be decided not even by this Legislature but they are left to the Provincial Governments which have to add the name of the schools. This is absolute ignorance of the elementary principles shown by him in opposing this Bill. They may pretend to have some principle. But what is it?

Mr. Abdul Qaiyum: Now do not you withdraw it.

Mr. Sri Prakasa: Let not marriages result in a quarrel.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): As it always does!

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

Qazi Muhammad Ahmad Kazmi: What is the principle that my learned friend says that he has initiated against this Bill. He says because members coming from various provinces have differed on this, therefore we want to differ on it too.

Maulvi Muhammad Abdul Ghani: The Bihar people differ entirely.

Qazi Muhammad Ahmad Kazmi: You do not speak. Muhammad Yamin Khan has not given the reasons. We wanted a fair discussion of the whole proposition. It seems that you want a dictatorship and that whatever you say must be followed: unless of course you have given your views to Yamin Khan and what he says must be law. My submission is . . . . . .

(Interruptions)

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

Qazi Muhammad Ahmad Kazmi: May I just once again draw the attention of the Honourable Member to the puerile nature of the arguments advanced by him. I request him to have a look at the Bill itself and then let me know what was the principle on which he opposed it. Was it on the question of penalty, or the question of the fee of Rs. 2-8-0 or what I favoured—hereditary Kazis? If my Honourable friend had only taken the trouble of reading the opinions that we received, he would have found that the chief reason that was put in by some of the persons who opposed this Bill was that there were hereditary Kazis who were not competent enough to carry on the duties of Kazis. It was the hereditary Kazis who were opposing it. But he had not taken the trouble to find that out. The provisions of the Bill are simple enough. As I have said, I myself have tried my best to form a Committee which will be able to nominate the Kazis. Any improvements, any suggestions in that direction could be dealt with in the Select Committee. The imposition of fees of Rs. 2-8-0 and Rs. 15 can be amended any time in this House or by the Select Committee. So far as the provisions of the various *Madarsahs* are concerned

[Qazi Muhammad Ahmad Kazmi]

it is a matter to be left to the Provincial Governments and if my Honourable friends are anxious they can offer their suggestions here. Even if you do not like to have persons who have no education in those schools, put in a condition that he must be a matriculate. But do not have illiterate people as Kazis. Is it in the interest of people who are illiterate and who want to have money to carry on the work of a Kazi that the Bill can be opposed? They are the only persons who can be opposed to this Bill and not persons who have got anything in the nature of a right attitude of mind.

I do not think it is necessary for me to take on any more time. I am very anxious to finish myself. I think no proper reasons have been advanced by my friends and there is no reason why this Bill should not go into the Select Committee and I would appeal to my Honourable friends to reconsider their position after the reasons they have advanced in this House whether they have made out a fit case for opposing this Bill.

5 P.M.

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

"That the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages amongst Muslims be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Sir George Spence, Mr. Muhammad Nauman, Maulvi Muhammad Abdul Ghani, Maulvi Syed Murtaza Sahib Bahadur, Maulana Zafar Ali Khan, Mr. Abdul Qaiyum, Khan Bahadur Sheikh Habibur Rahman, Mr. Hooseinbhoy A. Lalljee, Kunwer Hajee Ismaiel Alikhan, Mr. Govind V. Deshmukh 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 Assembly divided:

AYES—5

Abdul Qaiyum, Mr.	Kamaluddin Ahmad, Shams-ul-Ulema.
Deshmukh, Mr. Govind V.	Kazmi, Qazi Muhammad Ahmad.
Ghiasuddin, Mr. M.	

NOES—13

Abdul Basith Choudhury, Dewan.	Nauman, Mr. Muhammad.
Abdul Ghani, Maulvi Muhammad.	Siddique Ali Khan, Nawab.
Abdullah, Mr. H. M.	Yamin Khan,, Sir Muhammad.
Essak Sait, Mr. H. A. Sathar H.	Yusuf Abdoola Haroon, Seth.
Ismail Khan, Hajee Chowdhury Muhammad.	Zafar Ali Khan, Maulana.
Liaquat Ali Khan, Nawabzada Muhammad.	Zia Uddin Ahmad, Dr. Sir.
Nairang, Syed Ghulam Bhik.	

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th April, 1945.

LEGISLATIVE ASSEMBLY

Friday, 6 April, 1945

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

MEMBER SWORN:

Mr. Ram Nath, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

POSTPONEMENT OF INDIAN IMMIGRATION BILL IN THE AMERICAN CONGRESS

1661. *Sardar Mangal Singh: Will the Foreign Secretary please state;

(a) whether it has been brought to his notice that the House Committee of the American Congress has indefinitely postponed the consideration of the Indian Immigration Bill;

(b) what action Government have taken or contemplate to take in this matter; and

(c) the position regarding the other Bills that were pending before the American Congress about the removal of disabilities from Indians in U.S.A.?

Sir Olaf Caroe: (a) Yes.

(b) The matter is under active consideration in consultation with the Indian Agent General in Washington, who has made further representations to the State Department.

(c) The Bills are understood to be still pending.

Seth Yusuf Abdoola Haroon: May I know whether the Agent to the Governor General is in touch with the Government of India regarding this matter?

Sir Olaf Caroe: Yes, in very close touch.

Prof. N. G. Ranga: Has the Government of India informed the Government of the United States how strong has been the reaction in this part of the world as a result of the postponement of this Immigration Bill in the House of Representatives?

Sir Olaf Caroe: Yes; the very strongest representations possible have been made on that point; and as far as I am aware, every effort to aid is being made by the State Department; but the trouble is that these Bills are sponsored in America by members of the Congress who are not members of the Government.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Honourable Member is aware that his estimate of the effect of Mrs. Vijayalaxmi Pundit's visit to America in this matter has been contradicted by one of the authors of these Bills?

Sir Olaf Caroe: It has been contradicted by one of the sponsors of this Bill.

Sardar Mangal Singh: How is it that the Government of the U. S. A. did not initiate these Bills and how do the Government of India arrange that these Bills should be passed?

Sir Olaf Caroe: I cannot go into a dissertation—nor have I sufficient knowledge to go into a dissertation—on this fact that Bills have to be initiated by what may be called private members; the only thing to do is to get our diplomatic representative to get into touch with the State Department and try to make some arrangement with the State Department to give support to any Bill which would suit the book of the country which is affected.

Prof. N. G. Ranga: Is it not possible for the Government of India to seek the permission of the State Department there to indicate their views in as non controversial a manner as possible to all the members of the Congress?

Sir Olaf Caroe: I think that that is being done as far as possible. There are many cross currents in American politics. That is another difficulty, just as in any other countries.

RAILWAY ACCIDENT AT JUNGSHAHI

1662. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways please state:

(a) the full facts of the Railway accident that occurred at Jungshahi near Karachi on the 22nd March, 1945;

(b) the reason for the accident;

(c) the number of casualties; and

(d) the steps Government have taken in the matter?

The Honourable Sir Edward Benthall: (a) and (b). I would refer the Honourable Member to the reply I gave to parts (a) and (b) of Mr. Satyanarayana Moorty's Starred Question No. 1561 on the 3rd instant.

(c) and (d). I have already given this information in my reply to parts (a), (b), (e) and (f) of Seth Yusuf Abdoola Haroon's Short Notice Question on the 2nd instant.

Mr. Lalchand Navalrai: May I know if the Sind Government has set up any judicial inquiry now or up to this time?

The Honourable Sir Edward Benthall: No. I have no further information, other than that which I gave to the House a few days ago, in which I said that there was a magistrate present at the initial inquiry.

Mr. Lalchand Navalrai: May I know if the compensation to the relatives of the persons who have died and to others who were injured is also being considered by the railway?

The Honourable Sir Edward Benthall: It is not only being considered; I understand it is being paid as rapidly as possible.

Mr. T. S. Avinashilingam Chettiar: With reference to part (b) of the question, is there any reason given for the accident?

The Honourable Sir Edward Benthall: No, because the Government Inspector under the Posts and Air Department was only then conducting an inquiry.

Mr. Lalchand Navalrai: I have not yet received the names of the persons involved in the accident?

The Honourable Sir Edward Benthall: No; after the last question on the 3rd instant I issued instructions for the names to be collected in order to be communicated to the Honourable Member.

ASCERTAINING THE VIEW OF THE LEGISLATIVE ASSEMBLY ON ROAD-RAIL COORDINATION

1663. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways please state:

(a) whether he has considered the vote of the House censuring the Government for their failure to consult the House on the matter of Road-Rail Co-ordination; and

(b) if so, whether Government propose consulting this House on that matter by way of tabling a resolution, stating their proposals and taking the view of the House?

The Honourable Sir Edward Benthall: (a) and (b). Government have considered the situation arising out of the cut motion on Demand No. 6-G, Miscellaneous Expenses, of the Railway Budget and the speeches made during the debate thereon. In consultation with the Party Leaders, I have accordingly moved on the 3rd instant a supplementary demand in order to clarify Government's proposals for road-rail co-ordination and to ascertain the further views of the House.

Mr. T. S. Avinashilingam Chettiar: With reference to clause (b), may I know whether by putting the demand for a supplementary grant and the Resolution over this matter this House is put into a difficulty, because he wants to pass the grant and he wants to amend his views over the rail-road co-ordination policy too?

The Honourable Sir Edward Benthall: Yes; I appreciate the difficulty, which is exactly the difficulty I was in. I moved a demand dealing with the emergency position and the debate developed on the lines of the postwar road-rail co-ordination position. That was the difficulty I found myself in; but after consultation with the party leaders, I decided, or we decided together, that the best way was to put up a supplementary demand in order to permit the House to come to a decision thereon.

Prof. N. G. Ranga: In view of the fact that the House finds it impossible to agree over the statement of policy which the Honourable Member has appended to his supplementary demand will the Honourable Member at least now reconsider his position and consider the advisability of tabling a resolution and getting the whole thing discussed on its own merits?

The Honourable Sir Edward Benthall: We had one long discussion and I have made an occasion, not perhaps in the usual way, for a further debate because I was very anxious that this whole subject should be fully ventilated; but time did not permit of my giving a day for a resolution. I thought the simplest way was to put up a supplementary demand in order to ventilate the subject further. It is not possible to do anything further this Session; but, if there is a demand for it in the next Session, I will see whether the position of business permits further discussion then. I will give the matter consideration.

Mr. Badri Dutt Pande: When will the proposals for rail-road co-ordination come into effect?

The Honourable Sir Edward Benthall: That is precisely the difficulty. The Provincial Governments are proceeding with their schemes and if the Central Government does not formulate some policy rapidly, the Central Government will be left out of the schemes altogether.

Mr. Badri Dutt Pande: Which are the Provincial Governments which have agreed to the proposal, and which are the Provincial Governments which have not?

The Honourable Sir Edward Benthall: Generally speaking, all the Provincial Governments appear to be veering towards the policy of the Central Government, with the exception of the Punjab Government, whose position is not clear yet but who would appear to be veering rather in the other direction, towards state ownership, that is, provincial ownership of transport; and Madras where the position is, so far as I know, quite undetermined—they are hovering between state ownership and—well, I do not know what.

Prof. N. G. Ranga: Is it not a fact . . . . . .

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

RAILWAY EXHIBITION IN DELHI

1664. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways please state:

(a) the probable number of persons that would have seen the recent Railway Exhibition in Delhi;

(b) the total amount of money spent on the Exhibition; and

(c) whether he proposes to consider the advisability of having this Exhibition in Provincial Capitals also in rotation?

The Honourable Sir Edward Benthall: (a) It is estimated that over 60,000 people visited the Railway Exhibition.

(b) A sum not exceeding Rs. 50,000 was placed at the disposal of the Information and Broadcasting Department to cover their portion of the expenses. No details are readily available of the expenditure incurred by individual railways. The greater number of models were, however, already in existence and small cost only was, therefore, incurred on refurbishing them and providing them with appropriate text Boards.

(c) The advisability of holding this Exhibition in the larger Provincial capitals has been carefully considered. It is with regret that we have come to the conclusion that a repetition of this Railway Exhibition at other centres in India will not be possible at present in view of the heavy load on railways which is likely to be still heavier in the coming winter.

Mr. T. S. Avinashilingam Chettiar: I understood that an allotment of Rs. 50,000 was given to the Information and Broadcasting Department. Was the exhibition run by that department or by the Railway Department itself?

The Honourable Sir Edward Benthall: Jointly with the Information and Broadcasting Department who have experience of staging exhibitions but all the models were supplied by the Railways.

Mr. Lalchand Navalrai: May I know if these models will be preserved and kept in some museum or in the Broadcasting Office?

The Honourable Sir Edward Benthall: Not in the Broadcasting Office. These models, many of them, have been preserved for many years and in view of the success of the exhibition, we will certainly preserve them in future.

Shrimati K. Radha Bai Subbarayan: May I ask, Sir, if the object of the Exhibition is to educate the people about the existing conditions on the Railways or about the ideal conditions which the Government have in view?

The Honourable Sir Edward Benthall: Both. The object of the Exhibition was to show to the Members of the Legislature, members of the Military and other Services and the public in general the difficulties which the Railways are experiencing today, the manner in which they have attempted to overcome those difficulties and to a certain degree—and to a certain degree only—what we have in mind for post-war development.

Seth Yusuf Abdoola Haroon: May I know whether this 50,000 which was placed at the disposal of the Information and Broadcasting Department was only meant for advertising for the exhibition or does it include the capital expenditure also?

The Honourable Sir Edward Benthall: Not exactly capital expenditure but the expenditure of fitting up the exhibition.

Mr. H. A. Sathar H. Essak Sait: Has the total expenditure been less than 50,000?

The Honourable Sir Edward Benthall: I have not seen the accounts.

INDIAN DELEGATION TO SAN FRANCISCO CONFERENCE

1665. ***Mr. T. S. Avinashilingam Chettiar:** Will the Foreign Secretary please state:

(a) whether he has noted the fact that the various portions of this House have expressed dissatisfaction at the selection of representatives to represent India at the San Francisco Conference;

(b) whether this matter has been considered in the Executive Council; and

(c) if so, to what effect?

Sir Olaf Caroe: (a), (b) and (c). Government have noted the views expressed by various Members of this House but see no reason to alter the composition of the Indian delegation to the San Francisco Conference.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have seen reports that the San Francisco Conference may be postponed?

Sir Olaf Caroe: They have also seen the statement of the Secretary of State in the United States that there is no truth in it.

Mr. Badri Dutt Pande: Is it a fact that Russia has declined to take part in that Conference?

Sir Olaf Caroe: Not so far as I know. I do not know what is the Honourable Member's source of information.

Mr. T. S. Avinashilingam Chettiar: What is the Government's source of information in this matter? Have they any independent source of information other than newspapers?

Sir Olaf Caroe: You cannot have better information than that from the American Secretary of State.

Mr. T. S. Avinashilingam Chettiar: Do they know it directly from him?

Sir Olaf Caroe: Yes: We had a communication from Mr. Merrell, the American representative in India.

Mr. T. S. Avinashilingam Chettiar: Has he got any information that America is backing out of the Conference?

Sir Olaf Caroe: No, Sir. None at all. It is most undesirable that a suggestion of that kind should be made in this House.

Prof. N. G. Ranga: Are these delegates instructed to say, if their representative capacity is questioned, that this House is not representative of the public because it was elected some ten years ago, just as other delegates were instructed earlier?

Sir Olaf Caroe: I do not think that arises.

Mr. Lalchand Navalrai: What major advantage the Government of India will get by sending these people against the wishes and suggestions of this House?

Sir Olaf Caroe: The representatives of any country must be the representatives chosen by the Government which is responsible for international affairs and other affairs.

Mr. N. M. Joshi: May I know whether the delegates of India at the San Francisco Conference will raise the question of the position of Indian minorities in South Africa and other dominions?

Sir Olaf Caroe: I do not see how that can come into the consideration of Dumbarton Oaks.

Mr. N. M. Joshi: Is the Honourable Member aware that in the League of Nations there was an organisation called the Minorities Commission and I want to ask whether their delegates are instructed to raise the question of having a sort of minorities commission in the new security organisation?

Sir Olaf Caroe: Broadly speaking, the intention of the San Francisco Conference is to draft statutes, what might be called International Statutes and not to consider the implications of various concrete problems.

SUSPENSION OF RECRUITMENT AND CONFIRMATION OF CLERKS IN POSTAL DEPARTMENT

1666. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Secretary for Posts and Air please state whether it is a fact that the recruitment and confirmation of the clerks in the Postal Department was temporarily suspended 15 years back, that is prior to the introduction of new time scale in the Postal Department?

(b) Is it also a fact that the candidates in the Post-Office were taken upto the age of 29 and confirmed in the Postal Department at that time?

(c) If the replies to (a) and (b) be in the affirmative, why has not that concession been extended this time to the Matriculate candidates who have been officiating on vacant and temporary posts since the year 1937?

(d) Do Government propose to consider the advisability of allowing them the concession and saving them from the loss of non-confirmation?

Sir Gurunath Bewoor: (a) The facts are not as stated by the Honourable Member. Recruitment of clerks was not suspended but appointment of clerks on a permanent basis was suspended from April 1931 to 1st April 1935.

(b) Candidates were not taken up to the age of 29 and confirmed, but such of the candidates as had entered service on a temporary basis within the prescribed age limit but had failed to obtain permanent appointment, due to the ban on confirmation, were allowed to be confirmed even up to the age of 29, when the ban was removed.

(c) This does not strictly arise in view of the replies to parts (a) and (b) but I may inform the Honourable Member that on the introduction of the recruitment rules in 1937, Government granted several concessions to staff employed on a temporary basis who were ineligible for permanent appointment. The officials referred to by the Honourable Member are apparently those not covered by any of those concessions or those who failed to qualify themselves for permanent appointment by passing the prescribed tests. Such men have obviously no claim for any permanent appointment.

(d) No, as during war time all appointments are to be made on a temporary basis.

Qazi Muhammad Ahmad Kazmi: May I know whether the Government are even now prepared to take candidates on a permanent basis—I mean those who

have been working temporarily and have passed the age of 29 during the course of their work in the Posts and Telegraphs Department? —

Sir Gurunath Bewoor: I have stated that no permanent appointments were made during the war. After the war, the intention is to reserve 70 per cent. of the permanent vacancies for candidates with war service and the remaining 30 per cent. will be filled from among temporary clerks.

Qazi Muhammad Ahmad Kazmi: What I wanted to know was whether it will be a disqualification for a candidate who is on a temporary basis because he has passed the age of 25, when the question of the permanent appointments will be considered by the Government?

Sir Gurunath Bewoor: If the candidate was within the age limit at the time he was taken as a temporary clerk, that will not be considered as a bar to his confirmation, if he has passed that limit at the time of the permanent appointment, provided he is qualified in all other respects.

Muslim Personnel Officers on North Western Railway

1667. *Maulana Zafar Ali Khan: (a) Will the Honourable the Railway Member please state if it is a fact that an assurance was held out by Government that the number of Muslim officers in the Personnel Branches will continue to be increased with a view to affording opportunities for their training for higher jobs?

(b) If the reply to (a) be in the affirmative, what has been the increase in the number of Muslim Personnel Officers on the North Western Railway during the last year?

(c) Is it a fact that there have been three vacancies of Personnel Officers on the North Western Railway during the past few months due to retirement and promotion of three Muslim Personnel Officers, but the same have not been filled by any Muslim? If so, why?

The Honourable Sir Edward Benthall: (a) The Honourable Member has probably in mind a statement made in this House in 1931, the precise terms of which are explained in the reply given to part (a) of Mr. H. M. Abdullah's Starred Question No. 197 asked on 4th August 1943. The Honourable Member has presumably drawn his reference to opportunities for training from a separate decision applying to all communities, the full text of which is given in the reply to part (b) of Mr. H. M. Abdullah's Starred Question No. 234 asked on 19th September 1939.

(b) Government understand that there was no increase in the number of Muslim Personnel Officers on the North Western Railway during 1944 as compared with 1943.

(c) The reply to the first portion is in the affirmative. One of the Muslim officers remains in the Establishment Branch even after his promotion. One vacancy in the chain of arrangements has been filled by a Muslim Officer, and the resulting position is that the decrease in the total number of Muslims in the Personnel Branch of the North Western Railway, after filling the three vacancies, is only one. As regards the last part of the question, it must be remembered that promotions to gazetted rank are made without regard to communal considerations, though every effort is made to post suitable Muslim Officers to the Personnel Branch if selected and available.

Absence of Muslim Personnel in Military Engineering Service in Balcuhistan

1668. *Mr. H. A. Sathar H. Essak Sait: Will the Foreign Secretary please state:

(a) whether he has read the letter published on page 2 of the *Dawn*, dated the 7th February, dealing with the complete absence of Muslim personnel even in the non-technical sections of the Military Engineering Service in Baluchistan;

(b) whether it is a fact that out of fourteen Head Clerks and fourteen Superintendents, Establishment Section, and ten Superintendents, Contract Section, not one is a Muslim;

(c) whether a few Muslims who were formerly employed in this service in Baluchistan were transferred; if so, why; and

(d) whether it is the policy of Government to have as few Muslims in the Baluchistan Government services as possible?

Sir Olaf Caroe: This question will be answered by my Honourable friend the Secretary for War on the appropriate day.

Coal and Chromium Mines in Baluchistan

1669. *Mr. H. A. Sathar H. Essak Sait: Will the Foreign Secretary please state:

(a) whether coal (including steam coal) is found in abundant quantity in Shahruq in Baluchistan;

(b) the person who is running these coal mines and the chromium mines at Hindu Bagh; and

(c) the amount of financial profit that the Province derives out of these mines?

Sir Olaf Caroe: The information is being collected and will be laid on the table when received.

Mr. H. A. Sathar H. Essak Sait: This question deals with coal and Chromium mines in Baluchistan and where is the difficulty of collecting the information?

Sir Olaf Caroe: This is a complicated matter and we want to give the Honourable Member a complete answer.

Filling of High-Salaried Posts in Baluchistan through Federal Public Service Commission

1670. *Mr. H. A. Sathar H. Essak Sait: Will the Foreign Secretary be pleased to state whether he proposes to see that all high salaried posts in Baluchistan are henceforth filled through the Federal Public Service Commission as Baluchistan is a centrally administered Province?

Sir Olaf Caroe: Recruitment to posts in Baluchistan is already subject to the Federal Public Service Commission (Consultation by the Governor General) Regulations.

Mr. H. A. Sathar H. Essak Sait: Even on the last day my Honourable friend answered questions on Baluchistan service, he said that so many recruitments were made by the A.G.G., by the Baluchistan Government without reference to the Federal Public Service Commission.

Sir Olaf Caroe: If my Honourable friend will examine the regulations, he will find that no consultation with the Commission is necessary in respect of a very large number of posts; for instance, in the case of appointments to the superior services, to the Provincial Service, to the Subordinate Service, such as Tahsildars, Naib-Tahsildars it is not necessary to consult the Federal Public Service Commission.

Mr. H. A. Sathar H. Essak Sait: Will the Honourable Member kindly consider the revision of these rules so that all these recruitments may be made through the Public Services Commission?

Sir Olaf Caroe: No, Sir. That is the regulation which exists all over India, not only in Baluchistan.

Indian Delegation to San Francisco Conference

1671. *Prof. N. G. Ranga: Will the Foreign Secretary be pleased to state:

(a) if the delegation of the Government of India to San Francisco is being given any instructions as to the role to be played by them on behalf of India, in the present political conditions of India;

(b) the objects that Government wishes them to have in their view and to advance; and

(c) whether they propose to take this House into their confidence as to their instructions and objects and ascertain the wishes of the Assembly?

Sir Olaf Caroe: (a) Yes.

(b) To make the greatest possible contribution to the realization of a world organization on the Dumbarton Oaks plan, in which India may play a part worthy of her war effort, her aspirations and her resources.

(c) It is not in accord with accepted practice in international affairs for the Government to disclose in advance the nature of instructions given to representatives to an international conference.

Prof. N. G. Ranga: The Honourable Member makes reference to India's aspirations. May I know what steps have the Government of India taken to ascertain India's aspirations? For instance, in America, they have tried to ascertain the aspirations by getting into touch with the Opposition leaders also in the Senate as well as in the Congress. What steps have the Government of India taken?

Sir Olaf Caroe: The Government of India hear every day the aspirations of my Honourable friend's Party, the aspirations of other Parties, the aspirations throughout India, the Government have every opportunity of knowing from the Legislatures, the press and platform what India's aspirations are.

Prof. N. G. Ranga: We learn from the Press that America is preparing plans in regard to colonial peoples, colour problems, regional organisations of these various countries for political and defence purposes. What steps have Government taken in regard to these matters? What are the instructions which the Government of India have given to their delegation in regard to these matters?

Sir Olaf Caroe: Government have taken what they consider to be the necessary steps. I cannot disclose what instructions have been given to the delegation.

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

COMPLAINT OF SHORT WEIGHMENTS AT RAILWAY GRAIN SHOP, MALAKWAL

1672. *Mr. Lalchand Navalrai: (a) Will the Honourable the Railway Member be pleased to state if he has received a complaint from the Railway staff, Malakwal junction, against the Grain-shop Manager, Malakwal, regarding short weighments?

(b) Are Government aware that the said Manager was caught red-handed while selling wheat, potatoes, onions, etc., in the market?

(c) What steps do Government propose to take in the matter?

(d) Do Government propose to pay the staff in cash? If not, for what reasons?

The Honourable Sir Edward Benthall: (a) Yes.

(b) and (c). Information is being obtained and a reply will be laid on the table of the House in due course.

(d) I would refer the Honourable Member to the reply I gave to part (a) of starred question No. 3 on 1st November 1944 in this House.

Mr. Lalchand Navalrai: In view of the fact that there are many complaints and the staff is being very much troubled, will the Honourable Member reconsider the question of giving them cash and also in view of the difficulty experienced by the railways also?

The Honourable Sir Edward Benthall: No, Sir. The staff are not being very much troubled. Many of them, on the other hand, feel great relief.

Mr. Lalchand Navalrai. Will the Honourable Member kindly appoint a Committee of enquiry?

The Honourable Sir Edward Benthall: No, Sir.

OFFICIATING PERSONAL ASSISTANT TO CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY

1673. *Syed Ghulam Bhik Nairang: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that the gazetted post of Personal Assistant to the Chief Medical and Health Officer on the North Western Railway has always been held by the technical Medical personnel and falls within the regular channel of promotions of Assistant Surgeons?

(b) Are Government aware that the justification for a technical medical personnel to hold the post of Personal Assistant to the Chief Medical and Health Officer is further strengthened in view of the recent transfer of additional sanitation work from the Engineering to the Medical Branch on the North Western Railway?

(c) If the replies to parts (a) and (b) above are in the affirmative why has a non-Matriculate Head Clerk, Medical Branch, who possesses no medical qualifications and whose channel of promotion is the clerical establishment been allowed to officiate as Personal Assistant/C. M. O. on account of the permanent incumbent being posted as Divisional Medical officer?

The Honourable Sir Edward Benthall: (a) and (c). The post referred to is normally held by technical medical personnel. During short leave vacancies, however, non-technical subordinates have, for administrative convenience, been appointed to officiate in the post. The officiating appointment of the Head Clerk against a short-term vacancy in connection with a leave arrangement has been made for this reason.

(b) The reply is in the affirmative.

Syed Ghulam Bhik Nairang: Am I to understand that the Honourable Member means that this non-technical head clerk who is now officiating is not going to hold the post permanently and that permanently only a technical medical man will be put in charge?

The Honourable Sir Edward Benthall: Yes, Sir. It is purely a short leave vacancy and on this occasion, as in the past, it is found administratively convenient to allow the head clerk to carry on during the short term vacancy.

Maulvi Muhammad Abdul Ghani: May I know whether a more qualified person in the office was not available?

The Honourable Sir Edward Benthall: It was administratively more convenient to make this arrangement.

LOW WAGES OF COOLIES AT ARAVANKADU CORDITE FACTORY

1674. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

(a) whether it is a fact that male coolies and women coolies at the Aravankadu Cordite Factory are engaged at nine annas and six annas a day respectively;

(b) whether it is not a fact that wages outside the factory for male and female coolies are Rs. 1-8-0 and Annas 0-12-0 respectively;

(c) the number of coolies working at six annas a day and nine annas a day;

(d) whether it is a fact that coolies working in the Stores Section have to shovel coal and were, therefore, supplied with special black clothing which have been stopped since three years; and

(e) the number of coolies who resigned during the last twelve months on account of the unsatisfactory conditions of labour and low wages, but whose resignations were not accepted on the ground that they were on essential duty?

Mr. J. A. Mackeown: (a) Yes, but they receive dearness allowance in addition.

(b), (c), (d) and (e). The information is being collected and will be laid on the table of the House in due course.

Seth Yusuf Abdoola Haroon: May I know what dearness allowance they receive?

Mr. J. A. Mackeown: Rs. 11 a month.

Shrimati K. Radha Bai Subbarayan: While collecting information will Government ask if the men coolies can be given coloured overalls and women coolies coloured saris while they are on duty?

Mr. J. A. Mackeown: That is the point of collecting information, to know whether any practice that prevailed in the past has been unnecessarily suspended.

HILL ALLOWANCE FOR TEMPORARY CLERKS AND LABOURERS AT ARAVANKADU ORDNANCE FACTORY

1675. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

(a) if it is a fact that in Aravankadu Ordnance Factory 'Hill Allowance' is paid to permanent clerks and labourers, but not to temporary clerks and labourers;

(b) the percentage of temporary clerks and labourers to the total number of employees in the Aravankadu Factory who do not receive hill allowance;

(c) whether it is true that the wages paid to temporary clerks and labourers in the Aravankadu Factory are not higher than the wages paid in other Ordnance factories in the country; and

(d) whether it is true that the Railway employees in Aravankadu and Ootacamund receive hill allowance; if so, do Government propose to consider paying similar allowance to the employees of the Aravankadu Factory?

Mr. J. A. Mackeown: (a) Hill allowance is paid to permanent clerks only.

(b) Out of the total number of clerks and labourers only 5 per cent. is permanent.

(c) Yes.

(d) Government have no information on the first part of the question. They do not propose to consider the extension suggested in the second.

Sri K. B. Jinaraja Hegde: May I know why only 5 per cent. of the employees are made permanent in spite of the fact that this factory has been running for so many years?

Mr. J. A. Mackeown: The 5 per cent. of the clerical staff that is permanent is what may be called the nucleus staff for peace time. We cannot make permanent the extra staff which is needed only for war-time requirements.

Sri K. B. Jinaraja Hegde: What is to happen to those who are not employed on a permanent basis?

Mr. J. A. Mackeown: That is under consideration in other departments, not in the Supply Department.

SUPPLY OF CHEAP GRAINS TO WORKSHOP AT ARAVANKADU ORDNANCE FACTORY

1676. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

(a) whether it is a fact that in Aravankadu Factory, dearness allowance is paid to clerks at Rs. 14 and to workers at Rs. 11 per month;

(b) if it is a fact that the co-operative Stores supplying foodstuffs to employees make no difference in prices charged from workers and clerks; and

(c) whether Government propose to make arrangements either to supply cheap grains to workers or pay the same dearness allowance to workers as well; if not, why not?

Mr. J. A. Mackeown: (a) The position is as stated by the Honourable Member except that clerical staff governed by the Factories Act and any other clerk in receipt of less than Rs. 40 p.m., also received a dearness allowance of Rs. 11. The question of revising the present orders is underconsideration.

(b) Yes.

(c) No, in view of the possible revision referred to in reply to part (a).

Prof. N. G. Ranga: Why is it that Government do not want to introduce the salutary practice that the railways have instituted of selling foodgrains at cheaper rates to low-paid employees?

Mr. J. A. Mackeown: The position is that we are considering revising the dearness allowance itself, and if the distinction between clerks and labourers is removed the necessity for any special concessions in purchase of stores would disappear.

IN-PATIENT HOSPITAL AT ARAVANKADU ORDNANCE FACTORY

1677. *Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

(a) whether it is true that the inpatient hospital at Aravankadu Factory contains ten beds only and there is no provision for supplying diet to inpatients;

(b) whether it is a fact that this hospital was demanded by civil authorities who promised to run it as a hospital with diet; and

(c) whether Government propose to hand it over to the civil authorities or run it with diet for the benefit of the workers of the factory?

Mr. J. A. Mackeown: (a) There is a dispensary at the Cordite Factory, Aravankadu, with six beds for the use of Emergent Cases pending their removal to the local hospitals. The beds are not available for accommodating regular inpatients and the question of providing diet does not normally arise.

(b) No.

(c) There seems no reason to depart from the present practice.

Sri K. B. Jinaraja Hegde: Are Government prepared to hand over this hospital to the local civil authorities so that they may run it as a hospital with diet?

Mr. J. A. Mackeown: No, we had no request, and at the same time even if we had a request I do not think we could do so, because this is an emergeney hospital in a dangerous factory where accidents are liable to occur and we must have some place where to put seriously injured patients while they are waiting for removal to a regular hospital. And if we turn this temporary hospital into a regular hospital, we would have to set up somewhere a special dispensary to attend to serious emergent cases. We could not afford to wait if the beds in this hospital were occupied by permanent patients. We must have some place to put emergent cases.

Shrimati K. Radha Bai Subbarayan: May I ask, Sir, if any of these beds are reserved for women coolies?

Mr. J. A. Mackeown: I require notice of that question.

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

Sri K. B. Jinaraja Hegde: What is the distance of this factory from the civil hospital?

Mr. J. A. Mackeown: I require notice.

CONCERNS IN INDIA MANUFACTURING CYCLES

1678. *Mr. K. C. Neogy: (a) With reference to the reply given by the Honourable the Supply Member to part (b) of starred question No. 1123 on the 20th March, 1945, will the Honourable Member be pleased to state how many concerns in India manufacture cycles, and whether his observations apply equally to them? With which particular make of British cycles did he compare the Indian manufactured cycles for the purpose of his statement?

(b) Will he please state whether it is not a fact with reference to Hind cycles, (i) that the cycles were examined by Inspecting Officers before orders were placed, they were examined before supplies were accepted, and Inspecting Officers certified that they were satisfied with the quality;

(ii) that the assembling of the cycle parts was for some time done under the supervision of experts sent by the Military authorities who were satisfied as to the quality of the manufactured parts; and

(iii) that supplies in 1943, made against urgent Government demands, included cycles, parts of which were made of locally available steel in place of suitable imported steel which Government had failed to obtain for the industry from abroad, and that this point was made clear to Government at that time, and that Government decided to obtain the supplies in spite of this known deficiency?

Mr. J. A. Mackeown: (a) Two firms are manufacturing bicycles in India. The observations in part (b) of starred question No. 1123 apply to the bicycles produced by both firms which cost about twice as much as 'Raleigh' and 'B.S.A.' bicycles.

(b) (i) Yes, but complaints about the unsatisfactory performance of the bicycles began to come in after they went into use.

(ii) Yes.

(iii) Yes.

HANDICAPS FOR INDIAN CYCLES MANUFACTURING INDUSTRY

1679. *Mr. K. C. Neogy: Will the Honourable the Supply Member be pleased to state:

(a) if it is a fact that Government pressed for fullest possible supplies of cycles from indigenous sources in 1942-43 when the shipping situation was unfavourable, and that as a consequent factories were expanded, and the

firms did their best to increase production;

(b) if it is true that in 1944, when the shipping situation improved, Government not only stopped orders, but also cancelled foreign indents of special steel required by the industry, which resulted in serious loss to the concerns and stoppage of cycle production; and

(c) as regards the price of Indian-manufactured cycles, if the Honourable Member made any allowance for the handicaps under which the Indian manufacturers may have laboured, such as shortage of skilled labour and necessary material, and also the limited turnover; whether the cost of production of Indian-manufactured cycles was analysed by any responsible Government officials in co-operation with the firms concerned; if so, with what result?

Mr. J. A. Mackeown: (a) Government decided to utilise indigenous capacity for the manufacture of bicycles to the maximum extent in 1942-43 subject to prices being reasonable. Government are not aware of any appreciable expansion of bicycle manufacturing capacity, though undoubtedly there has been some increase.

(b) Orders on indigenous manufactures were stopped because imported cycles could be bought at about half the price of the Indian-made machine. The indent on the U. S. A. for special steel had to be cancelled because the U. S. A. authorities did not agree to accept it.

(c) Due allowance was made for all the considerations mentioned, but the margin of difference between the cost of the Indian-made machine and the imported machine was so great that Government could not agree to accept it. Production cost of the Indian manufacturers were examined by responsible Government Cost Accounts Officers, with the result indicated in the reply to part (b).

Mr. K. C. Neogy: Do I understand that the improvement in the shipping position referred to by him in answer to part (b) coincided with the cancellation of indents for special steel?

Mr. J. A. Mackeown: They may have coincided in point of time, but the decision to stop ordering Indian cycles had nothing to do with the shipping position.

Mr. Manu Subedar: In view of the fact that the defects in Indian made cycles were due to the use of ordinary steel instead of special steel, will the Government consider the advisability of getting into communication with the proprietors of the Indian cycle manufacturing firm and place proper materials at their disposal and then revise their judgment with regard to the quality of these cycles?

Mr. J. A. Mackeown: We have already taken steps to support indents for good steel, suitable steel from the U. K. and we are hopeful that the U. K. will be able to provide most of the steel required. When bicycles are made of better quality with suitable material, then of course we will reconsider the matter.

LIST OF APPROVED CANDIDATES FOR TEMPORARY CLERKS IN POST OFFICES IN DELHI

1680. *Qazi Muhammad Ahmad Kazmi: (a) Will the Secretary for Posts and Air please state if it is a fact that since November, 1944, list of approved candidates for the temporary clerks in the Post Offices in Delhi is being prepared for purposes of providing them with permanent employment?

(b) Is it a fact that the candidates who are being taken on the approved list are Matriculates who were employed as temporary clerks in 1943, with Rs. 50 as the starting salary?

(c) Is it a fact that the temporary clerks employed in 1937 with a starting salary of Rs. 40 are not being taken on this approved list?

(d) Is it a fact that clerks who were employed in 1937 on temporary basis have since then been continuously working in the Post Offices in almost all capacities?

(e) Is it a fact that some of those clerks who had prospects of getting much better pay in other Departments of the Government applied for jobs, but on enquiry the Post Office authorities refused to allow them to accept such jobs?

(f) Do Government propose to consider the advisability of allowing them to be taken on the approved list for permanent jobs and not refusing them the opportunity of better pay and prospects in other Government Departments?

Sir Gurunath Bewoor: (a) Yes. But the object in preparing the list is to have information readily available for the purpose of filling, after the war, those vacancies which are left available for temporary employees after satisfying the claims of candidates who have rendered war service.

(b) Yes, but they are employed on Rs. 46/ as pay *plus* Rs. 4 as deferred pay.

(c) and (d). Yes, in some cases.

(e) Yes, in one or two cases, as suitable substitutes were not available.

(f) All temporary candidates who have been in continuous service since 1937 and who satisfy the conditions now in force for employment in the post office will be duly considered for appointment along with the candidates subsequently employed. Their applications for transfer to other Departments will be considered favourably if they can be released without detriment to the public service or if there is a reasonable prospect of their being employed permanently in other Departments.

Qazi Muhammad Ahmad Kazmi: May I know whether, so far as these clerks are concerned who have not been allowed to go to other departments, their claims for permanent employment will be considered differently from that of other candidates who are not so appointed?

Sir Gurunath Bewoor: I cannot give any assurance of that kind. If a clerk already employed in a post office applies for going somewhere else, it depends upon the state of work in the post office whether he can be released or not.

Prof. N. G. Ranga: With reference to part (e), some of these people who had better prospects in other departments were prevented from going to other departments by the Postal Department, is it not unjust to drop out their names in this new list that is being prepared?

Sir Gurunath Bewoor: No, Sir. Their names are not being dropped from this list at all. I have said that all temporary candidates who have been in continuous service since 1937 and who satisfy the conditions will be considered for permanent employment.

Prof. N. G. Ranga: With reference to part (c) of the question, the Honourable Member said that of those people who were employed in 1937 on a starting salary of Rs. 40 all are not being taken on the approved list. May I know why some are being dropped?

Sir Gurunath Bewoor: That may be because they are not eligible for permanent appointments; they may not be fully qualified.

Qazi Muhammad Ahmad Kazmi: In preparing this approved list may I know how the age of the candidates will be taken? Will it be the age at the time the list is prepared or the age at the time they entered their temporary service?

Sir Gurunath Bewoor: I think every one who was within the age limit when he entered service will be considered for the approved list.

Maulvi Muhammad Abdul Ghani: Will the communal ratio be maintained in this approved list?

Sir Gurunath Bewoor: The communal proportion does not apply to the approved list. It applies to appointments and that will be observed when permanent appointments are made.

REALIZATION OF MONEY UNDER ORDINANCE 57 OF 1942 FROM BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAY COMPANIES

1681. *Qazi Muhammad Ahmad Kazmi: Will the Honourable Member for Railways please state whether Government have received money from the Bengal and North Western and Rohilkund and Kumaon Railway Companies as required by Ordinance No. 57 of 1942? If the reply be in the negative, will Government be pleased to advise the House how it is proposed to honour the pledge given to the employees before taking them over under the State service?

The Honourable Sir Edward Benthall: The matter is still under negotiation between the Government of India and the Companies' Liquidators and a settlement is likely to be reached shortly. Pending settlement, however, payments are being made to employees as due.

Seth Yusuf Abdoola Haroon: In view of the Ordinance, is there any reason for any other negotiation between the Companies and Government?

The Honourable Sir Edward Benthall: Yes, Sir, negotiations on matters of detail. But so far as the staff are concerned, payments are being made pending conclusion of the settlement of those details.

Mr. Badri Dutt Pande: Have these Companies received their share of the money all right?

The Honourable Sir Edward Benthall: That does not arise out of this question.

IMPROVEMENT IN SCALES OF PAY ON OUDH AND TIRHUT RAILWAY

1682. *Qazi Muhammad Ahmad Kazmi: Will the Honourable Member for Railways be pleased to state if any improvement has been made by Government in the scales of pay of the employees of the Oudh and Tirhut Railway? If not, why?

The Honourable Sir Edward Benthall: With your permission, Sir, I propose to reply questions Nos. 1682 and 1683 together.

The Honourable Member is referred to my reply to Starred Question No. 400 asked by Mr. Satya Narayan Sinha on the 20th February, 1945.

ADMINISTRATIVE POSTS ON OUDH AND TIRHUT RAILWAY

†**1683. *Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member be pleased to state how many administrative posts exist on the Oudh and Tirhut Railway and how many of these are held by Indians? If the reply be that none of these are held by an Indian, what Government are doing to select capable Indian Officers of this Railway for these posts?

(b) Is it a fact that due to increase of work on this Railway posts of Deputies are being created in all Departments? If so, do Government propose to select some of the capable Indian Officers of this Railway for some of these posts with a view to keep pace with other State Railways so far as Indianisation of services is concerned?

GRIEVANCES OF TRADING PUBLIC *re* SETTLEMENT OF CLAIMS, ETC.

‡**1684. *Qazi Muhammad Ahmad Kazmi:** Is the Honourable the Railway Member aware of the grievances of the trading public so far as settlement of compensation, claims and refunds are concerned? The delay being considerable, what steps are being to expedite matters on all Railways specially on the Oudh and Tirhut Railway?

The Honourable Sir Edward Benthall: The attention of the Honourable Member is invited to the reply given to starred question No. 401 asked by Mr. Satya Narayan Sinha on 20th February, 1945.

OVERCROWDING IN RAILWAY TRAINS

‡**1685. *Qazi Muhammad Ahmad Kazmi:** Is the Honourable the Railway Member aware of overcrowding in trains at present? Are Government also aware that overcrowding in upper classes becomes worse on account of Railway employees occupying the same in large numbers? Do Government propose to instruct Railway Administration to take steps to reduce overcrowding and, as a special relief to the travelling public, to provide extra carriage for their employees on each train?

The Honourable Sir Edward Benthall: The Honourable Member is referred to a reply given by me on 20th February 1945 to starred question No. 402 asked by Mr. Satya Narayan Sinha in this House.

†For answer to this question, *see* answer to question No. 1682.
‡Answer to this question laid on the table, the questionef having exhausted his quota.

NON-PROSECUTION OF A BOMBAY EUROPEAN FIRM FOR VIOLATION OF NON-FERROUS METAL CONTROL ORDER

1686. *Mr. G. Rangiah Naidu: (a) Will the Honourable the Supply Member please state if it is a fact that a Mohammadan firm of Bombay was prosecuted under the Non-Ferrous Metal Control Order for selling electrolytic copper wire without permit?

(b) Are Government aware that the agents of the Indian Cable Company Limited Bombay, have sold tons of electrolytic copper wire without permit?

(c) Is it a fact that this information was reported to the Director General, Non-Ferrous Metal Controller, but no action was taken by him?

(d) Why no action was taken by the Controller against the European Firm?

Mr. J. A. Mackeown: (a) Government is aware that the Bombay Police were investigating a case in January 1945 involving a Mohammadan firm of Bombay but they are not aware whether the firm was eventually prosecuted.

(b) and (c). No.

(d) Does not arise.

Mr. G. Rangiah Naidu: Did not Government at that time receive any complaints from the public and the merchants of Bombay that this firm was selling the articles mentioned in the question illegally in the black market?

Mr. J. A. Mackeown: From time to time the Controller received anonymous letter which contained very vague allegations. He tried to follow up the allegations made but they were so vague, and the letters being anonymous, he was unable to make headway at all.

Mr. Manu Subedar: In view of the fact that this has been raised on the floor of the House, will Government now institute an inquiry into these allegations?

Mr. J. A. Mackeown: I cannot make any inquiry unless somebody will come and give me some facts. If some one will come and give me facts I shall only be too glad to inquire.

Seth Yusuf Abdoola Haroon: With reference to part (a), may I know if when prosecutions are launched by the police the result of such prosecutions are forwarded to the Honourable Member's Department?

Mr. J. A. Mackeown: I shall require notice of that question.

SALE IN BLACK MARKET BY FACTORY REPRESENTATIVE OF INDIAN CABLE COMPANY LIMITED, BOMBAY

1687. *Mr. G. Rangiah Naidu: (a) Is the Honourable the Supply Member aware that the factory representative of the Indian Cable Company Limited, Bombay, has sold electrolytic copper wire in the black market under the style of Ruby Electric Company?

(b) Are Government prepared to institute an inquiry in this affair and take necessary action against the party or parties responsible for this? If not, why not?

(c) Are Government aware that the said factory representative has also sold Rubber Insulated Cables of the Indian Cable Company's make, in the black market through an Electric Supply Company?

Mr. J. A. Mackeown: (a) No.

(b) Government are prepared to enquire into any specific allegation of contravention of its Control Orders, and to prosecute when enquiry shows such action is justified.

(c) No.

Mr. Manu Subedar: Have Government examined the stock declarations of all the firms that were asked for, including this firm, and from the stock declarations have they found any discrepancies? Will Government institute an inquiry?

Mr. J. A. Mackeown: I am certainly prepared to suggest to the Controller that he should examine the stock returns. They are with the Controller and not with Government.

Prof. N. G. Ranga: Apart from the Controller, have Government no other machinery under which it may be possible to make surprise visits to these markets and examine the accounts of sales, etc., so as to ascertain the true state of things?

Mr. J. A. Mackeown: Apart from the Controller's staff we have no staff for that purpose. But the police can give assistance.

MOTION FOR ADJOURNMENT

SUPPLY OF WRONG INFORMATION BY THE HONOURABLE THE FOOD MEMBER IN REPLY TO A QUESTION AND REFUSAL TO VERIFY INCORRECTNESS.

Mr. President (The Honourable Sir Abdur Rahim): Yesterday Maulvi Abdul Ghani gave notice of an adjournment motion which was received after the House had commenced its sitting, *i.e.*, after 11 A.M. Therefore it could not be taken up according to the rules and Standing Orders. He has given another notice today of substantially the same motion. I would like to know from the Honourable Member which one he wishes to move. The first one is still undisposed of and according to the practice it will have to be disposed of.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I would like to move the first one.

Mr. President (The Honourable Sir Abdur Rahim): The notice is this: Maulvi Abdul Ghani wishes to move the adjournment of the business of the House to discuss an urgent matter of public importance, namely, the giving of wrong information to the House by the Honourable the Food Member and also his refusal to verify the incorrectness of the information in reply to starred question No. 1581 of the 4th April 1945, particularly when the incorrectness was challenged on the floor of the House.

It is rather difficult to follow the question. Anyway the Honourable Member does not state in his notice what is the wrong information.

Maulvi Muhammad Abdul Ghani: The statement which the Honourable Member laid on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that the whole statement is wrong?

Maulvi Muhammad Abdul Ghani: No, a major portion of the statement is wrong. The statement laid on the table of the House by him does not tally with the reply which he gave.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member seen the statement laid on the table?

Maulvi Muhammad Abdul Ghani: Yes, Sir. I have got a copy of it.

Mr. President (The Honourable Sir Abdur Rahim): Very well. The Honourable Government Member gives a lot of figures. I will read the first item:

Name of the firm—Messrs. Meghraj Ramchandra.	
Extent of sugar business—	**Had a turnover varying from 14,000 to 18,000 bags a year between 1940-41 to 1942-43; annual investment exceeds Rs. five lakhs.**
Names of sugar factories from where supplies obtained—	**Majhaulia, Bagaha, Ramnagar, Sagauli, and Motipur.**
Period in trade—	**Nearly 50 years.**
Date and amount invested in National Savings Certificate—	**Rs. 20,000 in January, 1944; Rs. 5,000 in March 1944 and Rs. 2,500 in January 1945.**
Date of grant and issue of the sugar wholesale dealer's licence—	**12th March 1943.**

The Honourable Member contends that this statement is wrong.

Maulvi Muhammad Abdul Ghani: I draw your attention, Sir, to the item against which the period is mentioned as ten years whereas the Honourable Member said it was 50 years.

Mr. President (The Honourable Sir Abdur Rahim): I am now enquiring regarding this one.

Maulvi Muhammad Abdul Ghani: Regarding that I have to submit that the company is said to be carrying on the trade only for the last two or three years, but here the period of their trade is given as 50 years. There is discrepancy between the two statements.

Mr. President (The Honourable Sir Abdur Rahim): There are similar figures given as regards the other firms also.

Maulvi Muhammad Abdul Ghani: No figure is given.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not given in his notice the information which he says is incorrect, and therefore the basis on which he wishes to move the adjournment of the business of the House is wanting. If any Honourable Member wishes to move an adjournment motion on the basis of a statement by any Member of the Government, he must set out either the statement in full or at least give a substance of the statement. Otherwise it could not be a definite matter as required by the Rules, to discuss which the House should be adjourned. Therefore on that ground alone the motion is out of order. But as a serious charge has been made against a Member of this House, I believe the House would want to be satisfied if Honourable the Government Member did in fact attempt to mislead the Assembly by supplying wrong information.

Maulvi Muhammad Abdul Ghani: Sir, I was drawing your pointed attention to the last item on the statement wherein the period in trade of the company, as stated by the Provincial Government, is ten years, whereas the Honourable Member insists that the company was in the trade for 50 years.

The Honourable Sir Jwala Prasad Srivastava (Food Member): I did not refer to that company.

Maulvi Muhammad Abdul Ghani: When I challenged the correctness of that statement and asked him to verify it further, he stuck to his statement and said 'there is no necessity'.

Mr. President (The Honourable Sir Abdur Rahim): Did not the Honourable Member state that this information was supplied by the Local Government?

Maulvi Muhammad Abdul Ghani: I could not follow.

Mr. President (The Honourable Sir Abdur Rahim): Did not the Honourable Member say that the information supplied to him and laid on the table was supplied by the Local Government?

Maulvi Muhammad Abdul Ghani: The Local Government gave him the information, and that statement was not correctly made when I put my supplementaries and he insisted on his incorrect statement.

The Honourable Sir Jwala Prasad Srivastava: I really fail to understand what my Honourable friend is worried about. I have got the transcript of the answers I gave the other day. I do not see anything wrong in them. My friend challenged me as to whether these merchants were dealers in sugar or in cloth. I said in sugar and then I said that they have been dealing in sugar for fifty years. I did not refer to any particular firm. Two of them were dealing in sugar for fifty years, as the statement shows. I did not want to give wrong information on a point which I had already made clear in my statement. Two of the firms were at any rate dealing in sugar for fifty years.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Partners of the firm?

The Honourable Sir Jwala Prasad Srivastava: I do not know. No, I said the firm. They have been dealing in sugar for fifty years.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Did the Honourable Member say two of them at that time?

The Honourable Sir Jwala Prasad Srivastava: The emphasis was on whether they were dealing in sugar at all. That was the point stressed by my Honourable friend. As to the period the statement was there and I did not want to contradict the statement.

Then my friend says that I refused to verify the information further, and to make further enquiries. I admit I said that I did not consider that necessary in view of the definite information given to me by the Bihar Government. I did say that in answer to my friend, Mr. Ghani, but later on on the intervention of my friend Prof. Ranga I said that I would make further

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enquiries and although I added that I did not think there was any need for such an enquiry in view of the information supplied by the Bihar Government.

I do not know, Sir, what was behind these questions. The insinuation seemed to me to be that these firms were not dealers in sugar and that they were selected because they had invested in the national savings certificates. Well, I denied that and I have given all the information which I could give and which was supplied to me by the Bihar Government. I have undertaken, as I said, to enquire further into the matter through our Regional Food Commissioner and I could not do any more. I do not know what the grouse of my Honourable friend is. I would, Sir, beg of the House not to admit adjournment motions on matters like this, and I hope, Sir, the explanation which I have given will satisfy the House that I have not been wanting in courtesy or in giving the information required.

Maulvi Muhammad Abdul Ghani: My supplementary question as reported by the official reporter is clear. My supplementary was this: "As this is not correct information, will the Honourable Member make further enquiries and find out whether they were dealers in sugar for so many years." The Bihar Government says in one case 10 years; he says 50.

Mr. President (The Honourable Sir Abdur Rahim): There were three firms. Two of those firms were dealing in sugar for fifty years.

The Honourable Sir Jwala Prasad Srivastava: He did not say for so many years. The emphasis was not in the "years". Those words were not in the transcript. I think they have been added to this to suit the Honourable Member's purpose.

Mr. President (The Honourable Sir Abdur Rahim): This motion is out of order on the ground that it does not specify, as required by the rules and Standing Orders and as I have laid down, more than once, the statement which is stated to be incorrect: otherwise it would be impossible for Members of the House and the Government Member concerned to understand the position. The rules require that the motion must relate to a definite matter of urgent public importance. The Government Member's replies to the supplementaries cover three pages in addition to the table of figures laid on the table of the House.

On the merits, I must hold that no justification whatever has been shown for moving a motion of this kind. The Honourable Government Member stated quite clearly that he had derived his entire information from the Provincial Government and he laid that information on the table and it has not been shown at all that it is incorrect in any particular.

The motion is disallowed.

AMENDMENT OF THE INDIAN AIRCRAFT RULES

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I lay on the table a copy of the Posts and Air Department Notification No. 26-V(14)/44, dated the 6th December, 1944, relating to an amendment of the Indian Aircraft Rules, 1937, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934.

Copy of Notification No. 26-V (14)/44, dated New Delhi, the 6th December 1944, from Government of India, Department of Posts and Air, to the Publisher, Gazette of India, and copy forwarded to the Director of Civil Aviation in India and War Department.

In exercise of the powers conferred by section 5 and sub-section (2) of section 8 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Aircraft Rules, 1937, namely:—

After Part XII of the said rules the following shall be inserted, namely;—

"Part XII A—Emergency Provisions.

133A. The Joint Flying Control Regulations for the Royal Air Force and the United States Army Air Forces, as may from time to time be prescribed by the South East Air Command, shall, with effect from the 1st December, 1944, apply to all aircraft for the time being in or over British India and shall have effect notwithstanding anything inconsistent therewith contained in the preceding Parts of these Rules."

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Will the Honourable Member tell us what it is about?

Sir Gurunath Bewoor: This is about flying control regulations at air ports intended for the pilots who use them.

Mr. Manu Subedar: Purely internal regulations?

Sir Gurunath Bewoor: Yes, Sir, they are purely internal regulations.

THE BANKING COMPANIES BILL.

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

"That the Bill to consolidate and amend the law relating to banking companies be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. Abdul Qaiyum, Mr. Manu Subedar, Mr. T. S. Avinashilingam Chettiar, Mr. H. A. Sathar H. Essak Sait, Seth Yusuf Abdoola Haroon, Syed Ghulam Bhik Nairang, Mr. T. T. Krishnamachari, Mr. Akhil Chandra Datta, Mr. G. W. Tyson, Mr. E. L. C. Gwilt, Sir Cowasjee Jehangir, Rai Bahadur Sir Seth Bhageband Soni, Sir Vithal N. Chandavarkar, Mr. Ram Nath and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be authorised to meet at Simla."

Sir, I have already explained the objects and main features of the Bill when introducing it during the last Session. In support of the present motion I need refer again only to the salient points bearing on the principles of the Bill.

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The objects underlying the Bill are, as I said, the protection of the depositor and the development of banking in India on sound lines, the protection of the share holder being left as at present to the Indian Companies Act. In certain countries such as Sweden legal provisions for the protection of the shareholders and the depositors of Banks are included in a single comprehensive measure. A large part of such enactments is necessarily a repetition of the ordinary Company Law. At the other extreme are countries like Great Britain, where the banking law is only a part of the Companies Act and where the legal provisions specially applicable to banks are included in only a few sections of that Act. In such countries the best safeguard for protecting the interests of the depositors is the sound tradition which has been built up by the banks under the informal guidance or protection of the Central Bank.

In the original proposals for banking legislation in India, which were circulated for opinion in 1940 it was considered advisable to have a special Banking Law to be read in conjunction with the ordinary Company Law following the precedent of the Insurance Act. In framing the present Bill we have adhered to that pattern: and this course has the advantage that it avoids unnecessary repetition of the Indian Companies Act. We do not anticipate that any difficulties will be experienced in administering and applying the two Acts to banking companies. As compared with the detailed codes enacted, say in the United States or Canada, the present Bill is modest in scope, since it attempts to lay down only the minimum essentials of sound banking. A detailed regulation of banking does not appear to be desirable in the circumstances prevailing in India, where banking is still in the development stage and the units engaged in it are of widely varying size and environment and professional tradition. Even if such legislation were to be attempted it would take years to train and build up the personnel necessary for its proper administration. Quite apart from the question of personnel, the experience of the countries having detailed codes has not yet sufficiently crystallised to enable us to pronounce definitely on the most appropriate type of banking legislation. Practically all bank Acts, including those in the United States, were found inadequate during the Depression of 1931-33 and were remodelled thereafter. The period that has since elapsed is too short, particularly in the abnormal conditions created by the war, to make possible a just appraisal of the new or amended codes. The only banks which emerged with a fine record from the great depression were those in the British Empire, where though there are detailed codes, as in certain Dominions such as Canada, the dominant influence on the whole has been that of the sound practices of British banking. The present Bill aims at giving legislative sanction to those practices and at

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prescribing minimum guidance for banks and bankers, so that it may be possible to build on this basis a superstructure of sound banking tradition, which is an essential pre-requisite of banking stability. While it is recognised that legislation alone does not create good banks, legislation can, nevertheless, be useful to those who require guidance and it has a decided influence in helping the development of sound banking traditions. With these general observations I will now pass to the main points of principle in the opinions and criticisms received from the public on the circulation of the Bill.

I need not deal at this stage with matters of technical detail, as there will be plenty of opportunity of considering those in the Select Committee, if the principles of the Bill commend themselves to the House: and the Select Committee will also be in a position to hear expert witnesses if it desires to do so.

The first point I wish to make is that these opinions disclose a general measure of support for the main principles of the Bill. Honourable Members will recall that when the Reserve Bank's proposals for the Bank Act were originally circulated in 1940, there appeared to be doubts in certain quarters as to the necessity for banking legislation. A few of the larger banks still oppose the Bill as also certain small banks which might be affected by it, particularly by clause 11. The bigger banks that continue to be sceptical are of the view that the development of banking in India would be best served, if it were left as free from legal restrictions as possible and they seem to think that the public should be left to discriminate by experience against dishonest bank managers and directors. These banks would appear to be apprehensive that the reputation of banking in India will be damaged by the weaker and inefficient units and they, on the whole, seem to prefer that these should be weeded out by natural economic forces. This waiting on natural economic forces is somewhat out of tune with modern concepts of the responsibilities of the State in matters of this kind. Moreover, such weeding out can only take place at the cost of the depositor and that must give a shock to the economic system that may well retard progress. The opinions received from several smaller banks, on the other hand, reflect a desire to escape the regimentation of the Bill to suit the methods not always safe or prudent of their individual institutions. Honourable Members will appreciate that it is not practicable to frame a measure that will fall in line with the practices of all existing institutions. Adjustments on the part of some of the banks will be inevitable. Since, however, the Bill is primarily based on banking practices followed by sound banks in India and abroad, there is no danger that the legitimate activities of the banks which conduct their business on prudent lines will be at all hampered.

In some quarters it is argued that the Reserve Bank already enjoys considerable powers of supervision under Section 42 of the Act and that there is no need for further legislation. The powers conferred on the Bank under section 42 are, however, actually very limited in scope. Apart from the provision for the inclusion of banks with a capital and reserve of 5 lakhs in the second schedule that section, section 42, merely requires that the prescribed percentages of demand and time liabilities be maintained by scheduled banks with the Reserve Bank and that a weekly return of the liabilities and the resources held in the form of cash, advances and balances with the Reserve Bank be submitted by such banks. The provision does not ensure that advice tendered by the Reserve Bank to a scheduled bank in regard to sound banking practice will necessarily be heeded and the Reserve Bank is not even legally empowered to call for any information other than that specified in section 42. Of course, if a scheduled bank refused to heed to the Reserve Bank's advice, and if by following an unsound practice, it got into difficulties and came to the Reserve Bank for assistance, it would obviously be open to the Reserve Bank to refuse to come to its aid. This, however, would only precipitate a crisis in the affairs of the bank concerned with possible repercussions on the banking fabric generally. The House will, therefore, see that the powers which the Reserve Bank is supposed to enjoy are not nearly so extensive as has been alleged, and that it is necessary that wider powers

should be conferred on the Reserve Bank for supervision and investigation as envisaged in the present Bill.

I will now, Sir, deal with the main criticisms received on individual clauses of the Bill. As was the case when the Bill was circulated in 1940, the criticism has centred mainly on clause 5, Definitions, clause 11, Restrictions on the commencement of business and conditions for carrying on business, clause 18, Maintenance of a percentage of assets, and clause 28, Inspection. Another clause that has come in for considerable criticism is clause 16 relating to Restrictions on loans to Directors and their companies.

Now, as regards clause 5, the revised definition of banking has met with a better reception than that suggested originally by the Reserve Bank, though a number of those who have sent in their replies would prefer to retain the existing definition contained in section 277 of the Companies Act. This matter of definition of banking has long baffled legislators and professional economists, and I am persuaded that all things considered, the definition in the Bill is very probably the most suitable that can be devised.

Clause 11 has probably met with the most severe criticism from the smaller banks. That is the clause that deals with restrictions on the commencement of business and conditions for carrying on business. Several replies suggest reductions in the standard of capital and reserves proposed, while a few advocate the abolition of the clause altogether. Some of the Honourable Members who spoke in this House during the last Session also expressed themselves as opposed to this clause on the ground that it would affect the smaller banks adversely. These criticisms will now receive the very careful consideration of the Select Committee. I would, however, like to emphasize that a strong capital structure is essential to a banking institution if it is to be in a position to afford the cost of a reasonably good management to start with, quite apart from the question of safeguarding the interests of its depositors. The House will perhaps remember that the Banking Enquiry Committee stressed the need for larger capital, and reported that most of the banks which went into liquidation in India were institutions with a small paid-up capital. The set-back which the banking habit in the country receives when these small banks fail is a matter which I am sure will be duly considered by the Honourable Members when discussing clause 11.

In this connection a suggestion has been made that the period of two years permitted under clause 11 (i) for complying with the requirements of the clause should be extended to five years to avoid hardship to small banks. This suggestion, no doubt, will receive due consideration by the Select Committee.

I now pass to clause 16 which seeks to prohibit unsecured loans to directors and the firms and companies in which they are interested. The object underlying this provision is to place a check on indiscriminate loans and advances to directors, which have in the past led to the failure of a number of banks in India. While there appears to be no serious opposition to the prohibition of unsecured advances to directors themselves, some of the leading banks are of the opinion that it is inequitable to preclude a company of undoubted standing, in which a director happens to be interested, from availing itself of clean accommodation from its bankers merely because the company and the bank have a common director. There is much to be said on both sides of the question, and I trust that while the principle underlying the clause will be preserved, a way will be found to surmount the practical difficulty foreseen by the critics of the clause. A system of periodical returns to the Reserve Bank with discretionary powers of veto to that Bank may facilitate the necessary discrimination and furnish an acceptable solution.

Clause 18 requires every banking company to maintain, in cash, gold or unencumbered approved securities, an amount which shall not at the close of business on any day be less than 25 per cent. of the total of its demand and time liabilities in British India. Several bodies have protested against this clause, while some others have suggested a reduction in the percentage of approved assets from 25 to 15. The percentage suggested in the clause is,

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however, much less than what is already being maintained by the larger banks. But this, again, is a criticism which will be carefully considered by the Select Committee, and it should be possible to meet the critics without abandoning the principle that a certain minimum degree of liquidity should be maintained by every bank. Another suggestion which has been received on this clause is that the daily return contemplated in it should be replaced by a weekly return, as the former will involve unnecessary labour. This suggestion seems not unreasonable.

Next, I proceed to clause 28 regarding inspection of banks by the Reserve Bank. While this clause has been welcomed by several of those who have offered their opinions, and in fact some of them have suggested a regular system of inspection, certain banks have opposed it mainly on the ground that commencement of inspection of a bank by the Reserve Bank may occasion a run on it and may impair its credit irretrievably. The suggestion has also been made that a bank should have the right of appeal to a court against the decision of Government that it be inspected. The experience of the Reserve Bank in regard to inspections which it has already made shows that the fear of a run on a bank being caused by its inspection has been very much exaggerated. Besides, the right to appeal has been given under the Insurance Act, and it has been found that certain insurance companies have misused it. I am strongly of the opinion that it would be a mistake to provide for such an appeal in what is essentially a matter of administration.

I should now deal with certain points raised in the replies in regard to which it has been suggested that provision be made in the Bill. The first is the application of the Bill to the Imperial Bank of India. The restrictions on the business of the Imperial Bank of India imposed by its own Act are in many cases much more onerous than those proposed in the present Bill, but Government have already power under Regulation 59, Schedule 2, of that Act to appoint auditors to report on the business and accounts of the Bank. For these reasons there is no obvious advantage in bringing the Imperial Bank within the scope of the present legislation, and the minor amendments which may be necessary in the light of the final enactment could conveniently be carried out as amendments in the separate Act. The Government, however, have an open mind in this matter.

The next important issue raised in the replies is the linking of the indigenous bankers with the Reserve Bank, a matter which strictly speaking relates to section 55 of the Reserve Bank Act. It is a matter for regret that the indigenous bankers have not been able to accept the conditions which the Reserve Bank considered necessary as a preliminary to their linking with the Reserve Bank. The main difficulties in the way are the reluctance of the indigenous bankers to segregate their banking from their non-banking business and to submit periodical returns to the Reserve Bank. In its negotiations with the Bombay Shroffs Association the Reserve Bank was even prepared to drop the idea of immediate legal segregation provided the indigenous bankers were prepared to segregate their non-banking accounts within a specified period. It, however, appeared that not even a modicum of such bankers was prepared to fall in with the scheme proposed by the Reserve Bank. In any case, since indigenous bankers will not be carrying on banking as it is proposed to define it, I do not consider that their operations fall within the scope of the Bill as limited at present.

A further important issue raised is the provision of adequate assistance by the Reserve Bank to the co-operative banks and scheduled banks. This again is a subject of little direct relevance in the present context; and I refrain from commenting on this line of criticism for fear of clouding the issue. It arises more properly in relation to the provisions of the Reserve Bank Act.

In conclusion I would say that this Banking Bill represents the greatest common measure of agreement on the subject. It embodies the banking principles and practices which experience has proved to be sound, and I regard it as a foundation on which desirable traditions of good banking can be built up. I hope the measure when passed into law will ensure not only that banks weather successfully the strains and stresses that may follow the cessation of hostilities but also that they will take their proper place in the post-war development of the country. Sir, I move.

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

"That the Bill to consolidate and amend the law relating to banking companies be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. Abdul Qaiyum, Mr. Manu Subedar, Mr. T. S. Avinashilingam Chettiar, Mr. H. A. Sathar H. Essak Sait, Seth Yusuf Abdoola Haroon, Syed Ghulam Bhik Nairang, Mr. T. T. Krishnamachari, Mr. Akhil Chandra Datta, Mr. G. W. Tyson, Mr. E. L. C. Gwilt, Sir Cowasjee Jehangir, Rai Bahadur Sir Seth Bhagchand Soni, Sir Vithal N. Chandavarkar, Mr. Ram Nath and the Mover, that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be authorised to meet at Simla."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, as one who took a considerable and active part in the Reserve Bank Bill of 1927 and 1928, when my friend Mr. Jamnadas Mehta had the privilege of sitting on this side of the House, and he and I took the lead in throwing out that Reserve Bank Bill one afternoon after lunch hour, and as one who took a much more active part in the passing of the Reserve Bank Bill of 1933-34, I am surprised at the Bill which my Honourable friend Sir Jeremy Raisman has introduced. On the eve of his departure from this country I wish him well and I hope he will enjoy well earned rest from his labours in this country but I wish he had not brought forward this political measure and be a partisan of the European interests or the die-hard British Government interests. This Bill is a misnomer. It should not be called a law relating to banking companies; it should be called the "Reserve Bank Consolidation Bill". My Honourable friend took no interest in those fruitful years of 1927 to 1934 in any of the affairs pertaining to banking and the Reserve Bank Bills. I was surprised when he talked of the Central Banking Inquiry Committee and its reports. But his second predecessor, Sir George Schuster, gave the go-by to the Central Banking Inquiry Committee's reports; and the British people inspired by King Benthall of the European group manufactured handicaps and laid it down that a Reserve Bank should be a pre-requisite condition of any new reforms in India and so compelled us—or rather the circumstances compelled us—to pass that ill-designed measure, the Reserve Bank Bill, which we all thought at that time would become the national banking concern of India in a short period. At that time I never thought that we had raised a Frankenstein in India when we passed the Reserve Bank Act, which even a good Finance Member like my Honourable friend Sir Jeremy Raisman would use as an instrument of loot of India and all its wealth,—be it silver or gold or the poor man's distress silver in name of war efforts. If I black out my mind from the year 1935 to 1945, I feel as if I am a Rip Van Winkle in this House who has come to listen to the Finance Member and who is also listening to those gentlemen there on the Treasury Benches as if die-hardism in India has returned and firmly re-established; and the Finance Member who has utilised the Reserve Bank to make the country poorer every day—he is trying to forge instruments by which to control all the banks in India. But what is the *quid pro quo*? We made a mistake at that time. You, Sir, were here as the Leader of the Opposition on the floor of this House. We made a mistake: we never laid it down that there should be an examination of the working of the Reserve Bank. We did not lay that down because we were expecting control of the Government of India in 1935: that was our grave and serious mistake. The Reserve Bank was asked to fulfil certain obligations; it has not fulfilled them. I will give them one by one; but it was pointed out, at that time, even by most Members belonging to the capitalist section of this House, including my Honourable friend Sir Cowasjee Jehangir and he will support me that this Reserve Bank has become a Frankenstein. We said "68 to 67 per cent. of the people of India are agriculturists; what is the use of talking this bosh, this nonsense that the Reserve Bank is a national bank unless it does something for the people of India, for the agricultural credit, for rural credit?" And

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though we were persuaded by the sweet soft words of Sir George Schuster that everything will be done as promised in the Select Committee, in the lobbies and even on the floor of this House, that within two years the Reserve Bank will transfer its accumulated wealth to the rural credit side, so that the rural population benefits, nothing has happened. The Honourable Finance Member said the other day—I think he also said it today—that he is sorry nothing has been done. The Reserve Bank has failed as a national bank. . .

The Honourable Sir Jeremy Raisman: I hope the Honourable Member is not putting into my mouth words which I never used.

Mr. B. Das: You expressed your regret the other day that the Reserve Bank has not done anything towards rural credit as was provided in the Act that within two years it would be done. . .

The Honourable Sir Jeremy Raisman: No; I am sure that that is an inaccurate repetition or representation of what I said.

Mr. B. Das: Can the Honourable Member tell us whether the Reserve Bank has done anything for the agricultural and rural credit of India, beyond helping him to tide over his war efforts?

The Honourable Sir Jeremy Raisman: I gave an answer to this the other day.

Mr. B. Das: Can the Finance Member's Secretary who is on the Directorate of the Bank say that sections 54 and 55 were given effect to and did you as my Finance Member see to it that the Reserve Bank carried out its functions under these sections?

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Reserve Bank did not carry out this function. That was the reply given to me.

Mr. B. Das: It is not the national bank of India.

The Honourable Sir Jeremy Raisman: Will the Honourable Deputy President repeat what he said?

Mr. Akhil Chandra Datta: My question, the other day, was as to whether the Reserve Bank had discharged its responsibility and performed its functions as laid down in sections 54 and 55 of the Reserve Bank Act and the answer was 'No'. Then I asked if the objects mentioned by Sir George Schuster still remain unfulfilled and the answer was 'Yes', that they still remain unfulfilled. That was the answer. In other words the Reserve Bank has failed in its function as the central bank.

The Honourable Sir Jeremy Raisman: I am quite sure I did not say that the Bank did not carry out the functions laid upon it by sections 54 and 55. Those sections required the bank to create a special agricultural credit department, the functions of which should be as prescribed in the Act. The Bank has certainly fulfilled that. Section 55 requires the bank to make a report with proposals for legislation on certain matters. Section 55(2) says:

"When the Bank is of opinion that the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the Indian monetary system and to frame permanent measures for a monetary standard it shall report its views to the Governor General in Council."

The bank has not failed to carry out that duty, but the pre-requisite condition has not been fulfilled.

Mr. Akhil Chandra Datta: I was not referring to that.

The Honourable Sir Jeremy Raisman: I drew the Honourable Member's attention to the report made by the Bank in 1937. I do not want to interrupt the Honourable Member's speech. I do not wish my remarks to be misunderstood.

Mr. B. Das: The Honourable Member is not aware of the discussions that went on behind the scenes, the backstairs chats that were given at the time of the passing of the Reserve Bank Act. My Honourable friend forgot to read section 54(b) which says: One of the functions of the Agricultural Credit Department will be:

"to co-ordinate the operations of the Bank in connection with agricultural credit and its relations with provincial co-operative banks and any other banks or organisations engaged in the business of agricultural credit."

My Honourable friend the Deputy President was referring to 55 (1)(b), which is to report on—

"the improvement of the machinery for dealing with agricultural finance and methods for effecting a closer connection between agricultural enterprise and the operations of the Bank."

The Honourable the Planning Member is now planning in air and the Reserve Bank appointed an I.C.S. officer, one Mr. Ambegaonkar in charge of the Agricultural Credit, to plan. The fact remains that so far as the country is concerned, nothing has been done. That means that the Reserve Bank has failed in its function, except that it has helped to loot the country in the war efforts of the Honourable the Finance Member. I am told that this special officer of Agricultural Credit is now working as an officer or Deputy Secretary in Government of India here.

Sir, one of the conditions on which the Reserve Bank Act was passed was that there should be a Silver Redemption Fund and we were assured that the surplus silver of the Government of India will be kept there. Besides, we kept Rs. 110 crores in coins under the charge of the Finance Member at the Agra Fort and we said that it should not be sold or go away from India and must form a special reserve. Sir George Schuster and Sir Henry Strakosh tried to part with some of our silver bullion. After that we were told that no silver would be sold. What was the policy of my Honourable friend at the beginning of the war? He sold away all the silver bullions. He did worse than Sir George Schuster—who took away the distress gold and sold it to England. The present Finance Member made a silver rupee, a token rupee, with one anna of silver and he withdrew through the Reserve Bank 300 crores of silver coins, 8 anna and 4 anna pieces. He presented them to his English masters, the Bank of England. He rendered no account of the same.

The Honourable Sir Jeremy Raisman: There is nothing in this Bill about silver.

Mr. B. Das: Let me explain. I was pointing out that the Reserve Bank has failed as the national bank of India and the Reserve Bank which was given charge of the "currency" did not report to the country at large that the silver has been depleted through the instrumentality of the Reserve Bank at the order of the Finance Member.

Mr. President (The Honourable Sir Abdur Rahim): There is no provision, I understand, in the Bill regarding silver.

Mr. B. Das: I shall refer to only two or three aspects of this Bill. The Reserve Bank wants to be the custodian of all the banking concerns. My Honourable friend withdrew the Income-tax Bill the other day. He wanted that Bill to be a sort of criminal intelligence department. Today, he wants the Reserve Bank to be another criminal intelligence department looking into the affairs of all the indigenous banks. If there is transfer of power and if we are a national government and the Reserve Bank is functioning as a national bank, then it will not do these inhuman and non-national things at the instance of England or a British Finance Member. My Honourable friend referred to the Imperial Bank and my Honourable friend wants this Bill to control all the banks. Ten years have passed. Has my Honourable friend given notice to terminate the agreement with the Imperial Bank as provided in the Reserve Bank Act? The Reserve Bank wants to control all the scheduled banks. The Government of India and the Finance Member want that the Imperial Bank should be the only agent of the Reserve Bank. Why should it be? Why should my friend the Deputy President's Bank pay 3 lakhs of rupees as a scheduled bank to the Reserve Bank and why should his bank not have any deposits from the Government of India or the Bengal Government, from district boards and other public institutions? The order of the Finance Member, whether it is expressed or implied, is that no Provincial Government or local self-government body could open an account in any other scheduled bank except the Imperial Bank which was the old Bank of the Government of India and which has been completely European-controlled all along. At that time many

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of us said, let the Imperial Bank be our national bank of India. Why, with the biggest Reserve Bank on the top, the Imperial Bank should still enjoy the benefit of getting all Government money and defy this Legislature and the public of India in its doings. I ask the Select Committee to enquire why the Finance Member will not terminate the agreement with the Imperial Bank by giving five years' notice and why the scheduled banks should not be entitled to have deposits from the Central, Provincial and other Governments.

I cannot review the doings of the Reserve Bank on the floor of the House. There is no provision for it in the statute. The present Finance Member and his predecessor, the eggregious Sir James Grigg, these two gentlemen, never brought the affairs of the Reserve Bank to be discussed on the floor of the House and the Reserve Bank is doing things contrary to the principles under which we passed the Reserve Bank Act in 1933-34. Myself and some of my friends who were on the Select Committee of that Bill wrote a Minute of Dissent in which we referred to "the strong public feeling against any Member of the Indian Civil Service being appointed as Governor or Deputy Governor of the Reserve Bank". I am not referring to the present Finance Member. When we warned the Government against I.C.S. officials, we were having in mind men like Sir Malcolm Hailey whose frenzied financial policy took the rupee to 2*s*. 6*d*. and more—I think some of my Honourable friends will confirm me in this. In 1928, when this House threw out the Reserve Bank Bill the issue was whether the Deputy Governor should be an Indian and whether an Indian public man will be the Governor of the Bank. We agreed in 1933 that Sir James Taylor, who took such active steps in the piloting of the Reserve Bank Bill, should be a Deputy Governor. We never expected that after Sir Osborne Smith and Sir James Taylor, the whole steel frame regiment will perpetually occupy the stronghold of the Reserve Bank and thus make it the Frankenstein of the Finance Member, in not allowing us any say in the matter. The Reserve Bank has failed in its function as a national bank and if anybody is guilty for this lapse on the part of the Reserve of Bank in its function, it is the Government of India and the Finance Member, who taking advantage of the political condition in the country have denied to the people of this country any control over the Reserve Bank. I will now ask the Members of the Select Committee—the present Finance Member will not be there and so he will have no occasion to read and answer to what I say . . . . .

The Honourable Sir Jeremy Raisman: If the Honourable Member makes any remarks relevant to the Bill under discussion, it will be taken into consideration. He has not yet done so.

Mr. B. Das: What I am saying is very pertinent and very relevant. - You want the Finance Member to control the Reserve Bank, your attitude of mind towards the people of this country is one of control of private and public finances and my attitude is quite different.

I referred to the rural credit sections of the Reserve Bank Act. My Honourable friend Sir Jeremy Raisman has not got the same persuasive powers as Sir George Schuster. When the Reserve Bank Bill was under discussion in this House, Sir George Schuster played a confidence trick, he persuaded us to believe that within two years after the formation of the Reserve Bank, rural credit section will be established all over India and the amendment of Mr. Sitaramraju was allowed to be withdrawn. Any Honourable Member who reads Sir George Schuster's speech in this House will find that was the feeling he created in the minds of Members of the House then. Therefore clause 54(b) and clause 55(1)(b) were inserted. The drafting was changed and these sections were actually put in there at our insistence. But then we must remember that was in 1934 when we were all eagerly expecting Federation, we were all hoping that the days of autocratic and bureaucratic rule by European Finance Members were to be over. We were hoping that Indian Finance Ministers would never submit to the dictation of the Bank of England. We, however did not succeed then. At that time there was no expectancy of this War No. II. We did not

expect these further exploitations of India's wealth. But at the time it was said that an officer of the Reserve Bank was writing a book on rural credit scheme to be adopted by the Reserve Bank, we were all feeling glad, but then, soon after that officer was taken over to the Government of India Secretariat. That is how the Government allowed continuity of work to be done in the Reserve Bank of India by taking away the officer who was planning to introduce rural credit scheme in the Bank. I find, Sir, that my Leader and Deputy Leader and some prominent members of the Congress Party are all on the Select Committee. If I have my own way, I should like to see this particular Bill postponed for a year or two till the necessary atmosphere is created when we can think of national banking. What is the use of talking of banking in this vitiated atmosphere of British control, when the rupee is tied down permanently to the sterling? The Honourable the Finance Member on the other side and others have said that shape of things is changing. Even the Leader of the House said that things are changing. If things are changing, why then are you in a hurry to put this Bill on the Statute Book? Why have you brought this monster on the floor of the House? Well, my Honourable friend might say that Mr. Das has brought extraneous things into this discussion. But then, can he justify why there should be three Indian Civil service officers on the Reserve Bank? Be they Indian or European, I do not mind, they are all the creatures of the same steel frame machinery.

Sir, when I read the Bill, I got rather confused, the name of the Reserve Bank occurs nearly in 59 places.

The Honourable Sir Jeremy Raisman: No wonder you got confused.

Mr. B. Das: Not confused! I know more about banking than many other Honourable Members of this House, because for seven years, I worked on the Reserve Bank Bill. I am not confused at your remark, I am confused at your accepting a draft Bill from the Reserve Bank Governor and Deputy Governors and Directors. The Bill is not drafted by you in the Finance Department. The Reserve Bank was meant to be a national bank for India. Instead of that Reserve Bank wants to play the autocrat and the bureaucrat by keeping control over all indigenous banks and private banks in their own hands. If it is my national bank, then I can give full power to it. If it is a bank controlled by foreign vested interests doing things injurious to my country's interests, then I cannot permit such a Reserve Bank to have the control they want. I do not know if other Honourable Members think along this line that I am speaking, I should like this Bill postponed for some time till the proper atmosphere prevails. The control of the Finance Department and the control of the Reserve Bank has so much upset the country and we are also upset.

My Honourable friend, Sir, said I had not read the Bill. But I have read the Bill, and I am surprised to find that in every clause or every alternate clause control is handed over to the Reserve Bank. Why so? The Reserve Bank is not a national bank; why hand over all control to this bank? And the ultimate control is only exercised by your own Secretary. The Finance Secretary happens to be a Director of the Reserve Bank and whatever he says to the Governor and the Deputy Governor are accepted by them, because they are also mostly of the I.C.S. I do not know what line of action the House will take, but I do ask the Members of the Select Committee that before they proceed with the Select Committee they should read the speeches on the Reserve Bank Bill and the report of its Select Committee in 1933, and these papers should be circulated to every member of the Select Committee so that they may understand all the implications and assurances given. When has an Englishman spoken the truth? When has this Government fulfilled an assurance or pledge given on the floor of this House or in a Select Committee? I am not giving away any secret but even in the body of the discussions it will be found that the impression we carried was that there would not be any I.C.S. control in the Reserve Bank. This should be examined.

Then if the Select Committee think that such a Banking Bill is necessary it should see that the Imperial Bank is not the sole agent of the Reserve Bank.

[Mr. B. Das.]

The Imperial Bank, though it has Indian directors, is European managed and when the new Act was passed in 1934, one of the Imperial Bank officers, Sir William Lamond—I do not know if he is still a Managing Governor—said to me, "Mr. Das, now you cannot agitate any more for Indianising the Imperial Bank"—That was the attitude of the Imperial Bank in 1934; and in 1945 with the huge deposits of the Government of India, we cannot accept the Select Committee stage unless the scheduled Indian banks—I do not care for European banks—are entitled to maintain deposits of Government, provincial and central and local bodies.

Then, Sir, they should closely and minutely examine whether there should be inspection by the Reserve Bank officials. We Congressmen are familiar with visits of C.I.D. people; and we must see that the Reserve Bank officials who will inspect these scheduled banks do not become intelligence officers like the men of the Criminal Intelligence Department. You are giving such power to the Reserve Bank that on its report a bank can be liquidated. My Honourable friend referred to the Insurance Act, but there you have not handed over full power to any particular insurance company. Here why do you give full power to the Reserve Bank to report about the liquidation of banks? It is not a national bank. It is as much a European bank as the Imperial Bank,—though I have shares in it,—in outlook and mentality, though it may not be in colour.

The Honourable Sir Sultan Ahmed (Leader of the House): Are you a shareholder? (*Mr. B. Das*: "Yes".) Then it is a national bank.

Mr. B. Das: Most of us then thought we were creating a national bank but we never thought we were raising this Frankenstein. Sir, I submit that the Reserve Bank should not control the authority of licensing. You have an actuary like Mr. Jones,—as if there was no Indian actuary to be found. Let one banking expert be appointed to inspect these banks. The Reserve Bank is not functioning as a national bank; it has a Europeanised mentality with Europeanised ideas and the Finance Member, unless and until we become Finance Ministers, will be always a European. Why should this Reserve Bank have power to recommend liquidation?

Then, Sir, clause 38 gives power to make rules, and there also we find that the Reserve Bank is to be consulted. This Reserve Bank like King Charles' head comes up everywhere. Why should the Reserve Bank be consulted in making rules? You better have your banking expert who is not a director of the Reserve Bank or the Imperial Bank or any other bank. You cannot have this kind of control. Who knows that some Machiavellian Finance Member like Sir James Grigg will not come up and say that the Reserve Bank will have all control of money: Who knows that the Reserve Bank will not think it to be its duty to provide only paper currency or leather currency or even tin or lead currencies, so that the Finance Member may tide over his difficulties in case of another war and say, like the present Finance Member, "I have administered the finances of India well" and yet the Reserve Bank of India will not tender any account of the 400 crores of silver spirited away from the people!

Sir, my personal view is that I oppose the reference to Select Committee.

Rai Bahadur Sir Seth Bhagchand Soni (Ajmer-Merwara: General): Sir, as stated in the Statement of Objects and Reasons of the Banking Bill, regulation of banking is deemed necessary in the interests of depositors alone. But this is too narrow a view as the interests of depositors can be suitably safeguarded by a few amendments in company law. Regulation of banking is very necessary indeed not for the depositors alone but for the business community as well. Financial stability needs sound banking methods and practice. This should be the guiding purpose of the Bill.

The development of banking in this country on sound lines is indeed very desirable. The great expansion of new banks and branches during the last few years rightly necessitates an examination of their activities and certain restrictions so that economic structure of the country in the post-war period may not

be adversely affected. The enormous increase of deposits with the banks, both new and old, might be the source of a potential danger. Such vast financial resources in the hands of unscrupulous banks might bring unhappy results and be so utilised as to cause serious losses to the constituents or shareholders and create chaotic conditions as have been witnessed in banking crises many times in the past. We have therefore to see carefully whether the provisions of the Bill will have the desired effect and not retard the growth of sound banking.

The wide scope given to the banks for engaging in business other than banking will give them ample opportunities for profitable investments. The prohibition of trading in non-banking activities is really very desirable.

Sir, as regards the disposal of non-banking assets, the period is relatively much longer for assets of moveable or perishable nature and proportionately shorter for immoveable assets, machinery, etc. The banks should not be compelled to dispose of properties which come into their hands as it may involve unnecessary heavy losses. If such properties can be leased or let on hire and can bring a reasonable return to the bank, it does not seem reasonable that such properties should be sacrificed. In course of banking business, such assets coming into the hands of banks as the outcome of their bad debts are usually obtained at a very low price and since prohibition in trading is applicable to them, the banks may not be allowed to handle such affairs; but if a long term lease is practicable, the banks should have the discretion to retain such properties for a relatively longer period.

1 P.M.

In order to prevent the floatation of unsound banks with meagre and inadequate capital, it is quite necessary to impose restrictions on the banks in respect of their authorised, subscribed and paid-up capital, but the provincial distinction with regard to their principal place of business and their branches should be done away with. It would have been better if these restrictions were uniform and the same for all banks whether their principal place of business is in Bombay or Calcutta or in any provincial capital or other big industrial or commercial centre.

Sir, with the development of banking in the country, the need for their supervision is really very great and the powers given to the Reserve Bank in the Bill are quite adequate to deal with any situation that may arise requiring their intervention. The Reserve Bank as guardian of banking institutions is rightly entitled to be entrusted with these powers. I however find one omission with respect to one important subject and that is the banking staff. There should be some provisions to protect a large number of people engaged in these institutions. Some provisions for provident fund, pensions and other benefits should be made compulsory and embodied in the Banking Act.

Sir, I support the Bill for reference to the Select Committee.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I welcome this Bill. As a matter of fact, some such legislation was long overdue but in dealing with a subject like banking we have to be very careful. The whole economic superstructure of country depends on the sound banking system and the whole banking system hangs on one very thin thread of credit. You give a slightest cause for shaking that credit and there will be a crash. Sir, I am reminded of a story I read sometime ago of an ordinary incident which brought about a crash for a bank: An old fat lady fell down on the steps of the bank and there was a crowd, followed by a rush on the bank, with the result that not only that bank but several other banks also had to close their shutters. So, when the Honourable the Finance Member referred to the clause about inspection, he said that the criticism was exaggerated. The Finance Member of the Mighty Government of India dealing in crores and crores of rupees, particularly in these days of inflation,—thanks to the printing press; he is printing a crore a day—, cannot imagine the difficulties of the smaller banks. I would like to remind my Honourable friend that smaller banks experience greater difficulties. They have to meet their enemies in the market—those disgruntled people who either fail to get loans from the banks or ex-employees who were turned out for some reason, and all these elements combine to take advantage of the slightest excuse to

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undermine the confidence of the bank. In our country, which is largely a rural country, we do require the services of smaller banks. The administration of the finance during the last several years by the Honourable the Finance Member, coupled with this Bill, will make the rich banks richer and the poor banks will go to the wall. I therefore submit that the Select Committee will have to give their best consideration to several clauses. The requirements of small towns and smaller towns have to be catered for, and the Select Committee will have to look into all this.

There is one observation which I would like to make. In this Bill there is no provision as to how the Government of India will deal with the banks of that country which places some kind of restrictions on the Indian banks. The Government of India through this legislation must get power to penalize the working of banks of that country which ill-treats or in any other way carries on discrimination against the banks or commercial institutions of India. There is no provision so far in this Bill to meet such a situation. For instance, if there are any banks belonging to South Africa in this country, the Government of India—or rather my Honourable friend the Member for Commonwealth Relations—must have the power to penalize those banks. That power is absent in this Bill.

Then, Sir, coming to the clauses, the Honourable the Finance Member says that the definition given in the Bill is all right. I do not possess any vast experience of finance, nor do I claim to know English very well, but I have to satisfy myself with regard to this definition. I would like to know whether those banks who accept fixed deposits will be governed by this definition. Or those banks who accept long term fixed deposits will be excluded by the operation of this Bill. The original idea of a bank to receive money for safe custody and to return back to anyone and at any time whenever it is demanded is now gone. The banks are primarily meant for the help of the industrial companies so that the country may be developed on sound lines. I would like to know whether under this definition all those banks who get long term fixed deposits will come.

Clause 6 is very important and I think a mischievous clause. It lays down restrictions on the working of the banks. I do recognise that there should be certain restrictions but they should not be of such a character that would hamper the sound development of the banks and prevent them from helping the industry and commerce of the country. I would particularly invite the attention of the Finance Member to (1)(r) of this clause, wherein it is said, "any other form of business which the Central Government may by notification in the official Gazette specify as a form of business in which it is lawful for a banking company to engage". Obviously the intention is to permit banks to undertake business otherwise specified in this clause. I would like to know whether such a notification authorising a bank or banks will apply to all the banks uniformly or will any bank be picked up for favourable treatment and notification be issued for that particular bank, because the language of this part of the clause is ambiguous. It says "it is lawful for a banking company". With regard to this I am very particular about such a power of favouritism or discrimination in favour of those banks whose management may not be in the good books of the Government or whose management may not be thought desirable for some other considerations. So it is necessary that this point should be made clear in the Bill that may emerge from the Select Committee. Such a notification which is to be issued by the Government should apply uniformly to all the banks. But if a distinction is thought necessary that distinction should be on certain merits which should be specified so that there may be no room for any favouritism and that on certain specified occasions these notifications may not be refused to some persons on account of other than financial considerations, namely, political considerations. I go a step further and say communal considerations. This part is very important and I would not give power, indiscriminate power, a *carte blanche*, to any Government unless these conditions are clearly and specifically explained in this part of the Bill.

The next clause is Clause 11. It is claimed that this Bill is being enacted to safeguard the interests of the depositors. In this clause it is laid down that if a branch or a head office is to be opened in a certain town, the paid-up capital should have some relation with the population of the town. I would submit, Sir, that the paid-up capital of a banking company should have some relation with the deposits. That I can understand. But that a paid-up capital of a particular bank should have some relation with the population of a town is wholly not understandable. I would beg my Honourable friend, the Finance Member, to look into this matter very carefully and as far as possible remove these defects.

Then there is another matter in Clause 14. It may be considered by those who deal in crores a small matter. But to humbler commercial people these things do count. It is provided that every banking company not being a scheduled bank shall maintain, in way of cash reserve, in cash a sum equivalent to at least 1½ per cent of its time liability and 5 per cent. of its demand liabilities. This sum is to be maintained in the Reserve Bank, I understand, and no interest will be paid on this amount. Now, Sir, banks receive deposits, they pay interest to the depositors, and here in this Bill it is intended to provide that banks will be forced to take out their money and put it in the Reserve Bank where no interest will be paid on it.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Free use of the money to the Government!

Sardar Mangal Singh: Yes. It is impossible for a small bank to afford that kind of luxury. I do not at all say that no money should be deposited. I recognise the force of this provision but that bank should be allowed to deposit that amount in approved security. I think that is quite reasonable and should meet the requirements of the case.

Particularly coupled with this clause 14 . . . . . .

The Honourable Sir Jeremy Raisman: May I point out to the Honourable Member that the clause as it stands at present says nothing of maintaining this cash reserve with the Reserve Bank. It is merely a cash reserve which must be maintained by the bank itself.

Sardar Mangal Singh: It is laid down that the amount of its liabilities shall be filed.

The Honourable Sir Jeremy Raisman: Yes, shall file a statement. But it does not say that the reserve must be in the form of a deposit.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Scheduled banks have to keep heavy deposits with the Reserve Bank without any interest.

The Honourable Sir Jeremy Raisman: That is a different matter. But this provision of the cash reserve will be observed by the bank itself and in the bank, and applies to a non-scheduled bank.

Sardar Mangal Singh: Coupled with this clause is clause 18. Here it is laid down:

> "Every banking company shall maintain in cash, gold or unencumbered approved securities valued at a price not exceeding the current market price an amount which shall not at the close of business on any day be less than 25 per cent. of the total of its time and demand liabilities in British India."

That amount is rather excessive. I think that the requirements of the situation can be met if this percentage is reduced to 10 or utmost 12½ per cent. I would not go higher than that.

In clause 21 it is laid down that the bank will submit a return of all those accounts which have not been operated for ten years. It is not specified how big or small the amount may be. It may be one or two annas and in that case to insist that the bank will continue to supply information every year to the Government, I think, is rather unnecessary. In this connection a certain limit should be fixed. Again, I have my suspicions why this information is being demanded by the Government. Is it with a view later on to direct the bank to transfer those funds to the Reserve Bank? I would like to be enlightened on

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that point. If that is the intention of the Government that at a later stage some regulation may be issued authorising the Reserve Bank to claim all those sums which have not been operated upon during the previous ten years, I would like very strongly to protest against it. The bank and the shareholder are in the healthy relation of a debtor and a creditor. That amount should be allowed to lie with the bank, so that that bank may earn interest on it and, at a later stage, whenever it is demanded, it should be paid. If there is any difficulty about limitation, that difficulty may be covered in this Bill, so that the payment of that account should not be refused on the ground of limitation. I can appreciate that difficulty but if the intention be to take away that sum altogether from the banks to the Reserve Bank, that would be very harmful to the bank.

I would like to endorse the remarks made by my Honourable friend Rai Bahadur Sir Seth Bhagchand Soni that there should be certain provisions to safeguard the interests of the bank employees. I would like to suggest that Government should lay down certain rules that in the banks only properly trained officers should be employed as managers and other responsible officers. That is very important and it will prevent the directors or proprietors of big firms putting their men in places for which they are not fit. Many a time such a thing has happened and the affairs of a bank have been mismanaged owing to the fact that a certain highly influential director put his own nephew at the head of affairs who did not know anything. Therefore I would sugest that at least for the manager or those persons who are appointed to handle the affairs of branches certain minimum qualifications may be prescribed: that would help the banks very much!

Lastly I come to clause 28. This is a very bad clause. By this clause the Reserve Bank of India has been made the Hitler of Banks and the language of the clause reads like the Defence of India Act. The clause reads:

"Without prejudice to the provisions contained in sections 137, 138 and 139 of the Indian Companies Act, 1913, the Central Government may, if it has any reason to believe"—*(it reads just like the Defence of India Act)*—"that the interests of the depositors of a banking company are in danger or that a banking company is unable to meet its obligations or has made default in complying with any of the provisions of this Act or that an offence under this Act has been or is likely to be committed by a banking company or any officer of a banking company or that it is otherwise desirable or necessary, direct the Reserve Bank to inspect the banking company, its books and accounts and make a report thereon to the Central Government."

These powers are very wide. The words are "If an officer of the bank is about to commit any offence". Is it the intention that if a despatch clerk misbehaves or misappropriates some postage stamps, then under this clause action may be taken and the Reserve Bank of India may be authorised to send its inspectors or Tanadars to inspect the bank? A cashier may be dishonest or an assistant in the bank may misbehave. Is it contemplated that the Government will order inspection merely on the report of the C.I.D. that there is a certain officer of the bank who is about to misbehave? Then "or it is otherwise desirable": I ask how and why? How is it desirable? Then, again, "or otherwise it is necessary". I would request the members of the Select Committee to consider all these matters very carefully and if an inspection is to be made, then definite conditions will have to be laid down under which inspection can be made. Such wide powers cannot be given to any Government, even to a popular Government . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may continue his speech after lunch.

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

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

Sardar Mangal Singh: When we broke off for lunch I was addressing a hungry House. Now that the Honourable the Finance Member and our new

friend Mr. Ram Nath have had their sumptuous lunches, I hope they will be in a more receptive mood and will sympathise with the difficulties of the smaller banks.

I was dealing with clause 28 of the Bill. This clause, as I said, is worded like the Defence of India Act, and it embodies the same spirit. It virtually makes the Reserve Bank of India a powerful master of the banks with no corresponding responsibility. It can order inspection, and, after inspection, what does this Bank do? There are three courses which have been recommended. After a report, if a bank is found unsatisfactory, it is laid down here that on receipt of a report under sub-section (1), the Central Government, if it is satisfied from the report that the affairs of a banking company are being conducted to the detriment of the interest of its depositors, may—

"(a) by an order in writing prohibit the banking company from receiving fresh deposits, or

(b) if the banking company is a scheduled bank, notwithstanding anything contained in sub-section (6) of Section 42 of the Reserve Bank of India Act, 1934 (II of 1934), by notification in the official Gazette, direct the exclusion of the Banking Company from the Second Schedule to that Act; or

(c) direct the Reserve Bank to apply for the winding up of the banking company."

Now, Sir, the Reserve Bank of India will either ask the Bank not to accept any deposits, that is practically shutting up the show, or expel it from the schedule, that is rusticate it, or wind it up. Now, Sir, here is a doctor who goes to a patient, and, instead of giving him any remedy or injection or even a faith cure, leaves him to his fate, nay, he goes as far as deliberately to kill him. Now, Sir, some responsibility should be laid on the Reserve Bank. If a bank is in trouble, the Reserve Bank of India should help that bank with sympathy. All banks are not rogues, but there is no provision in this Bill that, at any time or in any difficulty the Reserve Bank will help them. With its powers the Reserve Bank will go on policing, exercising authority and carrying the Damocles' sword, but will not do anything to help a bank. There is not a word of sympathy for the smaller banks. If we are to give so much power to the Reserve Bank of India, we must also impose certain responsibilities on it, that is to say, the Reserve Bank should guarantee the libilities of at least the scheduled banks. There is all policing and no responsibility on one side: this sort of one-sided authority will not help. In these days of ordinances, in these days of inflation, the minds of the officials are working in only one direction, namely, law and order, control, but no corresponding responsibility to the public. Therefore, I would suggest that the Select Committee should very carefully go into this section.

Now, what are the conditions under which an inspection can be ordered? The Bill lays down five conditions:

(1) Central Government have reason to believe that the interests of the depositors of the banking company are in danger.

(2) The banking company is unable to meet its obligations.

(3) The banking company has made default in complying with any provision of this Act.

(4) An offence under this Act has been or is likely to be committed by the banking company or any officer of the banking company.

(5) It is otherwise desirable or necessary.

Now these are the five conditions enumerated in clause (1). It is submitted that it will be in the interests of all concerned if the conditions are clearly stated under which the depositors of a banking company are considered to be in danger, and the Reserve Bank must proceed to examine its books. In my opinion, it is possible to define these conditions. Then condition No. 4—that an offence under this Act has been or is likely to be committed—is extremely vague. There is no difference between a default in complying with the provisions of the Act and an offence under the Act. As I have already pointed out, if Government receives a report that an officer of a bank is about to commit some offence under this Act, it empowers the Reserve Bank to approach the Central Government for an inquiry. This is extremely dangerous. Then last

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of all comes the fifth condition—if it is otherwise reasonable or necessary. This is very dangerous too.

The Honourable Sir Jeremy Raisman: What about the safety of the depositors?

Sardar Mangal Singh: That can be arranged without giving this vague power—if it is otherwise desirable and necessary. You can lay down the specific conditions when the interests of the depositors are in danger. These conditions can be laid down. If the balance sheet of the bank shows any deficit or loss, those conditions can be definitely laid down. Why give *carte blanche* to the officials? Why do you not come forward and lay down specific conditins? I will support all measures that are necessary for the safety of the depositors.

While on this matter I would like to reinforce my argument by quoting the opinion given by Professor Rao of Cawnpore. He is a famous authority on these matters. He says:

"The Central Government, or for that matter, the Provincial Governments to whom the Central Government has delegated its authority under these sections in the Indian Companies Act, may choose to appoint, if they so prefer, independent inspectors, under the provisions of the Indian Companies Act, that is, they may appoint for this purpose any one they like, Reserve Bank or other than the Reserve Bank."

This clause 28 is without prejudice to the powers given to the Provincial Governments in the Companies Act where they deal with banking companies—it stands as before. So, even the Provincial Governments can appoint inspectors who will go to inspect the banks, and this Central Government or this Bill will not help them. Under these conditions, he remarks:

"This exposes banking companies to dual control—the Indian Companies Act and the Banking Companies Act—which is far from desirable. Public confidence is a delicate instrument and its chords have to be delicately touched. One would therefore much rather have a modification of these provisions of the Indian Companies Act so far as banking companies are concerned, so as to ensure that inspection whether at the instance of the shareholder or at the instance of the Registrar of Joint Stock Companies or at the instance of the Central Government or of any of the Provincial Governments shall always be conducted by the Reserve Bank." (*And by no other authority.*)

Then, conditions 5 and 6 mentioned in this clause are extremely unusual. Mr. Rao says:

"Even if condition 6 is set down to rhetoric or legal rigmarole, there is little excuse for a provision such as is condition 5. It is unusual to ask for submission to penal inspections which may, lead, it may be for nothing, to panic in the minds of a bank's depositors on the ground of an offence not yet committed but on a more suspicion that it may be or is likely to be committed."

Now, I would ask the Honourable Finance Member that if on these grounds an inspection is ordered, you must get in and if the bank is forced to shut their doors, is that for the benefit of the depositors? Who will lose under such conditions? It is not for the benefit of the depositors: it is just to kill the smaller banks, so that the bigger banks like those of my Honourable friend Sir Cowasjee Jehangir may get hold of the business of the country and kill the smaller banks. There is no provision in this Bill—there is a certain provision to safeguard the interests of the younger companies in the Insurance Bill—but here there is no provision to safeguard the interests of the younger banks. I would suggest that something might be done in that direction . . . . .

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Will you define what you mean by the interests of smaller banks?

An Honourable Member: Interests of the public.

Sardar Mangal Singh: You do not know them: you always speak in terms of big business. Sir, the smaller banks are those banks which are small and not big. I would suggest that something should be done in that direction and some provision made.

There is a suggestion that to avoid undue and unhealthy competition all charges should be governed by the rules and schedules fixed by the Reserve Bank. In this connection younger banks, or rather smaller banks, which may be defined—not with regard to their age in years and months but—in regard to the amount of

paid-up capital, the younger banks should be allowed certain latitude in that direction; for intsance, they may be permitted to allow a fixed concessional percentage on deposit rates and other charges, say about ½ per cent. on deposits and one anna on other charges. A provision of this sort would give some help to the younger banks; and at the same time it would not injure in any way the interests of the bigger banks, because all these smaller banks put their money in the bigger banks. The smaller banks will be acting not as competitors but as their feeders. So, if this sort of concession is given to the smaller banks they might be able to exist; otherwise under this clause 28, the younger banks will go to the wall and their interests will suffer—these younger banks whom my Honourable friend the Finance Member is so very anxious to save.

I do not want to take much time of this Honourable House, but before sitting down, I would like to suggest that clause 17 should be modified in such a way that the banking companies registered in the United Kingdom should not be treated on a par with those registered in this country. There is nohing in this Bill which will protect the interests of the Indian banks. Any foreigner can come to this country and start a banking company. That, I think, should be stopped; and it should be laid down in this Bill that no bank should be allowed to be registered in this country unless it has a certain percentage of Indian capital and a certain percentage of Indians on the directorate . . .

Dr. P. N. Banerjea: This can be done after the sections of the Government of India Act have been deleted—we carried that Resolution.

Sardar Mangal Singh: I know the difficulty. Now that the House has passed the Resolution about those sections, it should be possible at least to make a reference to His Majesty's Government or lay down somewhere that it is the desire of the House that certain modifications may be made in that direction.

I have already submitted that difficulty about the companies registered in the United Kingdom. But in this Bill there is no provision to prevent a citizen of any other country except the U.K., for instance, any American millionaire can come in or a millonaire from Yugoslavia or any other country can come and set up a bank here. If we cannot under this constitution prevent any man from U. K., surely we can prevent commercial men coming from other countries. Particularly, the Government of India should penalise the banks of those countries where some discrimination is being used against Indian citizens or against Indian commercial companies. In this matter I would particularly draw the attention of the House that Indians are not allowed to enter the United States of America. Indians are not allowed to carry on business in the United States of America or Canada and it should be laid down in this Bill that in those countries where discrimination is carried on against Indians, no banking company will be allowed to carry on business in this country, and if there is any banking company in this country coming from South Africa some action should be taken and some provision should be made in this Bill, so that the Government of India may take action against that banking company. I hope the members of the Select Committee, particularly from this side of the House (Congress side) will take jolly good care to provide that no exploitation should be carried on by foreigners in this country where the citizens of my country are not accorded the same treatment. When the United States of America is not prepared to give us citizen rights and is not prepared to allow me to go to that country and carry on trade and other professions, it stands to reason that this House refuses to pass a Bill which does not lay down similar conditions. I know His Majesty's Government's difficulties. They are senior partner in this great war. It may not be possible for His Majesty's Government to allow the Government of India which is their agent to carry on such restrictions but surely, Sir, this House has a right and it will be a fitting reply to the dropping of the Immigration Bill in the House Committee of the United States Congress. Therefore, I say that the Government of India should come forward to support the demands of the non-official representatives of this House as they came forward to support the Indian cause in South Africa and particularly somewhere provisions may be laid down and the position may be made clear and when this

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Bill comes back to this House, if there is such a provision, then it is assured of a speedy passage.

There is only one other point to which I would like to draw the attention of the Finance Member and it is a very important one. The banking system of the country is going to play a very important part in the future development of the country, particularly when we are planning on a large scale. I would therefore suggest that some witnesses may be called by the Select Committee and their views examined, so that no point of view may be left when the Select Committee frames its report. I would particularly request those members of the Select Committee who are inclined generally to protect the interest of the poorer classes to take good care to protect the interest of the smaller banks. My fears are that some of my own countrymen may not join hands with the Government to vote down the smaller banks. When Bombay big business and the Government combine their forces, the smaller banks may go to the wall. Sir Cowasjee Jehangir generally joins hands with the Government in these matters. I hope that Sir Cowasjee Jehangir will throw his weight on the side of the smaller banks. With these remarks I commend the Bill to the House. It should be passed and we hope that when we meet next—we do not know when we meet next, the Report of the Select Committee will be before the House and it will be satisfactory and the suggestions I have made will be given proper attention.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Mr. Deputy President, it has been said that the Insurance Bill should be regarded from the point of view of the safety of the policy holder and the banking Bill should be regarded from the point of view of the safety of the depositor. While that is true, we should not forget the main objectives of any banking system. The banking system in a country is intended to serve the agricultural population of this country, the internal and external trade of the country and its commerce and if any banking law is worth the name, it should in addition to protecting the interests of the depositors also help to form institutions which will help to make this country prosperous in trade, industry and agriculture. Today the basic facts for the banking legislation of this country is the report of the Central Banking Inquiry Committee which has been produced a few years back and nothing till now has taken its place. It is up to us to be guided by certain factors which they have brought to light. They have said that any banking legislation if it is to do good to the country must have three objectives and this Bill must be judged from those objectives. One is steps for increasing expansion of credit and providing greater facilities to agriculture, trade and industries. The second is protecting indigenous banking from the competition of foreign banks and the third is the regulation of the business of banking in the country.

If I may summarise this Bill into a few words, it serves only the third purpose. It helps to regulate the business of banking in the country. As was said by an Honourable Member of this House, it is mainly a police man's duty that this seeks to do and more than that it does not do. Coming to the second of the objectives, apart from protecting the indigenous banking industry, it makes it open to the greatest competition from its greatest competitors. Only a couple of days back, we were discussing the relevant sections of the Government of India Act. I was surprised at the way in which the Leader of the European Group, Sir Henry Richardson, came out in the open and openly challenged the Honourable Member for Planning and Development to divulge his plans and come out in the open. Sir, if we have any competitors from whom we ask for protection, it is only from them. If our industries have been destroyed due to competition of anybody, it is due to their own action. If our banking has been destroyed due to the action of anybody, it is due to their competition. If we want protection from anybody, it is protection from our British competitors. So, Sir, if this Banking Bill is to do any good to this country, if it is to foster banking industry in this country and help banks which

will foster our foreign trade, our external trade as well as commerce within the country, then we have to be saved from our competitors—the British—and unless we are helped against them, there is no chance for Indian banks to make any progress at all. If any figures are necessary on this point—I believe many figures are not necessary—but if anybody is credulous enough to doubt it and wants figures, then I would refer him to the Central Banking Enquiry Committee Report, pages 310 to 312. I will just read a few lines:

"The financing of this foreign trade generally consists of two operations, *viz.*,

(1) the financing from the Indian port to the foreign port or *vice versa*, and

(2) the financing from, or to, the Indian port to, or from, the up country distributing or collecting centre."

The Report goes on to say:

"There is no legal bar to an Indian Joint stock bank undertaking the first of the operations mentioned in paragraph 421."

That is No. (1), I have read above. Certain banks have had operations, they have been operating in the matter of financing foreign trade.

The report goes on:

"One of the existing banks, the National Bank of India was actually established in India with a rupee capital, though soon after its establishment it converted its capital into sterling and transferred its headquarters to London."

There were other banks also who attempted to do business, but in course of time what happened? What happened was that the banks started with rupee capital, started by Indians had to go under. Today most of the financing of foreign trade in this country is absolutely in foreign hands. On page 312, the report says:

"During its six years of independent existence, the Tata Industrial Bank, Ltd., also engaged freely in foreign exchange. At the present moment, however, only two or three Indian joint stock banks take an insignificant part in this business."

If that was so, 14 years back, I am afraid, Sir, it may be much less now:

"We have made enquiries, and discussed with many of our witnesses, the reasons why the business has now become practically a monopoly of non-Indian banks. The four main reasons given are;

(a) the competition of well established non-Indian exchange banks with large capital and reserves."

They have given four reasons of which what I have read out is the first and the most important.

Well, Sir, it is surprising how the Honourable the Finance Member gave a review of the opinions received for this Bill. He mentioned the opinion received on many clauses, but he did not perhaps discreetly mention the opinions received on clause 11 and clause 17. Clauses 11 and 17 put British banks on the same footing, and give them absolutely the same status, as Indian Banks, but they make a discrimination against banks of foreign countries. I do submit, Sir, that unless this country gets encouragement for its banking institutions as against its competitors who have established themselves firmly and who have grown fat by sucking our blood, unless that is done, this Banking Bill will be a mere burden on this country and its mission will be merely to regulate certain things. This Banking Bill may make some of these small banks better, and I have no doubt that in course of time some of these small banks may disappear, that may also happen, but this Banking Bill will not give that help which is necessary for the development and growth of banking industry in this country. It will not enable Indian banks to finance foreign trade and foreign commerce on the highest possible scales, even as foreign banks are doing in this country.

Sir, clause 17 has some provision for reciprocity, but that reciprocity is against foreign banks. But the Banking Enquiry Committee have also gone into the question and they have recommended on what conditions licence should be issued to foreign banks. I do not know, Sir, why these salutary conditions which have been prescribed in this report have not found a place in this Bill. I wish they had been incorporated in the Bill. These very salutary conditions are these. The recommendations of the majority report of the Banking Enquiry Committee are very moderate as opposed to some of the recommendations of the minority report produced by my distinguished colleague,

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Mr. Manu Subedar. On page 329, they lay down the four conditions which they would like to attach to banks which seek for licence:

"(a) No foreign bank having a capital and reserve of less than £1 million should be given a licence.

(b) Foreign banks should not borrow in India more than 25 per cent. of their paid up capital and reserve, and in no case should the borrowing by a foreign exceed its total advances in India.

(c) Foreign banks should accept policies of approved Indian insurance companies."

Well, here is a tale of woe. Anybody who is in business knows this. Anybody who is in touch with business knows this. If I have dealing with foreign banks, every influence is brought to bear upon me to see that I do my insurance with foreign companies. If I insure my goods in Indian companies, then they refuse to discount my bills, they refuse to accept that as security. I know in Coimbatore some of my friends, thinking that insurance offered a good business started insurance companies. But the Imperial Bank of India came down with a heavy hand and said, "we will not accept that insurance. Unless you insure your goods with companies which we approve, we will not give you accommodation". Then, for the sake of that loan, I know that in many cases, against their own conscience, against their own inclination, many Indian merchants had to leave off their business with Indian companies and had to do insurance with British concerns. I know that in many cases where they were most unwilling, at least a part of their business they had to guarantee for British concerns. I want to know whether this is the way in which foreign banks want to entrench themselves in India.

Sir Cowasjee Jehangir: Is the Imperial Bank an English concern? Is it not an Indian Bank with Indian Directors?

Mr. T. S. Avinashilingam Chettiar: Who is the Managing Director? The Indian Directors are impotent. Who is the Managing Governor?

Mr. Manu Subedar: (Indian Merchants' Chamber and Bureau: Indian Commerce): This is worse than the British?

Sir Cowasjee Jehangir: Then we will wipe it out.

Mr. T. S. Avinashilingam Chettiar: Apart from the technicalities of this character, it is within the experience of anybody, I do not think even my Honourable friends from the European Group will deny this, the European Exchange banks have brought pressure, they have used coercion and they make it a condition precedent to their advancing money that insurance should be done in English insurance companies only.

Now, Sir, I would refer to the fourth condition laid down in the report:

"In the event of liquidation or failure, the assets of the Indian offices of the foreign bank should be earmarked for the satisfaction of Indian creditors, and this prior charge of the assets of the Indian branches should not be deemed to prejudice the claim of Indian creditors on the general assets of the bank in case Indian assets were insufficient to meet the claims in full."

Mr. G. W. Tyson (Bengal: European): How many such liquidations or failure have there been within the Honourable Member's recollection?

Mr. B. Das: Alliance Bank, Bolton Brothers, and so on.

Mr. T. S. Avinashilingam Chettiar: I am reading the recommendations of the Banking Inquiry Committee and in this matter I do not presume or claim that I have gone into this and taken statistics. Other people who are in touch with the trade may know more; and the Finance Member should be able to give the information which Mr. Tyson wants.

The Honourable Sir Jeremy Raisman: You answer your own supplementary questions. I have quite enough of my own.

Mr. T. S. Avinashilingam Chettiar: The unfortunate thing is that the machinery on which supplementary questions can be answered are with you.

Then, Sir, I will refer to the fifth condition which they would like to impose and that is a very important condition:

"Foreign banks should give an undertaking to train and employ a definite percentage of Indians in their higher grades."

Of course every bank like the Government of India employs Indians, just as Sir Edward Benthall said the other day that over 99¼ per cent. of people on the railways are Indians,—chaprassies, pointsmen and so on. The point is that in these 150 years of the existence of these foreign exchange banks have they trained any Indians here and have they made it possible for Indians to start such big banks? They have kept it a sort of close preserve for themselves. In this connection I will refer to page 343 of the same report, where they say:

"We are impressed by the fact that though the exchange banks have been operating in India for more than half a century they have not employed a single Indian in the superior grades of their services."

That is to say, up till 1931—whatever has happened after that I do not know—they have not appointed a single Indian in their higher grades. That shows how very well they have served this country. These people very often utter platitudes about co-operation being the best thing for India. Of course whatever is best for them is the best for India; whatever puts large amounts of money into their pockets is the best for India. It is only from that point of view that they can claim to have served this country. It was a great person who said that our greatest merchants are only commission agents. All our big merchants today have made their pile out of commission agents. We have only got a few small things which a European does not find it to his interest to take up. And I say that if this banking law is to do any good to this country, if India is to have a really good banking system, if Indian banking is to flourish and finance her own trade and commerce and foreign trade, we want protection. And protection against whom? We want protection not against the German; the poor fellow is dying and gasping; not against the Japanese, not even against the Americans. We want protection against the British who are entrenched here. And if that protection is not forthcoming, your clause 17 means nothing; the reciprocity provision that you have tried to make is mere eye-wash.

I will pass on now to some of the important clauses and first refer to the clause on definitions. The present definition is particularly unacceptable for this reason. As he would have found in the opinions, it is a habit with many trading concerns in India to have what are called book transactions under which monies are deposited or withdrawn. It is a common habit in my part of the country and I understand from the opinions that that habit prevails in other parts of the country too. And so if this definition is accepted it would affect many of the commercial concerns in this country. Therefore a definition must be evolved which suits the conditions of this country. One definition has been given by Finlay Shirras:

"Banking is the opening of credits by the deposits or collection of money or currencies, specially to be paid or remitted by draft, cheque or order."

I do not stand by any particular definition, but what I submit is that we should have one which will suit the conditions of commerce in this country, which will not be unnecessarily rigorous and give trouble to other commercial concerns.

Then I come to the next clause, clause 4 which relates to business. I come from South India, a part of this great country in which there is a large number of small banks. Those who have read the report of the Banking Inquiry Committee would have known that there is an institution called Nidhis in Southern India. In my district alone there are about 120 of them; and they are doing a sort of business which is not provided for in this Bill,—I mean what is called the chit fund business. It is referred to by the Registrar of Joint Stock Companies on page 125 of the opinions received. It is a sort of subscription. A few people gather together, contribute a quota which is spread over many months, 20 or 24 months, and they take it at their option as they find it necessary to have the money. The bank conducts it and acts as a sort of guarantee for it. It is a sort of business which many of the banks in India are doing and which acts as a savings drive to the ordinary middle-class man in South India. The Honourable Finance Member winks at me; I do not know what he wishes to convey. But I must clear one misconception about this

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savings drive which he has, though it is not strictly relevant to this Bill. He goes on the presumption—which I had no time to discuss on the Finance Bill debate—that the agriculturist is flowing with a lot of money in his hands. He is thoroughly mistaken. I know the agriculturists and am living in their midst. The prices of foodgrains fixed for them are not sufficient to cover their expenses; and if he is having his savings drive on them it is like trying to get water out of stone. The savings drive must be on people who have money; military contractors or people like that. It is they to whom you must go.

Coming to the chit fund business. It is a business which is being run mainly by many of the smaller banks in our part of the country and that should be provided for in clause 6 of the Bill.

Dr. P. N. Banerjea: Your complaint is that indigenous banking is not included within the scope of this Bill.

Mr. T. S. Avinashilingam Chettiar: No. I said there are banking companies, limited companies, joint stock companies, doing banking work which do this business also which has not been provided for in section 6 of the Bill. That should be added, that is all that I say.

While on this matter I would like to refer to another point which also relates to South India . . . . .

The Honourable Sir Jeremy Raisman: It is full of eccentricities.

Mr. T. S. Avinashilingam Chettiar: All the efficient officers in your Department come from my part of the country. Judged from that you must know that our eccentricities are advantageous. Some Finance Member used to say put a Scotchman and a Madrasi together and they can never go wrong'.

The Honourable Sir Jeremy Raisman: What about the whisky?

Mr. T. S. Avinashilingam Chettiar: The Madrasi never goes for that.

Now I come to the first part of clause 11. Much has been made of population. There is not always much connection between the population of a place and the business that is being done there. Much has been said of branch banking. I do not know whether the Honourable Member knows about South Kanara. South Canara beyond its border lies in the Bombay Presiedncy. To make a difference like this is sometimes very eccentric and I hope the Select Committee will evolve a better system than what has been found in the first part of clause 11.

Coming to clause 18. In clause 18 no difference has been made between time and demand liabilities. It says that twenty-five per cent. of the total of its time and demand liabilities should be kept in British India. Other countries have made a difference between time and demand liabilities. I refer to the practice in Argentine. In Argentine, the requirements are restricted to maintaining a cash balance of atleast 16 per cent. of demand liabilities and 8 per cent. of time liabilities. If that distinction is made, I think it will be better for the banks. The banks themselves will differ in them time and demand liabilities according to the places concerned. Agricultural places may have a different proportion of time and demand liabilities to the commercial centres and I would suggest that this distinction should be made in our Banking Bill also.

Now, I come to clause 21 which refers to 'return of unclaimed deposits'. The State is a grabber. They want that accounts which have not been operated upon for ten years should be sent to the Reserve Bank. In this connection, I would refer only to page 3 of the opinions which refers to Canadian law:

"The treatment of such unclaimed accounts has been administered in a very enlightened manner by Canada where all unclaimed deposits are made over to the State after remaining unclaimed over a period; and my Committee urge that legislation should be therefore undertaken making it obligatory upon the Banking Institutions in India to hand over to the Indian Exchequer all such lapsed accounts which have not been operated."

I have got only one thing to refer to before I sit down. The power that has been given to the Reserve Bank in many cases seems to be really drastic indeed and so I hope many of those provisions will be mellowed and they will be made in such a way that the Reserve Bank instead of hindering the growth of

banking institutions in this country will be a source of help and strength to their growth.

Sir, I support the motion.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I rise to support the motion before this House and in doing so I shall confine myself to a few remarks on the opinions that have been received on this Bill as a result of the motion for circulation that this House passed in November last.

There are one or two questions relating to which some remarks fell out of the mouth of my Honourable friend, the Finance Member, with which I am not in entire agreement, but I will refer to them later on.

It is true, Sir, that the Honourable the Finance Member in making this motion outlined the scope and the nature of the opinions that have been received. But I believe, that since legislative procedure in this House does not permit of the House expressing its intentions in regard to the scope of the Bill or, at any rate, in such manner that the Select Committee might exceed the scope of the Bill if it so desires by means of specific instructions following the practice that obtains in the House of Commons, the only guide that the Select Committee will have will be the discussion on the Bill in this motion and the points made which are not contradicted or controverted by the Government. It is with that object in view that I shall refer to a few opinions in regard to particular clauses of the Bill.

Sir, at the outset, I would like to say that the opinions on the Bill have been ranging from one extreme to the other which shows that there are a number of interests in this country whose interests do not coincide and whose ideas vary and, secondly, organized public opinion in this country does not exist with regard to the type of a banking law that is best suited to the country. Beginning with the opinion of the Bombay Chamber of Commerce which does not want a Banking Bill at all which feels that those sections in the Indian Companies Act relating to regulation of banking are adequate enough, which also feels that if the Banking Bill has to be enacted into law it has to be drastically altered, the Bombay Chamber of Commerce wants that all banks should be scheduled banks, that the capital structure of every banks must be much higher than that indicated in the Bill, and so on. Otherwise the Bombay Chamber would allow the banking in this country to develop without let or hinderance, an opinion which can only be supported by the liberal economists' policy of the 19th Century of which, I am sure, this House will feel that the country has no need, notwithstanding the fact that my Honourable friend, Mr. B. Das, wanted this Bill to be dropped at this stage. As against the Bombay Chamber of Commerce's opinion, the opinion of officials, particularly those engaged in scrutinizing the balance sheets of banks and companies, mainly Registrars of Joint Stock Companies, have expressed opinions which, if followed, would make this Bill a far more rigid one than it is today. These people want control alround. This view has been in part supported by the Lahore High Court and to a certain extent by the Madras Gov-

4 P.M. ernment and also by and large by academic economists. It therefore seems that in a House like this, composed of interests which represent a cross-section of society in India, we would have to have a compromise somewhere if we are to have a banking Bill.

My own view is at variance with the wishes expressed by my Honourable friend, Mr. B. Das on this matter. I feel that the necessity for a banking Bill is there and it also is very necessary that it should be enacted as soon as possible. I am aware, Sir, as a person who is in close touch with the economic life of this country—not as a banker—that the vast changes that this country is undergoing in the economic field during the war would lead us at the end of the war to a stage very much like what it was in the pre-depression era and perhaps to something much worse. So far as the operation of the money market is concerned, wherever one might lay the fault for the present state of affairs,

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it is obvious that things are in such a state that rigid control would be necessary in all the phases of its operation. For one thing, the House knows that the number of scheduled banks including the Imperial and Exchange banks have increased from 51 in June 1939 to 76 in June 1944 and the total number of their offices, including head offices, from 1,328 to 2,141: and as against this the deposits have increased phenomenally and the relation of the capital structure to the deposits has also varied considerably. And surely the House knows that the money base behind all this has also increased phenomenally, because our currency has increased from 180 crores to well past the 1,000 crores limit.

Apart from all this, anybody who is in touch with what is happening about us should know that there is a lot of money available in the hands of many people and unfortunately the people who have a lot of money are not people who are over scrupulous in their outlook and actions. Insurance companies are being bargained away, put on the counter and sold. And why is the control over an insurance company bought in this manner. Merely for the purpose of handling that portion of the life fund which the law permits those who control those companies to handle. The life insurance fund is used to purchase bank shares and bank shares once purchased leads to the control of the banks and the moneys of the depositor in such Banks is used not for his benefit but for the good of the individual or individuals who controls the institution. I am not painting a lurid picture of the situation.

I wish I had the gift to really paint it as it is. There is no denying that the position of the money market today requires that every mechanism of credit must be as rigidly controlled as possible, the only limiting factor being the non-availability of personnel and the lack of experience which should ensure that the control will be exercised properly. So, I think Sir there is absolutely no room for doubling the need for a banking legislation and I think there is very little room to doubt the advisability of tightening up the screw as far as possible without the structure breaking under it. That is my own view and it is from that view point that I have scrutinised the opinions that have been received.

On the question of definitions much has been said and the view seems to be generally held that the definition of a banking company as we find it in the Indian Companies Act is more satisfactory. I am myself unable to make up my mind though my Honourable friend, the Finance Member recommends that the present definition is the best. I think that would be a matter for the Select Committee to examine very carefully.

On the second question on which a lot has been said in this batch of opinions received is the question of the capital structure in relation to the wording of Clause 11. I am afraid, Sir, that that this is rather a difficult matter to determine and it permits of different views all of them equally valid. It is true that the capital of the bank must bear some relation to the volume of the money that passes through it. But at the same time as I have said before when this Bill was being moved for circulation, that the position of the small banks will have to be safeguarded and the methods suggested in clause 11 neither appears scientific nor appears to fill the Bill. There is a case for a change and in changing the wording of clause 11, I hope the Select Committee will bear in mind the very imperative need to maintain the small banks intact. One word of caution I would like to utter in this connection. It may be that at the present moment there are enough big banks with a large capital structure in a position to satisfy the demands of clause 11 and willing to open branches in every nook and corner of this country. But should circumstances in the money market be different, say five or ten years hence, it might conceivably be that banks that are incorporated either in Bombay, Calcutta or Cawnpore and have opened branches in Tuticorin and Madura in the south, finding that there is a slump in the money market and that little or no business is to be had might close down some of these branches in such outlying parts. A similar thing happened in the Madras Province some years after the last war. The Tata Industrial Bank, and its successors the Central Bank of India opened branches in a number

of towns in the Madras Province. A slump came, and due to unwise investments and indiscretion on the part of managers of the bank resulting in a loss, these branches were closed and the banking facilities available to the people in those towns were taken away. The one safeguard the small banks offer is that they have nowhere else to go and that they are indissolubly connected with the life of those people who are interested in promoting and managing the institution and willy-nilly whatever happens to be the circumstances under which they have to function they have to remain in the same town or area and work for the benefit of the people of that area. The interests of the people of that area and the people who manage these banks are closely connected and care should therefore be taken to see that these facilities which are available to comparatively backward areas should not be easily interfered with to the detriment of the existence of these small banks. I think, Sir, that if that caution, is borne in mind, it will help the members of the Select Committee to alter the wording of clause 11 suitably.

Sir, I have said before that the relation of the capital structure of a bank to the population is meaningless. In fact it does not mean that a bank which is operating in a big town operates over the entire area: nor does it mean that when a bank is asked to have Rs. 20 lakhs capital—if it is going to operate in interprovincial areas—means that it would be acting in a manner which is prejudicial to its safety and its depositors. After all, as a Professor of the Elphinstone College, Bombay has put it, these provincial boundaries are historical accidents and a bank which is promoted in Belgaum, if it operates in Bellary in the Madras Presidency need not heavy a 20 lakhs capital. This aspect of the matter can best be handled by the licensing of all banks. I do not know why the idea of licensing has been given up by the framers of this Bill. My friend Mr. Manu Subedar was at any rate some fifteen years back an opponent of licensing. He found himself in the strange company of foreign experts who advised the Banking Enquiry Committee. But I think the time has come when regulation can largely be done only by means of licensing and the question of opening of branches can also be regulated only by means of licensing. Probably the Select Committee, when it looks into clause 11 and also into clause 17, would evolve some method by which it will make it necessary for the Reserve Bank to license the opening of branches of every bank, whether it be foreign or locally floated in British India or elsewhere in India.

Another point on which there has been a considerable volume of opinion forthcoming was a matter, which is perhaps not of great interest to the bulk of the people in this House but one which is, nevertheless, of great importance to the bigger banks in this country, that is, clause 16. This clause prohibits the grant of unsecured loans to directors and to companies in which the directors have an interest. It has been pointed out by a number of institutions that this particular matter was considered at the time of the passing of the Indian Companies Act in relation to the wording of section 86D and the then Law Member decided that the banking companies should be excluded from the scope of section 86D, and they feel that no case has been made out for the reintroduction of this prohibition in the Banking Bill. I am aware that this is a particular method of helping the directors and their companies which is being very widely abused, I can cite instances after instances, instances where directors have taken loans of more than a crore of rupees with or without sanction of fellow directors, without any security or on faked securities and in some cases they have brought the banks concerned almost to a standstill. There is no denying that, that not merely should care be taken against unsecured advances to directors or to companies in which the directors are interested but also, as some of the Registrars of Joint Stock companies have said, there should be an absolute prohibition in regard to the granting of loans to directors or their companies, whether secured or unsecured. That is all right but it does not fit in with the needs of the country I will mention an instance and I hope nobody will be offended by it. If my friend Sir Homi Mody happens to be the Chairman of the Central Bank of India and be also happens to be the chairman of the Associated

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Cement Co., it does not mean that if the Central Bank of India advances money to the Associated Cement Co. either as an unsecured loan or on a clean bill, that action is capable of being construed as something of a fraudulent transaction. Surely not. Those are the needs of the ordinary course of business: but at the same time, for one instance like this, there will be five or six instances the other way about. (Interruption.) My Honourable friend Mr. B. Das suggests why not take the worst instance and provide against it. Why take the best? I am not a misanthrope. I admit there are evils in the present system but if there is some good coming out of particular acts under the present system which at the same time produces some evil, we have got to do our best to safeguard ourselves from the evils operating rather than deny ourselves even the little good that it can do. I think that the opinions expressed by institutions by and large in this matter might be carefully considered. These generally recommended that the Reserve Bank should receive returns from the various institutions as frequently as possible, perhaps monthly if necessary, giving a list of secured and unsecured loans given to directors or to companies in which the directors have an interest and I think that if the Reserve Bank has got the personnel and the willingness to scrutinise these, that would cover the position against any flagrant abuse. In the case of the smaller banks the scrutiny need not perhaps be as rigid. It is only in the case of large amounts and the larger banks that the scrutiny has got to be carefully exercised. I think there is a way out in this suggestion which is worthwhile considering.

With regard to clause 17, on the subject of the licensing of foreign banks my Honourable friend Mr. Chettiar had something to say. I did say in a debate a few days ago that the existence of sections 111 to 121 completely took out of the proper focus anything that we want to do in regard to regulating the economic activities of this country. It is because of these sections that the bulk of the recommendations of the Central Banking Enquiry Committee have got to be sort of given the go by. When the Central Banking Enquiry Committee reported we did not have the 1935 Act in operation and those people who recommended certain methods of controlling banking never visualised the possibility of there being a law against imposing restrictions on foreign companies that are established or are functioning in this country. But there is no use complaining about what cannot be helped just now. We have to enact a law as circumstances are today but if conditions change, as perhaps they will, thanks to my Honourable friend Mr. Manu Subedar, all these sections can be modified. (Interruption.) My Honourable friend says "Why not wait". Wait till these clauses are removed. It may be that if I wait, say for four hours I might be able to give my cook time enough to cook my food properly and give me very good food to eat but hunger is a thing which compels me to eat and I want some food immediately. I cannot afford to give my cook a long time to prepare good dishes for me. I am not prepared to wait. I have not got the patience of my Honourable friend. If I wait, the deluge will overtake me and there will be nothing to do at the end of it all. That is my fear.

The Honourable Sir Jeremy Raisman: If you wait long enough, you may not need any food!

Mr. T. T. Krishnamachari: I think there is one way of camouflaging the injury to our pride and at the same time get over the difficulty. I would suggest to those people who are in charge of the Bill and to the members of the Select Committee that we can overcome this difficulty by imposing the same restrictions on all banks, whether foreign or Indian, whether floated in an Indian State or inside British India. It may look like a case of cutting the nose to spite the face but I think it is worthwhile, trying one. It is worthwhile in the long run and, as I said, the provisions of section 11 cannot be altered suitably without some form of licensing sections 11 and 17 can be clubbed together for this purpose.

On the question of percentage of assets to be maintained in a liquid state there again there is a large volume of opinion which represents views not in consonance with the provisions of this Bill. I stated on the last occasion when this Bill was discussed, that the percentage of assets to be maintained in a liquid state though it is not 30 per cent. as was proposed in the draft Bill of 1940, was still very high. I find, curiously enough, that support for decreasing this percentage comes from bodies, which most of us and some of my friends on my right will feel are bodies not interested in the economy of this country. The British Exchange Banks Association of Bombay and the Bombay Chamber of Commerce have suggested a reduction to 15 per cent. I find, Sir, that it is in consonance with what is happening in the United States of America.

Again, in dealing with this question many of the opinions have pointed out that, in order to maintain a statutory limit of 25 per cent. all the time, it may be that banks will have to err on the side of safety, and that, very often, they will have to operate only with about 60 or 65 per cent. of their assets, as the case may be, so as to leave a large margin so that they will never go down below the 25 per cent. level. In actual practice I believe it will have to be worked on some basis like that. Banking is not a thing which can be done with gold scales, and very often it may be that the banks will have to work on a margin of 8 to 10 per cent. above the limit fixed.

I find, Sir, that there is another reason why this percentage of liquid assets must be lowered. I mentioned on the last occasion that many banks employ their assets to the maximum capacity only during certain seasons, and banks which advance to agriculture are only making short-term loans. There is an inherent safety in the fact that the advances made are short term advances, and the fixing of this percentage at a fairly high figure will deprive the agriculturist of the benefit that he is now getting from these loans and also put these banks in a difficult position as regards their income because unless they get all the revenue they can during that period, they probably will end up in a loss.

Alternatively the position can be safeguarded by increasing the resources available to these banks. I suggested on the last occasion that the expectations that were aroused by the operation of section 17(2) of the Reserve Bank Act have not been fulfilled for the reason that bill habit in this country has not yet developed. I understand that the Reserve Bank is moving in the matter, and that there will shortly be a proposal to have some public warehousing at any rate in agricultural areas.

Mr. B. Das: How do you know?

Mr. T. T. Krishnamachari: I have not consulted an astrologer, I can assure my Honourable friend on that score but, be that as it may, there still remains the fact that the bill habit is and will be undeveloped in this country for a long time to come. So much so the provisions of section 17(2) of the Reserve Bank Act will have to be enlarged in such manner as to help, if it is necessary, to increase the resources available to the smaller banks. Another alternative is also possible.

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

I would like to refer to the example of the South African Bank in this connection. I think it is referred to in DeKock's book on Central Banking. In 1930 the South African Reserve Bank was empowered to make advances not only against trade and agricultural paper but also against one-name bills on promissory notes secured by documents of title representing staple commodities, fully insured. Sir, these one-name bills or promissory notes have absolutely no value in this country so far as discounting facilities are concerned. Banks insist on two signatures. It may be that one signature is that of the man who is going to use the proceeds, and the other signature may be that of a chauffeur, but so far as the bank is concerned its regulations are fully met by two signatures. The Reserve Bank will do well to examine what the South African Reserve

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Bank has done in this connection, and place the result of their investigation before the Select Committee. If section 17(2) of the Reserve Bank Act can be suitably amended in order to encourage lending on a larger scale and make the definition of eligible paper wider, then perhaps the 25 per cent. limit may not be so hard as it looks today. In any event I do not see why the percentage should not be reduced to 15 per cent., and at the same time increased facilities also made available to banks.

There is yet another alternative, in my view, which can be considered. It may be that, at the present moment, there being so much money available, and money being cheap, 25 per cent. might be quite proper limit. But before we know anything about it conditions might alter materially, I wonder whether it would not be advisable to fix a maximum of 25 per cent. and a minimum of 15 per cent. in regard to this clauses, and allow the Reserve Bank to notify from time to time which is the exact percentage they have fixed for the time being which should be maintained by banks in this country operating under this law so far as the liquidity of their assets are concerned.

Sir, on the question of assets in British India, again, there is a wide difference of opinion, but I think it is a matter which is not very serious and might be adjusted by the Select Committee.

In the matter of assessing what constitutes these assets, whether under clause 18 or clause 19 it is suggested that the assets that will have to be taken into account, should include balances with other banks. For instance, the balance with the Imperial Bank can be taken as a liquid asset. It is possible this facility might be abused by two banks collusively furnishing balances as at credit with the other. It may be that Bank A might have a balance with Bank B, and similarly Bank B might have a balance with Bank A, and these fictitious balances might be used. The insistence of 75 per cent. assets in British India is generally reasonable. I quite realise that the safeguard is necessary, particularly in view of what happened in 1938, but there is room for further investigation into this matter.

It is also said in regard to clause 19 where a return is asked for once a year, that the banks can evade this particular obligation for 364 days in the year. The Madras Government suggests two ways of getting out of this difficulty: one is that the return should be made monthly, and the other is that it should be obligatory for every bank of reasonable size to employ amongst its staff a certified auditor who will have to certify this return and be liable in case of a false return for disciplinary action by the Accountancy Board. It might be difficult to ask small banks to employ certified auditors, but there is something in the suggestion.

Two other matters which I would like to mention before I close are also rather difficult matters to decide one way or the other. One is clause 23 which refers to audit. There is no denying that so far as the auditor's certificate is concerned, it might represent nothing at all in the manner in which it is framed today. But so far as the activities of the branches are concerned, the auditor always accepts the statement of the head office in regard to the transactions of the branches, and it has been suggested that even branch accounts should be audited; but whether the banks can afford it is a matter open to question . . . . .

Mr. Akhil Chandra Datta: Branches are audited invariably in my part of the country.

Mr. T. T. Krishnamachari: The experience of banks in my Honourable friend's province is perhaps an exception: but generally it happens that the auditors accept the statement of the officers of the bank in regard to branch activities.

The second point is this: what is the guarantee that the auditor is doing his duty properly so long as he depends for his nomination on the shareholders' vote, which often means the manipulation of this vote by directors and managers of institutions? It must be true that we are trying to probe too much into these matters but once we are on the subject it is worth while examining it in all its aspects. It has been suggested that something must be done in regard to this defect: it may be that the Reserve Bank of India might constitute a panel from out of which auditors should be selected by various banks . . . . .

Dr. P. N. Banerjea: There will be room for favouritism.

Mr. T. T. Krishnamachari: I would much rather prefer the exercise of favouritism at the hands of the Reserve Bank of India than favouritism at the hands of private institutions and directors of institutions. It is a choice between the two evils, and I think the evil that now exists is greater than the evil that would come into being if the Reserve Bank is asked to constitute a panel and it is imposed by legislation that auditors of banks should be appointed from out of that panel. Surely the Reserve Bank will consult the Accountancy Board and if it is to be a matter of favouritism, the favouritism will have to be exercised by a number of people occupying positions of responsibility. It is inevitable in any bureaucratic administration that there would be some favouritism at some stage or other, and that is the price one has to pay for regulation and for efficiency. That is a point worth while investigation.

The last and most controversial section is clause 28. It is concerning the question of inspection. It has been suggested that inspection, if it is irregular, just when the Reserve Bank feels that inspection is necessary and gets the permission of the Central Government for instituting inspection—there will be a run on the bank concerned. It has been suggested by the Mover that the fears are largely illusory and seldom arise; but that is not so. It is a fact that if rumour gets about that the affairs of a bank are being looked into and there are other circumstances contributory to help that rumour to gain currency, the position of the bank will become difficult. The question, therefore, resolves itself into this: that inspection will have to be either regular and periodical or not at all. Legislation can be enacted to lay down that the Reserve Bank must periodically inspect, say once in one or two years, all banks. It may be that the Reserve Bank might say "We have not got the personnel; we have not the organisation and we will not be able to do all that now". But it is very necessary that this matter must be examined in all its aspects, and there is a very large volume of truth behind these fears that if inspection is haphazard and is permitted by reason of the fact that the Reserve Bank feels that the affairs of any particular institution is not in order, then the institution will suffer rather than gain by the inspection. That is all I have to say so far as the clauses are concerned and the opinions received thereon.

As I have said at the start the opinions are very instructive and very useful. My Honourable friend the Finance Member has said that the Select Committee can take evidence if it wants; perhaps it may be worth while to ask a few experts to help them before they finally draft their report; but I do want to say now that the reason why I have wearied the House with all these details is the fact that I wanted to state here categorically that these are the lines on which the Select Committee may proceed and proceed usefully, because it is a new measure and they need not be deterred by the fact that if they act on the lines suggested by me they will be exceeding the scope of the Bill.

My Honourable friend the Finance Member stated that he did not feel that there was any need for the amendment of the Reserve Bank Act at the present moment. My own feeling is I have sufficiently well demonstrated that there is a need for amendment of section 17(2), at any rate, of the Reserve Bank Act, because if we impose conditions on banks, we must also avail ourself of the opportunity to extend to the Bank all reasonable facilities and see that they do not suffer by reason of the requirements provisions of this Bill and I think the powers given to the Reserve Bank in this direction should be enlarged and we could feel fairly safe that, those powers would not be misused. Certainly there can be no favouritism or abuse so far as the Reserve Bank is concerned in acting under the enlarged powers suggested under section 17(2).

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But with rgard to the other matters of expanding the scope of the Reserve Bank Act or of expanding the scope of this Bill in order to embrace the whole credit structure of this country, I agree with my Honourable friend the Mover that it is best for us to make a beginning. I would suggest now to him to lay on record that at the earliest possible an inquiry should be instituted, possibly through the agency of the Reserve Bank itself, assisted by one or two experts to study the whole question of the credit structure of this country in the light of the views of the various committees that have reported in the past, and in the light of the experience gained by the Reserve Bank of India since its inception. It has been suggested by one of the persons who have sent opninions here—I do not remember if he is a professor from Poona—that Bank Acts must be revised statutorily every ten years in order to suit the conditions that exist at the time, and in order that the development of credit institutions in the country should not suffer by reason of a time lag between changed conditions coming into operation and the time when the state intervenes to put things right. Anyway, I would suggest to my Honourable friend that he would do well to put it on record that an inquiry should be undertaken with the least possible delay.

Coming to my last point, my Honourable friend the Finance Member was good enough to make mention of the volume of opinion in this country in regard to the position, prestige and importance occupied in the credit structure of the country by the Imperial Bank of India. It is true that the Imperial Bank of India which has gained in some respects by the recommendations made by the Banking Inquiry Committee in its report, and by reason of the fact that the Reserve Bank gives it a special position of prestige in this country, has not acted up to the other instructions, the other recommendations made by the Banking Inquiry Committee. It has not Indianised its staff, it has not Indianised its outlook to any appreciable extent; it still remains a foreign institution unalive to the interests and needs of this country and pursuing its own course for the benefit of the members of a foreign community in this country and for their aggrandisement. I can state unhesitatingly that if the Imperial Bank of India has contributed in any measure to the economic prosperity of this country, it has only been incidental, it has not been deliberate or wilful. But the time has come to deprive this institution, not by the exercise of undue discrimination —let my Honourable friend, Sir Edward Benthall, rest in peace—not by discrimination but by depriving it of the unnecessarily privileged position in which it has been placed by force of circumstances. I suggest that the Select Committee should consider the adding of a clause to the clauses in the Bill, or adding a sub-clause to clause 40 of the Bill—Repeal of Part XA, Act VII of 1913—which ought to say "the repeal of Act 47 of 1920". I think it is time, when we are enacting a banking law and consolidating various pieces of banking legislation and for the regulation of banking, however modest it might be, that we should bring the Imperial Bank of India within the scope of this Bill. And that can be best achieved by repealing the Imperial Bank of India Act. Whatever the Imperial Bank of India will do thereafter would be a matter left to the discretion and good will of the Reserve Bank who will impose such terms on the Imperial Bank using as leverage the concessions they have given them. If we have to wrest any concessions from the Imperial Bank of India, either in the matter of Indianisation of its personnel or in the matter of increasing the Indian directors on its Board or in the matter of helping the indigenous concerns in this country for industrial or agricultural purposes, pressure can only be brought by the apex institution in this country, the Reserve Bank, until such time as Government seeks to take control over the entire money structure of this country and nationalises banking. But short of that I feel that there ought to be in this particular Bill a provision for the repeal of the Imperial Bank of India Act.

Sir, I will conclude with a word of caution. Let not my Honourable friends who are afraid of regulation, let not my Honourable friends who feel that all

regulation at the present moment is inopportune, try to impede the proper growth of credit institutions in this country, until such time as we have the courage and the means and the strength necessary to nationalise them; because on these regulations will depend upon how we are going to tide over the very difficult times that are inevitably before us. And I think no excuses need be offered by anybody for not helping an institution which refuses to make its records available to a public auditor or to a public institution like the Reserve Bank of India. If a bank is run properly its accounts can be inspected and it will do it no harm. If any bank does not want its accounts to be looked into it is not being run properly. That is axiomatic, and there is no question of whittling down that proposition. So if we ask for greater regulation, let us bear in mind that the only limiting factor is that the institution on which we shall lay the burden may not be equal to the task at the present moment. It may be that the Reserve Bank might say, "Allow us more time, let us gather more personnel and let us gain more experience in this matter; we will then do all that you want". My feeling is that that is the only limiting factor, and I think that without stiffling these institutions, without putting small banks in a strait-jacket, there is nothing wrong in asking banks to lay open their transactions before people in the know, people who will keep the information confidential and will not abuse it.

Sir, I have done.

Mr. G. W. Tyson: Sir, I had not intended to intervene in this debate, although as a member-designate of the Select Committee I have a special interest in what is said. Some of the words which fell from my Honourable friends Mr. Chettiar and Mr. Krishnamachari embolden me to say a few words. It seems to me very doubtful whether you will make good banks or good bankers by legislation. And if I may apply a theory which is held by a certain school of philosophers which hinges on the word "prehension", which I imagine may be known to the Honourable Mover, it is this that you cannot wipe out the past, when the chief characteristics of every event are grafted, as it were, into the shape of unity of every succeeding event. Now, if it is supposed that by this Bill you are going to alter the chief characteristics of Indian banking and indigenous banking, or you are going greatly to alter and change the shape and the functions of the British exchange banks, I beg of you to wipe out that illusion from your minds. My Honourable friend Mr. Chettiar in quoting from the Central Banking Inquiry Report of 1931 . . . . .

Mr. T. S. Avinashilingam Chettiar: But the Honourable Member is certainly aware that there is something like encouraging Indian banking.

Mr. G. W. Tyson: I agree. In quoting from that report he singled out a section in which the Committee talked about what ought to be done with the assets of a non-Indian bank if that non-Indian bank failed. And I agree with those conclusions the Indian depositor ought to be protected. But the way in which he quoted it to my mind rather suggested that he wanted to convey to the House the idea that there was an immediate and urgent need of protecting the Indian depositor against the depredations of the non-Indian banks. If I am wrong I shall be glad, but if I am right in my assumption as to the meaning of his quotation, then I must emphatically protest against it.

Mr. Manu Subedar: Do you know that a Japanese bank failed here and the Indian depositors did not get what they wanted?

Mr. G. W. Tyson: Mr. Chettiar several times mentioned British banks. Of course if you do business with the Japanese and they fail you will take consequences.

The other point that I want to make is this. Without going into any detail as to the clauses of this Bill, it seems to me that everything hinges on scrutiny and inspection. And in the very interesting, informative and lucid speech which my Honourable friend Mr. Krishnamachari made, which revealed his extensive knowledge of the subject. I was disappointed to see that he did not deal at any great length with this. The point that occurs to me is, are you not

[Mr. G. W. Tyson]

to throw a very great deal of responsibility on the Reserve Bank in this connection? Are you, in fact, going to be able to create an inspecting authority which will be able to carry out, both in the spirit and in the letter, all that the Bill expects that authority to carry out? I am not saying whether the new powers of inspection that are proposed are good or are bad. Personally, I am in favour of more inspection, more scrutiny, more control. It is not a question of big or small banks; it is a question of protecting thousands and millions of small depositors in banks. But one wonders—it has certainly occurred to me in listening to the speeches this afternoon and in reading the Bill—whether the responsibilities that you are going to throw upon the central bank by way of inspection are not more than you should in fact expect them to discharge. I do now know what the alternative is; I cannot say. But these are matters which, I have no doubt, will be threshed out in the Select Committee's meetings.

With these few remarks I support the motion before the House.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I want to strictly follow the Government of India Act and respect the discriminatory clauses. Therefore I will not discriminate against the Honourable Member who spoke last. It will be discrimination. If I differ from him it is for this that if for one reason he thinks that the Bill is useless I for another reason think that the Bill is not useful. Sir, if I were an Under-Secretary to the Government of India in the Law Department, I could have helped the Finance Member to draft the Bill with only two clauses. The first section will be, "whereas there are no iron safes in this country where monies can be properly and safely deposited, I build iron safes everywhere and put the keys thereof in the hands of the Reserve Bank of India". That will be the first section. The second section will be, "when money is necessary, anybody who deposits can withdraw without any difficulty". Well, Sir, that is all the purpose of this Bill. Banks are primarily intended to draw savings from the public to utilise them for the prosperity and increased production in the country. As regards the second use of banks, namely increasing the production of the country, this Bill is absolutely silent. For the first half, I do not know if I have to be thankful to my Honourable friend. That is my position. Now, Sir, what is the object of this Bill? How does it serve the purpose in this country? This is a Bill for which I must give credit to the draftsman who copied item by item, the very Chapter X-A of the Indian Companies Act. Sir Nripendra Sircar who was the Law Member told us some ten years ago that he would bring in a Banking Bill specially for the purpose of regulating the working of banks, a Bill which would be comprehensive and would be a consolidating measure. Ten years have passed, and after all the mountain of labour has brought forth this small mouse—the Banking Bill before the House now.

Now, Sir, I shall accept the Honourable Member's bona fides. There is no question about it. What is his intention in bringing forward this measure? He wants to safeguard deposits, the current deposits in banks. He expects in years to come a large volume of current deposits in various banks. Lest they should crash like the Travancore National Bank, he wants to place small banks in a sound condition. He is trying to make provision of this kind. But may I know how many banks are there in the rural areas of this country? How many persons are there in rural areas who have got current deposits in banks? In my part of the country, there are banks in Madras. Each district has its own bank there are co-operative banks here and there, and even they have not extended to villages. But co-operative banks do not come within the purview of the Act. I can assure this House that not a single bank in my district comes under the operations of this Bill. Even if there be small co-operative banks in villages, in my experience of nearly 25 years with respect to banks, I have found that everybody is more anxious to borrow than to deposit. In this country almost all are borrowers, and there are very few depositors, except in towns.

My Honourable friend wants to cater to the interests of those who are in towns and who live in small rooms in flats where huge iron safes could not be kept and who therefore cannot keep their money safe and take it whenever they like. They must therefore deposit the money in banks and withdraw for necessities so that they may not starve. The money must be returned to a person who has placed it there. The money so deposited cannot be utilised for financing long range industrial operations. The money that is deposited can be utilised only for short term credit. In this way, the Bill will help only commercial banks. It will help only persons who want to take out monies from the time of production of an article till the time of its sale. This is the utmost time for which these deposits can be lent. After all, does it cover up the entire credit structure of this country? This country is mainly agricultural and we expect after the war to improve the industries. Does this Bill help either the industries or the agriculture of this country? It is too well known that for industries short term loans are not useful. Long term loans are necessary. My Honourable friend has carefully shunted out that aspect of the problem. He has made this Bill inapplicable to trading concerns, trading banks, investment banks. An investment bank, if it hereafter lends on long term credit and takes only time liabilities, as defined in the Bill it would cease to be a bank, and it has got to remove that name also. I know that during the past several years, a number of such banks have come into existence, but not one of them will be regulated by this Bill. My Honourable friend is trying to make stringent provisions so far as demand liabilities are concerned, that is current deposits are concerned. The Reserve Bank does not pay a single pie by way of interest on current deposits. The Imperial Bank does not pay and most of the banks do not pay interest on current deposits, and even if they do, it is a very small percentage. It is only for the purpose of safety that the money is kept there in banks. It is true that so far as such banks are concerned, stringent provisions have to be made. But is it for that my Honourable friend should take credit just at the time when he is completing his term of service and going back to his home?

Why has he not addressed himself to the larger issues in this matter? What does it matter if this Bill is not proceeded with? My Honourable friend Mr. Krishnamachari was afraid that the Ganges would be set on fire if these banks were to crash. If they crash many of us who are borrowers would only be glad. What is it that these gentlemen have done to the poor villager? I live in a village, it used to suggest itself to me that whenever I went to Madras, why we, villagers, who produce the food in this country, should not be able to have even a bullock cart which would carry us safely. But these persons in Madras whose children do not know whether paddy grows on the top of trees or whether it grows on land, these persons are able to move about in motor cars and even aeroplanes. I am still unable to understand how this useful mechanism of money currency and exchange is manipulated for the benefit of my good friend Mr. Krishnamachari and not for the poor villager. Sir, Mr. Krishnamachari has always been a good friend of mine, he always tries to get encomiums from my other friends, he knows their weakness, he cajoles them, praises them. But I am unable to do any such thing for this reason that I am starving. My starvation has not been removed. Have you addressed yourself to agricultural banks? Agricultural banks have been removed from the scope of the Bill. Agricultural banks, whether they give short term credits or long term credits, this Bill does not touch them. These agricultural banks are untouchables, they are Harijans. This Bill treats them as Harijans. Therefore whatever measures is passed by this Assembly, these agricultural banks, and industrial banks are out of the picture. In the Companies Act, Chapter X-A refers not only to banks which are receiving current deposits but also to banks which receive other deposits. These are included in that Chapter. My Honourable friend in repealing the entire Chapter X-A is doing a grave injustice to this country. I am afraid this aspect has escaped his notice. If he has done it deliberately, then this is the stone which he has thrown on our heads in this country. For what reason? I shall explain.

[Mr. M. Ananthasayanam Ayyangar]

it to him. I am not dogmatic. I do not want to accuse any friend merely for the sake of cussedness. Now, let me see. Can you ignore the fact that there can be banking institutions which take only time liabilities and take deposits and giving them on long term loans. Is there any provision in this Bill to regulate the working of such institutions where the Reserve Bank has no hand in the matter? He removes Chapter X-A of the Indian Companies Act which was intended not only for banks of the description for which this Bill is sought to be enacted, but also for industrial banks. That is Chapter X-A., and it is sought to be removed altogether. What then is the law which would regulate such institutions as credit corporations or commercial trade. They will be regulated only by the Indian Company Act. What does the Company Act do, according to the wording of my Honourable friend? Companies are interested in persons who have got stocks or shares, companies mainly look to their own interests but banks are intended to regulate safety of deposits. Are you throwing these banks, these institutions into the hands of villagers? The Honourable the Finance Member in repealing Chapter X-A, wants to relegate all these institutions which are intended for the purpose of helping the industries to go without any check.

Mr. President (The Honourable Sir Abdur Rahim): The House will now adjourn. The Honourable Member can resume his speech on Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th April, 1945.

LEGISLATIVE ASSEMBLY

Monday, 9th April 1945

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. Chandulal Madhavlal Trivedi, C.S.I., C.I.E., O.B.E., I.C.S., M.L.A. (Secretary, War Department).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

Mr. T. S. Avinashilingam Chettiar: Sir, will you allow question No. 1734 to be taken up first? The question was asked the other day and was postponed till today. I submit that it may be taken up first.

Mr. President (The Honourable Sir Abdur Rahim): That cannot be done.

Mr. T. S. Avinashilingam Chettiar: Sir, you consulted the House and it was decided that it can be done and the Leader of the House also agreed.

The Honourable Sir Sultan Ahmed: If all those Members who have got questions before that forego them I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): If the other questions can be expedited, it will be reached.

RECALLING OF THE HIGH COMMISSIONER FROM, AND ENFORCING OF ECONOMIC SANCTIONS AGAINST, SOUTH AFRICA

1688. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Commonwealth Relations please state:

(a) whether he has considered the opinion of the House that the High Commissioner should be recalled from South Africa and economic sanctions taken against that country;

(b) whether he has considered the vote of the House in throwing out the demand for grant for Immigration—External made for his failure to take such steps; and

(c) if so, with what effect?

The Honourable Dr. N. B. Khare: (a) and (b). Yes.

(c) As I have already stated the matter is still under consideration.

Mr. T. S. Avinashilingam Chettiar: May I know when the consideration is expected to be finished?

The Honourable Dr. N. B. Khare: I have no grounds to expect anything.

Mr. T. S. Avinashilingam Chettiar: May I know if the South African Indians themselves have passed Resolutions and sent them to the Honourable Member concerned that the High Commissioner should be recalled?

The Honourable Dr. N. B. Khare: I am aware of that.

CONSIDERATION OF ASSEMBLY'S REFUSAL OF SUPPLIES TO EXECUTIVE COUNCIL

1689. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Leader of the House please state:

(a) whether the vote of this House—Refusal of supplies to the Executive Council this session has been considered by the Executive Council; and

(b) if so, the result of the consideration?

The Honourable Sir Sultan Ahmed: This question, which should have been addressed to the Finance Member, will be answered tomorrow.

WITHDRAWAL OF BUILDING GRANT TO PRIVATE SCHOOLS IN QUETTA

1690. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for Education, Health and Lands please state:

(a) whether the building grant of rupees two lakhs to private schools in Quetta, which he mentioned in the Assembly on the 30th March, 1944, has been withdrawn;

(b) whether this grant was withdrawn for lack of building material; and

(c) whether it is a fact that unlimited building material was available at the same time for the construction of a Residency in Quetta?

Mr. J. D. Tyson: (a) No. It will be paid as soon as any private school is ready to start building and its proposals have been accepted.

(b) Does not arise.

(c) No.

Seth Yusuf Abdoola Haroon: Is the Honourable Member aware that the Islamia High School at Quetta has started a building for this purpose?

Mr. J. D. Tyson: I am not aware of that.

COMMITTEE FOR SELECTING STUDENTS FOR STUDY ABROAD

1691. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands please state:

(a) whether the Committee for selecting students for study abroad has been appointed; if so, who the members of the Committee are;

(b) whether applications from students have been invited; if so, the latest date within which they have to apply; and

(c) whether the selection of students whose expenses are borne by the Provinces are made by the Government of India or the Provinces?

Mr. J. D. Tyson: (a) Yes. The Selection Board consists of:

(1) Sir Maurice Gwyer (Chairman).
(2) The Educational Adviser to the Government of India.
(3) Dr. Sir Shanti Sarup Bhatnagar.
(4) Sir Shafaat Ahmed Khan.
(5) Captain Sardar Nau Nihal Singh.
(6) Rao Bahadur N. Siva Raj M.L.A., and
(7) An expert or experts in each technical subject for which students are to be selected, to be co-opted as occasion requires.

(b) Yes. The last date for receipt of applications, which was originally fixed as the 15th April 1945 has been extended to the 30th April 1945.

(c) The Selection of stipendiary students to be sent for training to meet Provincial demands will in the first instance be made by the Provincial Governments concerned.

Mr. H. A. Sathar H. Essak Sait: Is this Committee going to make selections for all over India or is it only for the Centrally administered areas?

Mr. J. D. Tyson: The centrally administered areas as such hardly come into it. The selection committee to which I have referred will make selections for the posts which are to be filled under the Central Government, whether at headquarters or in the centrally administered areas. But we also expect that we shall have to invoke their help to check the Provincial Governments' Selections if the Provincial Governments ask for more places than it will be possible to give them.

Mr. T. S. Avinashilingam Chettiar: May I know if advertisements for applications from students have appeared in all provincial newspapers also?

Mr. J. D. Tyson: Yes, Sir; they have appeared in a large number of newspapers.

Mr. Lalchand Navalrai: Will selections be made on applications being received by the centre or will they be received by the provinces and sent to the centre? Will there be direct selection also if applications are made to the selection board or the Honourable Member's Department?

Mr. J. D. Tyson: I am not sure that I quite followed the Honourable Member's question. In respect of posts that will be sponsored by the Centre, applications should be addressed to the Department of Education, Health and Lands and they will be placed straight before the selection committee. In the case of

posts sponsored by the provinces applications should be made to the provinces. There is nothing to prevent a person applying to both but he is supposed to inform each authority that he has also made an application to the other one.

Pandit Lakshmi Kanta Maitra: When is this selection committee going to meet? Has any date been fixed?

Mr. J. D. Tyson: No date has actually been fixed, but they will have to meet very early in May if they are to get through their work in time to get the students placed.

Mr. H. A. Sathar H. Essak Sait: Now that there is a central committee will the Honourable Member implement the promise made in this House and instruct the selection committee to fix a quota for the minorities?

Mr. J. D. Tyson: The central committee will certainly be told to see that in respect of the central quota as a whole every effort is made to provide for minority candidates according to the generally accepted communal ratio. But this is, of course, subject to candidates coming forward in requisite numbers with the minimum qualifications.

Dr. Sir Zia Uddin Ahmad: May I know whether this committee will also make selections on behalf of the provinces or the provinces will have their own selection committees?

Mr. J. D. Tyson: I think that has been answered, but I will repeat—the provinces will have their own selection boards. But if, as we think is probable, the provinces ask for more places than we can find, we propose that this committee shall help us to thin down the provinces' demands.

SAFEGUARDING OF MANUFACTURING INDUSTRIES ESTABLISHED IN INDIA

1692. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state if Government have noticed the telegram from London, dated the 23rd March, 1945, in the *Hindustan Times*, of the 25th March, 1945, reading as follows: -

"Reviewing the India Government's expansion of the list of permitted imports, the *Manchester Guardian's* financial editor declares this is a valuable opportunity for the British exporters to re-establish themselves in the Indian market".

(b) By what measures do Government propose that definite attention will be paid to the requirements and the plight of manufacturing industries established in India, and that such industries will be prevented from going under?

(c) Do Government propose to make a statement of the work done by the Hydari Mission in the United Kingdom, of the items for which orders have been placed and of the items with regard to the importation of which in India, negotiations have been started?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The whole question is now under examination by Government and the Honourable Member may rest assured that suitable measures will be taken in good time so that the interests of Indian industries are not adversely affected.

(c) I would draw the Honourable Member's attention to the *Press Communique* which was circulated to members of the Legislature on Friday 6th April.

Mr. Manu Subedar: The *Press Communique* does not mention all the items. It mentions only with regard to certain goods. Certain items have not been included and it has two *etceteras*. The consumers, the merchants and the industrialists are all anxious from their own point of view to know what are the articles that the Hydari Mission is arranging to bring, in what way or through what channels they will be effected, what quantities, at what prices . . . . .

The Honourable Sir M. Azizul Huque: The channel and the necessary safeguards are now matters which are being looked into but so far as the main articles are concerned they have been mentioned in the *press communique*.

Mr. Manu Subedar: Will the Honourable Member help the public to understand Government's activities which may be in the right direction? Will he help the public to understand these activities by giving a detailed list of items arrivals, prices, quantities and values every month?

The Honourable Sir M. Azizul Huque: I am not prepared to answer that question but I will bear in mind the points that my friend has raised in discussing and deciding the future. We have been looking into these matters.

Mr. Abdul Qaiyum: May I know if all the necessary steps have been taken to see that the existing industries do not go under or are not crippled?

The Honourable Sir M. Azizul Huque: I have repeatedly assured this House that whatever might be the programme of the import of consumer and producer goods, Government will specially look to the interests of Indian industries. In the *press communique* itself my friend will find as a matter of fact a large quantity of goods which are coming and which are necessary for the purpose of Indian manufactures. The needs of the consumers are also there but we have emphasised very much the need of importing articles which are needed for the purpose of production within India.

Mr. T. T. Krishnamachari: May I know if it will be possible for the Honourable Member to arrange for this House to have a discussion on this *communique* and also for the House to have the benefit of hearing Sir Akbar Hydari on the matter?

The Honourable Sir M. Azizul Huque: I think the Honourable the Leader of the House should be addressed on that point.

Mr. T. T. Krishnamachari: I thought the Honourable Member can take the initiative in the matter . . . . . .

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

EXTENDING OF POWERS OF FILM ADVISORY COMMITTEE

1693. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state if Government intend to increase the powers of the Film Advisory Committee and give them functions and powers similar to those of the Textile Control Board?

(b) How far has the proposal for a delegation of the film industry to foreign countries progressed and what facilities do Government propose to give? When will this Delegation leave India and who will be included in it?

The Honourable Sir M. Azizul Huque: (a) No, as the nature and scope of the two Control Orders is quite different.

(b) Government are awaiting joint proposals from the Film Associations in this respect. On receipt of these proposals the questions raised by the Honourable Member will be considered.

LICENCES ISSUED FOR FILMS

1694. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state the total number of licences issued for films during 1944/45 and whether any statement as to whom these licences have been issued, has been communicated either to the public or to the producers' organizations?

(b) Have Government heard any criticism of their policy of giving film licence to hiring studios who have not been producers before at all, or who have merely produced an occasional film?

(c) Is not the test for giving licence the record of productions in the past, rather than the possession of physical property in the nature of a studio?

(d) Will Government discontinue any departures which may have occurred in the past of licences being given not to producers but to studio owners, whether they are producers or not?

(e) Why have Government considered it necessary to demand, with the application for licence, particulars of the story, names of stars, name of studio, location of studio, where the film would be produced and more particularly, the name of the party who will provide finance for the picture?

(f) In what manner does this precaution help in discriminating between the applicants?

(g) How many cases of sale or transfer of licence once issued to a party have been brought to the notice of the Department during 1944/45, and on what basis is permission to do this given?

The Honourable Sir M. Azizul Huque: (a) *First part.*—It is presumed that the Honourable Member is referring to film production licences. If so, the allotment of film production licences has not been made according to calendar or financial years. The last allotment was made for the period 1st September 1943 to 31st December 1944. The total number of licences issued up to the end of 1944 was 286. The total number of licences issued from 1st January 1945 up to the end of March 1945 under the current allotment is 44.

Second part.—No. Allotment of licences, however, is ordinarily being made in consultation with the Film Advisory Committee on which Producers' Organizations have their representatives.

(b), (c) and (d). The principles governing film licensing have been indicated in reply to part (b) of starred question No. 716 by Dr. Habibur Rahman on the 30th March 1944 and the second part of (b) of starred question No. 460 by Mr. K. C. Neogy on the 21st February 1945. These principles apply to studio-owners as well as to other producers. There has been no departure in the grant of licences to studio-owners from the above policy. There has been some criticism in regard to grant of licences to studio-owners under (iii) of part (b) of the reply to Dr. Habibur Rahman's question referred to above.

(e) Government have not asked for particulars of the location of the studio. They have since agreed not to insist on the submission of the story. The intention in calling for the remaining information is:

(i) to facilitate detection of transactions amounting to sales of licences; and

(ii) to ensure that the producer is really in a position to take up production as soon as the licence is granted to him.

(f) The information is not called to help discriminate between the applicants for licences.

(g) Allegations have been made on a number of occasions that certain producers in whose names the licences were initially granted had subsequently sold or transferred their licences to other parties, but these allegations were not substantiated by any proofs. No permission for this purpose has been granted nor is there any provision in the Film Control Order to permit such transactions.

Mr. Manu Subedar: In view of the fact that this is openly talked about and written on by the film journals that licenses have been hawked round and have been sold at very high and profiteering rates, will the Honourable Member look into the matter and arrange for . . . . . .

The Honourable Sir M. Azizul Huque: That is a matter which is just now under consideration and I have myself noticed that such a talk is going on and in view of that I thought it was desirable that we should investigate this matter. As soon as the Assembly is over I have to come to some decision as to how we can keep a watch over these things.

Mr. Manu Subedar: Will the Honourable Member arrange to see that the license should lapse if the original party does not avail itself of it?

Mr. T. T. Krishnamachari: May I know if the Honourable Member's attention has been drawn to the allegations made against his Department by a magazine called *Hurriyat* in an article, dated the 25th June, 1944, in which he and his Department have been challenged to prosecute the people who have made those allegations? Has anything been done in this matter?

The Honourable Sir M. Azizul Huque: I have not seen it but I will look into the matter.

GROW MORE FOOD CONTRIBUTION GIVEN TO MADRAS GOVERNMENT

1695. *Sri K. B. Jinaraja Hegde: Will the Secretary for Education, Health and Lands be pleased to state:

(a) the amount given to the Madras Government to grow more food in the year 1944-45 and how much of it was spent by them in the following districts:

(i) The Nilgiris, (ii) Malabar, and (iii) South Kanara, in the year 1944-45;

(b) how many (i) tube wells, and (ii) surface wells were sunk in the above districts in the year 1944-45;

(c) the amount contributed under emergency irrigation schemes to the Madras Government in the year 1944-45 and how much was spent in the above named districts by them in the year 1944-45;

(d) whether there is any place in the West Coast where 1 lb. of ration is given; and

(e) what steps are being taken to increase the ration in the West Coast to 1 lb. per head per day and when the people can expect to receive the full one pound ration in the West Coast?

Mr. J. D. Tyson: (a) Loans amounting to Rs. 16,25,000 and grants of Rs. 29,91,396 were sanctioned for Grow More Food Schemes in Madras during 1944-45. Information regarding amounts spent from these in the three districts named has been called for from the Madras Government and will be furnished to the House as soon as available.

(b) The information is being collected and will be furnished to the House in due course.

(c) Grants amounting to Rs. 9,20,000 were given to the Madras Government for emergency irrigation schemes, during 1944-45. Information regarding the amount spent in the three districts has been called for from the Madras Government and will be furnished to the House in due course.

(d) Yes; there are a number of such places.

(e) The only rationed area on the West Coast, where the cereal ration is less than 1 lb. per adult per day is the Malabar District, in which non-producers receive a ration of just over three-quarters of a pound of cereals per adult per day. Allowances are made for producers, however, on the basis of 1 lb. per day. The ration in Malabar will be increased as soon as the supply position permits.

Sri K. B. Jinaraja Hegde: With reference to part (d) of the question, will the Honourable Member please state what is the percentage of people who receive one pound ration per day?

Mr. J. D. Tyson: I am afraid I cannot give the percentage.

Mr. H. A. Sathar H. Essak Sait: May I know if my Honourable friend is aware that there is a great complaint that most of these grants which are made for the Grow More Food Campaign are used for administrative purposes, such as salaries to the officials and things like that?

Mr. J. D. Tyson: I think a very small proportion is used for that purpose.

Mr. T. S. Avinashilingam Chettiar: May I know whether the money is distributed in the Provinces as grants or as loans?

Mr. J. D. Tyson: Both as loans and grants.

Prof. N. G. Ranga: May I know if the Honourable Member has any information as to the total area of additional land that has been brought under cultivation in Malabar and Carnatak as a result of this Grow More Food Campaign?

Mr. J. D. Tyson: I have no information district by district.

COCOA BEANS IMPORTED FROM CEYLON

1696. ***Mr. A. Satyanarayana Moorty:** Will the Honourable the Food Member please state:

(a) the quantity of Cocoa beans imported from Ceylon in the months of January and February 1945;

(b) whether a controlling Board has been formed in England with the name of "Combined Food Board" which has taken under its control the distribution of the cocoa crop in the Empire countries including Ceylon;

(c) whether it is a fact that this combined Food Board allotted no quota for India;

(d) whether he is aware that industrial circles connected with cocoa and chocolate industry in India are perturbed over the existence and the future of the cocoa and chocolate industry in the country unless supplies of cocoa beans are forthcoming from Ceylon in the immediate future; and

(e) whether the Honourable Member proposes to take necessary steps to help this industry in getting a quota of cocoa beans if there is no quota allotted at present?

The Honourable Sir Jwala Prasad Srivastava: (a) The information is being collected and will be laid on the table of the House in due course.

(b) The distribution of Cocoa beans produced in the Empire Countries including Ceylon is regulated by the London Food Council and the Combined Food Board, at Washington.

(c) and (d). Yes.

(e) Necessary steps are already being taken.

Prof. N. G. Ranga: May I know whether any investigations have been made by the Government to see if in any part of India cocoa beans could be raised.

The Honourable Sir Jwala Prasad Srivastava: That is not my Department: I cannot answer that question.

Mr. T. S. Avinashilingam Chettiar: What steps are being taken in this matter?

The Honourable Sir Jwala Prasad Srivastava: I can tell the Honourable Member that in 1945 a chocolate factory in Poona brought it to the notice of the Food Department that the export of cocoa from Ceylon had been restricted and the allocations of this commodity are now made by the London Food Council. That was the first time we knew of it. This firm asked for the import of 250 tons of beans and the Chief Controller of Imports has been requested by us to get the food import programme for 1945 amended so as to include this item.

We have also asked the Regional Food Commissioners to ascertain the requirements of the country as a whole. On receipt of their replies we will move for further allocations of beans from Ceylon if necessary.

TECHNICAL CENTRES OPENED BY LABOUR DEPARTMENT

1697. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Labour Member please mention the number of Technical Centres opened by the Labour Department (i) in association with Muslim Institutions, (ii) in association with non-Muslim Institutions, and (iii) in association with independent Institutions not connected with any Engineering Institutions?

(b) How many of the Institutions under (iii) are under Muslim administration, and how many under non-Muslim administration?

(c) Does the Honourable Member propose to lay on the table of the House the names of all these Centres for Technicians mentioned in classes (i), (ii) and (iii)?

The Honourable Dr. B. R. Ambedkar: (a) (i)—5, (ii)—74, (iii)—If by "independent institutions" are meant "private institutions", there are 36.

(b) Of the 36, 2 are under purely Muslim administration.

(c) A statement is laid on the table.

Statement

I.—TECHNICAL TRAINING CENTRES ASSOCIATED WITH MUSLIM INSTITUTIONS

A. *Engineering* :—
1. Abdullah Fazalbhoy Technical Institute, St. Xavier College, Bombay.
2. Anglo-Arabic College Technical Institute, Delhi.
3. Muslim University Engineering College, Aligarh.

B. *Non-Engineering* :—
4. Anjuman Industrial School, Madras.
5. Shia Intermediate College, Lucknow.

II.—TECHNICAL TRAINING CENTRES ASSOCIATED WITH NON-MUSLIM INSTITUTIONS (EXCLUDING CENTRES ASSOCIATED WITH INSTITUTIONS RUN BY PROVINCIAL GOVERNMENTS AND STATES AND WITH RAILWAY WORKSHOPS)

A. *Engineering* :—
1. B. P. Chdy. Technical School, Krishnagar.
2. College of Engineering and Technology, Bengal.
3. D. J. Industrial School, Rajshahi.
4. Don Bosco Technical School, Krishnagar.
5. I. G. N. Co., Ltd., Sonachara Workshop, Narayanganj.
6. K. K. Technical School, Mymensingh.
7. B. C. Technical School, Burdwan.

8. Calcutta Tramway Company, Calcutta.
9. Faridpur Mission Industrial School, Faridpur.
10. George Telegraph Training Institute, Calcutta.
11. Institute of Engineering Technology, Calcutta.
12. Vishnupur Technical School, Vishnupur.
13. Bhartiya Engineering Works, Sahibgunj.
14. Jamshedpur Technical Institute, Jamshedpur.
15. School of Industry, Ratnagiri.
16. King Edward VII Technical School, Dhullia.
17. Nowrosjee Wadia College, Poona.
18. Victoria Jubilee Technical Institute, Bombay.
19. Berar Victoria Memorial Technical Institute, Amraoti.
20. Delhi Electric Supply & Traction Co., Delhi.
21. A. G. Technological Institute, Vuyyuru.
22. Pioneer Gas Producer Works, Bezwada.
23. St. Aloysius Engineering Works & Industrial School, Vizagapatam.
24. St. Joseph's Industrial School, Trichinopoly.
25. St. Mary's Industrial School, Kumbakonam.
26. St. Xavier's Industrial School, Tanjore.
27. United Motors Limited, Coimbatore.
28. P. O. Orr s and Sons, Limited, Madras.
29. P. S. G. & Sons' Charity Industrial Institute, Peelamedu, Coimbatore.
30. P. T. Lee, Changalvoriya Naicker s Technical and Industrial School, Madras.
31. Rama Krishna Mission Industrial School, Mylapur, Madras.
32. Indian Civil Engineering Institute, Sukkur.
33. N. E. D. Engineering College, Karachi.
34. Victoria Jubilee Technical Institute, Sukkur.
35. Benares Hindu University Engineering College, Benares.
36. Mirzapur Electric Supply Co., Ltd., Mirzapur.
37. Technical College, Dyalbagh, Agra.
38. Birla College, Pilani.
39. Pioneer Motor Service, Nagercoil.
40. Madras Corporation Electrical Workshop, Madras.

B. *Non-Engineering* :—

41. Downtown Tyre Service, Calcutta.
42. International Tyres & Motors, Ltd., Calcutta.
43. Ramakrishna Mission Sarda Pitha, Belur Math, Howrah.
44. City College, Calcutta.
45. College of Wireless & Commerce, Calcutta.
46. Dutt & Co., Sanitary Engineers, Patna.
47. South Bihar Sugar Mills, Bihata.
48. Government Aided Royal Institute of Commerce, Muzaffarpur
49. Government Aided Imperial Institute of Commerce, Patna.
50. Government Aided Commercial Institute, Patna.
51. International Tyre Service, Bombay.
52. Tamkankar's Wiremen's Class, Ahmednagar.
53. Bombay Education Institute, Dadar, Bombay.
54. Nasik Commercial Institute, Nasik City.
55. S. P. M. Institute of Commerce, Poona.
56. Oriental Commerce School, Nagpur.
57. B. A. Naidu's Training Centre, Tiruttani.
58. District Board Industrial School, Tanjore.
59. South Madras Agencies, Ltd., Trichinopoly.
60. Standard Construction Co., Ltd., Bezwada.
61. Andra Type Office, Bezwada.
62. P. V. Krishnahya Chowdry's Training Centre, Guntur.
63. Rao Bahadur Gollapudi Technical Training Centre, Bezwada.
64. Technical & Commercial Training Centre, Rajahmundry.
65. Star of India Commercial College, Rawalpindi.
66. Technical Institute, Kurwar.
67. Weslay Technical Institute, Benares.
68. Lucknow Christian School of Commerce, Lucknow.
69. U. P. Institute of Commerce, Allahabad.
70. Indian Institute of Commerce, Mhow.
71. Rasalpura Vocational School, M. C. C., Mission, Mhow.
72. Patel Institute, Nagercoil.
73. Municipal Technical School, Sholapur.
74. Y. M. C. A., Lahore.

III.—TECHNICAL TRAINING CENTRES ASSOCIATED WITH GOVERNMENT INSTITUTIONS

1. Technical Training Centre, Ajmer.
2. Shillong Training Centre, Shillong.

3. Surma Valley Technical School, Sylhet.
4. B. G. Technical School, Rangpur.
5. Bengal Engineering College, Sibpur.
6. B. N. Railway Workshop, Khargpur.
7. Calcutta Training Centre, Calcutta.
8. E. B. Technical School, Pabna.
9. B. & A. Railway Workshop, Kanchrapara.
10. Ahsanulla School of Engineering, Dacca.
11. Calcutta Engineering College, Ballygunj.
12. Ranchi Technical Institute, Ranchi.
13. Tirhut Technical Institute, Muzaffarpur.
14. Bihar College of Engineering, Patna.
15. P. W. D. Workshop, Dehri-on-Sone.
16. Bombay Technical Training Centre, Parsi Hunnarshala, Bombay.
17. Engineering College, Poona.
18. Robertson Industrial School, Jubbulpore.
19. Government Engineering School, Nagpur.
20. Government School of Handicrafts, Akola.
21. Karolbagh Training Centre, Delhi.
22. Delhi Polytechnic, Delhi.
23. College of Engineering, Guindy.
24. Government Industrial School, Bellary.
25. Government School of Technology, Madras.
26. Government Trades School, Mangalore.
27. Government Victoria College, Palghat.
28. Madras Training Centre, Anantapur.
29. S. I. Railway Workshop, Golden Rock.
30. Government Industrial School, Calicut.
31. Government Industrial School, Madura.
32. Instrument Mechanics Training Centre, Hindupur.
33. Cunningham Technical Institute, Haripur, Hazara.
34. Technical Training Centre, Peshawar.
35. Government High School, Peshawar.
36. P. W. D. Workshop, Cuttack.
37. Textile Refitters' Training Class, Cuttack.
38. Orissa School of Engineering, Cuttack.
39. Craik Technical School, Lahore.
40. Government Industrial School, Gujranwala.
41. Government Industrial School, Jhelum
42. Government Industrial School, Kasur.
43. Government Industrial School, Ludhiana.
44. Government Industrial School, Lyallpur.
45. Government Industrial School, Multan.
46. Government Metal Works Institute, Ambala City.
47. Government School of Engineering, Rasul.
48. Central Model School, Lahore.
49. Government High School, Amritsar.
50. Government High School, Jullundur.
51. Government High School, Multan
52. Government High School, Sialkot.
53. Government Industrial School, Ferozpur City.
54. Government Industrial School, Rawalpindi.
55. Government Industrial School, Rohtak.
56. Government Intermediate College, Dharamsala.
57. Government Metal Works Institute, Sialkot.
58. Government Wood Working Institute, Jullundur.
59. North Western Railway Workshops, Moghalpura, Lahore.
60. Punjab College of Engineering & Technology, Lahore.
61. Imperial Institute of Sugar Technology, Cawnpore.
62. Allahabad Technical Training Centre, Allahabad.
63. Central Wood Works Institute, Berailly.
64. Forest Research Institute, Dehra Dun.
65. Government School of Agriculture, Bulandshahr.
66. Government Technical Institute, Gorakhpur.
67. Government Technical Institute, Lucknow
68. Kalabhavan Technical Institute, Baroda.
69. Government Trades School, Trichur.
70. Jaipur State Training Centres, Jaipur.
71. Jodhpur Railway Workshop, Jodhpur.
72. Durbar High School, Jodhpur.
73. Sir Ali Murad Technical Institute, Khairpur Mirs.
74. "V" Institute of Commerce, Khairpur.
75. O'Brien Technical Institute, Kolhapur.
76. Silver Jubilee Technical Institute, Mandi.

77. Mysore State Railway Workshop, Mysore.
78. Engineering College, Bangalore.
79. Indian Institute of Science, Bangalore.
80. H. H. The Raja's College, Pudukkottai.
81. Commercial College, Rewa.
82. Ramgad Technical Training Centre, Ramgad.
83. College of Engineering, Trivandrum.
84 Mewar State Railway Workshop, Udaipur.

Mr. T. S. Avinashilingam Chettiar: What is the nature of these technical centres?

The Honourable Dr. B. R. Ambedkar: They are centres where technical training is given.

Mr. T. S. Avinashilingam Chettiar: For what industries?

The Honourable Dr. B. R. Ambedkar: For many of the trades.

Sir Muhammad Yamin Khan: Is Aligarh one of them?

The Honourable Dr. B. R. Ambedkar: Yes, certainly.

OPENING OF WAR TECHNICIANS DEPOT OR RECEPTION CENTRE

1698. *Dr. Sir Zia Uddin Ahmad: Is the Honourable the Labour Member contemplating to open War Technicians Depot or Reception Centre? If so, at what places?

The Honourable Dr. B. R. Ambedkar: The Government of India propose to have a Reception Depot in each circle where civilian recruits after being selected for training may be sent for short periods before being allotted to a training centre. A statement indicating the reception depots already sanctioned, their capacity and location is placed on the table.

Statement showing places in the various circles under the Technical Training Scheme at which Reception Depots for Civilian Recruits have been sanctioned and established

Circles	Sanctioned strength of the Depot	Place of location	Date from which the Depot commenced functioning	Remarks
1	2	3	4	5
Northern Circle—				
(Punjab, N.W.F.P. & Sind Provinces)	250	Lyallpur (Punjab)	23rd March 1944	
Do.	250	Sonepat (Punjab)	1st September 1944	
Central Circle—				
(Delhi, Amjer-Merwara and Rajputana States and C.P. and Bera)	100	Delhi	14th December 1943	
Do.	100	Akola or Nagpur	..	The establishment of this Depot has been sanctioned and the Chairman National Service Labour Tribunal has been given the option to establish it either at Akola or Nagpur. The exact place of location of the Depot has not yet been decided.

1	2	3	4	5
North Eastern Circle— (United Provinces)	250	Aligarh		The establishment of a Civil Reception Depot for 25 trainees in the Fort at Aligarh has been sanctioned. Necessary additions and alterations to the buildings within the Fort are in hand and the Depot will start functioning as soon as the building operations have been completed.
South Eastern Circle— (Bihar and Orissa)	250	Gulzarbagh (Patna)	25th May 1944	
Do.	100	Cuttack	November 1944	
Eastern Circle— (Bengal and Assam)	120	Hoogly	22nd August 1944	
Western Circle— (Bombay and Western India States)	250	Worli (Bombay)	16th March 1944	
Do.	100	Hubli	3rd January 1945.	
Southern Circle— (Madras)	300	Madras	10th January 1944.	
	200	Bezwada		The establishment of these Depots he been sanctioned. They will start functioning as soon as suitable arrangements for accommodation have been made.
	200	Trivanderum		
	300	Coimbatore	January 1945	

Dr. Sir Zia Uddin Ahmad: Are there many centres?

The Honourable Dr. B. R. Ambedkar: The Honourable Member may see the statement and find for himself. I am placing a statement on the table.

Maulvi Muhammad Abdul Ghani: What is the total number of reception centres?

The Honourable Dr. B. R. Ambedkar: I cannot make a calculation here.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better look at the table.

Dr. Sir Zia Uddin Ahmad: It is not a big list.

The Honourable Dr. B. R. Ambedkar: It is a big list. I cannot read the whole thing unless you Sir, permit me to do so. India is divided into circles Northern Circle, Central Circle, N.-E. Circle, S. E. Circle, Eastern Circle, Western Circle, and Southren Circle.

Dr. Sir Zia Uddin Ahmad: What are their headquarters?

The Honourable Dr. B. R. Ambedkar: The headquarters or centres for training are: Northern Circle,—Lyallpur and Sonepat; Central Circle,—Delhi, Akola or Nagpur; N. E. Circle—Aligarh; S. E.. Circle—Gulzarbagh (Patna) and Cuttack; Eastern Circle—Hooghly; Western Circle—Worli (Bombay) and Hubli; Southern Circle—Madras, Bezwada, Trivandrum and Coimbatore.

DEVELOPING OF U. P. TECHNICAL TRAINING CENTRES INTO POLITECHNIQUE

1699. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Labour Member please state the technical training Centres in U. P. which Government are contemplating to develop into polytechnique? Is it not a fact that Government have selected two places for developing Technical training centres into

Polytechnique, *i.e.* Dayal Bagh and Benares University? Is the Honourable Member aware of the fact that the Aligarh Muslim University Engineering College has been omitted from the list of the Centres?

(b) Is it not a fact that Aligarh Centre was included in the list on the special request of the Muslim League Party? Is it not a fact that one of the Inspectors and Advisers who deal with the War Technicians' class is a Muslim? If the answer is in the negative, what is the number of Muslim Inspectors?

The Honourable Dr. B. R. Ambedkar: (a) There is no scheme under consideration of the Labour Department at present for developing any training centre, either in the United Provinces or anywhere else, into a polytechnic. The question of selecting any centre for this purpose does not therefore arise.

(b) In view of the reply given to (a) above the first part of the question under (b) does not arise. As regards the rest of part (b) none of the Regional Inspectors under the Technical Training scheme is a Muslim and there are no officers designated as "Advisers".

STARTING OF CANTEENS AND CAFETARIA IN INDUSTRIAL ESTABLISHMENTS

1700. *Sri K. B. Jinaraja Hegde: Will the Honourable the Labour Member be pleased to state: (a) whether Government is encouraging starting of canteens and cafetaria in all industrial establishments by the employers where food is made available at cheap rates;

(b) how many such (i) canteens, and (ii) cafetaria are started in the country in 1944-45;

(c) whether Government have offered any such benefits to the workers in the Ordnance Factories in the country;

(d) whether the Honourable Member is aware that the workers in the Aravankadu Factory have demanded such benefits from Government; and

(e) whether Government propose to offer such benefits to their workers at Aravankadu?

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

(b) No statistics of canteens as distinct from cafeteria are maintained. Information available shows that towards the close of 1944, there were 315 establishments for supplying cooked food or refreshments and tea out of which 120 were supplying cooked food and the rest provided refreshments.

(c) Yes.

(d) No.

(e) Provision already exists at the Factory for the sale of tea and other light refreshments. The question of providing meals at the Factory will be considered if the demand therefor becomes appreciable.

Sri K. B. Jinaraja Hegde: How many workers should apply for these benefits?

The Honourable Dr. B. R. Ambedkar: Certainly, if they express a desire it will be considered?

Sri K. B. Jinaraja Hegde: What is the number of workers that should apply?

The Honourable Dr. B. R. Ambedkar: So far we have not prescribed any minimum for a demand of this kind.

Prof. N. G. Ranga: Is it one of the task of their welfare officers to encourage employers to provide these facilities for their employees?

The Honourable Dr. B. R. Ambedkar: We are thinking of that.

ENCOURAGEMENT TO HAND SPINNING AND WEAVING

1701. *Prof. N. G. Ranga: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) whether in view of the prevailing cloth crisis Government propose to take special steps to encourage hand spinning and weaving either through the All India Spinners Association or the Co-operative Weavers and Spinners Societies in the Province; and

(b) whether Government propose to adopt measures to distribute, on easy terms, to such villagers as are willing to spin and weave as whole time or subsidiary work, cotton held by Government for the purpose of turning it into yarn and cloth?

The Honourable Sir M. Azizul Huque: (a) Government have already constituted an All India Handloom Board and taken various steps to improve the distribution of yarn, dyes, etc. to the handloom Industry. There is nothing to stop production of yarn by hand-spinning, but no specific measure have yet been taken to assist hand-spinning.

(b) There is no dearth of suitable cotton for hand-spinning purposes. If difficulty is experienced, Government will be willing to consider releasing from stocks held by them.

Prof. N. G. Ranga: It is suggested here whether Government will consider the advisability of encouraging handspinning so that there will be more yarn available for weavers.

The Honourable Sir M. Azizul Huque: This matter is under consideration, as I have said.

Prof. N. G. Ranga: Has a Handloom Board actually been constituted?

The Honourable Sir M. Azizul Huque: Yes, it was on the 12th February that it was constituted. On the Board there are representatives of the Provinces, and we have instructed that a certain number of them should represent handloom weavers. We are now awaiting the replies. Some have come, and some have not, and they may come within a little time.

Mr. T. S. Avinashilingam Chettiar: Are there any definite proposals to encourage handloom weavers?

NON-CONFERMENT ON INDIAN LEGISLATURE OF POWERS TO ABOLISH APPEAL TO PRIVY COUNCIL FROM HIGH COURTS

1702. *Nawab Siddique Ali Khan (on behalf of **Qazi Muhammad Ahmad Kazmi**): With reference to the Resolution of Government of India, dated the 15th January, 1945, regarding the enlargement of the appellate powers of the Federal Court will the Honourable the Leader of the House please state:

(a) whether the decision of the Secretary of State in which the Government of India have concurred, regarding the non-conferment on the Indian Legislature, of powers to abolish direct appeal to the Privy Council from High Courts in cases outside the scope of Section 205, has been arrived at;

(b) the reasons for which the Government of India have concurred with the Secretary of State in the non-conferment on the Indian Legislature, of powers to abolish direct appeals to the Privy Council from the High Court in cases outside the scope of Section 205 of the Government of India Act;

(c) the reasons for which the Government of India did not consider it proper to consult the Indian opinion and the Legislatures, before arriving at this decision;

(d) whether the decision is revocable or irrevocable; if it be the latter, whether Government are prepared to call for and consider the Indian public opinion in this matter; and

(e) when Government propose to take steps to arrange a debate in the Central Legislature on this subject?

The Honourable Sir Asoka Roy: (a) and (b). I must leave paragraph 3 of the Resolution to speak for itself.

(c) Consultation on the concrete scheme commending itself to the Secretary of State was obviously calculated to be more fruitful than consultation wholly at large.

(d) It would, of course, be open to the Secretary of State to reconsider the position in the light of the opinions received in response to the publication of the Resolution.

(e) At the next Session.

Mr. Abdul Qaiyum: May I know whether any progress has been made since the resolution was published?

The Honourable Sir Asoka Roy: Opinions are being received, and if the Honourable Member has read the resolution he would have seen that, after the opinions have been received, the last day for receiving opinions is the 1st of May, the matter will come before this House for debate. Until then, I do not think that any progress can be made.

DISTRIBUTION OF INDUSTRIES OVER INDIA

1703. *Mr. M. Ananthasayanam Ayyangar: (a) Has the attention of the Honourable Member for Industries and Civil Supplies been drawn to a report on page 2 of the *Hindustan Times*, dated the 24th March, of the Second Reading of a Government Bill passed without division in the House of Commons for the distribution of Industry in the country and also geographical dispersal of plant vital for defence?

(b) Are Government considering a similar distribution of Industries in this country?

(c) Are any, and if so, what steps are being taken to encourage industries in South India and what are the names of industries and places chosen in the said area?

(d) Is it a fact that permits for textile plants and vegetable ghee plants, to be located in Southern India, are being given to Birlas or Tatas? What steps, if any, are Government taking to encourage local capital and enterprise to come forward to run these industries?

(e) Are these plants obtained under the Lend-Lease Agreement or required to be paid for fully by the applicants for permits?

(f) Are Government aware that Southern India is behind other Provinces in the matter of industrial development, if so, do they propose to consider, the desirability of starting these and similar industries in Southern India on their own initiative and with their own capital in the first instance?

The Honourable Sir M. Azizul Huque: My Honourable colleague, the Planning and Development Member, will answer this question on the appropriate date.

SPURIOUS VARIETIES OF PENICILLIN

1704. *Mr. M Ananthasayanam Ayyangar: Will the Secretary for Education, Health and Lands please state:

(a) if there are spurious products under the guise of Penicillin manufactured or marketed in India; and if so, how many varieties there are and under what name they are sold;

(b) the machinery set up by Government to find if the marketed product corresponds in quality to Pericillin;

(c) if any dangerous effects are produced by the administration of the pseudo Penicillin, and whether the prohibition of such spurious varieties is made purely on grounds of health;

(d) if there are any Government or other authorised manufacturers of Penicillin in India; if so, what their number is and where they are located;

(e) if the reply to (d) be in the negative what steps Government propose to take to manufacture or to encourage the manufacture of Penicillin in India; and

(f) the estimated cost of manufacturing Penicillin locally so as to supply the normal needs of India in a year?

Mr. J. D. Tyson: (a) Government understand that certain spurious products purporting to be penicillin have been offered for sale on the market. I am unable to give particulars of such products.

(b) To ensure that penicillin placed on the market conforms to recognised standards, Government have issued the Penicillin Control Order, 1945, which was published in the *Gazette of India* on the 10th March 1945. Particulars of the system of control are given in the Order.

(c) As regards the first part, the effect will depend on the nature of the article administered. As regards the second part the answer is in the affirmative.

(d) and (e). As I recently stated in reply to part (a) of starred question No. 420 asked by Mr. Manu Subedar on the 21st February certain preliminary exploratory work has been initiated by the Supply Department. The Governing Body of the Council of Scientific and Industrial Research have recently decided to set up a Committee to advise on the steps to be taken to establish the manufacture of penicillin.

(f) The information is not available.

Prof. N. G. Ranga: Does that cover the advisability of starting a factory under the aegis of the Government?

Mr. J. D. Tyson: That is presumably one of the things they will consider.

Mr. M. Ananthasayanam Ayyangar: Is the Banglore Institute preparing a substitute for Penicillin?

Mr. J. D. Tyson: I am not aware.

DISABILITIES OF INDIANS IN CANADA

1705. *Sardar Mangal Singh: Will the Honourable Member for Commonwealth Relations please state:

(a) the disabilities from which Indians suffer in the Dominion of Canada, particularly in the Province of Columbia;

(b) the steps Government have so far taken to remove them; and

(c) whether Government intend to move in the matter and have the disabilities removed?

The Honourable Dr. N. B. Khare: (a) About 200 Indians resident in provinces other than British Columbia do not suffer from any legal or political disabilities. In British Columbia, where there are about 1,300 Indians, they are denied the municipal, provincial and federal franchise. Owing to this it is understood that they are subject to the following disabilities:

They cannot serve as trustees in any municipal or rural school district, hold any municipal office or serve as jurors; they are debarred from employment by contractors for the Public Works Department and for the sale of government timber; they are also debarred from holding a foreshore lease and from holding Engineer's certificate under the "Boiler Inspection Act".

(b) and (c). Representations to get these disabilities removed have been made from time to time to His Majesty's Government but without any success so far. Government still continue to pursue the matter.

Sardar Mangal Singh: May I know whether anything in this connection was done at the last Commonwealth Relations Conference in London?

The Honourable Dr. N. B. Khare: I believe so.

Sardar Sant Singh: Why is this distinction made in the province of British Columbia and other provinces in the matter of citizen rights?

The Honourable Dr. N. B. Khare: I could not tell the Honourable Member offhand. It is only a question of local prejudice or social prejudice.

Mr. Sri Prakasa: Is the Honourable Member taking or intending to take any reciprocal steps against such States?

The Honourable Dr. N. B. Khare: The matter has not yet been considered but certainly the Government has always this end in view.

INCREASING OF DEARNESS ALLOWANCE AND SCALES OF PAY OF GOVERNMENT OF INDIA PRESS EMPLOYEES

1706. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member please state whether Government are aware: (i) that the Unions of the Government of India Presses have formed a Federation of their own; (ii) that a statement has been issued by the Executive Committee of the Government Press Unions Federation, India, narrating the woeful tale of the hardships of the Press employees with some recommendations for an increase in Dearness Allowance and the scales of pay; and

(b) If the answers to (a) are in the affirmative, has any action been taken in the matter since the issue of the statement? If not, when does he intend to take action, and in what way? If not, why not?

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

(b) The matter is under the consideration of Government.

BAN ON FISHING AT OKHLA BY PROFESSIONALS OF VILLAGE OKHLA

1707. *Dewan Abdul Basith Chowdhury (on behalf of **Dr. Habibur Rahman**): (a) Will the Secretary for Education, Health and Lands be pleased to state if by an order of the Executive Engineer the fishing at Okhla by the professionals of village Okhla, who had been fishing there from immemorial past, has been stopped? If so, why?

(b) Have any complaints (protests) been received by the authorities concerned? Who made these complaints? Was there any enquiry made and what was the result of the enquiry? Does the Honourable Member propose to lay on the table of the House a copy of the report of the enquiry made?

Mr. J. D. Tyson: (a) The position regarding the fishermen of Okhla village is being ascertained and a reply will be furnished in due course: but the general policy is to discourage the operations of professional fishermen at Okhla in the interests of the preservation of breeding stock.

(b) Enquiries are being made and the information will be furnished when obtained.

BAD STREET LIGHTING IN WESTERN QAROL BAGH, DELHI

1708. *Mr. Ananga Mohan Dam: Will the Secretary for Education, Health and Lands be pleased to state:

(a) if it is a fact that Western Qarol Bagh is not lighted though the locality has got poles set up without bulbs;

(b) if he is aware that owing to lack of lights thieves and burglars are roaming about committing burglaries and terrorising the people of the locality; and

(c) whether Government propose to expedite the lighting arrangements there?

Mr. J. D. Tyson: (a) This is not true of the older portions or Qarol Bagh, but in the areas developed since 1937 the municipal authority concerned (the Delhi Municipal Committee) has not yet taken over or brought into use the street lighting equipment which was provided by the Delhi Improvement Trust.

(b) The want of street lighting may have facilitated the operations of criminals to some extent.

(c) The various municipal services in the Western Extension Area have not yet been taken over for maintenance by the Delhi Municipal Committee because the areas have not yet been completely built up. It is expected, however, that the municipality will shortly take over some parts of the area when it may be possible to take over the street lamps and bring them into use.

Sardar Sant Singh: May I know the reasons why the lighting in Delhi itself is so defective. Ferozeshah Road has been in darkness for the last fifteen to twenty days.

Mr. J. D. Tyson: I do not know about the last fifteen or twenty days. The scarcity of electric bulbs has plunged Delhi into darkness for the past two years.

SAFEGUARDING OF INDIAN INTERESTS IN MICA MINES

1709. *Prof. N. G. Ranga: (a) Will the Honourable the Labour Member please state if his attention has been drawn to an article in the *Free Press Journal* of the 16th March, 1945, under the title, 'India Chief Producer of Mica', in which it is pointed out that British and American interests are trying to get control of mica mines in India?

(b) If this is true, what precautions are Government taking to safeguard the interests of those engaged in mica industry at present, and of Indian Joint Stock Companies, who have acquired mica interests?

(c) How many Indian Joint Stock Companies are interested in mica mines in India?

(d) Have any applications been received by the Controller of Capital Issues to register new companies in respect of mica, and has permission been given? If so, to which ones?

(e) Do Government propose to give an assurance that mica interests in the hands of Indians will not be threatened by more powerful British or American interests and that they will not be deprived of the existing rights?

The Honourable Dr. B. R. Ambedkar: (a) The article in question is not traceable in the *Free Press Journal* of the 16th March 1945.

(b) The question does not arise.

(c) According to the annual returns received for the period ending 31st March 1943, the number is twenty. Later information is not available.

(d) Applications have been received by the Examiner of Capital Issues, and permission has been given in some cases. It is not the practice of the Department concerned to disclose the names of the firms with which they have been dealing.

(e) Government are alive to the necessity for putting the Indian Mica industry on a sound footing and they intend to take all possible steps to safeguard the interests of the Indian mica producer.

Mr. Manu Subedar: May I know why Government have not attempted to bring the small mica producers together into a combine under their supervision and guidance and why they are making the way open for foreign interests?

The Honourable Dr. B. R. Ambedkar: We do not propose to take any step until we receive the report of the Committee we have appointed.

Mr. Manu Subedar: Will Government permit the small Indian interests to be bought out by these foreign interests?

The Honourable Dr. B. R. Ambedkar: I do not wish to prejudge the issue.

Prof. N. G. Ranga: Meanwhile what is to happen to this industry?

The Honourable Dr. B. R. Ambedkar: There is no need to fear very much on that account.

Mr. Manu Subedar: Will Government give an assurance to the House?

The Honourable Dr. B. R. Ambedkar: As soon as the report is received we shall take all the necessary measures.

MUSLIMS IN OFFICE OF THE DIRECTOR, CIVIL SUPPLIES DEPARTMENT, DELHI

1710. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Industries and Civil Supplies please state:

(a) the number of Muslims in every category mentioned in replies to starred question No. 1341 (a) and (b) of the 26th March, 1945, regarding the strength of the office of the Director, Civil Supplies Department; and

(b) whether he has verified the correctness of his replies to part (a) of starred question No. 1350 of the 26th March, 1945, in so far as the period of service of the Assistant Inspector in Bihar is concerned, and whether it is correct that the said period is only three months till December, 1944?

The Honourable Sir M. Azizul Huque: (a) A statement containing the information is laid on the table.

(b) The information given in reply to (a) of Starred Question No. 1350 on 26th March 1945 pertained to the total period in which the two Inspectors and one Assistant Inspector in Bihar had detected the 56 and 41 cases respectively. It did not purport to say that that was the period during which the present incumbent had held the post of Assistant Inspector, Bihar, or that it was during that entire period that 41 cases had been detected. If the Honourable Member requires information on these points, necessary enquiries will be made.

Statement showing the number of Muslims in each category of the strength of the office of the Director of Civil Supplies, Delhi, on the 15th March 1945.

Designation	Total number	Number of Muslims
Director of Civil Supplies	1	..
Asstt. Directors of Civil Supplies	4	2
Enforcement Officer	1	..
Permit Officer	1	..
Inspectors	26	12
Sub-Inspectors	36	12
Assistant Sub-Inspectors	6	4
Superintendents	4	1
Accountant	1	1
Assistants	16	5
Clerks	25	10
Qanungos	3	2
Peons	56	30

CONVICTIONS OF KEROSENE OIL LICENCEES OF WARIS ALIGANJ

1711. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Industries and Civil Supplies be pleased to state whether he has called for the information about the convictions of kerosine oil licensees of Waris Aliganj, in Nawada sub-division of Gaya District, as promised in reply to Mr. T. S. Avinashilingam Chettiar's supplementary question to starred question No. 955 of the 13th March, 1945? If so, when?

The Honourable Sir M. Azizul Huque: Yes, Sir, on 6th March, 1945.

MUSLIM SALT DEALERS IN BEHAR

1712. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Food Member please verify the reply given by him to starred question No. 1349 of the 26th March 1945, in so far as it relates to the Muslim salt dealers in Bihar and lay on the table the verified figure?

(b) When will the information be completed?

The Honourable Sir Jwala Prasad Srivastava: (a) and (b). Complete information has since been received from the Bihar Government and a statement containing the required particulars is laid on the table of the House.

Statement showing the total number of licensed Salt Dealers and Muslim licensees in Bihar

Particulars	Period March, 1944	March, 1945
1. Total number of licensed Salt Dealers	25,370	25,370
2. Total number of Muslim licencees	1,852	2,522
3. Total number of Muslim licencees in Tirhut Division		
(a) in Muzaffarpur district	133	127
(b) in Darbhanga district	148	157
(c) in Saran district	118	152
(d) in Champaran district	144	216

Maulvi Muhammad Abdul Ghani: May I know whether the number given by the Honourable Member relates to retail license or wholesale license?

The Honourable Sir Jwala Prasad Srivastava: I am unable to say. I would like notice of the question. But I presume that it includes both.

GRAIN STORAGE DIRECTORATE

1713. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Food Member please state: (a) whether the Grain Storage Directorate has been organised; if so, to what extent;

(b) the number and qualifications of the Directors, Deputy Directors, Assistant Directors and Entomologists appointed to officiate during 1944 and 1945, and the amount of each officer's salary, and

(c) the total number of ministerial staff and the number of Muslims above the rank of peons and chaprasis?

The Honourable Sir Jwala Prasad Srivastava: (a) 3 gazetted posts out of 9 remain to be filled.

(b) A statement is laid on the table of the House.

(c) 24, out of which 3 are Muslims and three posts are vacant at present.

Statement

S. No. 1	Designation 2	No. 3	Name of officer 3	Qualifications 4	Salary per month 5
1	Director	1	Dr. F. P. Coyne	B.Sc., Ph.D; formerly Technical Officer (Pest Control), United Kingdom Commercial Corporation Ltd.	Rs. 2300/-
2	Deputy Director	1	Mr. K.R. Sontakay	M.Sc. (Zoology) with Entomology as special group; Lecturer in Entomology at the Imperial College, Nagpur; LL.B.; Entomologist to the Government of C. P. and Berar from 1939 to 1945; has been actively connected with various scheme sponsored by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee about control of pests of different species.	Rs. 650/-
3	Assistant Directors	2	(a) Mr I. J. Malhan	B.A.; had put in more than about 14 years service in various offices and Departments of the Government of India, including the Central Marketing Department and the Supply Department before he was appointed as Superintendent in the Food Department; officiated as Assistant Secretary, Food Department; was then selected for the post of Assistant Director.	Rs. 670/-
			(b) Mr. Mohan Singh.	M.Sc. (Hons); worked as Demonstrator in Zoology and Entomology at the Government College, Lahore and Khalsa College, Amritsar; attended a special course on "Fishes" and Applied and General Entomology; In-charge of the Insectary of the Imperial Entomologist from 1938 to 1943; worked as Assistant to the Imperial Entomologist at the Imperial Agricultural Research Institute, New Delhi; published more than 20 short notes on the observations made on insect pests of various crops; carried out special work on insect pests of stored grain and other foodstuffs; organised locust control work in Mekran and Baroda and Bahawalpur States.	Rs. 400/-

1	2	3	4	5
4	Storage Construction Officer.	1 Rai Bahadur Narain Dass.	Retired Executive Engineer, C.P.W.D.	Rs. 550/- in addition to pension
5	Technical Officer, Storage Entomologists	1 Mr. A. S. Jandu.	Studied for two years for the I.Sc. Examination of the Patna University; was then appointed Fieldman in the Imperial Agricultural Research Institute since August, 1944, he was officiating in the Institute as Assistant on Rs. 100/- in the scale of Rs. 100-5-150-10-250.	Rs. 200/-

Maulvi Muhammad Abdul Ghani: What is the number of Muslims in (a) and (b)?

The Honourable Sir Jwala Prasad Srivastava: A statement is laid on the table of the House.

Maulvi Muhammad Abdul Ghani: Is it a fact that there is no Muslim?

The Honourable Sir Jwala Prasad Srivastava: Well, the statement is there.

Maulvi Muhammad Abdul Ghani: I say that there is no Muslim. Will the Honourable Member please see that out of the remaining appointments due share of Muslims is made good?

The Honourable Sir Jwala Prasad Srivastava: The position is that we are advertising specifically for a Muslim candidate to fill one of the technical officer posts remaining to be filled.

ESTABLISHMENT FOR POST-WAR EDUCATION SCHEME

1714. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands please state (a) the number and qualifications of officers appointed in 1944 and 1945 for post-war education scheme;

(b) the total ministerial staff hitherto appointed for post-war education scheme and the number of Muslims;

(c) whether the posts in (a) and (b) were advertised; if so, when and how;

(d) whether the officers mentioned in (a) were appointed by the Federal Public Service Commission or by the Selection Board;

(e) whether any instruction has been issued to Provinces for selecting sites of schools to be opened under new schemes, particularly for Muslims; if not, how do Government propose to safeguard the Muslim's interests in matters of their education; and

(f) whether any arrangement, for religious instructions, is under contemplation; if so, what is it and how it is to be imparted?

Mr. J. D. Tyson: (a) A statement is laid on the table of the House.

(b) One Assistant Secretary, two Superintendents, seven Assistants, ten Clerks and two Stenographers have so far been appointed. Of these 22 posts five are held by Muslims.

(c) and (d). The posts of Deputy Educational Adviser, Educational Liaison Officer in the United States of America, one Assistant Educational Adviser, Assistant Secretary and Superintendents have been filled by Departmental promotion. The other posts have, pending recruitment through the Federal Public Service Commission, been temporarily filled by selection from a list maintained by the Department in the case of Officers and by press advertisement in the case of ministerial staff. The advertisement was issued some time in March last.

(e) No. The Provincial Governments are at full liberty to take such steps as they deem necessary to safeguard the interests of various communities in the matter of education.

(f) The matter is being considered by the Central Advisory Board of Education.

Statement showing the number and qualifications of officers appointed up to the 9th April, 1945 for post war educational development work

S. No.	Post	Date when filled	Qualifications of of Officer appointed
1.	Deputy Educational Adviser	1-1-1945	M.A., Ph. D. (Lond.).
2.	Educational Liaison Officer in the U.S.A	1-3-1945	M.A., B. Litt. (Oxon).
3.	Assistant Educational Adviser	1-1-1945	B.A. (Oxon), Bar-at-Law.
4.	Assistant Educational Adviser	8-3-1945	M.A., LL. B., B.A. (Oxon).
5.	Assistant Educational Adviser	17-3-1945	M.A., Ph. D.

Maulvi Muhammad Abdul Ghani: With reference to the reply to part (e), will the Honourable Member propose to ask the particular provinces to take into consideration the claims of Muslims in matters of education, etc.

Mr. J. D. Tyson: We shall naturally use our influence in that direction; if, however, the Province choose to do the thing entirely from their own funds, we have not got any power to compel them in such a matter.

JUDGMENTS BY SPECIAL TRIBUNALS

1715. *Mr. Lalchand Navalrai: Will the Honourable the Law Member be pleased to state (a) whether his attention has been drawn to an editorial in the 'Sind Observer', dated the 17th February, 1945 to the effect that as special tribunals are appointed for a special purpose, their Judgments tend to lack that impartiality which the pronouncements of Judicial tribunals should possess;

(b) if it is a fact that His Lordship the Chief Judge in Sind while deciding a revision application against the judgment of the special Tribunal said "I have not in my long experience as a Judge in Criminal matters seen a Judgment of this nature or quality from a Session Judge. It is, I am afraid as a judgment, a document of little worth. It would appear that in this case the tribunal was unequal to the burden placed upon it";

(c) if it is also a fact that the tribunal in the aforesaid case had sentenced very respectable men and some military Indian Garrison officers to long terms of imprisonment which the Chief Court set aside completely;

(d) the steps Government propose to take to save people being tried by such tribunals; and

(e) the criterion for selecting cases and for being tried by special tribunals or ordinary Courts?

The Honourable Sir Asoka Roy: (a) I have seen the article.

(b) Yes.

(c) It is a fact that certain contractors and Government servants were sentenced to various terms of imprisonment by the Special Tribunal and that the convictions and sentences were set aside by the Chief Court.

(d) The fact that in one particular case strictures have been passed on one particular Tribunal constituted under Ordinance XXIX of 1943 does not justify any inference adverse to the quality of such Tribunals generally and I may invite the Honourable Member's attention to the high tribute paid to another such Tribunal by the Chief Justice of the Allahabad High Court in the judgment reported in A. I. R. (31) 1944 All. 257.

(e) The Honourable Member's attention is invited to the reply given by the Secretary in the War Department to question No. 1090 on the 19th March, 1945.

Mr. Lalchand Navalrai: May I know if the Honourable Member is also somewhat responsible to see which kind of cases should go to these tribunals and which should not, and what criterion the Law Department is going to make about them?

The Honourable Sir Asoka Roy: These tribunals have only just recently come under the Legislative Department.

Sardar Sant Singh: May I know what the House is to understand from the answer? The question says that one tribunal has been adversely commented upon by the Chief Judge in Sind, while the answer says that another tribunal has been praised for its work by another High Court: one involves the other or does it affect the administration of justice?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inference.

Mr. Lalchand Navalrai: May I know how many tribunals are at present working, and is it a fact or not that there are some tribunals presided over by Assistant Judges or acting Sessions Judge, in which only one man sits and he sends people to the gallows? Will the Honourable Member do anything in regard to that?

The Honourable Sir Asoka Roy: There are four Tribunals now functioning, and each one of these consists of three persons sitting on the tribunal; I do not know what my Honourable friend means when he says that one man can sentence somebody to the gallows. Under this ordinance. . . . .

Mr. Lalchand Navalrai: Does the Honourable Member know that the former Khuhro case was tried by an Assistant Judge acting as a session judge and he sent at least five men to the gallows?

The Honourable Sir Asoka Roy: That has nothing to do with Ordinance 29 of 1943.

Mr. Frank R. Anthony: Will the Honourable Member consider the very real need for giving a right of appeal from the judgments of these special tribunals?

The Honourable Sir Asoka Roy: That matter was very carefully considered, and I think my Honourable friend knows that a right of revision has been given to the High Courts; and in a proper case I think the High Court can deal with a matter which comes on revision as if the matter was before them on appeal. I mean, if the High Court feels that the circumstances of the case demand their going into the facts of the case the High Court may do so.

Mr. Frank R. Anthony: I have personal experience of these tribunals and I would ask the Honourable Member to give this right, because he is perhaps aware that where the facts of the case justify intervention, the High Court will not normally intervene unless there is a very substantial point of law, which may not arise?

The Honourable Sir Asoka Roy: I can only say that this matter was very carefully considered, and the decision was come to that a right of revision given to the High Court would be enough.

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

FISHING AT OKHLA

1716. *Hajee Chowdhury Muhammad Ismail Khan: (a) With reference to the reply to starred question No. 820, dated the 26th March, 1945, regarding the grant of fishing licences for Okhla in the Province of Delhi, will the Secretary for Education, Health and Lands be pleased to state whether fishing at Okhla in the Province of Delhi is governed by the provisions of the Northern India Canal and Drainage Act, 1873, and the rules made thereunder? Has the Delhi Anglers' Association any status under these rules to have a hand in the grant of annual fishing permits? If so, what, and under what provision of the Act?

(b) With reference to the concluding part of the reply to part (c) of starred question No. 820, dated the 26th March, 1945, has the issue of annual permits for fishing at Okhla been restricted now as compared to previous years with the object of preserving fish? If so, has such restriction been imposed for preserving fish at the expense of annual permits only or on daily permits also? If no restriction has been imposed on daily permits, why?

(c) What is the criterion for the grant of annual permits to the gazetted and non-gazetted staff of the Central Government? Do Government consult the Delhi Anglers' Association in the matter of issuing annual permits to the staff of the Central Government, or are their cases treated on their respective merits? If the Association is consulted, why? Is it a fact that in certain cases recommendations from the heads of Departments or certain responsible officers of the Central Government for the grant of annual permits to their ministerial staff have been rejected, while those from the Association accepted? If so, why?

Mr. J. D. Tyson: (a) Yes: fishing at Okhla is regulated under the Act and Rules mentioned. The Delhi Anglers' Association has no legal status under the Act or Rules. The authorities concerned, however, consult the Association in doubtful cases as a matter of convenience.

(b) and (c). The information has been called for and will be furnished to the House when received.

LICENCES FOR FISHING AT OKHLA

1717. *Hajee Chowdhury Muhammad Ismail Khan: (a) In continuation of the preceding question, will the Secretary for Education, Health and Lands please state the total number, separately, of applicants employed under the Central Government who applied for the renewal of annual permits, the number of licences renewed and the number of applications rejected? On what grounds were their applications for renewal of licences rejected? What conditions have the Government servants to satisfy for the grant or renewal of licences?

(b) Has the Delhi Anglers' Association been recognised by Government in the matter of recommending individuals for licences? If so, do Government propose to recognise other private Associations and authorise them to recommend deserving persons for licences? If not, why not? If so, will their recommendations be acceptable as those of the Delhi Anglers' Association? If not, why not?

(c) Are the ex-Members of the Delhi Anglers' Association who had hitherto been granted licences entitled to the grant of annual licences direct or are they required to apply through the Association? If they are required to apply through the Association, why? Are Government aware that they had already been recognized to be *bona fide* amateur anglers while they were in the Association?

Mr. J. D. Tyson: (a) and (c). Information is being collected and will be furnished as soon as available.

(b) There is no question of any recognition of the Delhi Anglers' Association by Government. It is a private club and is consulted only for the sake of convenience by the licensing authorities. If there are other well established associations, there is no reason why their recommendations should not be given due weight also.

LICENCES FOR FISHING AT OKHLA

1718. *Hajee Chowdhury Muhammad Ismail Khan: (a) With reference to the reply to part (b) of starred question No. 820 for the 26th March, 1945, will the Secretary for Education, Health and Lands please state whether, on consultation with the Executive Engineer Upper Division, Agra Canal, the Chief Commissioner, Delhi, was satisfied that Government servants who applied for, and were granted, annual licences during the year 1943-44 were *bona fide* amateur anglers? If not, on what consideration were they granted licences during that year? If so, what led the Chief Commissioner or the Executive Engineer not to recognise them in the succeeding year as *bona fide* amateur anglers? Were there any complaints of any nature against them, If so, what, and were those complaints conveyed to them while refusing licences? If not, why not?

Mr. J. D. Tyson: Enquiries are being made and information will be furnished to the House as soon as available.

LICENCES FOR FISHING AT OKHLA

1719. *Hajee Chowdhury Muhammad Ismail Khan: (a) In continuation of previous questions, will the Secretary for Education, Health and Lands please state whether Government propose to revise the procedure for granting annual

permits to employees of the Central Government, the non-Government servants and men of high social status? If not, why not?

Mr. J. D. Tyson: Government are not yet in possession of the full facts but if, when full information is available, the existing system is found to be unfair or unsatisfactory the system will be changed.

ACTION ON SPEECHES OF ASSEMBLY MEMBERS ON FINANCE BILL

1720. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state:

(a) whether the speeches made by the non-official members of the Assembly on the Finance Bill are scrutinised and the points raised therein brought to the notice of the heads of the Departments concerned for appropriate action; and

(b) whether Government propose to prepare in future, a summary giving the list of points raised during the course of the debates on the Finance Bill and the action taken thereon?

The Honourable Sir Sultan Ahmed: (a) The Honourable Member may take it that speeches made by Non-Official Members in this House, whether on the Finance Bill or otherwise, receive the attention which they certainly deserve.

(b) No. The suggested summary would serve no purpose commensurate with the labour involved in its preparation.

Sardar Mangal Singh: How do we know whether any attention has been paid to the points raised in this House?

The Honourable Sir Sultan Ahmed: You can ask a question on any particular subject and we will answer.

Mr. Manu Subedar: May I know what has happened to the suggestion made by me, Dr. Banerjea and Nawabzada Liaquat Ali Khan with regard to showing the details of military expenditure, which is non-voted, and of which the House knows nothing, to the Leaders of Parties?

The Honourable Sir Sultan Ahmed: If the learned Member gives notice of this question, I will see about it.

PREVAILING RATES FOR FOODSTUFFS IN BIJAPUR DISTRICT

1721. *Sri K. B. Jinaraja Hegde: Will the Honourable the Food Member be pleased to state:

(a) whether Government are aware that in the District of Bijapur the following rates for foodstuffs prevail and that Government are making huge profits as shown in the table:—

Foodstuffs	Buying rate (per bag of 120 seers)	Selling rate	Profit per bag
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Rice	40 0 0	50 8 6	10 8 6
Wheat	30 0 0	36 3 6	6 3 6
Jowar	18 7 6	22 5 3	3 13 9

(b) whether at the present rate of ration consisting of 25 per cent. rice, 25 per cent. wheat and 50 per cent. jowar an adult pays Rs. 10 per year to Government as the cost of rationing;

(c) whether it is a fact that jowar is purchased in Bijapur at Rs. 30 per bag and the same is transported to Poona and sold at Rs. 45 per bag;

(d) the difference in rates in pre-war years between Bijapur and Poona; and

(e) the reasons for maintaining the higher margin between purchasing and selling rates, and what steps the Central Government propose to take to see that Provincial Governments do not profiteer in foodgrains?

The Honourable Sir Jwala Prasad Srivastava: (a) The purchase rates mentioned by the Honourable Member are correct for Bijapur district, but the selling rates are the retail prices in the rationed town of Bijapur. Retail prices in rationed areas are the actual economic cost including the pooled price of Government's purchases of the particular grain, from whatever source, handling and administrative charges, and the retailer's margin. No profit is made by the Provincial Government.

(b) No, Sir.

(c) No, Sir. The purchase rate of Jowar in Bijapur is Rs. 18-7-6 per bag of 120 seers, and the selling rate in Poona is Rs. 22-8-0.

(d) During the period 1927-1939, prices in Poona were about 12 per cent. higher than in Bijapur.

(e) As the present margin between the purchasing and the selling rates in rationed areas does not result in any profit to the Provincial Government, the Government of India do not propose to take any action in the matter.

Prof. N. G. Ranga: Are we to understand that the Government of India are satisfied with this state of things, as a result of which as much as 50 per cent. additional price is tacked on to the buying price of Jowar and 25 per cent. in the case of the rice consumer?

The Honourable Sir Jwala Prasad Srivastava: I am not aware of any case like that.

Prof. N. G. Ranga: The information is given here: buying rate (per bag of 120 seers) Rs. 40, selling rate Rs. 50-8-6.

The Honourable Sir Jwala Prasad Srivastava: Rs. 18-7-6 is the purchase rate and the selling rate in Poona is 22-8-0.

Prof. N. G. Ranga: The whole House is grateful to the Honourable Member for having given this information in tabular form. Are we to understand that Government are allowing as much as 25 per cent additional cost to be charged to the buyer on account of marketing?

The Honourable Sir Jwala Prasad Srivastava: That was never the intention. I do not know what the Honourable Member is referring to.

Prof. N. G. Ranga: Will the Honourable Member see page 8 of the question list where it is said that the profit per bag is Rs. 10-8-6.

The Honourable Sir Jwala Prasad Srivastava: That I have denied. I have not accepted the prices given by the Honourable questioner.

Prof. N. G. Ranga: What are the actual facts?

The Honourable Sir Jwala Prasad Srivastava: I have given you the actual facts.

Prof. N. G. Ranga: Has any serious effort been made by the Provincial Government or the Food Department to reduce the cost of marketing so that the commodities will reach the consumer cheaper?

The Honourable Sir Jwala Prasad Srivastava: Every effort is being made every day. The price that we are charging is the actual cost of the foodgrains *plus* the handling charges.

Prof. N. G. Ranga: The handling charges are too much?

The Honourable Sir Jwala Prasad Srivastava: It may be in some cases. I do not know but the Provincial Governments are making no profits.

Prof. N. G. Ranga: Are any others allowed to make profits?

The Honourable Sir Jwala Prasad Srivastava: Nobody is allowed to make profits.

Sir Cowasjee Jehangir: According to the reply given by the Honourable Member, we all understood that he admitted the accuracy of the figures given in part (a) of the question. We would like a definite reply that the figures given in part (a) of the question are right or wrong?

The Honourable Sir Jwala Prasad Srivastava: No, Sir. What I have stated is that the purchase rates mentioned by the Honourable Member are correct for Bijapur District but the selling rates or the retail prices in the rationed town of Bijapur are naturally higher and they are pooled prices. They might include rice bought at higher rates.

Sardar Sant Singh: What is the selling rate at Bijapur?

... **The Honourable Sir Jwala Prasad Srivastava:** The selling rate is 50-8. I have not denied that.

Sardar Sant Singh: Rs. 10-8-0 is allowed as profit. Is it not too much?

The Honourable Sir Jwala Prasad Srivastava: With this reservation, as I have explained. This is the pooled retail price. It may include rice bought at higher rates.

Sardar Sant Singh: Does the responsibility for this rest with the Food Department or the Provincial Government?

The Honourable Sir Jwala Prasad Srivastava: Mainly the Provincial Government.

Sir Cowasjee Jehangir: Will the Honourable Member give a clear answer, so that it can be accepted or contested. The Honourable questioner has said that rice was bought at Rs. 40 and sold at 50-8-6. The point is whether those figures are right or wrong. The Honourable Member said first that the buying price is correct but the selling price is not. Subsequently he said the selling price is correct. What is the exact position, because this is a matter dealt with by a Provincial Government.

The Honourable Sir Jwala Prasad Srivastava: I am afraid my Honourable friend has not understood me correctly. What I said was that the buying rate has been correctly stated but the selling rate is the retail price which might include lot of rice bought at a higher rate before. I said: Retail prices in rationed areas are the actual economic cost including the pooled price of Government's purchases of the particular grain from whatever source. It is not a question of Bijapur rice only. They might have got rice from outside which might have cost them more and to that they have got to add the necessary charges but it is a pooled price. The Provincial Government make no profit on it. They may have got rice for example from the Punjab which might have cost them much more The selling price is the pooled price.

BAD CONDITION OF TIMARPUR QUARTERS, DELHI

1722. *Mr. Badri Dutt Pande: (a) Will the Honourable the Labour Member please state whether Government quarters in Timarpur were built temporarily?

(b) Is he aware that these quarters are now in worst condition, that no repairs can stand for long, and that there is always a danger of some of the quarters coming down at any time?

(c) Is he aware that the New Delhi Government quarters are cent per cent. better than those in Timarpur?

(d) Is he further aware that even in C Type of quarters there is only one water tap, whereas in the New Delhi quarters there are three to four taps?

(e) Is he aware that neither any Executive Engineer nor any higher official has ever gone to these quarters to see whether each one has been properly repaired or not, and that no one looks after the convenience of the tenants there?

(f) Why do Government charge the same rate of rent from those living in much inferior type of quarters where there are less facilities as compared to the New Delhi quarters? Do Government propose to have the case examined and reduce the rent?

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

(b) No, but I am aware that these quarters require frequent repairs.

(c) The New Delhi quarters are much superior to the Timarpur quarters.

(d) Yes.

(e) No. On the other hand my information is that the quarters are regularly inspected by responsible officials of the Department. There is an Enquiry Office at site for the tenants to register their complaints.

(f) It is not possible to lay down different rates for recovery of rent from Government servants for similar type of quarters though the facilities may be somewhat less. The standard rents of Timarpur quarters are lower as compared with the standard rents of similar quarters in New Delhi and consequently a larger number of occupants of these quarters pay less than 10 per cent of their salaries. The question of reducing rents does not arise.

Prof. N. G. Ranga: Have any steps been taken to improve the amenities for the older quarters?

The Honourable Dr. B. R. Ambedkar: They have already got amenities.

Prof. N. G. Ranga: The Honourable Member stated in his question that water taps and other conveniences do not exist. Will the amenities be improved?

The Honourable Dr. B. R. Ambedkar: I will look into the matter.

DIFFICULTY re ACCOMMODATION OF SIMLA STAFF PERMANENTLY LOCATED AT NEW DELHI

1723. *Mr. Badri Dutt Pande: (a) Will the Honourable the Labour Member please state the number of staff who have come down from Simla to be located permanently at New Delhi?

(b) Is he aware that much inconvenience is being felt by the staff and others for locating such staff far away from the main Branches of the Departments or Offices?

(c) Does he propose to see that each departmental unit is located in one building?

The Honourable Dr. B. R. Ambedkar: (a) The information is not readily available and its collection does not justify the time and labour involved.

(b) Yes.

(c) Under the present circumstances it is not always possible to accommodate the entire staff of a particular office in one building. Attempts are however made to adhere to this principle as far as possible.

COST OF DEHYDRATED MEAT, ETC., AT CERTAIN GOVERNMENT FACTORIES

1724. *Dewan Abdul Basith Choudhury: Will the Honourable the Food Member please state:

(a) the cost separately, of dehydrated meat per 100 lbs. prepared at each of the Government Factories at Delhi, Agra, Patna, Poona and Madras, the cost separately, of dressed meat and the dehydration charges, and the reasons for the variation in cost prices at each of the above Factories; and

(b) if it is a fact that under the existing arrangements, the supply of dressed meat and dehydration operation is being carried out by one and the same party in each of the above Factories excepting Delhi, where dehydration operations are being carried out by Government themselves?

The Honourable Sir Jwala Prasad Srivastava: (a) A statement showing the analysed cost per 100 lbs. of dehydrated meat produced is placed on the table of the House. Local conditions which affect the price of raw meat and the rates of labour are responsible for the variations in cost. The Delhi Factory was intended to demonstrate certain improvements in production which added to the cost of the product.

(b) Yes.

Statement showing estimated cost per 100 lbs. of dehydrated meat produced at Government Dehydrated Meat Factories before 31st March 1945.

Item	Poona factory	Madras factory	Patna factory	Agra factory	Delhi factory
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Cost of Dressed carcasses	759 14 4	659 14 4	680 3 4	570 5 0	680 0 0
Processing charges	243 12 0	175 0 0	175 0 0	185 15 0	420 13 4
Profit	31 4 0	*39 7 4	31 4 0	31 4 0	*Nil*
Total	1,034 14 4	874 5 8	886 7 4	787 8 0	1,100 13 4

*Includes Sales Tax paid.

TENDER PROCEDURE FOR SUPPLY OF DRESSED CARCASS OF GOAT MEAT FOR CERTAIN GOVERNMENT FACTORIES

1725. *Dewan Abdul Basith Choudhury: Will the Honourable the Food Member please state:

(a) if Government have recently adopted the tender procedure for the supply of dressed carcass of goat meat for the Factories mentioned in the previous question except Delhi; if so, for what reasons; why such tenders have not been invited for the Delhi Factory; and

(b) for how long the contract for the supply of dressed meat will be allotted to each Factory, and whether the contracts will be placed with the lowest tenderers; if not, for what reasons?

The Honourable Sir Jwala Prasad Srivastava: (a) The answer is in the affirmative. No tenders have been invited for the Delhi factory, as supplies for the current year are already under a contract.

(b) The second lowest tender in case of the Patna factory and the third lowest in case of the Agra factory have been accepted for supply of dressed carcasses for a period of three and six months respectively. The lowest tenders were not accepted in the interests of security of supply as the tenderers lacked adequate organisation and experience in procurement of goats. Tenders for the other two factories are under consideration.

(b) WRITTEN ANSWERS

OPERATION OF CERTAIN GOVERNMENT MEAT DEHYDRATING FACTORIES BY CONTRACTORS

1726. *Dewan Abdul Basith Chaudury: Will the Honourable the Food Member please state:

(a) if Government are aware that numerous experienced contractors are willing to undertake the operation of the Factories mentioned in previous questions at rates lower than the existing rates paid by Government; and

(b) whether Government propose to invite tenders for dehydration operations for all these Factories, if so, when, if not, for what reasons?

The Honourable Sir Jwala Prasad Srivastava: (a) Government is unaware of any contractors, barring those already employed in meat factories, who are experienced in the process of meat dehydration.

(b) In view of (a) above the question of calling for tenders for operating contracts does not arise.

HIGH COST OF DEHYDRATED MEAT AT GOVERNMENT FACTORY, DELHI

1727. *Dewan Abdul Basith Choudhury: Will the Honourable the Food Member please state:

(a) if it is a fact that on account of the Government meat Dehydration Factory, Delhi, being operated by Government themselves the cost of dehydrated meat is much higher than that of other such Factories which are operated by contractors; and

(b) whether Government propose to consider the desirability of inviting tenders for the operation of this Factory or for the supply of dehydrated meat including the cost of meat as well as dehydration charges, etc., for the Delhi Factory as is already being done by Government in case of dehydrated potatoes, dehydrated onions and other dehydrated vegetables; if so, from what date; if not, why not?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes; since the factory was intended to demonstrate certain improvements in production, which however added to the cost of the product.

(b) Yes, the future operation of the factory is under consideration.

STARCH FACTORIES

1728. *Mr. A. Satyanarayana Moorty: Will the Honourable Member for Industries and Civil Supplies please state:

(a) the number of factories in India manufacturing Starch;

(b) the production of Starch in 1938-39 and 1943-44;

(c) whether there was any import of Starch in 1943 and 1944; and, if so, the quantities in each year;

(d) if it is one of the industries to be encouraged by Government in the post-war planning; and

(e) if the answer to (d) is in the affirmative, to what extent?

The Honourable Sir M. Azizul Huque: (a) The number of starch factories in British India is 15.

(b) No figures of starch production in 1938-39 are available. Production of maize starch by the 15 factories licensed in British India during the period 1st September 1943 to 31st August 1944 was 21,280 tons.

(c) Yes, Sir. Imports of starch, dextrine and Farina during the financial year 1943-44 amounted to 6,400 cwts. Imports for the period from 1st April to 30th November 1944 were 4,516 cwts.

(d) and (e). Development of the starch industry will be considered by one of the industrial panels set up by the Planning and Development Department.

EXPORT OF CLOTH

1729. *Mr. A. Satyanarayana Moorty: Will the Honourable Member for Industries and Civil Supplies please state:

(a) whether there was any export of cloth in the year 1944 and up to now in 1945 from India to any other country or countries including those which were recently occupied by Allies; and

(b) if so, what those countries were and what the respective quantities of cloth exported were?

The Honourable Sir M. Azizul Huque: (a) and (b). I lay a statement on the table.

Statement

Countries	Exports in tons	
	During 1944	During January and February 1945
Aden including Yemen, Hadramaut	4615	672
Saudi Arabia	919	357
Ethiopia	1024	*Nil*
Eritrea	399	21
French Somaliland	63	17
Afghanistan	2378	226
Arab States in the Persian Gulf	873	146
Australia	3544	761
Belgian Congo	145	53
British East Africa, Nyasaland and Italian Somaliland	6149	78
British West Africa including Nigeria	2144	911
Ceylon	4166	375
Cyprus	99	28
Egypt	*Nil*	*Nil*
Free French Africa	317	93
Iraq	1959	544
Mauritius	567	*Nil*
New Zealand	467	75
N. & S. Rhodesia	479	*Nil*
Palestine	667	65
Transjordan	105	54
Persia	1281	296
Portuguese East Africa	36	1
Seychelles	51	*Nil*
Sudan	5432	897
Syria and Lebanon	5	44
Turkey	2271	345
Union of South Africa	3695	238
Nepal	4403	521
British Pacific Islands	128	20
French Pacific Islands	*Nil*	*Nil*
Madagascar	1101	349
Reunion	16	3
Total	49789	7090

SCHEDULED CASTE CANDIDATES RECRUITED FOR SUPERIOR POSTS IN GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND NEW DELHI

1730. *Mr. Piare Lall Kureel: (a) Will the Honourable the Labour Member be pleased to state the number of scheduled caste candidates recruited in the superior industrial and clerical branches of the Government of India Presses at Calcutta and New Delhi during the last three years?

(b) Is it a fact that there is no representation of scheduled castes in the permanent and temporary cadre of Proof Readers, Monotype and Linotype Operators in the Government of India Presses at Calcutta, New Delhi, Aligarh and Simla? If so, do Government propose to provide for due representation of scheduled castes in that cadre by direct recruitment? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) A statement is placed on the table.

(b) No. Recruitment of scheduled castes is now made in accordance with the rules for communal representation in the services.

Statement showing the number of scheduled caste candidates recruited in Calcutta and New Delhi Presses during the last three years

Name of service	Calcutta Press			Forms Press, Calcutta			New Delhi Press		
	1942-43	1943-44	1944-45	1942-43	1943-44	1944-45	1942-43	1943-44	1944-45
1. Clerical ..	7	11		2	..	..	..	1	2
2. Industrial ..				..	..	..	..	6	6
Total ..	7	11		2	..	..	..	7	8

†1731.*

RESIGNATION BY EUROPEAN INSPECTRESSES OF SCHOOLS IN BALUCHISTAN

1732. *Mr. H. A. Sathar H. Essak Sait: Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether two European ladies appointed as Inspectress of Schools in Baluchistan left that service one after another within one year causing great dislocation in the progress of female education in that Province;

(b) if this post is reserved for European ladies; and

(c) whether Government now propose to appoint an Indian lady who knows the people and conditions in Baluchistan, with some degree of assurance that she will continue for sometime and look for the advancement of female education in Baluchistan?

Mr. J. D. Tyson: (a) The facts are that Miss G. J. Low, who was appointed to the post in June, 1940 left to join another post after about a year. The vacancy was advertised through the Federal Public Service Commission but as no suitable candidate applied, Miss M. C. Franklin, formerly of the I.E.S. and an *ex*-Inspectress of Schools, Burma, was appointed to the post in September, 1942 temporarily for one year. She handed over charge after completing her term of appointment.

(b) No.

(c) The question of recruitment to the post is under consideration. The Government of India would be only too glad to appoint an Indian Lady to this post but they have not so far succeeded in securing the services of one with the requisite qualifications and experience.

†This question was withdrawn by the questioner.

ELECTRIC SUPPLY CORPORATIONS USING COAL IN MADRAS PROVINCE

1733. *Shrimati K. Radha Bai Subbarayan: Will the Honourable the Labour Member please state:

(a) the number of Electric Supply Corporations which generate electricity by using coal in the Madras Province and the cities they serve;

(b) the amount of coal allotted to each of them per annum; and

(c) if this coal consumption could be saved by linking up these electricity installations with any of the Hydro-Electric Power Supply Stations in that Province; and if so, whether Government propose to take steps to save coal consumption in this respect?

The Honourable Dr. B. R. Ambedkar: (a) and (b). A statement is laid on the table.

(c) Of the three Power Stations mentioned in the statement, Madras is likely to be linked up at an early date with the Mettur Hydro-Electric System. Bezwada and Vizagapatam are too far away from the existing Hydro-Electric Systems for an interconnection but when the Machkand Scheme is completed Hydro-Electric Power will take the place of Thermal Power in the Madras Presidency.

Statement showing the number of Electric Supply Corporations in Madras Province generating electricity by using coal, the cities served by them etc.

Number of Electric Supply Corporations in Madras Province Three *viz.*	Amount of coal consumed in 1944 Tons	Cities served by them
(*i*) Madras	64,135	Tiruvottiyur, Sembiam, Madras City, Villivakkam, Saidapet, Allandur, St. Thomas Mount, Pallavaram and Tambaram.
(*ii*) Bezwada	14,445	Guntur, Tadepalle, Narasaraopet Tenali Repalle, Bapatla, Masulipatam, Gudivada, Nuzvid, Ellore, Pedana, Sitarampuram and Bezwada.
(*iii*) Vizagapatam	6,004	Bobbili, Salur, Donkinavalasa, Ramchandrapuram, Venkatapuram, Pennvarti Vizianagaram, Chittivalasa, Anakpalle, Bimlli patawand Vizagapatam.

SOLUTION OF POLITICAL DEAD-LOCK

1734. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Leader of the House please state:

(a) whether correspondence has been going on between the Central and Provincial Governments for ending the political dead-lock in India; and

(b) whether the departure of Lord Wavell to England is in connection with finding a solution for the political dead-lock?

The Honourable Sir Sultan Ahmed: (a) No.

(b) I have nothing to add to the official announcement on the subject which appeared in the Press of the 22nd March.

UNSTARRED QUESTIONS AND ANSWERS

TERMS, PAY, ETC., OF CERTAIN OFFICIALS OF VICEREGAL ESTATES TRANSFERRED TO CENTRAL PUBLIC WORKS DEPARTMENT

135. Mr. Badri Dutt Pande: With reference to the reply to starred question No. 1224 asked on the 21st March, 1945, will the Honourable the Labour Member be pleased to state:

(a) the terms and conditions offered to the officials mentioned in the list at the time of employment in the Viceregal Estates, and the pay drawn by each of them before their transfer from the Estates Division;

(b) the pay given to each of them on their transfer to the Central Public Works Department, and the status on which they were transferred;

(c) the present pay and rank of these officials in the Central Public Works Department; and

(d) what steps were taken by the Honourable Member to determine the loss of concessions previously enjoyed by each of them in the Viceregal Estates, and how far the provisions of rule 22, part II, Civil Service Classification Control and Appeal Rules, were applied in their cases?

The Honourable Dr. B. R. Ambedkar: The information is being collected and will be supplied to the Honourable Member in due course.

ALLOWANCES TO CENTRAL PUBLIC WORKS DEPARTMENT STAFF IN SIMLA

136. Mr. Badri Dutt Pande: With reference to the reply to starred question No. 1225 answered on the 21st March, 1945, will the Honourable the Labour Member be pleased to state:

(a) the date after which the staff posted to, or appointed in, the Simla Central Division is being treated as 'new entrant' for the purposes of grant of Winter Allowance; and

(b) whether the desirability of extending, to the Ministerial and Inferior staff of the Simla Central Division, the same concessions as enjoyed by such staff of the Viceregal Estates Division, Simla had been or is being examined, if not, why not?

The Honourable Dr. B. R. Ambedkar: (a) The 16th July, 1931.

(b) The matter is under consideration.

INCREASE OF PAY TO WORK-CHARGED ESTABLISHMENT OF CENTRAL PUBLIC WORKS DEPARTMENT

137. Mr. Badri Dutt Pande: With reference to the answer given in this Assembly in reply to starred question No. 218, asked by Bhai Parma Nand on the 15th August, 1938 regarding work-charge establishment of the Central Public Works Department, will the Labour Member please state whether the small increases of pay recommended by the Divisional Officers, in accordance with the general practice, have been granted to the staff for the year 1944? If not, the reason for the same?

The Honourable Dr. B. R. Ambedkar: The answer to the first part of the question is in the affirmative. The latter part of the question does not arise.

WIREMEN AND FITTERS (WORK-CHARGE ESTABLISHMENT) OF CENTRAL PUBLIC WORKS DEPARTMENT

138. Mr. Badri Dutt Pande: Will the Honourable the Labour Member please state.

(a) the number of wiremen and fitters work-charge establishment of the Central Public Works Department separately, who are in continuous service for the last 30, 25, 20 and 10 years; and

(b) whether the establishment in question is entitled to pension; if not, why not?

The Honourable Dr. B. R. Ambedkar: (a) The particulars asked for by the Honourable Member are given below:

	Period of continuous service			
	30 yrs.	25 yrs.	20 yrs.	10 yrs.
Wiremen	5	4	21	44
Fitters	5	7	50	40

(b) No, because the posts of work-charged establishment are not permanent posts.

DISCRIMINATION BETWEEN EUROPEANS AND INDIANS AS REGARDS FISHING AT OKHLA

139. Mr. S. K. Hosmani: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that only Europeans are allowed to fish beyond the gate at the Okhla mound (Delhi Province) and that Indians are prohibited from crossing the gate? If so, why? If not, do Government propose to enquire into the racial discrimination policy?

(b) Are Government aware that Europeans are never prevented from violating fishing rules at Okhla and that Indians are not allowed to fish side by side with Europeans? If so, why? If not, do Government propose to enquire into the matter? If not, why not?

(c) Are Government aware that when the violation of fishing rules by Europeans is brought to the notice of the Executive Engineer by the Fishing Guards he takes no notice?

(d) Are Government aware that the Fishing Guards have stopped checking Europeans or even going near them?

(e) Are Government aware that the Executive Engineer has issued verbal orders to the Fishing Guards to check only the Indian anglers while fishing? If so, why?

Mr. J. D. Tyson: (a) to (e). So far as Government are aware no racial discrimination policy is followed in the control of fishing at Okhla; but enquiries are being made and a reply will be furnished when full information is available.

DISCRIMINATION BETWEEN EUROPEANS AND INDIANS AS REGARDS FISHING AT OKHLA

140. Mr. S. K. Hosmani: (a) Will the Secretary for Education, Health and Lands please state, in continuation of the preceding question, whether the European Members of the Delhi Anglers' Association have been authorized by the Executive Engineer to check annual fishing licences and daily permits of the Indian amateur anglers?

(b) Do Government propose to take necessary steps with a view to removing racial discrimination between a European and an Indian and redressing the grievances of the Indian amateur anglers who are hard hit? If not, why not?

Mr. J. D. Tyson: (a) and (b). Information has been called for and will be supplied as soon as available.

MEMBERS OF THE SELECTIONS COMMITTEE APPOINTED BY THE CHIEF ENGINEER CENTRAL PUBLIC WORKS DEPARTMENT

141. Sardar Mangal Singh: Will the Honourable the Labour Member please state the number, community wise, of each of the Members of the Selection Committee appointed by the Chief Engineer, Central Public Works Department, New Delhi, for considering matters connected with appointments and promotions?

The Honourable Dr. B. R. Ambedkar: The Particulars asked for by the Honourable Member are given below:

Community	*Number*
European	1
Hindu	2
Muslim	2
Sikh	1

CARETAKERS IN DELHI AND SIMLA

142. Sardar Mangal Singh: (a) Will the Honourable the Labour Member please state the number of Caretakers in Delhi and Simla, separately, and how many of them are Hindus, Muslims and Sikhs?

(b) How many vacancies occurred during 1944 and in the current year and how were these appointments filled up?

(c) Which community is unrepresented in this cadre, and what steps were taken by the Honourable Member to afford them representation?

The Honourable Dr. B. R. Ambedkar: (a) The total number of Caretakers in Delhi and Simla is 10—8 in Delhi and 2 in Simla. Of these, 5 are Hindus, 3 Muslims and 2 Sikhs.

(b) Two vacancies occurred during 1944 and the current year, of which one was filled by the appointment of a Hindu and the other by a Muslim.

(c) Communities, other than the Hindu, Muslim and Sikh communities, are not at present represented on the cadre of Caretakers. Apart from such steps as are required to be taken under the general orders issued by Government for securing adequate representation for the minority communities in the public services, no special steps were taken or can be taken to secure representation on the cadre of caretakers for each of the communities which are not now represented therein.

Mr. K. C. Neogy: Will the Honourable the Home Member please state:

(a) whether any initiative was taken by the Government of India in regard to a consideration of the question of recruitment, in the immediate future, to the Indian Civil Service, the Indian Police Service and the Indian Medical Service, and whether any communication was addressed on the subject to the Secretary of State;

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(b) if the answer to (a) be in the negative, whether the Secretary of State took the initiative in this matter, and what the reaction of the Government of India thereto was;

(c) whether India was recently visited by a deputation consisting of representatives of British Foreign Office, Colonial Office and the British Civil Service Commissioners, and whether they had any discussion with the Government of India on the above subject;

(d) the immediate reasons that led to the visit of the Honourable the Home Member and the Secretary to the Government of India in the Home Department to London; and

(e) whether the Government of India have given to them any instructions as regards the views of the Government of India to be expressed in the course of "consultations" in London; if so, the purport of such instructions particularly on the following points:

(i) the future position of the services concerned, should the Cripps declaration or any substitute thereof in regard to the future constitutional position of India become an accomplished fact;

(ii) the need for revision in regard to the authority for recruitment and control of the services in the immediate future; and

(iii) the determination of the future proportion of European and Indian elements in the said services?

Sir Richard Tottenham: (a) to (e). Some months ago the Secretary of State intimated his intention as soon as the war in Europe was finished of reopening recruitment to the I. C. S. and the I. P., which has been suspended during the war, and in doing so of honouring the pledges which were given in the *press Communiques*, dated 13th March 1941 and 19th December 1942 about the reservation or vacancies in those Services for candidates with war service. Other Civil Services under the Crown, both in the United Kingdom and the Colonies, were in a similar position, but not the Indian Medical Service. During the cold weather a deputation visited India for the purpose of consultation with the Civil and Military Authorities in this country; and this deputation included representatives not only of the India Office, but also of the Colonial Office and the Civil Service Commission in England. With the rapid progress of the war the whole matter has now become most urgent. Quite recently the Secretary of State himself invited the views of the Governor General in Council on his proposals and after these had been communicated by telegram he suggested that it would help him to reach decisions if the Home Member and Mr. Conran-Smith could proceed to London at once for personal discussion.

I am afraid I am not at liberty to give details of the advice tendered by the Governor General in Council but I should make it clear that the immediate reason for the visit is to discuss the filling of "war service" vacancies and not the larger matters referred to by the Honourable Member at the end of his question.

Mr. T. T. Krishnamachari: May I know if the Honourable Member will be in a position to divulge to this House whether any portion of the instructions given to the Honourable the Home Member and the Home Secretary had provided against arrangements being made in such a manner as to prejudice the larger issue of India's ultimate control on their own officers?

Sir Richard Tottenham: No, Sir.

Sardar Sant Singh: Since these *communiques* were issued, one in 1941 and the other in 1942, is it not a fact that the "Cripps' Proposals" came in?

Sir Richard Tottenham: I think the Honourable Member knows as well as I do when the "Cripps' Proposals" were made?

Sardar Sant Singh: Is the Honourable Member aware that after the "Cripps' Proposals", the situation has changed immensely and the following Resolution was passed by the Sapru Committee with regard to this . . . . . .

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

Sardar Sant Singh: I am putting a question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I have disallowed the question. The Honourable Member must resume his seat.

Mr. K. C. Neogy: Is it a fact that apart from the question of filling war services vacancies, the question of increasing the strength of the cadre of these services is also under active consideration?

Sir Richard Tottenham: It is not on that matter that the Home Member and the Home Secretary have gone to London.

Mr. K. C. Neogy: That is not my point. Is it or is it not under active consideration at the present moment?

Sir Richard Tottenham: If the Honourable Member wanted to know he might have included it in his question. I must ask for notice.

Mr. N. M. Joshi: Will the Government of India state whether the Government of India Act had not provided that the question of recruitment to the all-India services, the Indian civil service specially should be reviewed at the end of five years period after the new constitution was inaugurated?

Sir Richard Tottenham: The Honourable Member is as well aware of the provisions of the Government of India Act as I am: It does not affect this question.

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

CONSUMER GOODS TO BE IMPORTED.

Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state what those consumer goods are for the importation of which arrangements have been made and which are arriving during the next few months and what their value is?

(b) Do Government expect any effect of the importation of these consumer goods on industries established in India? If so, in which directions?

(c) Have Government instituted any machinery for watching that industries established in India will not be adversely affected through the continued importation of consumer goods after the public wants are satisfied in the first few months?

The Honourable Sir M. Azizul Huque: (a) For the main articles of consumer goods, the Honourable Member's attention is invited to the answer given to part (b) of starred question No. 259 on the 10th November 1944 in the Legislative Assembly.

The answer to the last part of the question is not readily available, and its collection would involve an amount of time and labour that would not be justifiable in war time.

(b) and (c). The policy of Government is to import only such goods as are available and necessary to meet the requirements of the country with due regard to the position of indigenous industries and their ability to meet that demand. The question of setting up any special machinery for ensuring that indigenous interests are not adversely affected does not therefore arise.

Mr. Manu Subedar: In view of the fact that after the last war, many hundreds of factories were thrown into liquidation, may I know whether the Government will institute a special machinery of the kind suggested in order to be forewarned and be prepared in advance?

The Honourable Sir M. Azizul Huque: That is a question which I have said in answer to another question is under examination just now. So far we have not got anything which is likely to adversely affect in any way Indian industries, rather it would help Indian industries, because we are importing a large amount of what I may call producer goods.

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

ADVISABILITY OF EXTENDING TIME FOR SUBMISSION OF APPLICATIONS *re* ADVANCED TECHNICAL STUDIES

Nawab Siddique Ali Khan: Will the Secretary for Education, Health and Lands please state:

(a) if it is a fact that the Government of India propose to send abroad some students for advanced technical studies;

(b) if it is a fact that recently towards the middle of March, an advertisement appeared in all the newspapers inviting applications for obtaining copies of pamphlet, *etc.*, from the Government Press, Delhi;

(c) if it is a fact that a large number of applications was received from distant places like South India, many of which have not yet been complied with;

(d) if it is a fact that copies of pamphlets which were printed were all exhausted very speedily and that several applicants who apply personally at the book depots which are Agents for Government of India publications, are given a negative answer;

(e) if it is a fact that the last date fixed for submission of applications by students to the Secretary, Selection Board is "so as to reach not later than the 15th April";

(f) in view of the shortness of time at the disposal of prospective applicants and, in view of the long distances from which applications have to be received, whether Government propose to consider the advisability of extending the period of submission of applications till the 15th May; and

(g) if the answer to (f) above is in the affirmative, whether Government propose to issue a *Press Communique* immediately to that effect?

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

(b) Advertisements inviting applications and calling attention to a brochure giving the necessary information and containing an application form appeared first in Indian newspapers on the 15th March 1945. Intending applicants were advised to obtain copies of the brochure from the Manager of Publications, Delhi.

(c) I understand that all prepaid requests for copies of the brochure "Information for students desiring to proceed overseas for advanced studies (1945)" are being complied with as received by the Manager of Publications.

(d) The brochure has been and is being reprinted from time to time as required and copies are available with the Manager of Publications. Government have no information regarding the supply position in the hands of local Agents. In a fresh advertisement just issued by Government, those interested have been advised to apply direct to the Manager of Publications, Delhi.

(e) Yes; the 15th April was originally fixed as the last date for the receipt of applications for stipends under the scheme.

(f) The period for the receipt of applications for stipends under the scheme has now been extended to the 30th April 1945.

(g) Full publicity has been given to the extension of time through the Press and the All-India Radio.

Prof. N. G. Ranga: In view of the fact that the Manager of Government Publications does not send these brochures by V. P. P. but insists on pre-payment, has it been stated in the new advertisement that pre-payment will have to be made, also the price of the pamphlet stated?

Mr. J. D. Tyson: I do not think it has been stated.

Prof N. G. Ranga: Then will Government consider the advisability of issuing either a *Press Communique* or another advertisement stating quite clearly that pre-payment is necessary? Otherwise, most of the people would not know, and I myself have made that mistake several times in the past. I asked this gentleman to send it by V. P. P. and he refused.

Mr. J. D. Tyson: We will consider that.

Dr. Sir Zia Uddin Ahmad: Is the Honourable Member aware that these copies are not available? I have been trying for the last one week to get copies of these application forms but I could not get them either from Simla or from Delhi. I suggested that I could get these forms printed in our own press, but he refused.

Mr. J. D. Tyson: I do not know what steps the Honourable Member took to try and get the forms. I can only say that up-till the 4th April no less than 20,500 copies of this brochure had been printed by the Manager of Publications. If my Honourable friend, as I understood him to say, applied to somebody in Simla he did not comply with the advice in the original advertisement.

Dr. Sir Zia Uddin Ahmad: I sent an application to Simla on the suggestion of the Department of the Honourable Member himself, and not on my own initiative. And if so many copies were printed I can assure him that they have gone somewhere underground and have not come to the market.

Mr. T. S. Avinashilingam Chettiar: Will Government consider the advisability of extending the time for receiving applications till the 15th May, as suggested by the Honourable Member?

Mr. J. D. Tyson: No, Sir, we cannot possibly go beyond the 30th April, because if we have to place about 10 or 12 thousand of these applications before the selection committee, and if applications are allowed to come in till the 15th May, there will not be time for the selection committee to do justice to the applications, if we are to get the students sent overseas for the academic Session beginning about the middle of October.

WORK DONE BY HYDARI MISSION

Mr. Manu Subedar: (a) Does the Honourable the Commerce Member propose to make a statement for the information of the public of the work done by the Hydari Mission in the United Kingdom?

(b) Has any agreement been made by the Hydari Mission? If so, with whom?

(c) What are the (i) consumer goods and (ii) capital goods, for the importation of which arrangements have been made through the Hydari Mission, what is the total value and when are they expected?

The Honourable Sir M. Azizul Huque: I would draw the Honourable Member's attention to the *Press Communique* issued last Friday evening which was circulated to Members of the legislature. I will only add that the ultimate release which we are expecting will be about 120 crores of rupees of which 70 crores will be in Indian production, 25 crores will be in the nature of producer goods which will go to help Indian industries and 25 crores of the nature of consumer goods. So far as Indian releases are concerned, they are such essential articles like steel, of which 300,000 tons will be available for civil consumption, 500,000 tons of timber, 11 million pounds of woollen textiles, and 600,000 tons of cement, quite apart from the textile releases which we expect in 1946.

Mr. Manu Subedar: I am obliged to the Honourable Member for the information. May I know whether Government will consider issuing a more detailed statement giving the volume, value and per unit cost and the channel through which the goods will come from abroad and will be distributed? Will such a statement be issued every month?

The Honourable Sir M. Azizul Huque: Part of it has already been answered by the open general licenses which we have issued on the 2nd March in which we have stated that these are the nature of the articles which any importer can import without any import licenses. But what will be the quantum of that is a matter which we will have to watch and we propose to watch them.

Seth Yusuf Abdoola Haroon: In view of the question just asked does the Honourable Member propose to issue a monthly statement on this subject, giving fuller information about this?

The Honourable Sir M. Azizul Huque: I do not think it will be possible for us to issue a monthly statement, but I can say that a monthly if possible, but regular watch will be kept over all these imports which are coming to this country.

Mr. Manu Subedar: Are the consumer goods mentioned in the statement of Government coming through Government channel or coming through private

trade? And if they are coming through Government channel, will Government make it quite clear how much are coming, at what price, and through which channel they will be distributed?

The Honourable Sir M. Azizul Huque: As far as I am aware, very little is coming through Government channels except such articles as drugs and medicines which, under the circumstances, we required and we did import them. Otherwise most of these will come through ordinary trade channels; but if the trade does not function to the extent of importing the requisite quota which is necessary for the purpose of relieving the consumer goods situation in India, we shall have to consider whether Government may not step in with a view to import it. But all these questions are now being considered.

MOTIONS FOR ADJOURNMENT

MISREPRESENTATION OF INDIA'S CONSTITUTIONAL POSITION BY THE HONOURABLE SIR FEROZE KHAN NOON AT THE EMPIRE CONFERENCE

Mr. President (The Honourable Sir Abdur Rahim): I have received notice from Nawab Siddique Ali Khan that he wants to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, deliberate gross misrepresentation at the Empire Conference of India's present constitutional position by the Honourable Sir Feroze Khan Noon, one of the representatives of the Government of India to the San Francisco Conference in stating that India already enjoys Dominion Status, and further that he and his colleagues represent India whereas the fact is that the people of India had no say whatsoever in their selection as delegates to the San Francisco Conference.

I have received an order of the Viceroy and Governor General disallowing the motion on the ground that it cannot be moved without detriment to public interest.

FAILURE TO TACKLE ACUTE CLOTH SHORTAGE

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Mr. Amarendra Nath Chattopadhyaya who wishes to discuss "the failure of Government to tackle the acute cloth shortage in Bengal specially and in the country in general".

The Honourable Member knows, and everyone else knows, that this matter has been engaging the attention of the House for several days. It is neither recent nor urgent within the meaning of the rule. The motion is disallowed.

FAILURE TO GRANT SPECIAL WAR PAY TO INDIAN COMMISSIONED OFFICERS OF INDIAN ARMY MEDICAL CORPS

Mr. President (The Honourable Sir Abdur Rahim): I have also received a notice for an adjournment motion from Mr. Frank R. Anthony, who wishes to discuss "the failure of the Government to grant to Indian Commissioned Officers of the Indian Army Medical Corps a special war pay which they have decided to grant to other Indian Commissioned Officers".

I do not know what it is about.

Mr. C. M. Trivedi (Secretary, War Department): The principle adopted in the decision regarding the revision of the pay of the Indian Commissioned Officer which was announced on the 7th April was that any feeling of racial discrimination on the part of Indian officers should be removed. As a result of this decision, the Indian Commissioned Officer of the Indian Army has been given a special war pay so as to make his pay equal to the pay of the British officer of the Indian Army *minus* the Indian Army allowance granted to British officers of the Indian Army.

Mr. President (The Honourable Sir Abdur Rahim): Are these the officers mentioned in this motion?

Mr. C. M. Trivedi: Sir, I will explain this in a moment. This allowance may be said to correspond more or less with overseas pay. In the Indian Army Medical Corps, which is composed of I. M. S. officers seconded to that Corps,

and licentiates commissioned direct in that Corps, the basic pay of Indian officers is the same as that of British officers and the question of a special war pay to the Indian officers of the Indian Army Medical Corps does not therefore arise. Sir, this point has been made clear in the announcement which was published on the 7th. If my Honourable friend contends that the pay of officers in the Indian Army Medical Corps is not adequate, that is a different matter and cannot be said to be a matter of urgent public importance, since the pay of the I. M. S. was fixed several years ago and that of the licentiates over two years ago. Sir, I submit that the adjournment motion is not in order.

Mr. Frank R. Anthony (Nominated Non-Official): While racial discrimination between European and Indian has been done away with, discrimination between Indian and Indian has been introduced.

Mr. President (The Honourable Sir Abdur Rahim): When was this war pay fixed?

Mr. Frank R. Anthony: It was announced only the day before yesterday. It is urgent because under this discrimination you will not get a single doctor joining the Army.

Mr. President (The Honourable Sir Abdur Rahim): I want to know what are the facts.

Mr. Frank R. Anthony: These are the facts.

Mr. President (The Honourable Sir Abdur Rahim): I understand the basic pay is equal.

Mr. Frank R. Anthony: Not even the basic pay.

Mr. C. M. Trivedi: I challenge the statement that the basic pay of the British and Indian officer in the I.A.M.C. is not the same.

Mr. Frank R. Anthony: I am not talking of the Britisher. The discrimination is between the Indian and Indian. In the case of a Lieutenant with a wife and two children, an Indian M.B.B.S. in the I.A.M.C. will get Rs. 450 whereas a matriculate Indian in say the R.I.A.S.C. will get Rs. 675. In the case of a Captain, an Indian matriculate in a non-medical unit will get Rs. 780 whereas an Indian M.B.B.S. in the I.A.M.C. will get Rs. 500. In the case of a Major, a matriculate in the R.I.A.S.C. will get Rs. 1,125 whereas an Indian M.B.B.S. in the I.A.M.C. will get only Rs. 800.

Mr. President (The Honourable Sir Abdur Rahim): By matriculate, you mean European matriculate?

Mr. Frank R. Anthony: No, as between Indian and Indian.

Sardar Mangal Singh (East Punjab: Sikh): The basic pay of the Indian Army Veterinary Corps has not been increased at all. That is a definite distinction between one arm of the Indian Army and another. The War Secretary shakes his head but will he make it clear.

Mr. C. M. Trivedi: This revision of pay has been introduced in order to remove any feeling of racial discrimination between the Non-Indian and Indian In the Indian Army the basic pay of the Indian Commissioned Officer was no the same as the basic pay of the British Commissioned Officer. As a result this decision the basic pay of the Indian Commissioned Officer has been mad the same as that of the British Commissioned Officer. In the Indian Army Medical Corps this question did not arise because the basic pay of the Indian Officer was the same as that of British officer.

Sardar Mangal Singh: What about the Indian Army Veterinary Corps? No answer?

Mr. President (The Honourable Sir Abdur Rahim): I must hold that this motion is not in order as the statement of the Honourable the Government Member is that the basic pay is the same and there is no question of racial discrimination. It is merely a matter of administrative arrangement which cannot be discussed in an adjournment motion.

[Mr. President.]

unnecessarily harsh conditions of service of Indian troops in the Middle East and Italy as described in the article by the Special Representative of the *Hindustan Times* in its issue of the 6th April 1945".

Mr. Ram Chandra (Secretary, Defence Department): Sir, I submit that whatever the head-lines of the article in the Hindustan Times of the 6th April may be, the article really contains suggestions for the consideration of Government. For instance, it is suggested that more newspapers should be supplied, a different kind of entertainment should be provided, the quality of cigarettes should be improved, Indian soldiers when they return should not be asked to revert to the use of the turban and should be allowed to wear the beret and the hat which they have been wearing overseas, they should be given leave once every two years, and so on.

Mr. President (The Honourable Sir Abdur Rahim): Will Mr. Krishnamachari explain what are the harsh conditions?

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): When this particular gentleman representing the *Hindustan Times* interviewed the Commanders and the Welfare Officers in this connection they blamed India for letting down the men. They stated that the Government of India had undertaken the responsibility for the welfare and amenities of the Indian troops and naturally it is very surprising since we have been told all along that this is a matter in which the financial responsibility is really the concern of Britain. The article in question is not really in the nature of suggestions. It deals with grievances.

Mr. President (The Honourable Sir Abdur Rahim): What are the harsh conditions?

Mr. T. T. Krishnamachari: That the food is bad. The *atta* given to troops was old and weevil-infested and the *Chapattis* which this gentlemen tasted were abominable. There is a whole list of grievances rather than suggestions. If my Honourable friend reads only what suits him they might appear to him as suggestions. I think the House has to take some notice of it all so as to bring pressure on the Government to act immediately.

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

(As more than twenty-five Members stood up.)

The adjournment motion will be taken up at Four of the Clock.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon of 4th April, the time fixed for receiving nominations for the Standing Committee for Roads eleven nominations were received. Subsequently three members withdrew their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare Hajee Chodhury Muhammad Ismail Khan, Mr. K. Sitarama Reddiar, Raizada Hans Raj, Sir Abdul Halim Ghuznavi, Nawab Siddique Ali Khan, Pandit Lakshmi Kant Maitra, Major Nawab Sir Ahmad Nawaz Khan and Mr. A. C. Inskip to be duly elected.

THE BANKING COMPANIES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the motion that the Bill to consolidate and amend the law relating to banking companies be referred to a Select Committee.

Mr. K. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I was referring to the definition of banks in the Banking Bill, that its scope was very limited, and that it does not admit of banks which do not receive demand liability but only time liability. In Indian

language we are accustomed to call demand liability as current deposit and time liabilities as fixed deposits. We shall assume that there are certain banks which take only fixed deposits and give long term loans on them. These banks do not come within the purview of this Bill, nor are they included in the Indian Companies Act which was designed for this purpose. In the Indian Company Law there is no provision, as is insisted in this Bill for the creation of a reserve fund, no provision for a cash reserve, for assets, for inspection, etc. Therefore I say that the scope of the Bill ought to be enlarged. If the definition in this Bill is made as comprehensive as the definition in part 10 (a) of the Companies Act, that will serve the purpose or a new definition or a new chapter may be introduced to cover these in the present Bill itself. That is my suggestion: otherwise 600 and odd banks with a capital of over one lakh each will be excluded from the operation of this Bill and they are the banks which serve the villager and the poor man. Therefore the Bill ought to be amended suitably in the Select Committee.

I next come to the enlargement of the scope of the Bill so as to include within its purview indigenous bankers and indigenous banks. The Insurance Act refers to individuals, partnerships, associations, companies and corporations also. Why not this Banking Bill also refer to individual bankers, indigenous partners for corporations, etc.? That is my second objection.

My third point is, I do not know if the Imperial Bank comes within the operation of this Bill. I believe it does not. I do want that it also should come within the operation of this Bill, because it takes one third of the deposits of all the banks put together. That much so far as scope is concerned.

Now I come to money-lenders, money-lending and co-operative societies in the provinces. Money-lenders and money-lending are no doubt a provincial subject as was referred to by the Honourable the Finance Member but though they are provincial subjects and the Provincial Governments have taken every step to rectify the defects in the administration or vagaries of money-lenders, without banks to help the village population nothing could be done. Therefore banks have to be introduced in every village. Then alone money-lending will be controlled. Provisions have to be made in this Bill for this purpose also. Not that I do want that more power should be given but all that I say is that I want private money-lending to disappear from this country and for that purpose banks ought to be introduced in every nook and corner of this country.

Then, again, any number of restrictions may be placed upon the working of private banks but unless the whole banking system is nationalised, it does not serve any purpose. It will only mean a reform here and a reform there. Nationalisation may be a far off cry but till then I would ask that stringent provisions ought to be made wherever necessary and provisions ought to be relaxed, wherever necessary. But this Bill imposes restrictions where they are not necessary and removes restrictions where they are necessary. That is unfortunate.

Let me come to the provisions of the Bill. There are four important groups of sections: one relating to formation, another with respect to operation, a third with respect to supervision and a fourth relating to winding up or liquidation. First, with respect to formation, too much of capital is expected from the company. With respect to supervision the Reserve Bank has been placed completely in charge. In regard to winding up also the Reserve Bank is made the sole dictator. I want that the Local Government must also be co-opted in certain circumstances and I hope that in the Select Committee these defects will be remedied.

Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural): Mr. President, I wish to say a few words on this important measure which, I think, has been badly needed for a long time in the economy of this country. During the last thirty years I have had very detailed experience of the working and the failure of a few banks, I am talking of the bigger ones, with which I have been very familiar and I wish to give a short account of the

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conditions which led to these failures so as to enable this House to appreciate the provisions and the additions which are necessary to be made in that behalf.

The Indian Specie Bank was about the biggest bank and the biggest failure we have had in the city of Bombay. Throughout the course of its winding up I was associated with it, because I acted as counsel for the liquidators at the express desire of the winding up judge. One of the main reasons for the failure of that bank was that notwithstanding the ability of Mr. Chunilal Sariya who was one of the ablest bankers in this country, he allowed himself and the organisation which he was controlling to enter into the speculative market in silver. It is true that had he not died a fortnight earlier the turn of events clearly showed that not only would not the bank have to be wound up but probably it would have added a great deal to its prosperity, and from the point of view of money too a great deal of strength would have accrued to the bank. But whatever may have been the cause—whether it be accidental misfortune or otherwise—the fact remains that for a long period of time that bank had been going on, unknown to its share-holders, speculating in silver on a large scale in the city of London, a matter which means clever window-dressing. Therefore in so far as the banks here are concerned, if we are going to get real advantage out of the institution of banking in this country, great care has got to be taken to define the scope of the business of banking, which is attempted to be done by clause 5 of the present bill. It is quite clear that if banking companies are not strictly prohibited from entering into trade or speculation, I am afraid banking in this country will come to a very sorry pass, and for that reason I am glad that what is called "private bankers" in this country is not within the scope of this Bill. There are two reasons. One of them is that without this private banker or shroff the economy of this country cannot continue, particularly in the case of large rural and even small urban areas. At the same time if it were attempted to bring that large class, called by the very blameworthy name of money-lenders, within the purview of any banking legislation in this country, the administrative machinery would be taxed to an almost impossible extent, and the individual himself will not be able to carry on his trade. At the same time in the case of that kind of private banking it is difficult to dissociate or separate it from what may be called non-banking business, and it must be left, therefore, to him to and to the people who trust him by lending him money in their own turn, to bear the burden of the business which he does.

But, when you come to limited companies carrying on banking business which comes within the scope of this Bill, I think it is essential to remember that no business except strictly banking business is allowed to be carried on by those who fall within the purview of this Act. I therefore want to sound a note of warning as regards clause 6(r) which is dangerously lax. Among the businesses which banking companies are allowed to do occurs the following:

"any other form of business which the Central Government may by notification in the official Gazette specify as a form of business in which it is lawful for a banking company to engage."

I think it is giving a very larger charter to any executive Government, however highly representative it may be, to give such a power, because it has always an inducement to yield to importunities, and I do not desire myself that such power should be allowed to remain in this Bill, unless very strictly limited in some form.

Sir, the next bank with which I was concerned was the Credit Bank. One of the causes of its failure was undoubtedly the repercussion arising out of the failure of a large sister bank, the Indian Specie Bank, but the real cause of its failure was insufficient experience of banking on the part of those who floated and managed that bank. I am glad to find that in this Act the managing agency system has been abolished as a form of management for a bank. As has happened, what is likely to happen, is that in the inflation of today and the apparent prosperity of the time in the money market, a number of people as

promoters, may easily attract unwary depositors, and it is necessary to see that we do not put into the hands of those who are no fit to manage a banking concern this power. That, Sir, is a lesson one derives from that particular failure.

That, Sir, brings me next to another banking failure on a very large scale, and that is the People's Bank of Northern India. I have very great admiration for Lala Har Kishen Lal for his organisation of industry in the Punjab, and if he had only remained an industrialist or an insurer, he probably would have left a great name in the world of industry. The use of the People's Bank for the purpose of financing every concern in which directly or indirectly he was interested, was the real cause of the failure of this Bank, and I am glad to find that there is a provision in the proposed Bill which says that bank may not be used indirectly by persons who are traders in order to finance themselves, and great care has got to be taken to specify the provisions beyond the four provisions made in one of the sections—clause 8 of the bill—because it became quite clear when the liquidation of the People's Bank took place that most of the money was locked up, and that when the run came, it was impossible for the Bank to continue to keep open its doors.

There are provisions in this Act with regard to the maintenance of cash and reserves. There is, in addition, of course the advantage, if you are a scheduled bank, of support by the Reserve Bank if you are otherwise a sound concern. But it is important to remember that individuals in the name of bankers may utilise the reserves, may be their own expectations were good, their intentions may have been honest, and lock up long term money in a business without anybody understanding how a particular institution is being used. This is a matter on which great care is necessary, and though it is not directly germane to the subject, from what I have seen recently in the city of Bombay and the other places I have visited, I should sound a note of warning as regards the use that is being made of the reserves and funds of certain insurance companies. I shall say this: one has got to be very careful. Of course, there are provisions in the Insurance Act with reference to a certain proportion of the reserve being held in what is called approved securities, but nonetheless the growth of large funds in the hands of those who manage insurance companies has led to a temptation which ought to be guarded against. But for the moment to revert to the banking interests it is essential that unless it is well-known and well-undersood and unless it is a proper industrial bank, and unless its limitations are carefully understood, it should not be used as an instrument of what I may call financing of many other subsidiary companies in which the manager or the managing agent may, be interested.

Then the next banking company and the lesson to be learnt therefrom is the failure of the Travancore National Bank. It is a failure which has taught and I hope will teach many lessons in order that those who are engaged in the examination of the detailed provisions of this Bill will take care. The first and foremost reason was that it functioned both in British India and in a State, and the influence which these smaller States have though they appear small on paper, is out of proportion to their income, because it is a very narrow expense; the influence in this particular case of a difference of political views between those who were in the management of the State and those who were in the management of the bank was the primary cause of its failure. That bank need never have failed at all as was afterwards made clear by the Reserve Bank and ultimately in its liquidation by the High Court of Madras: but there is one other reason why I wish to take that as an illustration, so that when provision is made here one must be careful to see to what extent that provision is adequate and to what extent the matter must be left to international law. That is a provision to be found in clause 19:

"At the close of the last working day of each calendar year the assets in British India of every banking company shall not be less than seventy-five per cent. of its time and demand liabilities in British India."

Experience shows that in a country like ours where there is an amphibious feeling between banks incorporated in an Indian State and also functioning in

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British India or vice versa, the difficulties are very great in the course of liquidation, except by means of some form of reciprocal understanding, if the assets are not pooled; each State calling itself an independent State with the subordinate sovereignty of today which the Indian princes claim, there is almost a tug of war between the creditors in an Indian State and the assets in the Indian State and the creditors in British India and the assets in British India. There are provisions in international law; but they will largely depend, so far as its operations are concerned, on the good will between the courts of the two countries. Otherwise the pooling of resources becomes difficult, and therefore I wish to say that while to the extent to which the provision has been sought to be made in clause 19, I desire that the matter should be considered in greater detail in the time of the Select Committee, so that we may see that in so far as any banking institution works both in British India and in an Indian State the relations between the assets and the liabilities should be so adjusted so that we may not see the kind of ramp which sometimes arises under these conditions.

I am glad to be able to say before this House that after careful study of the provisions of the draft Bill it is perfectly obvious that though these particular instances may not have been before the draftsmen, they have tried to a large extent at all events to incorporate the provisions which the lessons of one's personal experience of the failure of large banks have to teach.

The next one is the failure of the Tata Industrial Bank; an extraordinary case of a sound bank failing. It failed under most curious circumstances. If there are agitators persistent enough to spread rumours every third or fourth day that the bank will not be able to meet its liabilities, you either precipitate the failure or make the management so utterly despondent that they agree to a voluntary winding up. That was the case of the Tata Industrial Bank to my own knowledge. It was indeed a sad reflection that a sound institution by mere clever manœuvring has had to shut its doors, because now at all events there is this satisfaction which in those days we had not, that in all probability if the assistance of the Reserve Bank were available, that bank would never have failed and ought never to have failed. But I see a provision made in this Act for the maintenance of what you may call the daily needs, as well as needs in an emergency to the extent of 25 per cent. of what you may call its realisable assets. Whether or not it is an adequate amount it is not for me to say. I do not claim to be an expert but it is a matter which must be examined because you will have to reconcile the two points of view. You will first have to see that the bank has enough assets to trade with; otherwise the bank has no real value of its existence, and that at the same time it is not so denuded of all that it collects that at a given time it is unable to meet its liabilities if there is a pressure. Some provisions have been sought to be incorporated, and I believe that the fate which overtook the Tata Industrial Bank will never be met by any sound concern in future. This much I wish to say with reference to the experiences that I have had of the failures of some of the larger banks in this country and of the lessons their failure taught; but after all I must rely on the limited knowledge that comes one's way during the course of a long professional practice.

I have next to say a few words with reference to clause 3 of the Act which says:

"Nothing in this Act shall apply to a co-operative bank registered under the Co-operative Societies Act, 1912, or any other law for the time being in force in British India relating to co-operative societies."

I desire that that clause should be amplified and I say this that in course of time it must be the duty of the Government, whichever is in power for the time being, that in addition to our co-operative banks which do to a certain extent serve rural areas and particularly the big agricultural community which is the largest in this country, there will have to be organised an agricultural bank, because without the foundation of some such institution studded all over the country and backed by the credit of the state, the condition of the indebtedness of the large mass of this country will never improve; for it is not enough to

restrict its credit without providing some means of being able to carry on. A great deal of our legislation has proceeded in the direction of cutting down indebtedness by putting restrictions in two ways: first putting restrictions on the lender in order that his bargain may not be unconscionable; and secondly, by putting restriction on the borrower by preventing him from alienations of different types—proceeding from an altogether prohibition of alienation and probably smaller restrictions as in the Punjab and other places by means of local legislation. But that is a very wrong way of dealing with the evil, because there are those everywhere in this world and particularly in this country who have to live, not only from hand to mouth, but probably on credit to a very large extent, and if that credit is not forthcoming, merely reducing his power to borrow only spells ruin. When you combine the two—restrain the

1 P.M. power of borrowing recklessly and restrain the cupidity of those who lend on unconscionable terms, unless you add to that some source by which he is able to tide over the period of his credit, you probably find that you have not met the evil at all and hence it is, Sir, that though it is in a negative form I do wish to call the attention of Government to the necessity of having legislation for the purpose of enabling agricultural banks to function with undoubtedly the support of the State to its credit. I do not desire that that institution shall be a private banking institution at all and it is for that reason that I am touching on clause 3 of this Act.

Clause 4 gives me a great deal of undue suspicion, undue because I wish to make allowance for my ignorance of not being able to understand why it is being introduced. That clause deals with the suspension by the Central Government on a representation made by the Reserve Bank for a period not exceeding 60 days the operation of any of the provisions of this Act either generally or in relation to any specified banking company. This is a question of the exercise of power and I am not at all of the view that in a legislation of this kind salutary restrictions should not exist. One must not always distrust some form of authority which has got to regulate business if it is going to conduce to public interest or public good, but at the same time I cannot myself see the necessity for a very wide and sweeping provision of this kind in clause 4; and I hope and trust that unless the Committee is perfectly satisfied it will see to it that in a light-hearted way the provisions of a very useful Act are not suspended. I have already dealt with, in passing, clause 6 with reference to the scope of a banking business but before I go to that I am by no means satisfied with the definition of banking which is to be found in clause 5(b) which says 'banking means the accepting of deposits repayable on demand'. By itself it is a very insufficient definition because there is no bank that I can think of that will merely receive deposits repayable on demand. A great deal of the business of banking is a very mixed one, apart from its lending side. I am now talking of its borrowing side and there are banks which hitherto at all events, until money became so cheap, would want it or which, until it became so plentiful, could not lend it, if they had it. Until that time arrived, my experience at all events, as counsel for many banks in Bombay, is that they used to accept the time deposits and the definition here is insufficient for this reason, but I do not like that it should lend itself to any misconstruction. I know that the word 'only' is not there but since it is not there, it means the accepting of deposits repayable on demand only but none the less standing as it does in that bald form I am very apprehensive as to its true application.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): May I know whether mills who borrow money would not come under that definition?

Mr. Bhulabhai J. Desai: I will answer that question. I have never known any such mill company as far as I am aware. Recently the mill companies in Ahmedabad have almost stopped taking private deposits. They generally rely

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on the banks with a view to maintain a certain amount of stock and borrow money on it from time to time but I am aware that until say 12 years ago the Ahmedabad mill companies had many crores of deposits from private individuals but they used to be time deposits. Whether the Bombay companies are borrowing monies in this form is another matter. I suppose the difficulty there would be to reconcile the definition in section 5 with the retrictive form of business in section 6. How you are going to work that out, it will be for those in charge of this particular Bill, because as far as I know any individual doing business who receives deposits repayable on demand would literally come within the definition of carrying on the business of banking and yet by a reverse process he could not carry on the very business in reference to which he takes deposits repayable on demand. How therefore the two things will be reconciled when it comes to drafting is a matter to be considered. In other words, the result which is intended to be attained is: a company incorporated under the Indian Companies Act which carries on no business other than that provided in clause 6 and receives deposits mainly by way of 'repayable on demand'. I would say even banks very properly carrying on the business of banks do receive deposits repayable after a time. (Interruption by Mr. Akhil Chandra Datta.) Anyway my Honourable friend is going to make a very exhaustive analysis of this and I hope we shall be able to profit by that. What I am attempting to make out is that there must be some connection in the Act itself between the definition in clause 5 and the restriction of business which a bank may do in clause 6. I believe my Honourable friends on the other side have enough talents and ability to be able to achieve the result which I am only trying to visualise. The result which has got to be achieved is this. The business will be restricted to what is found in clause 6 and in relation only to that business in regard to which you receive monies or deposits repayable on demand you would probably attain the result. I am only pointing that out because once the bank receives deposits and becomes a banking company you get into a difficult paradox inasmuch as it receives monies on demand and therefore it cannot do any other business than that mentioned in clause 6. How is that to work? Therefore you will have to reserve the process. You will have to say that no banking company could do business other than that provided in clause 6 and that any such company receiving deposits repayable on demand would be a banking company. It is only by combining the two conditions that you will be able to exclude what my Honourable friend asked me just now—the class of people who borrow monies for their own business, because literally any man borrowing money for his own purpose would be a banking company, if it is a limited company incorporated under the Act. That is, Sir, what I wish to say with reference to clauses 5 and 6. I have read a large number of opinions, but I must say none of them throws any light on this somewhat very difficult question.

I wish to say a few more things within the short time I have allowed to myself. I am not at all apprehensive about the misuse of powers given to the Reserve Bank in order that our banking may remain and be carried on on sound lines and on honest principles. I would certainly be careful, and I would ask the House to be careful, I would ask those of us, who have to lend some assistance that we can at the time of the Select Committee, to be careful about the powers we give to the Central Government. I wish to distinguish btween the two. It may well be said that the Reserve Bank is to a certain extent influenced by the Government, but that is I think a somewhat remote criticism. It is a shareholders bank, and I trust that those who are its directors will, apart from any influence, direct or indirect, which may be exercised upon them, still be sufficiently independent to see to it that the function of the Bank are carried out in a manner so that public interest would be served. But it is often said, "but, oh! how can you make a public statement of your liabilities or deposits or assets and so on". But those of us who are familiar with the working of banks in other countries, particularly in England and Scotland, know full well that in fact, the greater the publication the greater is the security for the growth of the bank. We have been accustomed from time to time to a system of supposed secrecy which is supposed to be good and that anybody trying, as it is called wrongly, into your affairs is doing wrong to you. But if a bank really wishes to attract customers, it will only do so when it publishes its weekly balance sheet of its assets and liabilities, as is done in the case of the Reserve Bank and the Imperial Bank, so that one knows what is happening. There are three functions which have to be discharged by a bank if it is to function properly and efficiently. As was pointed out in the Statement of Objects and Reasons, one—undoubtedly which was hitherto done by companies—is the protection to shareholders. The next that is sought to be done by this Act is protection to depositors. In addition to both these, there is the advance of the country also to be looked after. After all does it really matter if you protect the shareholders, and if you protect the depositors only? Why, do they alone exist in the economy of the State? They exist in the economy of the State, only so long as you extend protection to the public and the banks side by side with seeing that the country advances in commerce, in industry, in agriculture and so on. Unless all these purposes are served simultaneously there is no mere purpose in saying that a man who has paid his money is secure, the shoreholders who put the money in order to float the bank is secure. No, the larger and the over-riding purpose of a bank must be in its aggregate result, the advancement and increase of wealth of the land, so that a man may prosper better than he is today. With these words, I support the motion for referring the Bill to the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): The House will now adjourn for Lunch. Sir Cowasjee Jehangir will speak first 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, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Sir Cowasjee Jehangir: Sir, the Leader of the Opposition has given us a very lucid exposition of the many failures of banks during the last 25 years—if not in the whole of India, at least in my unfortunate province. He then went on to explain the lessons that we ought to have learnt from these failures. I can only say that if we had really learnt all the lessons that he himself as a leading Counsel in my part of India had learnt from being associated in his legal capacity with these failures, then such a Bill as this might not have been required. But it is because our memories are short, it is because we go on repeating the same mistakes that we made in the past—mistakes which cost not only the shareholders but the public at large, the whole commercial community in India, loss and a great commercial shock—that such legislation is necessary. And I think he tried to argue—a point with which I am in complete agreement—that this legislation is by no means too early. We are again facing times such as we faced after the last war when many of these catastrophes took place; and if this Bill, when it becomes an Act, can in any way help to avert such catastrophes we shall have done a very good piece of work.

Another most gratifying aspect of the speech of the Leader of the Opposition was its conservative character. The banking business is an essentially conservative business and there is not much room for imagination, for experiments or for short-cuts to large profits. If any of our friends in any part of India propose going in for banking or who are already interested in banking believe that this class of business will lead to large profits in a short time, not only are they mistaken, not only are they likely to be most disappointed but—much worse—they will cause great disappointment to large numbers of other people. And therefore I would commend to this House the very conservative nature of the speech that has just been delivered. If I had ventured to make some of the criticisms that were made by my Honourable friend, some of my Honourable friends would have accused me of a desire to kill

placed before these committees the entire situation as to the financing of agriculture, commerce and industry, and the conclusions which were reached were very weighty conclusions except for a difference between myself and my colleagues of which I shall speak a little later. No less a man than Sir B. N. Mitra, who is the only Indian who has held the high office of Finance Member, was the President, and Sir Purshotamdas Thakurdas was the Vice-President. I am mentioning all these things, Sir, because I really do not know why this Government has chosen to ignore the considered recommendations of this committee not at one place but at several places as I shall point out.

This Bill is really Sir George Shuster's baby which he left as an orphan. Sir James Grigg did not do what he should have done with it and, I am afraid, I cannot congratulate the Finance Member with having paid proper attention to this Bill. As my Honourable friend, Mr. Avinashilingam Chettiar, said this is a 'Policeman Bill'. In other words, there are only the controlling clauses. Where are the other clauses by which you will help, guide and assist banks? My Honourable friend, Mr. B. Das, referred to what he said 'the confidence trick' at the time of Sir George Shuster, namely that many assurances were given in the Bill, many others were given outside and some of those assurances at the time of the Reserve Bank Bill have not been carried out. This Bill bears the mark of neglect; it bears the mark of correctness according to small men with small minds in the Secretariat, but it has missed the very big problem and the very big point which the Central Banking Enquiry Committee went into, and I am very sorry that that should be the case.

Sir, it is not merely the neglect which this Bill has suffered, but there are signs that major influences of European banks and larger banks have been responsible for the form in which this Bill has come to us and for the major departures from the recommendations of the Central Banking Committee. Sir, banking in India is fortunately more varied. It is not as in England where the four great banks practically control the entire field. We have got banks of different sizes and resources, we have got the problem still of the hoarding habits amongst certain sections and we have difficulty with regard to cheque habit which we have to introduce among many sections.

Sir, the principal object of this Bill has been mentioned by the Finance Member as the protection of the depositors. Now, the Honourable the Leader of the Opposition pointed out this morning that the principal object is not either the shareholders or the depositors, but the welfare of this country. After all, money in the bank is idle money so far as many people are concerned which they do not immediately need. It goes to the bank; the bank is merely the machinery for the active utilization of this money by the producing sections of the community. In what manner and to what best advantage of this country will this money reach the producing sections? That is the problem. The problem is not the protection of the depositors. Anyhow it comes with very bad grace from this Finance Member and this Government to say that it is for the protection of the depositors. By the artificial enforcement of low money rates, the depositors in this part of the world have been practically ruined. They are receiving now no interest on current accounts or it is about ¼ or ½ per cent. They are receiving very low interest on fixed deposits and it is the banks which have benefited at the expense of the depositors because the margin between lending and borrowing rate is very high. Where was this Government now trying to protect depositors when they themselves deliberately enforced a low money rate policy which, as I have said, at the expense of the depositors had enriched all the banks. Even that reference about the advantage to industry, commerce and agriculture, which was the principal problem before the Central Banking Enquiry Committee, has trickled down in this Bill in clause 20 in which it is provided that the Reserve Bank may ask for information—*may* ask, mark the words—as to advances made to commerce, industry and agriculture. That is the progress which we have made in fifteen years! Half a generation has gone and

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this matter has been neglected. There have been these delays, I urge, entirely due to pressure, due to pressure from quarters which do not want this Bill. Even now the Chairman of the Bombay Chamber of Commerce very clearly points out that they are not in favour of this Bill. "It was the Committee's conviction that they would be positively harmful as regards our business without conferring any benefit or at least any commensurate benefit on any other section of the public", he says. In other words, they do not want this Act. They do not want a separate banking law; they do not want any controls; they do not want even the assistance which I am going to urge in the course of my remarks as essential accompaniment of the Bill. When you put limitations, when you put penalties, when you put restrictions, you must accompany such controls, restrictions and penalties by assistance and guidance and help to those for whom it may be necessary.

Now, Sir, there were other problems before the Central Banking Committee. There was the problem of the money market as a whole: there was the problem of creating a Bill market: creating rupee bills: creating intermediate securities: warehouse receipts: problem of supporting and bringing into existence influential bill broking houses, discount houses, acceptance houses: the question of progress of banking service as a whole and consolidation of banking. There was the protection of Indian banks against foreign banks and of small Indian banks against the bigger Indian banks. All these problems have, I am sorry to say, have been neglected both in practice and in the policy of this Government and the Reserve Bank and in the course of this Bill which has been brought in, not received sufficient attention and not received the place which they should receive.

The principal necessity for this country is that we should have a proper central controlling authority. Control of these matters must be with some people, and in this Bill I find that they are placed with the Reserve Bank. Many sections give the Reserve Bank authority, power, consultation, action. These clauses are 9, 14, 17, 18, 19, 20, 21, 22, 23, 24, 37, 38, practically all over the Bill. In other words the controlling authority and additional powers have been given to the Reserve Bank. The Bombay Chamber of Commerce wanted this Bill to be called the Reserve Bank Amendment Bill, which in my opinion also should have been the proper name. Then it would have enabled us to amend some sections of the Reserve Bank Act and bring that great institution into line to discharge the functions which we expect of it. You want a central controlling authority commanding confidence but the Reserve Bank itself is very deficient in this matter. In the preamble of the Reserve Bank Act, the only purpose which is mentioned there is "with a view to securing monetary stability in British India and generally to operate the currency and credit system of the country to its advantage". This is a very feeble outlook for a principal apex institution and it is an outlook which has not hitherto proved sufficient.

In contrast, let me read the object of the Reserve Bank of Australia. It was introduced to further the Commonwealth banking policy. At the same time section 8 defined the functions of the Commonwealth Bank as follows:

"It shall be the duty of the Commonwealth Bank within the limits of its powers to pursue a monetary and banking policy directed to the greatest advantage of the people of Australia and to exercise its powers under this Act and the Banking Act of 1945, in such a manner as in the opinion of the bank will best contribute to (a) stability of currency of Australia, (b) maintenance of full employment in Australia, and economic prosperity and welfare of the people of Australia."

These are functions which I should like the Reserve Bank to have at the same time that they have all these enormous powers given to them under this Bill. The Reserve Bank at present are Government bankers. They issue notes and they are the custodians of the bankers' reserves. These three functions they are performing in a routine manner. But they should be also the controller, regulator and supporter of sound banking. It is in connection with this that the Reserve Bank would not only have to expand its staff, but it would have to create an All-India Curator of Banking, and a Curator for every province. Such a Curator would take care of the tendencies and difficulties which provincial types of banking may have and he will have to see which of

them are sound and which of them are unsound. Those that are very unsound and beyond redemption, he would have to cancel. I want the Reserve Bank to have these large powers but I want them also to understand what is expected of them.

Now, Sir, the Reserve Bank has failed entirely as an instrument of national policy. It is not a national institution as it stands. Over and over again we have been told that the Reserve Bank are the financial advisers of the Government of India. When it suits the Government, they shelter behind the Reserve Bank and when it suits the Reserve Bank they shelter themselves behind the Government, and between the two it is the public and the taxpayer who are victimized and penalized. This claim of the Government of India that the Reserve Bank are their advisers is a fraud. I would like to read from the latest issue of the Eastern Economist in connection with an issue to which I will revert presently. With regard to the printing of notes, with regard to the issue of additional notes, with regard to the taking of sterling to the United Kingdom, with regard to the holding of it in the form of cash or investment—whether it is cash or investment not being explained—this paper says:

"It is no secret that some at least of the Reserve Bank Board objected to this method and desired that a more direct agreement between Britain and India should be arranged. Had this been done Britain would at least have had some regard for India's opinion. Sir Jeremy Raisman has repeated several times in recent months that inflation was inevitable in war. But it is all a matter of degree."

Even the advice of the Reserve Bank Board, as the Government has told this House, has not always been taken. Is the Reserve Bank at present controlling properly? Is it assisting institutions? Is it organising or guiding banking on sound lines? It is doing nothing of the kind. It is just a Government department. That is not what we want.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): And a black market for the sale of foreign gold!

Mr. Manu Subedar: Yes, a black market for the sale of foreign gold to the advantage and profit of the foreigner. We were told that it is desirable to keep the Reserve Bank separate from the Legislature. It is for this purpose that the Members of the Legislature are not permitted to be members of the Reserve Bank and *vice versa*. But is there any particular charm in the constitution of this Bank? How are the holders of its five crore capital separate from those who hold fifteen hundred crores of other rupee securities in this country? They are in the same position. In other words, why should we expect that from a particular lot who is holding these Reserve Bank shares a better efficient or patriotic class of people would turn out than any other. That is an expectation which is absurd to start with.

With regard to the Directors, four are nominated by Government. The Governor and Deputy Governor are appointed by the Government. They are Members of the Board and eight people who are selected. But who are these people? Some of them are good. But are you sure that their children will be good? They are cornering the shares with a view to becoming Directors, they are busy-bodies. They are public men with a different purpose than the purpose which we would have, if we could have two Directors of the Reserve Bank appointed by this Honourable House of the Legislature. How do we secure at the hands of these Directors of the Reserve Bank a national economic policy good for this country? How do we make sure that it will not be influenced either by their private interests or by other influences to work against the interests of this country, or, at all events, at least to tolerate injury to India. These men have been tame Indians, puppets in the hands of this Government and they have tolerated a policy at the hands of this Government during the last five years, which no self-respecting Indian should have tolerated for one day. I maintain this: that the Reserve Bank has therefore entirely failed us as a national institution.

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Reference has been made to I.C.S. control, I have no objection in general to I.C.S. control, much less to these two members of the I.C.S. who are in

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the Reserve Bank. They are both personally known to me and they are friends of mine. That fact does not make me blind to this. By what process are we to be assured that these gentlemen will be imbued with the same keen feeling, with the national feeling for the apex institution so that it would take care of the true interests of the people of this country, it will take care of the interests of agriculture, trade and commerce of this country and it will push them forward, it will support not only the currency and credit of this country in a sound manner but it will always be the watchdog of the economic interests of this country? How do we secure these things when the institution claims to be a private institution. These gentlemen can rightly claim that so long as the share-holders are satisfied, so long as the directors are satisfied, it is nobody's business what they are doing. I would not be able to dispute that. But I do feel that something is radically wrong with this institution and since we are giving very large powers to this institution, we must also insist that it should be brought to the awareness of the importance of those functions, which central banking institutions everywhere in the world are carrying out and we must tell all who are concerned, including this Government, that we want in our country a bank which will play the same role as the Bank of England with regard to England and as the Federal Reserve Bank in New York.

The Reserve Bank of India has failed to develop the mechanism for the advancement of agriculture, of exchange banking and of the financing of industries. The Reserve Bank has failed in the matter of indigenous bankers and is working only as a bureaucratic Department rather than a pivot or fulcrum of national economy. If we place some definite obligations on the Reserve Bank, if we ask them to help small banks, if we ask them to incur some expenditure, if we ask them to institute the necessary staff, it is not that we are throwing the burden of a private institution. I would ask the Reserve Bank to take some risks in developing the functions which have been entrusted to them under section 17 such as discounting trade bills, pronotes signed by scheduled banks and others and if I ask them to take some risks, it would not be their risk, because the Reserve Bank is an institution, of which the surplus profits come to this Government. Last year they gave this Government, if I am right, about 7 crores. It is therefore legitimate for us to expect of the Reserve Bank the taking of risks also, where it is risky, the engaging of the necessary staff and the assuming of the functions of advising, guiding and helping the small institutions in banking in India even with finance at some cost, it may be, because I maintain that the cost comes out of the Government. It is coming out of the surplus profits of the Reserve Bank which come to the Government treasury.

Coming back to the Bill, may I say what a hash they have made? The Finance Member spoke only of big business, of small banks, as if that was the only classification. That is not so. We have got first Indian Banks and non-Indian Banks. Among non-Indian Banks we have got British, foreign and Banks of Indian States. Then there is the Imperial Bank of India, the Indian joint stock banks—big and small. Then there are provincial institutions like loan offices, Nidhis and chit funds. We have also the Postal Savings Bank, the Co-operative Societies and the indigenous banker. My submission is that the law should be the same for all banks, that no matter what their other characteristics may be, the basic law should apply to all and the basic license as required by the Central Banking Committee should apply to all of them. There are banks of other classification—the scheduled banks—over which large powers have been given by section 42 of the Reserve Bank Act. Then there are the banks which commence their business hereafter and there are the banks which are already in existence. Then according to the Bill there are banks which hold licenses and there will be new ones and old ones which are already operating holding licenses. All must be registered and must be controlled. All should have the privilege of guidance and help, and not merely the scheduled banks. It is true that the big ones do not want help but when you are making the law, say for the control of hetels in New Delhi would you merely say that the Hotel Imperial and the Marina Hotel being well managed institutions do not need any interference and therefore there is no law necessary. You would have to come down to the smallest and frame your law according to the requirements all round. Therefore I say that this pressure from the big banks, the pressure from the European banks that this law is not necesssary, that the control should be superficial and not deep, I say that this pressure should be resisted, that we should make a law which will serve the country in good stead for many years. Even this Government has taken after the very comprehensive enquiry, as much as fifteen years to bring up this Bill and it is a pity that they should have brought it in this sketchy and unsatisfactory manner. I submit that there should be a common license for all and that sections 11 and 17 should be so recast that it is a common license for all and the conditions of the license according to the category of these people would be applicable with regard to capital structure, accounts, audit, sending of returns, cash reserve liquidity, maintenance of assets in India, etc. The Reserve Bank's record of the last ten years has been in my opinion extremely poor from many points of view and in no direction less poor than with regard to section 55 (1) (a) and (b), which requires of them certain services to be done. I will come to that when speaking on indigenous bankers.

In their issue department the Reserve Bank has been a mere blind and dead instrument in the hands of this Government. It was their duty to resist the issue of notes in the manner and for the purpose for which it has been done. On the banking side they have failed, as I said, to develop their obligations under section 17 (2) with regard to trade bills and entirely with regard to rediscounting. Sir, the linking up with the Imperial Bank who are the agents of the Reserve Bank is suspect. It was the universal opinion in this country that this linking up was not right, and that other banks who do equally good work and who are equally qualified, should be given an opportunity to serve as the agents of the Reserve Bank. This aspect of public opinion still remains unsatisfied.

Then, Sir, with regard to foreign banks, the Reserve Bank has not got any control over the market, it has no control over these big institutions which have come into existence before the Reserve Bank, and which are functioning in a very large and imperial manner in this country. The Reserve Bank has not even got, according to my knowledge—I speak subject to correction—a branch in New York.

Mr. Ram Nath (Government of India: Nominated Official): No, there is no branch in New York.

Mr. Manu Subedar: Now, Sir, anybody who knows anything of finance and who has been watching the situation as it develops in the world, knows today, that London has ceased to be the financial centre of the world. It is definitely New York which has become the financial centre of the world, and that all the world should run to America—to Bretton woods—San Francisco—Dumbarton Oaks—and that Great Britain should beg on its knees the United States for financial assistance with regard to post-war period, is a very significant thing. Yet, this premier institution claiming to be the Central Banking institution of this country has not got a branch in New York. The Honourable Finance Member told us that His Majesty's Government had very generously—His Majesty's Government take away all the dollars that belong to us and then return a few—that His Majesty's Government has very generously promised to give us 20 million dollars, and that this 20 million dollars will remain at the credit of the Reserve Bank in the Bank of England, London. Sir, this is most extraordinary.

Mr. Ram Nath: May I point out that, according to the usually accepted practice, central banks do not have branches outside their own countries. For example, the commonwealth Bank of Australia has no branch here, nor has the Bank of England a branch here. Central Banks usually employ the central banks of other countries as their agents in those countries for any business

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they may have there. That was the generally accepted position when the Reserve Banks Bill was drafted.

Mr. Manu Subedar: You may not have a branch, but could you not have an account with your agent in New York? Should we allow this 20 million dollars to remain in the doubtful pockets of His Majesty's Government? Could we not have it in our possession with our agent in New York in our account? That, Sir, is a legitimate demand.

My friend will doubtless have plenty to explain when he gets on his legs, but let me put one more sin at the door of the Reserve Bank before I go on to my next point. That is with regard to sterling. They have been, as I said, instrumental for an excessive issue of notes, but having done this, they have kept the whole of this sterling in the United Kingdom. What is this sterling? When we ask the Government of India—will you tell us how much it is, where it is, how it is invested, they say they do not know because they claim that these funds belong to the Reserve Bank. If that is so, may I know whether it is in cash or whether it is on loan to England. If it is cash, it is absolutely unintelligible as to why I cannot withdraw from my bank as much cash as I have put there. If, on the other hand, it is blocked cash, at what time and in what manner it has become blocked. That we were never told, though repeatedly questioned.

Then, Sir, there is a clear loss of interest. There is between 1,300 to 1,400 crores of rupees worth of Indian money lying in England at little or no interest at all. I reckon that India is losing about 20 to 30 crores of rupees a year by way of interest all this time. Therefore, I say that the Reserve Bank has not done its duties entirely to our satisfaction, and I hope—I am not saying this in order to pull them down—that they will be watchful and mindful of what we are saying and try to adjust themselves to the requirements of a central institution of a free country.

Now, Sir, I am of the opinion that once we have got a proper central controlling authority in whose functions and in whose constitution we in this Legislature have the fullest confidence, we should not hesitate to give them power. I would go further, as I have done in the case of the separate and minority report which I was obliged to write for the Central Banking Committee and say that supervision of opening of branches and closing of branches should be also in the hands of the Central Bank.

We are talking already of a major plan for the post-war world. Can any plan dealing with industry, agriculture and commerce be put through without finance and a suitable banking machinery behind it? And yet I am afraid my friend Sir Ardeshir Dalal is entirely innocent of these problems, and in all the Planning Department papers, as far as they have been produced so far, I find no place whatsoever given to banking at all, and I really do not know how and what part and which banks are going to play, and what particular part the Reserve Bank as the central institution is going to play with regard to the post-war period.

Sir, as I mentioned before, Sir Bhupendra Nath Mitra, Sir Purshotam Das Thakurdas, Mr. N. R. Sarcar, Sir Shanmukham Chetty and many others—these are the only persons I shall mention at the present moment, and they were moderate men on the Committee in the entire confidence of Government, recommended that all banks should be licensed. And yet this Government, in framing their Bill, have gone out of their way to ignore recommendations of these people, for what reasons they have not explained. There was not a word in the Finance Member's speech explaining this and I call it nothing short of an affront to this House that he should not have clearly stated what he has done with the principal recommendations of the Central Banking Committee, on whose report this Bill is based and why these have been departed from.

Sir, not only should the Reserve Bank have powers of supervision with regard to opening of new branches or expansion, but also with regard to acquisition of small banks and also with regard to amalgamation. Some times

these things are good for the institutions or for the country, and some times they are not either for the institutions or for the country. It must not therefore be done mechanically as now, that is, we must not let anybody acquire anything at any time, no matter what the consequences to the country may be. That anarchy should end, and I hope we shall sufficiently revitalise this Bank, which is the proper central authority, in order to place proper powers in its hands.

Now, Sir, I will say a few words with regard to the Imperial Bank. The Imperial Bank is truly imperial. First of all, is there any reason for a special act, is there any reason for a special law? Would you permit a millionaire to say that he wants a different law and make a special act for him? Sir, I know there may be historical grounds why they have this Act. In my opinion, all these grounds have now disappeared, and the time has come when the Imperial Act should be repealed at the earliest opportunity, and they should be requested to register themselves as a joint stock company under the law of the country. It is said that the Imperial Bank being Government bankers and being agents of the Reserve Bank have very special limitations imposed upon them; but these limitations are upon them not because they are a bank but because they are agents of the Reserve Bank and they are the custodians of Government finance. It is part of the agreement and while the agreement lasts such restrictions as you wish to impose on them might well be imposed. There is however no reason why they should enjoy this big privilege of a special Act and Charter which gives them a right to do various things, differently from other banks. They are the most favoured bank in this country; they are not, I am sorry to say, sufficiently Indianised with regard to their staff, and more particularly with regard to their outlook; and I should very much like to see the day when this institution will play the proper role. This bank has in the past not acted altogether correctly. It was this bank which was financing the Japanese firms so freely so that with Indian money they could go to the fields and buy direct. The elimination was that of the Indian middleman, to the great disadvantage of the cultivator, because the Japanese, while they were trying to buy in the interior, hammered this market and reduced the price of cotton and they did all this, I maintain, through the assistance of the Imperial Bank of India. With regard to the opening of branches which the Imperial Bank took on at one time as almost the only means of extending banking in this country that obligation has also lost significance. The Imperial Bank is, I believe, now curtailing some of their branches; but in any case we have got new banks and branches galore; and we do not now need these. Therefore all special rights and privileges of the Imperial Bank should now be terminated, and it would be a great advantage to this country if this was done at the earliest opportunity. It was expected of the Imperial Bank at the time of the Central Banking Inquiry Committee that they would function as an exchange bank—I believe they have got an office in London; but I do not know whether they have launched themselves out sufficiently in the exchange field; but if they have not, then certainly they have belied one of the great expectations which was made of them at the time of the Central Banking Committee when the present managing Governor of the Imperial Bank was one of our colleagues.

With regard to these exchange banks, the name of exchange bank is a misnomer: they are no more exchange banks only; they have got branches in the interior; and I have never been able to understand a country which would permit a foreign bank first of all to come here—I have never been able to understand a country which would permit a foreign bank not only to come in at the ports but to penetrate right inside and establish branches and to do internal banking business for the people of this country. These institutions are big and powerful—the most powerful among them being the Lloyds Bank, which is one of the biggest banks in the United Kingdom; with their experience and with their personnel and with their superior power they have got the ear of this Government. In every matter they are competitors who have always given trouble to Indian banks. It is well known—I am talking of twenty five years ago fortunately, because now the Indian banks are strong enough to

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defy these exchange banks—but 25 years ago, it was well known that the spring of all the rumours which caused runs on the Central Bank of India and even on the Bank of India at one time—two of the biggest Indian banks today—was from the exchange banks. Sir, these banks have prevented the growth of the rupee bill market in India. This is the only unfortunate country in the world in which everybody who sells to us sells in pounds, everybody who buys from us buys in pounds—in other words, there are no rupee bills. If there are no rupee bills, there is no rupee bill discount market and therefore your money market is entirely undeveloped. This great injustice to this country from the continued operation of the exchange banks in the last thirty years is one which will be remembered in future and which it was attempted by the Central Banking Committee to cure—but in which I am sorry to say the Reserve Bank has completely failed to realise its obligation. These British banks have helped British shipping and British insurance companies. They have made it impossible for shippers to use Indian companies; they have made difficulties with regard to shippers and to borrowers to use the services of Indian insurance companies, to the disadvantage of this country and that is one our grievances. They do not always keep their funds which they raise in India in this country; it was notorious in fact at one time that they took enormous amounts of cheap deposits from this country and took it outside this country, to the Far East and earned very much higher rates of interest that were prevailing there.

Now, my friend Mr. Krishnamachari said the other day that I was opposed to the system of licensing, but he omitted to say what I wanted. When these foreign banks come here they do not bring much money or material to this country: they raise deposits in this country, deposits belonging to the Indian people. These deposits are placed there at a cheap rate and they are lent out to European firms at a cheap rate—European firms who are competing against our traders; and by this competition not merely our bankers suffered; it was not merely the Indian banks who were the victims of this unfair competition which they were enabled to inflict by means of Indian money; it was the Indian traders and the Indian businessmen who also suffered: the Indian businessman when he went to his bank had to borrow at a heavier rate because the Indian bank in its turn had to pay a heavier rate on deposits. The English businessman when went to the exchange bank was able to borrow one or two per cent cheaper and lower. This perpetual favoured position with regard to the money rates in favour of foreign business in India has been a feature of the life of this country for the last thirty years, and this is the thing which I wanted to destroy. I had the precedent of no less a country than the richest country in the world namely United States of America, which is prohibiting any foreign bank from establishing branches in America and borrowing there. You can have a branch in America and take your own money there or lend; but you cannot have a branch in America and raise deposits: they are prohibited even from becoming trustees. So strict is the vigilance of the American people that not one dollar of American money will be used by foreigners against American trade in America itself. This is the unfortunate position in which this country is. This was the major point of difference between my colleagues and myself on the Central Banking Enquiry Committee—there were no other major differences. Were they or were they not for prohibiting foreign Banks (including British Banks) from raising deposits in India? If as I wanted only banks registered in this country can raise deposits in this country, then there was no question about licensing foreign banks, because the registration business would have brought every institution under the operation of all the laws which applied to banks, and there was no need to license the foreign bank who could lend but not barrow in India. But you cannot do this while these sections were there—against which I made my humble fight the other day in this House: you cannot do this while the discriminating sections. 111 to 121 of Government of India Act exist. Therefore I say that the next best thing which was unanimously reported by the Central

Banking Inquiry Committee, presided over by the only Indian who has held, though for a very short time, the office of the Finance Member in this House—it is surprising that this Government should have rejected, and rejected without any explanation to this House the unanimous recommendation to them of a license applicable to all banks.

Now, there will be other foreign banks also, banks from other countries, such as Portuguese, Japanese, French and American; and indeed the reciprocity clause which is put in here is very clever though unsatisfactory. There is a very important American Bank functioning in this country, the National City Bank of New York. Being an existing bank, it would not come under the license, but otherwise it would come.

Now, Sir, we are all running to American conferences—to San Francisco, to Bretton Woods, to Dumbarton Oaks and so on and so forth. Have we considered the full implication of doing something so serious—so as to penalise an important American Bank or others that come hereafter—with regard to United States of America? I am sure as I mentioned at the beginning that this Bill has not received proper consideration from the quarters which should have given proper time to it.

I want to speak a few words with regard to the Indian States. I have never seen such an enormity of error as I see with regard to the treatment of Indian States in this Bill. The Indian States are regarded as foreign! The Indian State Bank is grouped with the same institutions as if it came from Portugal or France and further as if it came from Germany and Japan as they may be after the war has ended! Is this the treatment and the consideration that we give to territories which are contiguous, with which not only social and economic but even political relations of this country are of a peculiarly intimate kind. Have we not as British India profited in the past, enriched our money market at the expense of these Indian States who came down to Bombay or Calcutta to buy securities and to send their money on deposit? Have we not profited? Have they not welcomed your banks in the past when they had no banks of their own? Has not the Imperial Bank so many branches in so many Indian States functioning profitably for so many years? Is this the kind of treatment which we want to accord to banks hailing from the Indian States? I know there are practical grounds which will be put forward in justification of what is being considered and we shall at least go into those practical grounds. I will mention one or two of them. For one thing, if the Reserve Bank can act as a Reserve Bank for the territory of Burma, is there any reason why the Reserve Bank cannot act in this capacity to all the Indian States. Has the Government ever made a proper approach to the Indian States to get them to accept the position of the Reserve Bank as such and also to accept and to adopt similar banking law in their own territory which would render entirely unnecessary the kind of humiliating treatment which we propose to give to them. The Government of India when it suits them regard the Indian States as subordinate and as *patti* in their own hands. For the purposes of this House and when it suits them, they regard them as absolutely sovereign and independent powers, so sovereign and independent that their banks must be regarded as foreign when they come to British India! It is high time this absurdity is ended. I understand the practical difficulties in the event of liquidation, namely, the difficulty with regard to the jurisdiction of the respective High Courts in Indian States and in British India. I am sure this is an issue which could be easily settled. If any bank from an Indian State is anxious to establish a Branch in British India, it should not be difficult for that particular Indian State in respect of that bank to accept the position that the High Court in British India will operate in the event of liquidation and also that assets both in the State and outside the State would be equally divided. It is true that some unfortunate difficulties with regard to these assets had occurred with regard to the Travancore Bank but one swallow does not make a summer and I would request the House to put it on the highest ground. In the relations between British

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India and Indian States, there have been many gives and takes. The Indian States are paying customs and railway revenue. They are bearing enormous other burdens which come to the pockets of the British Indian treasury for which there is no visible return. Having regard to the fact that our banks have worked there in the past and that their monies have enriched the Indian money market all these years, it seems to me really most extraordinary that this Government should have so thoughtlessly tried to inflict on them a humiliating position, grouping them with all foreigners and with everybody who may be an ally or even who may have been an enemy.

If a bank working in an Indian State came to British India and took out a license which I have suggested, then it is very easy. In the case of those States which do not agree to adopt similar law and to accept the Reserve Bank's authority, branches of those banks hailing from those States would have to come under the operation of clause 19 with regard to the assets in British India as part of the license given to them, as one of the conditions imposed on them with regard to those licenses.

I would like to speak a few words with regard to the Indian joint stock companies. Considerable progress has been achieved in this country and we have not only a few new banks, small ones but we have also a few large ones. Many new branches have been opened, and as I said banking has prospered at the expense of the deposition and on account of the heavy differential rate between the borrowing and the lending rate. The result is there. Numerous new banks and more branches have come about but this development which we rejoice at from one point of view brings up immediately large problems some of which were referred to by the Honourable the Leader of the Opposition. It raises the evils of interlocking finance. With regard to the indigenous banker, the Finance Member told us the anxiety of Government to separate trading from the banking functions. How can you insist on separating trading from the banking side with regard to the small men when in the interlocking system a man can buy insurance shares with banking funds and bank shares within insurance funds all on system of margins—and he can use the funds acquired by both these operations for his private gain. I am not sure how far the clause which we have in the Bill—and very rightly—restricting advances, would operate to check this evil. It should in my opinion not be modified as the Finance Member suggested but strengthened because no company today could claim that they are unable to get the necessary advance, because the number of banks is very large. If one of their Directors is on the board of one bank, they can go to another bank, if they have got proper assets and credit. Therefore I do not think there is a grievance, unless you come to this, that we have got vicious system of multiple directors. I know in Bombay there are persons who are directors of a hundred companies! Is it physically possible for anybody to know the affairs of or supervise the concern of a hundred companies? Is it possible to be familiar with one hundred different kinds of trades and activities? Is it possible to give the necessary time to these companies and yet we have this vicious system, in which these self-appointed leaders of the public companies are multiple directors. The cure for this is to prevent a man from becoming a director of not more than a stated number of companies. It may be 6 or 12. Somewhere or other you will have to draw the line and after that it ought not to be very difficult. What has happened is that various groups of people are dominating banks as well as other businesses and this dominance creates the same problem as the mixing up of trading and banking in the case of the indigenous bankers. In other words, according to the strict letter of the law, a bank is a bank but according to the direction and control exercised from inside it may be an institution indulging not so much in banking alone as in other prohibited activities.

Sir, we have the problem also with regard to under-writing; dealing in shares is one of the permitted businesses of the banks. If that is so, how can a bank undertake under-writing if the number of shares which a bank can

acquire in any one company is limited. Therefore, this is also something here which we will have to see. I have already mentioned about amalgamation. There again large banks will be looking out for small banks in the same manner as insurance companies. This amalgamation is not a new idea. It has occurred in U. K. par excellence during the last thirty years when small banks have been absorbed. Where they refuse absorption, there is unfair competition by the big one, which opens a branch next door and makes advances and gives terms and conditions which are so extremely favourable that the small banks, however efficient they may be, have to close down in due course. This game has gone on at the expense of the community. I want the Reserve Bank to take powers, which we shall gladly give them, to see that amalgamations are not forced, to see that competition offered is reasonable and to see more particularly that the powerful ones do not try to edge out of existence the small or the moderate sized institutions. With regard to the moderate sized institutions and the small ones, my suggestion is this and this is what I would like to be brought into this Bill as well as brought into the policy of the Government by means of negotiations with the Reserve Bank. We give you control. I would tell the Board of the Reserve Bank, we give you control, we give you extraordinary powers, we also impose on you the obligation to help small institutions, to guide them, to make them survive, if they are capable of surviving. As I mentioned, we would have to have a provincial Curator—that is the term used in Canada with regard to the officer who has control over banks. This provincial Curator will take note of the activities of banks in that province, particularly the moderate and small sized banks, and those that are, after warning, incapable of coming up to the required standard will be weeded out, they may be permitted to die out, if they cannot come up to a certain standard, but with a little genuine effort and with an outlay of certain funds by the Reserve Bank, even at some risk, to help the banks, in some cases, it would go to improve an individual institution. In other cases, the Curator would bring about matching and amalgamation of small banks into one consolidated and healthy body. These are the things which are necessary. You may call it spoon feeding, if you like, but our country has a large variety, from the direct poverty of the humble villager to the riches of a Nizam. This is how wealth is distributed in this country, and the same contrast applies to banking institutions in particular, I am concerned with those which call themselves banks and who are at present helping somebody or other, who do not come within the definition of, minimum capital requirements. I want to know what are you going to do with regard to them? Are you just going to permit them to die? Or, are you going to guide them into something so that their experience, their money and their activities will function in a manner which is not harmful to the community but which will definitely be advantageous to them.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): What is the Honourable Member's suggestion regarding small banks, if they do not come within the minimum standard required?

Mr. Manu Subedar: I suggest amalgamation of two or three small banks. I would like first of all that the bank should be given an opportunity to increase its capital in order to come up to the required standard. If it can do so, well and good. I suggest that you give the bank twelve months time. If even within twelve months time, the bank is not able to come up the minimum standard, then I will tell the bank, here you are, you are going into liquidation, why don't you, two or three small banks, meet together and amalgamate. The Curator will be the official conciliator and arbitrator between these small banks for purposes of valuation of assets. He will help in collecting all the assets together and bring out a new institution, instead of killing all the two or three small ones. That is the sort of thing I am conceiving.

Seth Yusuf Abdoola Haroon: When you suggest amalgamation, who will be the authority who will force these small banks to amalgamate themselves. If they do not agree, are you going to bring in legislation?

Mr. Manu Subedar: The party who would guide, help and assist including even financial assistance will be an official of the Reserve Bank who will be created and whom I call the curator.

Now, Sir, I will say a few words with regard to indigenous bankers. It is well known that we had in Europe the Rothschilds and other big bankers who financed the Governments of many countries here in India also we had big bankers who financed the armies of Scindias, who financed the Moghul Emperors and the Nizams. We had these big bankers at one time. We have still their survivals in the present day in such cases as my Honourable friend Sir Bhagchand Soni who is the Treasurer of the B., B. & C. I. Railway. We have this institution even now in a large way. I am sorry to say that the great role which they play, the personal knowledge which they bring on the situation, the quick accommodation which they give, the privacy with which the transactions could be done with them, all these have been ignored by Government in framing the Bill. In fact, they were a great blessing to this country. People knew them, and what is more, they knew the people. This was an institution, still is an institution of the greatest importance, and while we have created the Reserve Bank at the top, as the apex of the pyramid, we have not taken care about the bottom of the pyramid. The bottom of the pyramid is literally the hundreds and thousands of rich people who are called money-lenders, sahukars, shroffs, mahajans, etc., who are given different names in different places. They all use their own money, and their method of remuneration is not merely the interest which they charge, but they charge a little commission. After all, what is wrong about it? Why is it that the Reserve Bank is so sensitive about the method of remuneration which these people take. Sometimes these people do indulge in what I call jobbing, just as there is a broker in shares and a fobber, so also there are these bankers and financiers who occasionally take these commodities and keep them in their own accounts and sell them. It is true that sometimes, these transactions do get mixed up, but the manner in which they have been treated in the past is not the manner in which they should now be treated. It is in this connection that I want to read the obligation which has been imposed on the Reserve Bank under section 55(1):

"The Bank shall, at the earliest practicable date and in any case within three years from the date on which this Chapter comes into force, make to the Governor General in Council a report with proposals, if it thinks fit, for legislation, on the following matters, namely :

(a) the extension of the provisions of this Act, relating to scheduled banks to persons and firms, not being scheduled banks, engaged in British India, in the business of banking."

This was definitely an obligation on the Reserve Bank and I have no doubt that before the expiry of the statutory period they made this report. But this Government has completely failed to bring forward the necessary legislation. The Finance Member told us in his speech that there were differences between the Shroffs' Association and the Reserve Bank and therefore they could not proceed. This is not the line: this is the Amery solution of the deadlock and I say it is most objectionable. It is the business and the duty of this Government, it is the business and duty first of the Reserve Bank itself to deserve the place and the function which it has taken; and then it is the duty and function of this Government to take up the problem of the indigenous bankers and to harness them under the control of the Reserve Bank. And if you harness them under the control of the Reserve Bank, if you put any limitations or restrictions on them, you have to give corresponding benefits and privileges and advantages to them. Create these benefits and advantages and privileges and I guarantee that you will find bankers of this type quite ready to fall into line with you. What they (i.e., Reserve Bank) are trying to do is the wrong thing, that is, they are putting restrictions, calling upon these people to get registered and they are saying that there are no privileges attached but if they like to come on the Schedule they can do this. That is a wrong method and I hope it will be corrected.

What has happened is that there has been an undue restrictive policy with regard to the banks in the past about eligible assets. The Reserve Bank has not helped in liberalising the practice or the traditions with regard to all these things. In fact the Reserve Bank has not conceived it to be its business to go into these matters. The common interests of society in better organisation, in the creation of a bill market, of acceptance houses, of discount houses and the creation of intermediate securities, investment trusts and bonds issued by them, land mortgage banks and bonds issued by them, industrial trusts and bonds issued by them,—these are some of the topics which have been hitherto woefully neglected.

Now, Sir, Part II proposes to impose numerous restrictions on banks. It deals with sections into the details of which I shall not enter here but I shall have much to say in the Select Committee. With regard to winding up in part III I am very happy the Leader of the Opposition has already dealt with it. We have not taken advantage in this country of all the lessons which arose out of the windings-up and liquidation reports of banks in the past; and it has been nobody's business in particular. When we ask Government they say, "Let the Reserve Bank who are our financial advisers do it"; when we ask the Reserve Bank they say, "Government have not referred it to us or told us anything". This kind of sending us from pillar to post must stop.

Sir, I will say one thing with regard to clause 28. Is it not clear to Government what sort of bogey and Frankenstein they have created of themselves that people are afraid of legitimate inspection? I have never heard my Honourable friend Sardar Mangal Singh speak so eloquently and with so much sincerity as when he spoke with regard to this inspection. Why did he object to it? Because you have created this Frankestein and bogey. In the Reserve Bank, if you have a friend, a guide and a party who will assist, and not a party that is dangerous, there would not be this feeling of fear. And with regard to the specific issue which my friend raised it is very easy to get that over. The Reserve Bank inspection should be regularly for all, once a year at fixed periods and once at least at the convenience of the Reserve Bank officers, with the result that when there is inspection in this manner, it will not attract that notice or arouse that suspicion affecting credit that there is something wrong with that institution.

Sir, the rule-making power of Government is most important and should be used to bring in loose ends left out in this Bill. In particular I want clause 39 which amends section 17 of the Reserve Bank Act to be considered. I want several portions of the Reserve Bank Act to be amended. We have got section 17 at least and what with the definition and what with modification of section 17 I trust I shall convince the Select Committee of the importance of bringing in the indigenous bankers into the fold of the Reserve Bank.

Sir, in conclusion I would like to say one word. Good banks have nothing to fear from laws, however strict they may be. Those who are dishonest, those who manipulate the machinery to their profit and personal advantage, those who try and mislead the shareholders and depositors as well as the public and the State should beware; but others need not be afraid. If you accept guidance, they may have some form of check here and there but they will also be assisted if they are not mala-fide. This should be the objective of Government policy and this should be the objective and the policy of the Reserve Bank. In all countries at some time or other, particularly through world events over which nobody has any control, banks get into difficulty. What is wanted in India is to create a defence machinery which will be always ready for use, which will be dormant during times of prosperity and which will be available at all times. The Reserve Bank should be to the ordinary institutions the friend in case of need, the same source of help, ready and unstinting help, which the Reserve Bank itself is trying to expect from the new international bank which is being created as a result of Bretton Woods. Sir, there is no topic of greater importance to the life of the people of this country than the soundness of its banks, and this soundness it is our object as legislators to create by putting our laws on a proper footing, by giving

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controlling authority and powers to the Reserve Bank, side by side with definite obligations to assist banking institutions. I want the Reserve Bank to take even financial risks, as I said, because it is a pubilc institution; I want the Reserve Bank to forget that it is a private shareholders' institution which is out merely to do the routine work and bag the profit.

Sir, I support the motion.

Seth Yusuf Abdoola Haroon: Sir, I have listened with very great interest to the speeches made by my Honourable friends here. I have heard my Honourable friends to my right and I have heard my Honourable friends to my left. We on this side of the House are a community which is very backward in the matter of banking concerns. Our interest in banks lies in our being small depositors and investors and borrowers. Sir, I am not going to pay any compliments to our friends on the Treasury Benches for bringing forward this Bill as my Honourable friend Sir Cowasjee Jehangir did. I think it was the duty of Government to bring this forward and I am not still satisfied with the form in which it has been brought forward. They have raised a bogey that it is in order to safeguard the interests of depositors; but that is not all that we want. That is not the interest of a national Government or a Government which would like to help the country to move forward and build itself. What we would like is that while safeguarding the interests of the depositors you should also look after the banking interest itself, try to promote industry and the banks who will finance the trade and postwar planning, and see that the banking concerns may grow to their full strength on the lines we heard about in Canada or in other parts of the world.t

Sir, I am sure many important and interesting suggestions will be made in the Select Committee; and we have heard from the Finance Member that not only will Government consider our suggestions but they will, if necessary, send for experts to be examined by the Committee. I am sure that on this kind of legislation experts should be called.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. As it is now 4 O'clock, the adjournment motion will be taken up.

MOTION FOR ADJOURNMENT

HARSH CONDITIONS OF SERVICE OF INDIAN TROOPS IN MIDDLE EAST AND ITALY

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That the assembly do now adjourn"—

To discuss a matter of urgent public importance, *viz.*, the unnecessarily harsh conditions of service of Indian troops in the Middle East and Italy as described in the article by the Special Representative of the *Hindustan Times* in its issue of the 6th April, 1945.

Sir, I expect that many Members of this House would have read the special articles appearing in the newspapers in this country, specially in the *Hindustan Times*, on four days during the last week, which has opened our eyes to the position under which Indian troops are serving in Italy, in the Middle East, and in Persia and Iraq. Before I begin, I think it will be only fitting and proper for me to take this opportunity to compliment the authorities concerned, presumably the Commander-in-Chief, who has permitted independent pressmen to visit Italy and the Middle East. I would also like to compliment the pressmen generally on the objective approach with which they have sought to deal with the problem. In particular I would like to mention as being praiseworthy the name of a person who is a friend of most people in this House —and I hope he would not blush—Mr. Durga Das, who has specially brought these points to the notice of the Members in this House and who has thereby provided provocation for this debate.

But why should the Government at all fight shy of a discussion on this matter? Why should my Honourable friend get up and say that these are merely suggestions and are therefore valueless. My Honourable friend, Mr. Ram Chandra, is new to his department. Perhaps if my Honourable friend, Mr. Trivedi, had taken it up, he would have been far more militant and

aggresive and he would perhaps have said, 'it is all absurd and we do not want any discussion on the matter'. It is only in keeping with the temperament and mentality of this Government which seeks to put a lid on everything good, bad or indifferent, and the example of the British Government where it is good does not attract the eyes of this bureaucratic Government on the Treasury Benches. I hope the Government have not forgotten, and it is only a short time back, that a former Under-Secretary of State for India visited India in order to find out the grievances of British troops in this country and to set them right. But the Government of India never learns and it can never improve.

Sir, there is one matter about which I would like to mention before I proceed. It might conceivably be asked—and I dare say my Honourable friend, the Leader of the House, will ask—why should people on this side exhibit an interest in the matter of the welfare of troops—which happens to be the special concern of the Members of the Viceroy's Cabinet,—who have exhibited little or no interest in the Governments' war efforts. Why should people who have often characterised the Indian troops as mercenaries now attempt to take an interest in them? I shall not be ashamed if those charges are levelled against me. It is true that the main incentive for these men to go out to serve in the Army is the economic motive, but that does not necessarily mean that we Indians in this House should neglect an obvious duty to our fellow countrymen. It is not as members of the Indian nation serving in this war to fulfil an obviously economic motive that our interest in them is aroused, but it is as fellow Indians and we shall be interested in their welfare wherever they might be, whatever they might do, even if they happen to sell themselves as slaves to a foreign country.

I would like to ask two questions from the Government: My Honourable friend has said that there was some basis for making the suggestions, as he puts it. Why is this? Why should there be this basis at all? And, secondly, I would like to ask who is responsible, and in asking the second question, I am afraid the issues that will follow might be a little more than what will concern my Honourable friend, the Secretary representing the Defence Department. The journalists who visited these areas have seen Generals Mark Clark and Paget who in discussing the question of treatment of Indian Other Ranks and the Viceroy's Commissioned Officers have, it appears, cut the Gordian knot by saying that they consider it primary and essential that Indian Other Ranks, British Other Ranks, and similar ranks in the United States Army must also be treated as equals. I have before me the report of Mr. Robert Stimson, the special correspondent of the *Times of India*, which I have no doubt cannot be accused of a definite pro-Indian bias, who has praised the behaviour of the Indian troops which has been reinforced by what has been said by Commanders of the Armies who have said that they have been staunch comrades. I am also told that these representatives spoke to the men in the presence of their officers and it is significant that the men also asked them "Have you come here to go back and report to the authorities in India that all is well with us". Incidentally, Sir, I would also like to draw the attention of the House to one point in this connection. While the Indian public might feel grateful to the military censors for allowing these articles to be published, let them also bear in mind that these articles that have been published have been censored and there could therefore be no exaggeration at all. On the other hand, if there is any deviation from the actual truth, it must be the other way about.

Among this chorus of praise by the British and American Commanders, we will come across the views of another set of army people. It is reported in the *Hindustan Times* of 7th April, 1945, that a Major General, who should remain nameless, said:

"My men's morale remains high whether they get any amenities or not. I would not spoil them by encouraging them to smoke. If they find Victory cigarettes unsmokable, it is all to the good. After all smoking is a bad habit. Any way, is it not that in their country they smoke only *hirie*? As welfare officer explained, it appears, that the demands of Indian soldiers for the same treatment as other Allied soldiers was not fair. They

[Mr. T. T. Krishnamachari.]

get there more amenities than in the barracks in India. How many of them see films in India? How many read newspapers, magazines and books? How many smoke cigarettes? As regards the complaint of men that in the countries in which they live inflation has made their salaries very inadequate, the officer said, 'Why do they wish to buy anything at all? We give them all they want and the rest of their needs can be met at the canteens. They have no need to buy anything in the bazar'."

That is the treatment meted out to our men by the officers who immediately command them, who are expected to look after their welfare, as against the remarks of General Paget, and General Mark Clark. It has been said by Robert Stimpson, the *Times of India* correspondent that the provision of comforts of the Indian troops has been even less positive so far as the Persian and Iraq command is concerned. It appears that in this area there is now an overwhelming majority of Indian troops and the people who officer them are by and large non-Indian and amongst them are many who have never had any experience of the Indian Army. I am told, Sir, that the position in the Paiforce Areas is extremely bad and we get not even some gleanings into this from these reports. Apparently these journalists were not allowed to get a glimpse of the Paiforce perhaps because the condition they were in was bad. I hear that the anti-Indian feeling in Persia and Iraq makes the position of the Indian soldier intolerable.

With regard to specific grievances. I have mentioned the matter of cigarettes. A correspondent of the *Civil and Military Gazette* said that one canteen officer imported 20,000 *biris* and found the men had taken to smoking cigarettes and would not look at these. It is said the provision of amenities for Indian troops is considerably higher than that for British troops. Whereas an Indian Other Rank gets allotted for amenities Rs. 10 a British Other Rank gets five shillings.

I have mentioned this morning about the instance of the stale *ata* and how the *chapattis* made out of them taste. I am told again that in the matter of leave the men have not been home for more than three years. O wonder what Lord Munster would have said if that was the condition in which the British troops were placed in India. I am told that they have now drawn up a new leave scheme but that becomes inoperable because of the bottle-necks in transport. So far as entertainment provided is concerned, the less said about it the better. In fact Indians are ashamed of the type of people who have gone into the Indian ENSA.

It may be that more information will be available if a tour is taken by responsible people in this country. The *Times of India* in its leader has taken a very generous but strong line. It has said that the fault does not lie with the officers that immediately command the troops. Who is then to blame? The Government of India to whom the task of furnishing amenities for Indian troops abroad had been entrusted by allied arrangements. Three times as much money is spent on the Indian soldier as against his counterpart the British soldier and after 5½ years of war this is the position. The fact that the Indian soldier is not given to grousing is no excuse for inaction. I would like to ask why is it that both the Commanders in the field and the *Times of India* say that this is an Indian responsibility. The financial responsibility seems to be that of Britain. Unless the financial arrangement of 1940 is given the go-by, what kind of responsibility is undertaken by the Indian Government and how does it discharge that responsibility? If I had more time I would have gone into greater detail and it would perhaps have taken half an hour to deal with that. So far as this Government is concerned, there is no excuse for recruiting men merely for making them coolies in foreign lands. In fact one of the Press representatives to whom I spoke said that if we have a Government of our own, we should never send our troops abroad. . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Your time is up.

Mr. T. T. Krishnamachari: . . . . unless we are in a position to look after their comforts in the same manner as the comforts of the British and American troops are looked after. The pride of the Indian is at stake and his countrymen are looked upon as coolies by the soldiers of the other armies. Sir, I move.

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

"That the Assembly do now adjourn."

Mr. Ram Chandra (Secretary, Defence Department): The Honourable Mover in his speech referred to the remarks made by me in the morning when I said in opposing the motion that the article in the *Hindustan Times* contained suggestions which were for the consideration of Government. I do not understand how he got the idea that we were trying to hide something. It was only with a view to saving the time of the House that I was saying that these suggestions would receive the consideration of Government which they deserve.

The Honourable Member has himself referred to the statement made by General Paget that British Other Ranks and Indian Other Ranks should be treated equally in the matter of welfare and amenities. He has also referred to the fact that while Rs. 10 per head is the amount set apart for amenities and welfare of Indian troops, the corresponding figure for the British troops is almost one third.

Sardar Mangal Singh (East Punjab: Sikh): Is this true?

Mr. Ram Chandra: Yes—Rs. 10 against five shillings.

Mr. N. M. Joshi (Nominated Non-Official): Five shillings weekly or monthly?

Prof N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): One is weekly and the other is monthly!

Mr. Ram Chandra: This amount of Rs. 10 *per capita* is used in sending overseas to Indian troops sports gear, indoor games, musical instruments, gramophone records, vernacular literature, etc.,

Sardar Mangal Singh: Rupees ten yearly or monthly?

Mr. Ram Chandra: Yearly. Both Rs. 10 and the sh. 5 are yearly.

Prof. N. G. Ranga: There must be something behind it!

Mr. Ram Chandra: I may here also refer to the criticism about financial adjustment. While the standard of amenities for Indian troops is laid down by the Government of India, the finances are actually paid by His Majesty's Government.

As regards the article in the *Hindustan Times* which contains the criticism that sufficient number of newspapers is not supplied to the troops in Italy, I will just give some figures. 5,000 daily and weekly vernacular papers are flown direct to Italy every week.

Some Honourable Member: *Fauji Akhbar*?

Mr. Ram Chandra: Of *Muslim*, which is an Urdu daily, more than 8,000 copies have been flown to Italy since the 24th February.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): We have never seen that paper. Where is it published?

Mr. Ram Chandra: This is the list that has been given to me. Then there is a paper in Hindi called *Ap Biti*: There are also the *Khalsa Samachar*, Desh *bhimani* and some Tamil and other papers, arrangements for the supply of which are being made.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Three thousand copies for how many soldiers?

Mr. Ram Chandra: I am afraid it is not possible in the public interest for me to give out the number of soldiers in the operational theatres.

Mr. Sri Prakasa: It is all in private interest.

Mr. Ram Chandra: There has been improvement in regard to the supply of wireless sets. In the past there has been a great shortage of wireless sets but the situation is now rapidly improving. The present ratio is one set per 150 men but the target figure is one per fifty.

An Honourable Member: It is a post-war plan, I suppose.

Mr. Ram Chandra: As regards films, here again my Honourable friends will perhaps laugh. The situation has greatly improved. I am glad my prophecy has proved true. The latest reports that have been received from Italy state

[Mr. Ram Chandra.]

that all old films have now been withdrawn and that they have a total of 87, 35 mm. films and 9, 16 mm. films. It is also stated that three 35 mm. and two 16 mm. films will be sent every fortnight, which means 120 films a year. These films are of different types. They are not copies of the same films. Arrangements are also being made to send a special extra consignment of six Tamil films, and if the supply continues at this rate, we shall soon reach our goal of two new films per week.

As regards the criticism of the entertainment that is provided for Indian troops in Italy and the Middle East, it is really a question of opinion. Our information is that the parties that have been sent out from India have been greatly appreciated by the rank and file, although criticism has been levelled in regard to the standard of entertainment by officers. At the present moment an attempt is being made to collect information and invite the opinions of all members of the forces and if it is found that any improvement is necessary or desirable, I can assure the House that improvement will certainly be carried out.

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

It has been stated that the leave that is being granted to the Indian troops is not on a generous scale. Here also an improvement has been made.

An Honourable Member: On paper.

Mr. Ram Chandra: Not on paper but in actual fact and it will come into force very soon. In the past the scheme was to allow 6 per cent. leave; now this percentage has been increased to 10 per cent. for Italy and Middle East and 12 per cent. for Iraq. (Interruption.) No, not since the article appeared in the *Hindustan Times*, nor was the decision taken after the notice of the adjournment motion was received. It is a matter which has always been in the forefront and Government are trying to do whatever is possible to improve the standards of welfare and amenities. According to this new leave scheme almost one third of the total strength of the unit will get leave every year. I may also mention that when a soldier's leave is due, he is given the option, whether he wishes to take the usual leave of two months or whether he wishes to be repatriated to India. When he is repatriated, he need not go to a theatre overseas until after six months. In the vast majority of cases the soldiers exercise their option in favour of leave, that is to say they prefer to go back. This alone shows that the conditions overseas, where they wish to go back, are not so bad as are painted. Otherwise they would be prepared to stay here in India for six months.

Mr. Sri Prakasa: Just as the European I.C.S. wants to come back to India!

Mr. Ram Chandra: The Honourable Member referred to certain articles in the *Times of India*. I am afraid I am under a handicap at the moment. He had given notice only of the article in the *Hindustan Times* and these articles in the *Times of India* have not come to my notice yet. But I promise him that I shall look into the allegations that have been made there by another correspondent.

Having explained what has been done and what is being done, what improvements have been effected and are being effected, I would ask my Honourable friend to consider whether he would be prepared to withdraw the adjournment motion.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, the Honourable Member who spoke last would have us believe that in spite of the fact that the tour of these journalist friends was organised by his Department, yet he had not read the reports which have appeared as a result of that tour in different newspapers in India. The position of the Defence Department is very strange indeed. This is a department which is very jealously guarded by the master race, that is the British and they have now sent the two heavenly twins from the South of Vindhyas, the Honourable Mr. Ram Chandra and the Honourable Mr. Trivedi to represent the department in this House.

Some Honourable Members: They are not from the South of India. One is from the Punjab and the other from C. P.

Mr. Abdul Qaiyum: I will say south of the Himalayas, if it makes any difference, since the Himalayas are a bigger mountain than the Vindhyas. They have been sent here to defend the department. Then there is the Honourable the Defence Member who has been sent abroad to broadcast lies about the constitutional position of India to people abroad.

Mr. President (The Honourable Sir Abdur Rahim): The gentleman is not here, nor is the reference relevant.

Mr. Abdul Qaiyum: Now these two gentleman who act as a colour wash which has been applied to conceal racial discrimination and the oppression of the Indian soldier,—the bad treatment which he is receiving as against the British in the so-called Indian Army. Sir, the position of the Indian soldier is like that of the Indian labourer. Formerly when the British were anxious to develop their colonies, they were anxious to spirit away Indian labourers to the different parts of the British Empire in order that they might better exploit these colonies, and after they had succeeded in their object, the Indians were treated as Harijans or outcastes. The position in the Army is the same in that people who are responsible for directing British policy are the same people. The Indian soldier is the outcaste among the armies of the Empire.

Sir, I am reminded of the fact that in my part of the country, when a Pathan peasant requires the help of other agriculturists either to harvest his crops or to plough his lands, the custom is that he invites other peasants to lend a helping hand, and the host takes great care to see that he prepares a very good meal so that his guests who have put in an honest day's work without any remuneration are properly fed and entertained well. This is after all their fight, it is after all their empire, it is their exploitation that we are asked to defend, and when they call us to help them, at least it is their duty to see that the Indian is fed like the Britisher, is clothed like the Britisher, and is treated on a par with the Britisher, because after all he is fighting their war, he is helping them to retain their ill-gotten gains, he is helping them to exploit the weaker people in the different parts of this world. After all it is their duty to see that he is treated on a par with the Britisher.

Now His Majesty's Government is responsible for the welfare and amenities of the Indian troops serving overseas. Under the financial settlement we are told it is His Majesty's Government which pays for amenities and welfare of the Indian troops, but it seems that the actual execution of these matters is in the hands of their agents, the Government of India. I want to know from the Government of India that if His Majesty's Government has to foot the bill, why they should be so very mean in the treatment of the Indian soldier in the matter of amenities and comforts.

The policy of inflicting *Fauji Akhbar* on the Indian soldier reminds me of the Nazi method of regimentation of thought. *Fauji Akhbar* is a paper which is singularly devoid of anything good, anything useful, and it is only fit for the waste paper basket, and so much of our money is being wasted on *Fauji Akhbar*. It would interest the Honourable Member for Information and Broadcasting to know what the Indian soldier outside India thinks of the broadcasts which are organised by his department under his very nose. They do not like the programmes which are got up by his department. They are anxious to hear more about the news of their homes than to listen to the war propaganda which is being inflicted on these people in season and out of season. Articles written by paid persons are read out in a most mechanical manner and listeners in India switch over to something else when these articles are being relayed on the A.I.R. So I would like the Leader of the House to learn something at least from this side of the House.

The Honourable Sir Sultan Ahmed (Leader of the House): I assure my Honourable friend that I have been learning a good lot!

Mr. Abdul Qaiyum: But we do not see any effect on him.

Mr. Sri Prakasa: Can he unlearn something?

Mr. Abdul Qaiyum: It is a well-known fact that while the East African negro is being treated, in the matter of rank and pay and privileges, as the British soldier, the Indian soldier is being treated as a human being of an inferior variety

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Now, if you want to have contentment in the Army in India it is high time that the Government of India gives up this discriminatory policy against the Indian.

Mr. President, the one good thing which this war has done is that hundreds of our soldiers have gone abroad: it is a matter of indifference whether they have gone there impelled by necessity of the economic situation of the country or for other reasons, but whatever the motive force which took them to the different and far-flung theatres of war there is one thing which they have learnt, and which will be of great benefit to India. Wherever they have gone, they have been treated in a manner which is not fit for human being. They have seen that the British soldier fighting the same battle shoulder to shoulder with them against the same enemy is being treated on a different footing than of the Indian soldier. When they come home with this idea, they will have a better appreciation of what should be India's place in the future world order—whether India could at all expect to be treated as a self-respecting nation within the ambit of the British Empire, I hope and trust that they will come back convinced that the only place for India was outside this Empire if there was no enquality of treatment possible within the British Empire.

The speech of the Honourable War Secretary was very halting.

An Honourable Member: It is Defence Secretary.

Mr. Abdul Qaiyum: They sit together, and they are so close together that it is difficult to distinguish betweeen the two, and the parts which they play are so much interdependent and inter-related, and the new comer derives so much inspiration from his senior whenever he is in any difficulty. At any rate it is difficult to distinguish btween the two. His speech was a very halting one. I have seen many guilty persons come before courts—I know and many judges also know—the poses and attitudes the accused persons take when they are making statements. I can see something of the same in the Honourable the Defence Secretary's attitude when he was making his speech. Parts of it we did not hear, but the parts we heard were so unconvincing. I am sure he himself was not convinced by what he was saying. Sir, I support the motion, and censure the Government of India for being so weak-kneed as to allow the British Government to discriminate against the nationals of this country who are performing tasks exactly similar to the British in the different theatres of war.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I rise to make it perfectly clear that I am sure every Honourable Member of this House demands that there shall be no distinction between Indian soldiers and soldiers of any other nation, at least outside India, with regard to the amenities given to these soldiers, and it will be our business to see that these amenities are given to our Indian soldiers, for I am one of those who are firmly convinced that it is the work of the Indian soldiers that has put India on the map of the world.

Now, coming to brass tacks, I have got before me an article written in the *Times of India*, by Mr. Robert Stimson, appearing in the issue of the 7th April. It is full of complaints with regard to amenities. I would just like to summarise for the information of this Honourable House what the complaints are that Mr. Stimson puts forward with regard to amenities; and since the time at my disposal is very short, you will forgive me if I do it very rapidly, and leave Honourable Members to read the article for themselves, which, I repeat, is in the issue of the 7th April.

First, as to leave, he says that the average Indian soldier they came across had not had leave for three years and some of them had not had leave for four years. The soldier worries about his land and Mr. Stimson states: "the only time when the equanimity of an Indian soldier is ruffled is when he is concerned about his property or his people". Now, my Honourable friend has read out some extracts from a new scheme that has been framed. Mr. Stimson makes reference to that scheme—he knows all about it and he mentions it, and after having alluded to that scheme, the scheme mentioned by my Honourable friend, he says:

"The Government of India, it is felt, should use much cogent language in presenting to those responsible for the control of Allied shipping the case for the Indian soldier."

Here is a man who has just returned from this tour; he knows about this scheme; he has heard the complaints of Indian soldiers and their officers about leave and this is how he wants it to be put, that the Government of India have got to make their efforts felt a little more strongly than they have done, if they want this complaint about leave to disappear . . . .

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Is this Mr. Stimson an Englishman?

Sir Cowasjee Jehangir: Then he talks about correspondence facilities for these soldiers; he points out that it costs the Indian soldier 2a. 9p. to write, but it costs his relatives 6 annas to reply, which they cannot afford. These are things that can be remedied; these are matters that have been brought to the attention of Government on former occasions and here are pressmen going out to the Middle East who tell us very soon after their return that nothing has been done. The next complaint he makes—I am going very rapidly over them and not expanding on them, as I do not have the time—he makes a very substantial complaint about the work done by the district soldiers boards. He says they are not doing their job, and he further states with regard to these soldiers boards . . . . .

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions Muhammadan Rural): They are a farce.

Sir Cowasjee Jehangir: He very nearly says that. This newspaper party heard not only from the men themselves, but from their officers, Indian and British, complaints about the work done by these boards—they do not pay attention to the men's complaints; most of the complaints are about their property and disputes with regard to their land; the boards do not go into the matter but hand it over for decision to the village headman; he goes on to explain how the village headmen may be prejudiced in favour of one party or the other, and the soldiers feel that no justice is being done to them in regard to there complaints. We have heard a great deal of these soldiers boards—I have at least—and I have heard complaints. I have heard the defence made of the work done by these boards; but when I hear complaints from men who have just been touring in the Middle East, who thus speak with some knowledge, who are men accustomed to gather facts quickly and get at the bottom of things quickly and put them before the country concisely and correctly, I am beginning to feel that there is something wrong in the centre of Government here which cannot remedy these complaints.

Mr. Sri Prakasa: Everything is wrong there.

Sir Cowasjee Jehangir: Then with regard to the welfare work generally, he says:

"In other aspects of welfare—recreation rooms, entertainments and so on—the Indian soldier deserves much better treatment. As far as most of the military authorities on the spot are concerned there is every desire to see to it that the Indian soldier is as well treated as any other."

He describes the orders passed by General Paget. He then refers to his doubts about the ability and the willingness of officers in Persia to do their duty properly. And then he says—this is very important:

"But the real fault lies with the Government of India, which by Allied arrangement has undertaken to manage the welfare of the Indian soldier. Even though 15s. a year per head is allotted to the Indian soldier's welfare as against 5s. for the British soldier, more efficient welfare arrangements are made for the latter."

Well, Sir, if the officers of these men, both Indian and English, complain that it is the fault of the Government of India, whose duty it is to see that the Government of India do their work properly? I affirm most strongly that it is the duty of this House, and if this House cannot perform that duty efficiently and successfully, our presence here is useless, and I trust that this Honourable House will not forget this debate, whatever the result may be, and will see to it that this question is followed up till we achieve proper results. I must say that my Honourable friends on the Treasury Benches—the Indian Members and the Europeans—must take a greater interest in this question. They must look into this question themselves; it is their duty; it is their duty to a class of men who have been upholding the reputation of their country; and if they do not do

[Sir Cowasjee Jehangir.]

their duty, they will be letting them down and I am sure that is the last thing they want to do.

Then Mr. Stimson goes on to criticise this famous Fauji Dilkhush Sabha—these entertainment parties that go out to the Middle East to entertain our soldiers. They are carried out by contract: a certain sum is paid to a contractor and he is supposed to furnish these parties. Naturally he pays as little as he can and makes as great a profit as possible. Our soldiers are ashamed of those parties; they are ashamed of them, not because they do not entertain them but because other soldiers may believe that we in India are satisfied with this class of entertainment and this is what touches them to the quick. This is what Mr. Stimson says, and curiously enough this is his description. I think it is concise and put much better than I can:

"They cannot sing; their instruments are out of tune; and the female entertainers they bring with them are all too often of a class that can only be described as dubious."

What is it you except to get if you do this by contract? You can get only women who will go out on contract. If this fact is correct, this is the result you must expect. Then he refers to the lack of better films: we have heard some are being sent out. May I tell my friend the Defence Secretary that I have heard that story before, of better films being sent out. I have been hearing it now for the space of some time; and here is a gentleman and here are others who have gone out and who say that these films have disappeared into thin air—at least, they have not found them. Then there is the complaint of our men getting no news from India. These correspondents say that our men complain they get no newspapers and no news about their own country and their own homes and families. There was no newspaper telling them what was happening in India. I must ask my Honourable friend the Leader of the House to see that in these broadcasts in future there is more domestic news about India—they hear quite enough of the war—they know all about the war. Drop this lecturing to them and tell them more about what is happening in their country—about the rains, about the monsoon, about their crops, how their families are faring and you will be doing good. Drop this propaganda that you are doing today. You are now convinced that this propaganda, as far as these soldiers are concerned, has been a failure. They tell you what they want and you can supply it by passing orders within five minutes. I would ask my Honourable friend to go home and pass these orders. Stop this propaganda that is going on. Start fresh propaganda that will give them news of their people, of the circumstances that prevail in this country today, of the future monsoon or things of that sort which will interest them and they will not feel the lack of newspapers that they are feeling today. May I point out that Mr. Stimson has a very good word to say about hospitals. I was very glad to read that. He speaks highly of the hospital accommodation and of the treatment meted out to our Indian troops. Let us therefore on this occasion extend to Government, not only our congratulations but also our sincere thanks to those who deserve them for the improvement in out hospitals in these regions and for the hospital treatment meted out to these men who are upholding the reputation of our country.

Finally, Mr. President, I will quote something from this gentleman who has evidently watched things with attention and reported them with fair accuracy. This is what he says:

"To sum up this article on welfare, there is not the smallest doubt that the officer—junior or senior, Indian or British—working and fighting with the Indian other ranks feels that the authorities are not giving them the facilities that they should have as a matter of right."

I ask the Government of India to give the facilities that these men demand as a matter of right and if they cannot do it, let them cease governing this country and let them hand over the amenities of our troops to the British Government who will do it more successfully.

Sir F. E. James (Madras: European): Sir, I am exceedingly sorry that I could not be in the House during the earlier stages of the debate because of a conference I had to attend: but I came as soon as I could possibly do so.

Therefore my apologies are due to the Honourable Members who spoke in the early stages of the debate. Like my Honourable friend Sir Cowasjee Jehangir I was distressed to read the statements made in two prominent journals of this country by two distinguished correspondents who recently visited Italy. I was the more distressed to read these complaints because some of them synchronised with the complaints which were made by the Defence Consultative Committee, of which I was a member, after its tour to some of the battle-fields of the Middle East. (*An Honourable Member*: "When was that?") In 1943. It is unnecessary for me to say a word about the Indian soldier. Friends and relations of mine who are serving in various Allied arms, have written to tell me that here is no finer body of men, no more gallant representatives of their country than the Indian soldier serving abroad. Therefore he deserves the best that this country can give him, and I am not satisfied; in fact I am convinced that he is getting much less than the best that India can give him. I was not in the House when my friend the Secretary to the Defence Department spoke. Whatever he had to say, his own heart is in the right place. He has recently taken over this portfolio. Therefore, I would not like him to feel that I wish to condemn him for what happened before he took charge of this work. But I do want him to know that what is being said in this House on this subject is nothing less than the truth, and I do want him to know that if this House expresses its opinion on this motion in grave dissatisfaction of the position as regards amenities to Indian troops overseas, it is only doing its duty and is reflecting public opinion on this question. I will not go into the details of the grievances which my colleagues and I enquired into more than two years ago but it is quite clear that some of them still remain unredressed. (*An Honourable Member*: "How many of them are fresh ones?") They are nearly all the same. I know that there are difficulties in the way, some psychological, some physical and some political; but I have a shewd suspicion that in this matter, the welfare of Indian armed forces serving overseas does not receive the priority that it deserves. Honourable Members will remember that not very long ago there was a grave agitation in my own country in regard to the welfare of British troops serving in the Eastern theatre of war. Public opinion eventually grew so strong that the Prime Minister himself took the matter within his immediate consideration and sent out his special personal representative to inquire into the position and to make a report to him within the shortest possible time. In just the same way the welfare of Indian troops serving overseas deserves the highest priority. Knowing the interest which His Excellency the Commander-in-Chief takes in these matters, I cannot understand why more has not been done to remedy the very just and pressing complaints which have been referred to in the course of this debate. I hope the result of this discussion, possibly the result of this vote will be that those who are concerned will take the most drastic and immediate steps to remedy the more easily remediable grievances of the troops overseas and give those problems which are worrying those who serve abroad the highest possible consideration.

Then, Sir, one word about the Soldiers' Board. I have had some experience of the working of the Soldiers' Boards in some parts of India. Like most of these organisations, some districts are good, some districts are bad.

5. P.M. But the Soldiers' Board organisations—or as I think they are now called the Indian Sailors, Soldiers and Airmen Board or something like that—they ought to be a living link between serving soldiers and their people at home. My Honourable friend Mr. Deshmukh and others in this House, Capt. Dalpat Singh and others of my colleagues who were privileged to tour in the Middle East two years ago, will remember the questions that were asked by the men of every unit coming from different parts of India with whom we had the privilege of talking. The crops, land disputes, delays in postal arrangements, thieving of money orders, all these things give the greatest worry to the man who is serving overseas. I understand these grievances still persist. That, I must say, speaks ill for those who are responsible. In some ways, the Indian soldier serving overseas is more helpless than the soldier of some of the other Allied armies.

[Sir F. E. James.]

Generally, far less is done for him not only by those who send him, but by the civilians in those countries in which his lot is cast. That is therefore all the more reason why the amenities of the services should be strengthened in every possible way. Two years ago, we criticised the personnel of the officers who were immediately responsible for looking after the welfare of Indian troops. Many of them had never been to this country. Many of them do not know what the Indian soldier needs, when he is far away from his home. To what extent has that complaint been dealt with? I cannot believe that it is not possible to find men of experience in this country who would gladly take a King's commission in order to go overseas and serve the welfare of Indian troops. Therefore, Sir, my sympathies are most wholehearted with those who have raised the question in the House. I hope my Honourable friends will not make the mistake of opposing what I believe is the united wish of this House in this matter. Certainly, as far as I am concerned, my vote will be with those who desire by this method to draw attention to one of the most pressing needs of those who serve this country in foreign lands.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, when outspoken critics like Mrs. Vijayalakshmi Pandit call the Indian soldiers rice soldiers or dub the Indian troops as mercenaries, the Government spokesmen very much resent the expression and try to ram the offending expression down the unwilling throats of their opponents. Only the other day in this House when the Budget was under fire and hot words were being exchanged between the Treasury Benches and the Opposition Benches, the Honourable the Leader of the House addressing the Opposition Benches said, "you think by going to jail for a few months or a few years you will achieve independence, you are sadly mistaken. Independence, when it comes, will not come through you and through your antics, but it will come through the Indian soldiers, who are patriotic Indian soldiers". Well, Sir, the words of the Honourable Sir Sultan Ahmed are prophetic in a way. The day will come and that soon when we might be free in this land. But we know our own limitations. We have succeeded in this House in inflicting tremendous defeats upon the Government over and over and over again, but the Government would not be influenced by these defeats, they would not be influenced in any way. We have passed scores of Resolutions on this very subject of independence, but nothing came out of it. But the question will come when the 25 lakhs of Indian soldiers, who have fought on all the fronts, who have fought in the burning sands of Africa, who have gone to Italy, who have gone to France, who have gone to Burma and all the fronts who have saturated the soil of those theatres with their rich blood, will return home. The demand will come from them after the war is brought to a successful conclusion and they will say, "You Mr. Amery, you Mr. Churchill, you promised us complete independence, where is that complete independence". If you treat their demand in the same way in which you are treating us, then trouble will be brewing for you. That will be the dawn of Indian independence. One would suppose that a body of men who have earned testimonials from the British Government for their valour, and for their sacrifices, who have earned more Victoria Crosses than the Canadians or South Africans ever did, are a determining factor in the situation. When it is conceded by the Treasury Benches that these men are patriotic, and valourous, and have a right to claim independence for their country, then I am sure something will be done in order to meet their demand. Their status of life must be raised in the matter of amenities and comforts, they must be treated on the same level as the Britishers. After all the Indian soldiers are more valourous in some respects than the Britishers. We are all proud of them, and this pride has its basis on strong grounds. The poor Indian soldier has been treated abominably. And mind you the Indian soldier of today is not the soldier of many years ago. Many of the modern Indian soldiers are undergraduates, many of them are graduates, they know what patriotism is, they know what fighting for one's country is. These young men know shooting, they have learnt flying in the air, they have given good account of themselves in sea fighting. In fact they are versed in all the ways of the war. So, you

Treasury Benches, tremble for the day when these soldiers come home. They will get independence.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I thank you for giving this House an opportunity by admitting the motion relating to the hardships and difficulties of the soldiers fighting on the fronts which have never been discussed in this House since the war began. I am glad that an opportunity has been given to this House to invite the attention of the Government of India to their difficulties. Sir, I must thank the Commander-in-Chief for sending a Press delegation consisting independent pressmen. I must also thank the Commander-in-Chief for permitting these articles to be printed in the Press and lastly, I must thank the Commander-in-Chief for not invoking the powers of the Viceroy to kill this motion in the very beginning.

Mr. Sri Prakasa: Thank you for thanking all of them.

Sardar Mangal Singh: I am glad the Defence Secretary has spoken at an early stage, but in his speech, halting as it was, he has not taken the trouble to tell us what is the welfare *bandobust* for the Indian soldiers. He has told us that the Indian Government has laid down the standard and has left everything to the British Government. Do I understand that detailed arrangements and the whole *bandobust* is being done by the British War Office, or is it done by the Indian officers under the orders of the Commander-in-Chief? That is an important point. The welfare officers in charge of the Indian soldiers should be those who can understand their sentiments and the social backbround of their requirements, so that they can appreciate all their needs. For instance, an incident is mentioned here that a British officer prevented a soldier from remitting some money to his brother to help him to get married. He thought the soldier would appreciate his action and would like to keep the money. But the soldier who could not send this money was unhappy all the time because he wanted his elder brother to get married so that the chance might come soon for his own marriage. According to our custom his turn would come after his elder brother or sister is married. That British officer did not know it and therefore he could not sympathise with him. I therefore request the Government of India that in this matter they should Indianise the whole welfare staff immediately. The *Hindustan Times* correspondent has put it very rightly when he says:

> "This incident emphasised that the welfare officer must understand the background of his men's life. The welfare organisation certainly requires an overhaul of its personnel. It is the one sphere where Indianisation can be done at a stroke. In any case this sphere should not be used for providing cushy jobs for staff favourites."

The first step that I suggest to the Government of India to take immediately is to Indianise this welfare staff and put those men in charge of the welfare amenities who can understand the social background and the psychology and the sentiments of the soldiers for whom they are to cater. That is the first point I wish to make.

Then, Sir, I was very much amazed when the Defence Secretary said that they are sending by air thousands of copies of Indian newspapers. When I wanted to know what those newspapers were he very kindly gave some names. One name was *Muslim*, another was *Ap-Biti* and another was the *Khalsa Samachar*. I do not know whether my Muslim friends have heard of this paper *Muslim*, or of *Ap-Biti*, but I can say definitely about the *Khalsa Samachar* that it is a paper which no one reads, it is an old fossil and there is no news in it; there are only some advertisements of medicines. And if this kind of papers go there, it is no wonder that Indian soldiers are not satisfied. Then these pressmen say that in the reading room the only paper available was the *Fauzi Akhbar*. I tried to get a copy of this paper in the Library because I wanted to read some portions of it to the House; but it was not available. Otherwise I could show how ridiculous the writings are. No one cares to look at that paper. The news is all stale and of a kind which no one cares to read. It is also mentioned that this press delegation visited these places in 1945 and they say that in the Indian reading room there was one *Illustrated Weekly* of October 1941. And this is the stuff which they are sending by air for these

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people. But the British soldiers get their latest daily papers. I can understand the difficulties of my Honourable friend the Defence Secretary. He would not dare to send the Indian daily papers to the soldiers because they want to isolate them; they do not want the soldiers to know what is happening in this country, and therefore they are sending these stale papers which no one reads here.

An Honourable Member: They will black-out today's proceedings also.

Sardar Mangal Singh: I suggest that those papers should be sent which give the latest news about things in the villages and public news in which they are interested. They should stop these papers they are sending now; they are only wasting their money.

With regard to amenities, this question can be divided into two parts,—one being the front and the other the home. On the front wherever you may happen to go you are reminded of your inferior status. See the Indian soldier and see the British soldier. See his clothes, his dress, the cut of his coat, his kitchen, his room. With the Indian you will find that everything is inferior; at every step he is reminded that he is a slave. I have heard from some of my friends who have come here on leave from Italy that the British soldiers and others tell the Italians that these Indians are slaves and negroes and they should not go near them. When the Indians hear these things they feel very much. They hear that they are being called upon to fight for the Empire in which they are said to be shareholders, but at every stage they are reminded of their slavery and of their inferior status. It is a very serious matter and I would ask the Government of India to see that that impression is removed before they are demobilised; otherwise you are in for trouble. Those who have gone out feel more the degradation and the slavery of their country than those who are here and do not see these things in such bold relief. From the Government's point of view this is very important.

Then the Defence Secretary has not taken the trouble to explain how it is that Rs. 10 are spent on the Indian soldier and only one-third of that is spent on the British soldier. And yet the British soldier can see a film daily while the Indian soldier can only see a rotten and broken film once a fortnight. As regards rest camps, a description is given in these papers of American, British and Indian rest camps. The British and American rest camps are luxuriously furnished, with billiard tables and cushions and so on; in the Indian rest camp there is only a broken *charpoy* and nothing else. This is the impression which you are giving to Indians. I can say without exaggeration that the Indian soldiers in the army are only camp followers. If this impression goes deep, I feel they will create trouble when they go back.

Sir, they are very deeply concerned in the welfare of their people, their land, their crops, and so many other things. Nothing is being done about that. In this report, which Lord Munster has submitted to the British Government, he has said:

"In India there are the Army Liaison officers and Indian Soldiers Board who are looking after the welfare of the Indian soldiers."

I can straightaway say, without any fear of contradiction, that the Indian Soldiers Boards are doing absolutely nothing. There are men on these Boards who do not take any interest in the welfare of the Indian soldiers. They are there by the *Meharbani* of the District Magistrate and they *salam* him and go home. I think there are some Honourable Members on this side of the House who are connected with the Soldiers Boards and who are even Presidents of the Soldiers Boards, and I would expect them to stand up and say what they have been doing for the families of the soldiers who are fighting at the front. Several widows approached them and all that they have probably done is to forward their applications. They have done nothing. They had to come to us for help. I would therefore say that the Government of India should at once close these Soldiers' Boards and create a new organisation which will be really backed by soldiers and would do something for them. I hope that the Government of India would not oppose this position but having regard to the sentiments of the people of this country in this matter, they would immediately overhaul their welfare organisation.

Mr. C. M. Trivedi (Secretary, War Department): Representing the War Department, as I do, I am not responsible for welfare and amenities, but I am intervening in this debate because I have been very closely associated with His Excellency the Commander-in-Chief and I can say that no one is keener than himself to see that the Indian troops get the very best arrangements possible in respect of welfare and amenities.

An Honourable Member: A pious hope!

Mr. C. M. Trivedi: It is not a pious hope:

Nawabzada Muhammad Liaquat Ali Khan: The best is very poor so far.

Mr. C. M. Trivedi: It was His Excellency the Commander-in-Chief who arranged the Indian journalists' visit to the Indian troops in the Middle East and at the Italian front, and we are very grateful to the journalists who have published their impressions in their papers. If His Excellency the Commander-in-Chief did not want the press to see these arrangements and thereafter to make suggestions, he would not have made all the arrangements that he did for facilitating the visit of the journalists. It may be that in certain respects the accounts in the press are exaggerated, it may be that some of the headlines are sensational. I do not complain about this, because the press has a duty to perform and has its own conception of duty to the public. In pursuance of this conception it has indulged in sensational headlines although I myself would not like that sort of thing to be done.

Sir, I am not fully aware of the detailed arrangements for welfare and amenities, but I do know that His Excellency the Commander-in-Chief is very anxious that everything that is possible should be done. My Honourable friend, Sir Frederick James, referred to the visit which he and other members of the Defence Consultative Committee made to the Middle East in 1943 and he said that most of the grievances and complaints mentioned in the *Times* still remained unremedied. I have not got the exact details of the action taken on the various suggestions made by the Defence Consultative Committee, but I can at least remember a few off-hand on which a good deal of action has been taken. I remember the Committee saying that the number of Indian welfare officers was very small indeed; I remember the Committee having said that the number of Indian officers in the Public Relations Directorate was very small; I also remember the Committee having said that the arrangements for the leave of Indian troops were not very satisfactory; I also remember the Committee having suggested that the pay of the Indian troops should be increased. Coming to some of these things, since the beginning of the war the pay of the Indian troops serving overseas, broadly speaking, has increased by about 100 per cent.

Sir Cowasjee Jehangir: Nobody has raised that point today.

Mr. C. M. Trivedi: Oh, yes. It was raised. Mr. Honourable friend Mr. Abdul Qaiyum did say that the Indian troops do not get as much as the British soldiers.

Mr. Abdul Qaiyum: I said 'while they are serving overseas'.

Mr. C. M. Trivedi: Yes. Pay and allowances of Indian soldiers serving overseas have been increased.

As regards leave, I think since the Defence Consultative Committee made its report in 1943, arrangements for leave have improved very greatly and I can assure my Honourable friend, Sir Cowasjee Jehangir, that the telegrams sent by the Government of India and His Excellency the Commander-in-Chief do not lack in force. If he wishes, I can show him privately some of the telegrams sent on the subject. But all these arrangements are necessarily governed by the availability of shipping which is governed by the over-all strategical situation. I can however assure the House that everything possible will be done in the matter of leave to Indian troops.

[Mr. C. M. Trivedi.]

I am personally very glad that this debate has taken place. Several suggestions have been made during the course of the debate and in the articles which have appeared in the *Hindustan Times* and in other papers. I can assure the House that His Excellency the Commander-in-Chief will do all he can to improve the amenities for the welfare of Indian troops. The House may or may not be aware that His Excellency the Commander-in-Chief has appointed an officer—a major-general—as head of the Liaison Mission for the Indian Army in the Middle East and eversince he has been there, he has devoted the greatest possible attention to the improvement of welfare and amenities. These things do take time and I suggest that that fact should be borne in mind.

Some Honourable Members: Question be now put.

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

"That the question be now put."

The motion was adopted.

Mr. T. T. Krishnamachari: Sir, I have heard the Honourable Member who is Secretary for Canteens, euphemistically called the Defence Department, carefully and feel I am not any the wiser for it. As I heard him I was reminded of an incident which is reported in these set of articles by my friend, Mr. Durga Das of the *Hindustan Times*. He has told the story of a unit not having a barber, and whoever responsible had commanded that the carpenter of the unit should do the barber's work. The result was that those who were ministered to by the new barber had cuts all over their faces.....

Mr. Sri Prakasa: We had the same experience in jails.

Mr. T. T. Krishnamachari: And it looks as though that carpenter turned a barber. The Honourable friend speaking for the Government has mishandled the matter so badly that he has merely inflicted cuts on his department and on all others whom he sought to defend.

The tragedy of it all is, that here in this House two gentlemen representing the Government, having little or nothing to do with the actual work that is being done in the Middle East, in Italy, in Iraq and in Iran, or for that matter even in Assam and in Burma, have sought to defend the activities of the authorities in this regard, and have merely trotted out empty excuses for not having repaired the damage which was brought to their notice two years ago by my Honourable friend, Sir Frederick James.

What was the answer that has been furnished to us? They will take note of all that has been spoken and written and that it takes time. The war has already lasted for 5½ years. In order that my Honourable friend, Mr. Trivedi, and his colleague might be able to carry out the wishes of this House, the war must continue for another 2½ years.

The Members on the Treasury Benches, including my Honourable friend, the Leader of the House, have been keen to do propaganda to publicise the valour of the Indian troops and to boost the war effort done by this country in every nook and corner of the world. But those people who are actually doing the fighting get very little or no portion of the benefit of it all. Why should not my Honourable friend the Leader of the House go to Italy and see things for himself? In fact he should also take his colleague the *locum tenens* in charge of the Defence Department if a plane could be found to take him.

I have no desire to keep the House engaged much longer. I have no doubt that the House has no doubt in their mind, that not one grievance voiced on behalf of our countrymen in the fighting fronts have been attempted to be assuaged, and I think the key of it all is this: Mr. Stimson, the *Times of India* correspondent, about whose report Sir Cowasjee Jehangir spoke so eloquently, has touched on the kernel of the situation. Why should not these troops get proper entertainers, why don't they get the sympathy they deserve from the people of India. It is all because of considerations which amongst others are

political. The Government of India are not able to associate the best minds of this country in looking after the amenities of the troops that are engaged abroad. A mere assurance cannot satisfy this House. I am however glad that the opportunity has been afforded to this House to express its views on two matters: One, that wherever these troops may be, though in fact it may be that they have chosen service under the British for purposes of earning their living, we cannot divest ourselves of our responsibility for them, and secondly, that we have to do all that we can at least by censuring those who are responsible for not providing these people with the basic amenities by exercising our vote against this Government. Sir, I hope the House will support the motion.

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

"That the Assembly do now adjourn."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th April, 1945.

LEGISLATIVE ASSEMBLY

Tuesday, 10th April, 1945.

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

STARRED QUESTIONS AND ANSWERS

(a) Oral Answers

Treatment to Indian Prisoners of War in Japanese and German Hands

1735. *Prof. N. G. Ranga: Will the Honourable the Defence Member be pleased to state: whether Indian prisoners of war in the hands of the Japanese and Germans are accorded the same treatment in regard to food, clothing and other provisions and conveniences as is given to the other prisoners of war, say the Americans and the English?

Mr. Ram Chandra: As regards prisoners in the hands of the Germans, the answer is in the affirmative. I regret that no information is available regarding treatment by the Japanese.

Prof. N. G. Ranga: Is it the same in regard to British prisoners who are in the possession of the Japanese?

Mr. Ram Chandra: We have no information either as regards the British prisoners in the hands of the Japanese.

Prof. N. G. Ranga: Isn't it the International Red Cross through which you are able to get into touch?

Mr. Ram Chandra: The Japanese do not give the same facilities to the representatives of the International Red Cross.

Mr. T. S. Avinashilingam Chettiar: Is there any source of information through which one can get to know about the treatment of prisoners in Japanese hands?

Mr. Ram Chandra: Well, there is some source of information, namely, prisoners who escape.

Seth Yusuf Abdoola Haroon: Does the Government of India supply any information to Japan regarding the Japanese prisoners here in India?

Mr. Ram Chandra: I must ask for notice of that question.

Prof. N. G. Ranga: How did the Government of India come to know that the Indian prisoners were not being treated as prisoners but made to become combatants on their behalf?

Mr. Ram Chandra: As I said before, prisoners who escaped gave some information when they arrivad.

Delegation to England for discussing Liquidation of Sterling Resources

1736. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member please state:

(a) whether Government propose sending a delegation to England to discuss with His Majesty's Government the problem of the liquidation of the sterling resources;

(b) if so, when it is proposed to be sent; and

(c) who will be the members of the delegation and whether it will include any non-officials?

Mr. K. G. Ambegaonkar: I would invite the attention of the Honourable Member to the reply given to starred question No. 245 on 1st March 1945.

Mr. T. S. Avinashilingam Chettiar: In that question it was not certain whether they proposed sending a delegation to England.

Mr. K. G. Ambegaonkar: The question was exactly in the same terms and the reply given was that no date has yet been fixed.

Mr. T. S. Avinashilingam Chettiar: Has the personnel of the delegation been fixed?

Mr. K. G. Ambegaonkar: No, Sir.

Prof. N. G. Ranga: Is it going to be official or non-official?

Mr. K. G. Ambegaonkar: In the previous reply it was stated that the composition of the delegation had not yet been decided but that the Government of India were fully aware of the desirability of including non-official elements in the delegation.

Mr. T. S. Avinashilingam Chettiar: When do they expect to send the delegation?

Mr. K. G. Ambegaonkar: The date has not yet been fixed.

CERTAIN TENDENCIES RE BANKS AND INSURANCE COMPANIES CHANGING HANDS

1737. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member please state:

(a) whether, in pursuance of his reply to Starred Question No. 1254 dated the 22nd March, 1945, Government have finished consideration of certain tendencies regarding Banks and Insurance companies changing hands and come to any conclusion in the matter; and

(b) if so, what steps Government propose to take in the matter?

Mr. K. G. Ambegaonkar: (a) No.

(b) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, in view of the promise made by the Finance Member in this House that the matter is under consideration, whether they have taken any steps in the matter?

Mr. K. G. Ambegaonkar: The matter is under the consideration of the Commerce Department. The Honourable Member for Commerce is constituting a Committee to consider the question.

Mr. T. S. Avinashilingam Chettiar: May I know whether they expect to take action early in view of the important nature of the question?

Mr. K. G. Ambegaonkar: Yes, Sir.

LEGISLATIVE ASSEMBLY'S REJECTION OF DEMAND FOR INFORMATION AND BROADCASTING DEPARTMENT

1738. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Information and Broadcasting please state:

(a) whether Government have considered the opinion expressed by all sections in this House that the propaganda done by his Department in India and abroad has been against the Indian interests;

(b) whether Government have considered the vote of this House in rejecting the demand for his Department; and

(c) if so, with what effect?

The Honourable Sir Sultan Ahmed: (a), (b) and (c). I have already expressed Government's views on this subject and see no reason for any change in them.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government have considered the question and thought that there is no misrepresentation, or whether they have considered the question and consider no action is necessary on the part of the Government?

The Honourable Sir Sultan Ahmed: I have nothing to add to what I have said.

(At this stage Prof. N. G. Ranga interrupted.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said he has nothing further to add.

Mr. T. S. Avinashilingam Chettiar: Will the Government correct Sir Firoz Khan Noon?

Mr. President (The Honourable Sir Abdur Rahim): He has said he has nothing further to add.

LEGISLATIVE ASSEMBLY'S DECISION *RE* DEMAND FOR GRANT OF PLANNING AND DEVELOPMENT DEPARTMENT

1739. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Planning and Development please state:

(a) whether Government have considered the vote of this House on the Demand for Grants of his Department;

(b) if so, with what effect; and

(c) whether, in view of his promise to put every thing before the Standing Committee for Finance, he has any matters ready which he proposes to put before them?

The Honourable Sir Ardeshir Dalal: (a) Yes.

(b) The Governor-General in Council has restored the Demand.

(c) I presume the Honourable Member is referring to the Standing Committee for my Department. A meeting of this Committee of which he is a member was held on the 7th April. A brief statement indicating the subjects discussed and the conclusions reached will be circulated later to all Members of the Central Legislature.

Mr. T. S. Avinashilingam Chettiar: May I take it that no decisions will be taken by the Government before the matter is put before the Standing Planning Committee?

The Honourable Sir Ardeshir Dalal: No, Sir. That is not the object. According to the conclusions arrived at by the Committee on Standing Orders, a short resume of the subjects will be placed before the Standing Committee as well as the decisions of the Committee.

Mr. T. S. Avinashilingam Chettiar: In view of his promise to take the Committee into complete confidence, what we want to know is whether he would put everything before the Committee before coming to a decision.

The Honourable Sir Ardeshir Dalal: The work of the Planning Department is of a very extensive character and everything cannot be placed before the Standing Committee otherwise the whole work will be at a standstill until this Assembly comes to a decision. It would occupy the whole time of this Assembly for a year if such a thing were done.

Prof. N. G. Ranga: What we have in mind is not that everything should be placed before the Committee but every important matter concerning policy.

The Honourable Sir Ardeshir Dalal: Policy matters will be placed before the Committee as was done on the occasion when it first met. But the whole work of the administration cannot be held up.

Seth Yusuf Abdoola Haroon: Will any decision be taken before it is placed before the Standing Committee or the Standing Committee will be given an opportunity to discuss it?

The Honourable Sir Ardeshir Dalal: There are some matters which have already been considered by Government and certain decisions have been taken on it. The work of planning has been going on for some time. As I promised, important matters including policy will be placed before the Standing Committee.

Mr. T. Chapman-Mortimer: Will the Honourable Member assure us that what he will do will be to place before the Standing Committee all such papers as he would propose to place before any other committee that does not consist of Members of this House?

The Honourable Sir Ardeshir Dalal: There will be no difficulty in my placing before the Standing Committee the papers which I place before other Committees.

Mr. T. T. Krishnamachari: There is a little mistake in regard to the understanding of clause (c) of the question. The Honourable Member's reply refers to the Standing Committee for his Department whereas what the questioner wants is whether the Honourable Member has any proposals to place before the Standing Finance Committee. The House having rejected the Demand.

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

Mr. T. T. Krishnamachari: I want to explain the position. The House having rejected the Demand, the Honourable Member wants to know whether the Honourable Member for Planning and Development is going to place particular proposals of his which have a financial implication before the Standing Finance Committee.

The Honourable Sir Ardeshir Dalal: The questioner ought to know what he meant by his question. He has accepted the assumption that he meant the Standing Committee of the Department.

BAN ON PROVINCIAL CONGRESS COMMITTEES

1740. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member please state:

(a) whether all the Provincial Congress Committees and their working committees still continue to be banned;

(b) whether any of the Provincial Governments have consulted the Government of India over the matter of removing this ban;

(c) whether any Congress Committees are still banned in the centrally administered areas; and

(d) the policy of the Government of India in this regard?

Sir Richard Tottenham: (a) As far as I know, all Provincial Congress Committees, except that of the North-West Frontier Province, are banned. I have no information about Provincial Working Committees. The matter is one for Provincial Governments to decide.

(b) No.

(c) Yes. A detailed list is laid on the table.

(d) To maintain the ban till their removal is justified.

List of various Provincial and Local Congress Committees banned in the Centrally Administered areas.

1. *Coorg*
   1. The Coorg District Congress Committee.
   2. Karnataka Provincial Congress Committee.
2. *Delhi*
   Delhi Provincial Congress Committee.
3. *Ajmer*
   1. Provincial Working Committee, Ajmer.
   2. Town Congress Committee, Ajmer.
   3. Town Congress Committee, Beawar.
   4. Town Congress Committee, Kekri.
4. *Baluchistan.*—Nil.

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member whether the Home Minister of the Sind Government gave an assurance on the floor of the Sind Legislative Assembly that the Government of Sind was in communication with the Government of India regarding the removal of the ban on the Sind Provincial Congress Committee?

Sir Richard Tottenham: I have no information to that effect.

Mr. Badri Dutt Pande: In the North West Frontier Province the Congress Ministry is functioning and is ruling the Province. How is the Congress Committee illegal in other Provinces?

Sir Richard Tottenham: That is a matter for the Provincial Government to decide, as I made clear in my answer to part (a) of the question. No Congress Committee was declared unlawful in the North-West Frontier Province even in 1942.

Mr. T. S. Avinashilingam Chettiar: May I know if I heard the Home Secretary correctly: he said that the Provincial Governments have not consulted the Home Department over this matter. Is that correct?

Sir Richard Tottenham: Yes, I would not have said it if it had been incorrect.

Mr. T. S. Avinashilingam Chettiar: How is it that it disagrees with the statement made in the Sind Legislative Assembly that the Home Minister has consulted the Government of India in this matter?

Sir Richard Tottenham: We have received no letter from the Sind Government on the subject.

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

Mr. T. S. Avinashilingam Chettiar: Sir, this is an important question.

Mr. President (The Honourable Sir Abdur Rahim): The Government Member has made his reply quite clear.

JAILS IN DELHI

1741. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) the number of jails in Delhi;

(b) their capacity to hold prisoners;

(c) the number of prisoners of various categories such as ordinary criminals, War Prisoners and non-civil disobedience detenus in these jails;

(d) the number of persons belonging to Delhi who have been taken as detenus;

(e) in which jails of Delhi, Punjab and U. P. they are kept;

(f) why Delhi detenus are today kept in the Punjab and U. P. jails especially when the Government of India have no control over the U. P. and the Punjab Jail authorities as to the conveniences to be provided for the Delhi detenus such as wearing shoes, using reading and writing materials; and

(g) whether Government propose to bring back the Delhi detenus to Delhi or see that the U. P. and the Punjab Governments give the same treatment to the Delhi detenus in their Jails to which they are accustomed in Delhi Jails either by the Jail Manual or the Jail Practices?

Sir Richard Tottenham: (a) One.

(b) 677.

(c) A statement is laid on the table.

(d) 12.

(e) In various jails in the Punjab, but mostly in the Ferozepur District Jail.

(f) The Delhi District Jail has always been operated for administrative convenience as a unit of the Punjab Prison system. Delhi prisoners are not sent to jails in the United Provinces.

(g) No. The Government of India have suggested certain standards for the treatment of security prisoners in essential matters and these standards are maintained generally in all Provinces, including the Punjab. In matters of minor importance some variety of provincial practice is inevitable and it would be impossible to claim for Delhi prisoners in Punjab jails privileges in small matters that the remaining prisoners in those jails do not enjoy.

Statement showing the number of prisoners convicted for various offences and confined in the Delhi District Jail

Male convicts:
Sentenced to rigorous imprisonment—416.
Sentenced by Courts-martial—23
Sentenced to death—13.
Sentenced to simple imprisonment—17.
Under-trial prisoners—282.
Others—6.

Female convicts:
Female convicts—2.
Female undertrials—3.
Total.—762.

Prof. N. G. Ranga: Why is it that the Government of India wishes to disavow all responsibility for the jail conditions of their own prisoners while allowing the Punjab rules to prevail in Delhi Jails?

Sir Richard Tottenham: As I said, to all intents and purposes the Delhi jail is a Punjab jail.

Prof. N. G. Ranga: Why should it be so?

Sir Richard Tottenham: For administrative convenience.

Mr. Sri Prakasa: May I know the present population of the Delhi jail with reference to the Honourable Member's reply to part (b) of the question and also whether the full quota of prisoners is there; and if not, whether Government will consider the desirability of bringing back to the Delhi Jail the Delhi prisoners from the Punjab?

Sir Richard Tottenham: I regret to say that the population of the Delhi jail at the moment, according to the statement I am laying on the table, is 762, whereas the proper capacity of the jail is 677, which means that the Delhi jail is unfortunately already overcrowded.

Prof. N. G. Ranga: Does that phrase "administrative convenience" also include the convenience of avoiding any sort of questions and the necessity to answer them in this House, by transferring the Delhi jail to the Punjab Jail administration?

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

Mr. Sri Prakasa: Will Government consider the desirability of bringing back the political prisoners at least from Ferozepur to Delhi and transfer the requisite number of ordinary prisoners from the Delhi jail to a Punjab jail instead?

Sir Richard Tottenham: As I said, there are only 12 security prisoners from Delhi at present and there are no suitable arrangements in the Delhi jail for such prisoners. It would be inconvenient for the prisoners themselves to bring them back to the Delhi jail, where they would be denied the company of other prisoners of the same kind.

Mr. Sri Prakasa: Cannot the 12 prisoners be expected to keep company among themselves and not need a thirteenth at their table?

Prof. N. G. Ranga: Are we to understand that the Delhi Administration has no Jail Code of its own?

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

Prof. N. G. Ranga: I want an answer to my question, Sir.

Sir Richard Tottenham: My answer is that the Honourable the President has called the next question.

Prof. N. G. Ranga: Do not take shelter under the President. Has not the Government got any shame?

DETENTION OF MR. B. PATNAIK

1742. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) for how long Mr. B. Patnaik, a detenu from Delhi, has been detained;

(b) if it is not a fact that he had to be admitted into the Mayo Hospital for treatment for acute intestinal trouble and insomnia;

(c) the present state of his health; and

(d) whether Government propose to release him in view of his long detention and prolonged illness and serious condition of his present health?

Sir Richard Tottenham: The Honourable Member is referred to the answer given to Mr. Abdul Qaiyum's question No. 1502 on April 2nd. The further report which I have since received seems to show that there is nothing seriously wrong with his health.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Government have answered on a previous occasion that they are considering Mr. Patnaik's release, may I know whether they have finished that consideration?

Sir Richard Tottenham: No, Sir. The consideration of that question has not yet been completed.

Mr. Sri Prakasa: May I know how long does the Honourable Member expect it would take to come to a final decision regarding Pilot Patnaik?

Sir Richard Tottenham: I think we may have to wait until the Home Member returns to India.

Mr. Abdul Qaiyum: When is the Home Member coming back?

Sir Richard Tottenham: I do not know.

Mr. Sri Prakasa: Will Government consider the desirability of appointing another Home Member to consider this matter?

(No answer was given.)

UNIFORM MINIMUM CONVENIENCES FOR POLITICAL PRISONERS

1743. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) if Government are aware that at the time of the late Jatin Das hunger strike in 1929, Government gave an assurance that certain uniform minimum conveniences would be provided for political prisoners and others who are not convicted for moral turpitude and that in pursuance of that assurance, the practice has grown in all the Provinces of keeping all politicals together, as per their classes and certain minimum conveniences such as providing them with reading and writing materials, frequent interviews, wearing chappals and shoes, smoking, spending from their own money on supplementing their diet, clothes and books have been permitted to them; and

(b) whether the Government of India propose to suggest to the Punjab Government to abandon their objection to smoking by the Delhi detenus, who had been permitted to smoke while in Delhi jails and to the U. P. and Punjab Governments to allow their 'C' class politicals to wear shoes?

Sir Richard Tottenham: (a) Government have never given official recognition to the term "political prisoners"; but it is correct that at about the time to which the Honourable Member refers, the rules for the classification of prisoners were revised and persons whose status, education and character merited special treatment were given special privileges, provided that the offences of which they were convicted did not fall within certain categories including crimes of violence. The details were explained in a *communique* issued by the Government of India in 1930.

(b) Persons detained without trial are not subject to the classification rules applicable to convicted prisoners but somewhat similar privileges have been granted by all Provinces to those to whom the same sort of criteria as those which I have mentioned in the reply to part (a) would apply. Copies of the Provincial Rules on the subject are in the Library and I find that under rule 39 of the Punjab Rules security prisoners are allowed to smoke at their own expense. As regards footwear I may point out that security prisoners are allowed to wear their own clothing if they so wish.

Prof. N. G. Ranga: Will Government consider the advisability of treating the Delhi jail as their own jail and subject to their own rules and not as a Punjab jail subject to Punjab rules?

Sir Richard Tottenham: The Honourable Member seems to be repeating in another form the question which I have already answered.

Prof. N. G. Ranga: This arises in view of the fact that there was an assurance given that as far as possible uniformity of treatment would be given to political prisoners, as we consider them, to such class of prisoners as my Honourable friend has specified as coming under a special category; and I suggest that the Punjab jail rules are not satisfactory and therefore the Government of India should begin to treat the Delhi jails as their own jails and administer them according to their own rules, subject to the control and supervision of this Legislature.

Sir Richard Tottenham: I have tried to explain that in all important respects the rules governing the treatment of detenus or security prisoners are the same in Punjab jails and the Delhi jail. The Honourable Member has mentioned two particular cases in which he suggested that the treatment given in the Punjab jails is less good than it would be in the Delhi jail, that is to say, (1) the case of smoking and (2) the case of footwear. I have explained that under the Punjab rules smoking is allowed; actually, I believed under the Delhi rules it is not allowed; and therefore, as a matter of fact, the Punjab rules are more liberal in this respect than the Delhi rules. In the second place as regards footwear, there is no real complaint because all these people are allowed to bring their own clothes and to wear them, if they wish to.

Mr. T. S. Avinashilingam Chettiar: Does 'clothes' include footwear also?

Sir Richard Tottenham: Yes; I should say that it did.

BAN ON ENTRY OF MESSRS. M. C. PANT AND SHANTI SWARUP INTO DELHI CLOTH MILLS AREA

1744. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state:

(a) if it is not a fact that Messrs. M. C. Pant and Shanti Swarup, former employees of the Delhi Cloth Mills have been prevented from entering into the Delhi Cloth Mills area;

(b) if it is not a fact that, as a result, they have been unemployed ever since their release from detention;

(c) if it is not a fact that they have not been granted any maintenance allowance; and

(d) whether Government propose to reconsider their decisions and see that these people are granted some suitable allowances?

Sir Richard Tottenham: (a) An order preventing Mr. M. C. Pant, from entering the mill area in Delhi was in force for about six months until January last, when it was withdrawn. A similar order in respect of Mr. Shanti Swarup was passed on the 11th January, 1945 when he was released from detention, and is still in force.

(b) Government have no information.

(c) Yes.

(d) No.

Prof. N. G. Ranga: How much allowance was granted to Mr. Shanti Swarup?

Sir Richard Tottenham: No allowance was granted.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Home Member promised that in future he would not pass any orders preventing lawful employment, may I know whether that fact was considered with reference to these two persons?

Sir Richard Tottenham: That is perfectly true; and I do not think the present order against Mr. Shanti Swarup does prevent him from earning his living. There are plenty of opportunities for procuring employment outside the particular wards from which he is excluded. There are other mills in Delhi and in the Delhi area; and I also understand that this gentleman himself voluntarily surrendered a lucrative appointment in the Delhi Cloth Mills in August 1942.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that he has been prevented from joining his old employment, will the Government of India use their good offices to get him such employment outside as they think they can?

Sir Richard Tottenham: If the man himself applies to us for any assistance, we will consider the matter; but we have received no representation on the subject. As I am on the subject, I suggest it would be better to wait a little, because, as the Home Member said the other day, the Chief Commissioner of Delhi is reviewing these orders which restrict the movements of people, with a view to modifying them if possible in the very near future.

DISCONTINUING OF PROPAGANDA FILMS

1745. *Mr. Satya Narain Sinha (on behalf of **Mr. Manu Subedar**): In view of the fact that the production of propaganda pictures has been discontinued at Hollywood, the principal producing centre of films, will the Honourable Member for Information and Broadcasting be pleased to consider the advisability of removing this obligation from Indian film producers?

The Honourable Sir Sultan Ahmed: It is not understood as to what is meant by the discontinuance of the production of propaganda pictures in Hollywood. War propaganda films are still being produced in large number in U. S. A. and elsewhere by the film industry in those countries.

Raw film supplies are obtained from other countries on the understanding that it would be used for the advancement of war effort and the maintenance of morale in general. It is necessary, therefore, for the Government of India to ensure that a part of the raw film is used for films designed to promote the war effort and to maintain morale.

Mr. T. T. Krishnamachari: Is it the idea of the Honourable Member's Department to use this concession to produce propaganda films merely as a sort of eye-wash in order to get the raw films from U. S. A.

The Honourable Sir Sultan Ahmed: I do not accept the word eye-wash, otherwise he is correct, that we have to produce these pictures in order to have propaganda. But I do not accept the word 'eye-wash'.

DETENTION OF MR. JAIRAMDAS DOWLATRAM

1746. *Mr. Lalchand Navalrai: (a) Will the Honourable the Home Member be pleased to state if Mr. Jairamdas Dowlatram, a security prisoner of Sind, is detained under the orders of the Central Government or the Provincial Government of Sind? If by the former, how long has he been so detained?

(b) Is it a fact that he has been ailing? If so, since how long, and what is his malady?

(c) Is the Honourable Member aware that he is not a member of the Congress Working Committee but an *ex*-member of the Working Committee?

(d) Is it a fact that the Provincial Government of Sind has released some political prisoners but has left the case of Mr. Jairamdas to be considered for release by the Central Government?

(e) Do Government propose to release him, or if he is detained by the Sind Government, to recommend to it for his release? If not, what are the reasons for his further detention and when was his case reviewed last?

Sir Richard Tottenham: Mr. Jairamdas Doulatram has been released.

Mr. Lalchand Navalrai: May I know if Mr. Jairamdas Doulatram has been released on the recommendation of the Muslim League for the purpose of helping them in the formation of a Muslim League Ministry, or for some other reasons?

Sir Richard Tottenham: I only know that the Sind Government recommended his release.

Mr. Lalchand Navalrai: When it is said that he has been released on the recommendation of the Sind Government, is it not as the Honourable Member has been saying that it is on the merits that they are released?

(No answer was given.)

Mr. Lalchand Navalrai: I want a reply to my question.

Mr. President (The Honourable Sir Abdur Rahim): It does not call for a reply.

ARREST OF MR. J. T. SHAHANI, ETC., AT POONA

1747. *Mr. Lalchand Navalrai: (a) Will the Defence Secretary be pleased to state if he is aware that Mr. J. T. Shahani, his son and his wife's brother were arrested in the cantonment at Poona in or about August, 1942?

(b) Is it a fact that his wife was asked at the dead of night to leave the cantonment area?

(c) Is it a fact that he owns a shop and has a residential house in the cantonment area?

(d) Is it a fact that his shop was declared out of bounds?

(e) Is it a fact that after their release the son and the father are not permitted to enter the cantonment area though he is suffering a great loss by not managing the shop himself?

(f) Do Government propose to remove the above ban or keep it on indefinitely, or for how long and for what reasons?

Mr. Ram Chandra: I have called for information and will place a statement on the table of the House in due course.

Mr. Lalchand Navalrai: May I know if this matter will be decided soon, as they are suffering and as they are not allowed to enter the cantonment, or will it be done after a long time and the matter placed on the table?

Mr. Ram Chandra: The answer to the question, I am afraid, is not yet ready, and until I get the information which I have called for, I am not in a position to add anything to what I have said.

Mr. Lalchand Navalrai: I am asking whether it will be expedited.

Mr. Ram Chandra: Certainly; every effort will be made to expedite the matter.

Mr. Sri Prakasa: May I know if the Honourable Member is in telegraphic communication with the authorities at Poona in view of the importance of the question?

Mr. Ram Chandra: No.

Mr. Abdul Qaiyum: May I know when the inquiry was addressed?

Mr. Ram Chandra: I have not got any date, but I can assure the Honourable Member that it was done as soon as notice of the question was received.

Mr. Sri Prakasa: Did the Honourable Member communicate with the authorities concerned merely by post?

Mr. Ram Chandra: Yes; the communication was sent by post.

INSTALLATION OF RADIO SETS FOR COMMUNITY LISTENING IN CERTAIN MADRAS DISTRICTS

1748. ***Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) if he is aware that 568 radio sets were supplied to the Madras Government to be installed by them for community listening; if so, how many of them were installed in each of the following districts:

(i) the Nilgiris; (ii) the South Kanara; and (iii) Malabar;

(b) whether all of them were installed for community listening or any of them sold by the Madras Government to private parties; and

(c) whether the Government of India have any scheme to expand the arrangements for community listening?

The Honourable Sir Sultan Ahmed: (a) and (b). Yes, the Madras Government were supplied with 568 radio sets for community listening. Beyond that Government have no definite information on these points which are entirely the responsibility of the Provincial Government.

(c) The Government of India have no scheme of their own to expand the arrangements for community listening.

Prof. N. G. Ranga: Is it not the duty of the Government of India to assure itself that when they issue sets for community use, they are actually being used for community use and not for any other purposes?

The Honourable Sir Sultan Ahmed: We have got no reasons to think that they are not put to the right use.

Mr. T. S. Avinashilingam Chettiar: Did the Provincial Government pay for them or is it a present to them?

The Honourable Sir Sultan Ahmed: I would like to have notice of that question.

Mr. Sri Prakasa: Does the Government give any instructions to the Provincial Governments as to how these community sets are to be used?

The Honourable Sir Sultan Ahmed: No; they have to certify us that they will be used for the purposes for which they have got them.

Mr. Kailash Bihari Lall: May I know what are the favoured provinces who get the privilege of this community listening?

The Honourable Sir Sultan Ahmed: I have answered that question before.

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

APPOINTING OF A MUSLIM AS SECRETARY, CENTRAL BOARD OF REVENUE, ETC.

1749. ***Mr. Muhammad Hussain Choudhury:** (a) Will the Honourable the Finance Member be pleased to state if, since the inception of the Income-Tax Department, there had ever been a Muslim Secretary in the Central Board of Revenue or a Muslim Commissioner in Bengal, Punjab or Assam? If so, for what duration?

(b) Is it a fact that the key posts in the above three Provinces have been held in the past and are being held at present by non-Muslims?

(c) Does the Honourable Member propose to consider the advisability of taking steps to see that so long as there is no Muslim Commissioner of Income-Tax and the reasonable number of Muslim Inspecting Assistant Commissioners,

there should be a Muslim Officer on the post of Personal Assistant to the Commissioner of Income-Tax in the Punjab?

Mr. K. G. Ambegaonkar: (a) Khan Sahib Malik Nazar Mohammad Khan officiated for 3 weeks as the Commissioner of Income-tax, Punjab. The answer to the other parts of the question is in the negative.

(b) No.

(c) The post of Personal Assistant to the Commissioner of Income-tax in the Punjab is generally filled by the most suitable junior officer available at the time, having regard to all circumstances. The practice has so far worked well without detriment to the interests of any community and there appear to be no reasons for making a departure from it now.

INSPECTORS AND HEAD ASSISTANTS IN INCOME-TAX DEPARTMENT UNDER PUNJAB COMMISSIONERSHIP

1750. ***Mr. Muhammad Hussain Choudhury:** Will the Honourable the Finance Member please state:

(a) the community-wise strength of permanent Inspectors and Head Assistants in the Income-Tax Department under the Punjab Commissionership; and

(b) whether it is a fact that these grades are mostly possessed by Matriculates and even non-Matriculate non-Muslims?

Mr. K. G. Ambegaonkar: (a) and (b). The information is being collected and a reply will be laid on the table of the House in due course.

PROSECUTIONS FOR OFFENCES AGAINST PROPERTY OF CROWN IN DELHI CENTRAL ORDNANCE DEPOT

1751. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary be pleased to state the number of cases instituted in Courts-martial and of those in Criminal Courts, during the years 1942, 1943 and 1944, for offences against the property of the Crown in the Delhi Central Ordnance Depot?

(b) Will he please state the principles, apart from the one in Section 41, Indian Army Act, which have been in vogue to discriminate offences and personnel to be tried, some by Courts-martial and others by ordinary Criminal Courts?

Mr. C. M. Trivedi: (a) I regret that the information asked for by the Honourable Member is not readily available and its collection would involve an amount of time and labour which would not be justified in war time.

(b) The principles are detailed in paragraphs 1, 2 and 3 of Chapter VI of the Manual of Indian Military Law, a copy of which is in the Library.

Prof. N. G. Ranga: Are these cases so numerous that it is not convenient for the Honourable Member to collect and give the information to the House?

Mr. C. M. Trivedi: I have given the reason. Collection of information would involve an amount of time and labour which would not be justified in war time.

Prof. N. G. Ranga: If there are only a few cases, how could they involve an enormous amount of labour and expense?

Mr. C. M. Trivedi: We are not justified in calling upon the authorities of the Ordnance to collect this information at a time when their hands are full with other important war work.

Mr. T. S. Avinashilingam Chettiar: The information is wanted only in regard to one Depot, namely, the Delhi Central Ordnance Depot. Does the Honourable Member think that the time and labour involved is too much?

Mr. C. M. Trivedi: I mean exactly what I say.

Mr. Sri Prakasa: I would like to make a submission in this connection. Many Honourable Members have been in the habit for some time past of saying that the amount of time and labour involved in answering questions would not be justified in war time. The Standing Orders say that they can only reply in this way if the time and labour involved would not be commensurate with the results obtained. I do not know how and when the Standing Orders have been amended to enable Honourable Members on the other side to take shelter behind the war and avoid answering questions.

Mr. T. S. Avinashilingam Chettiar: In this case,, it is only one Depot in regard to which information is wanted.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the matter calls for an explanation. War time does make a difference in many respects.

PROSECUTIONS FOR OFFENCES AGAINST PROPERTY OF CROWN IN DELHI CENTRAL ORDNANCE DEPOT

1752. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary be pleased to state if he is aware that by non-compliance with the provisions of Section 41, Indian Army Act, the defence of the alleged offenders, tried by the ordinary Criminal Courts, has been prejudiced owing to:

(i) the absence of defence witnesses, who, since the alleged commission of an offence, have, either gone on "active service" overseas or have died;

(ii) the non-production of Military records, which is either privileged or, for some reason or the other, has been destroyed, or is missing;

(iii) the omission of reference to the customs of the Army service and to Military Law as defined in Section 180 (2) (a) of the Army Act; and

(iv) the refusal of bails, non-supply of the proceedings of the Criminal Court, except on payment, non-recognition of friends to assist the accused and non-appointment of a defending officer to defend the accused?

(b) Does he propose any action by way of relief to the alleged offenders' families during the period of "active service" in pursuance of Section 43 (h) (v) read with 52-A of the Indian Army Act?

Mr. C. M. Trivedi: (a) (i). The position as regards the difficulty in producing defence witnesses remains unchanged even when an accused is tried by a court martial. The military authorities do, in both cases, subject to the exigencies of the service, facilitate the attendance of any military witness required by the courts.

(ii) The doctrine of privilege applies equally to civil and military courts.

(iii) I am afraid I have been unable to understand the exact implications of the Honourable Member's question. If, however, he means that the civil court is unaware of the customs of military service, I may inform him that the offender would only be tried for a civil offence under the civil law and *not* for an offence of a purely military character where such considerations may be of importance.

(iv) Bail will not be refused unless the offence committed is of a serious nature, in which case the accused would be in close arrest even when tried by a court martial. As regards the last part, Rule 388 of the Regulations for the Army in India provides for the defence of soldiers charged with criminal offences and prosecuted in civil courts.

(b) Section 43 (h) (v) of the Indian Army Act details a punishment that may be imposed on a soldier on active service whereas section 52-A deals with allowances to the dependants of a Prisoner of War. The two Sections are not inter-related in any way, and I have not been able to understand what exactly the Honourable Member has in mind.

DISABILITY PENSIONS OF COMMISSIONED AND NON-COMMISSIONED OFFICERS BEFORE COMPLETION OF MINIMUM SERVICE

1753. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary please state if it is a fact that in the case of a commissioned officer who has been disabled, before putting in the minimum length of service required, to earn an ordinary pension of his rank, the amount of disability pension has comprised of the minimum ordinary pension payable to that rank *plus* a disability element of pension assessed in relation to that rank whereas in the case of a non-commissioned officer disabled before putting in the minimum length of service required to earn an ordinary pension of that rank, the amount of disability pension has not comprised of the minimum pension payable for that rank, and the disability element of pension has also been assessed on the lowest rank, i.e., of a sepoy?

(b) If the answer to (a) be in the affirmative, will he please state the authority, with reference to Section 136 Army Act, War Pensions Acts 1915 to 1920, any Royal Warrant or any law passed by the Governor-General of India in Council for this distinction?

(c) Does he propose to apply the same principle in the case of Indian non-commissioned officers as regards the grant and assessment of disability pension, as in the case of Commissioned officers when both are subject to similar risks, If not, why not?

Mr. C. M. Trivedi: (a) If the Honourable Member is referring to the rules applicable to the disability pensions of Viceroy's Commissioned Officers then the position is as stated by him in the 1st part of the question. The rules regulating the grant of disability pensions to King's Commissioned Officers are different and lay down a fixed rate of disability element irrespective of rank.

As regards non-commissioned officers of the Indian Army who have not earned a service pension and who are discharged with a disability assessed at 20 per cent. or more which is attributable to military service, special rates of pension are laid down in the Pensions Regulations, Part II (1940). I may add, however, that these rates are higher than those admissible to a sepoy in the same circumstances.

(b) As already stated on the 2nd April, 1945 in answer to part (a) of starred question No. 1506, the executive authority vested in the Governor General in Council by the Government of India Act, 1935, extends to the payment of pensions to, or in respect of, persons who have served in His Majestys' Forces in India.

(c) No, Sir. The Pensions Regulations for the Army in India have been framed after taking into consideration all the relevant factors and I see no reason for modifying them in this respect.

FAMILY PENSIONS OF COMMISSIONED AND NON-COMMISSIONED OFFICERS

1754. ***Mr. Ram Narayan Singh:** (a) Will the War Secretary please state if it is a fact that family pension of Commissioned officers has been assessed with reference to the Commissioned rank held on the date of death, whereas the family pension of Non-Commissioned Officers, has been assessed with reference to the lowest rank, *i.e.*, the sepoy's rank and not with reference to Non-Commissioned rank, in spite of the fact, that for the purpose of ordinary and disability pensions the non-Commissioned rank has carried a higher pension than the corresponding pension for the rank of a sepoy?

(b) If the answer to (a) be in the affirmative, will he please state the authority with reference to Section 136 of the Army Act, War Pensions Acts 1915 to 1920, Royal Warrant or any law passed by the Governor-General in Council for ignoring the non-Commissioned rank for the purpose of grants and assessments of family pension?

(c) Does he propose any action with retrospective effect in cases affected by this non-recognition of non-Commissioned rank, for the grant and assessment of family pension? If not, why not?

Mr. C. M. Trivedi: (a) and (c). As regards commissioned officers the position is that family pensions are assessed with reference to the paid rank held on the date of death or of first removal from duty, whichever is more favourable. As regards non-commissioned ranks however the facts are not as stated by the Honourable Member. The position is that in 1921 it was decided to increase the family pensions of sepoys and naiks, and the increase decided upon made the family pensions awardable to these two ranks equal to those awardable to Havildars.

(b) I would refer the Honourable Member to my reply to part (b) of the preceding question.

SCALES OF PAY AND ALLOWANCE OF POSTAL EMPLOYEES IN MIDDLE EAST ARMY

†1755. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the War Secretary be pleased to state if the scales of pay and allowance allowed to postal employees

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

and servants in the Middle East Army are not much lower than the corresponding scales for similar employees in India at present and that they continue on the old scales?

(b) If so, what is the difference due to, and do Government propose to consider the revision of such scales to bring them up to the Indian level?

(c) What are the conditions of leave for the said employees, and are they permitted to return to India at least once in eighteen months? If not, why not?

(d) Have any applications been received from those employees for transfer back to India or at least for leave, and how are they being disposed of in the majority of cases?

Mr. C. M. Trivedi: (a) On the assumption that the Honourable Member is referring to personnel in the Indian Army Postal Service, the answer is "No". Indian Army Postal Service personnel in the Middle East get the same basic pay as those in India. In addition those in the Middle East and in field service areas in India receive a military compensatory allowance equivalent to 50 per cent. of their basic pay, subject to a minimum total emoluments of Rs. 100 in the case of clerks, and Rs. 40 in the case of postmen and mail guard. In non-field service areas in India the military compensatory allowance is 25 per cent. of basic pay.

(b) Does not arise in view of the answer to part (a).

(c) The conditions of leave are the same as for Army personnel, that is, the amount of leave and the number of leave passages allotted to each unit or service is at the discretion of the Force Commander and generally depends upon the operational situation and transport facilities available. Normally leave is granted in rotation and on compassionate considerations, and it is not possible to ensure return to India at least once in 18 months in every case. Those granted leave can spend a minimum of 24 days at home.

(d) Yes, Sir. Applications are given individual consideration, and repatriation, or leave as described in my reply to part (c), is granted according to the exigencies of the service.

INDIAN OFFICERS AND SOLDIERS IN ARTILLERY SERVICE ON ITALIAN FRONT

†1756. ***Mr. M. Ananthasayanam Ayyangar:** Will the War Secretary please state whether there are any Indian Officers and soldiers in the Artillery service on the Italian front? If not, why not?

Mr. C. M. Trivedi: The answer to the first part is in the affirmative. The second part does not therefore arise.

AMENITIES AND FACILITIES TO INDIAN TROOPS IN MIDDLE EAST

†1757. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the War Secretary please state how many parties of dancing girls have been sent and are now employed to offer entertainment to the Indian troops in the Middle East? What is the cost of each troupe?

(b) Are cigarettes supplied to Indian soldiers of inferior quality to those that are supplied to British soldiers in the same regiment? If so, why is this difference made?

(c) How many nurses, Indian, Anglo-Indian and European working in the Military Hospitals in the Middle East are serving the troops from India there? What are the scales of pay allowed to the three classes of nurses, and is there any difference in the work they do?

(d) Are the Indian soldiers allowed leave once at least in eighteen months to return to India? By whom are the applications for leave investigated, recommended or disposed of?

(e) Are any newspapers, dailies, weeklies and monthlies supplied to the Indian troops in the Middle East?

Mr. C. M. Trivedi: (a) Eleven of these 'Fauji Dilkhush Sabha' parties, each costing Rs. 5,000 per month, are now overseas. Three of them are always in the Middle East.

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

(b) In the case of Indian Troops, issue cigarettes are manufactured from entirely Indian grown tobacco, whereas in the case of British troops, issue cigarettes contain a proportion of imported tobacco.

British and Indian Troops are issued with cigarettes of the type which they are accustomed to smoke.

(c) On the assumption that the Honourable Member is referring to Indian Service Nursing personnel, I lay a statement on the table giving the information regarding the numbers and pay of such personnel. I may add that in the same service all classes of nurses do the same work and draw the same scales of pay according to their ranks.

(d) The grant of leave from overseas Commands to Indian soldiers to India is not automatic after 18 months. All such leave from overseas commands is at the sole discretion of the Force Commander concerned and is granted on a percentage basis, dependent entirely on operational considerations, which of necessity, limit the numbers who may be absent from the overseas command at any one time. In accordance with quota granted on this basis, applications for leave are investigated and recommended by officers commanding units and disposed of by the authorities to whom power actually to sanction the leave is delegated by the Force Commander.

(e) No newspapers beyond those mentioned in my reply on the 10th February to part (a) of starred question 97 are at present being sent to Indian troops in the Middle East Command. They are however being asked if they would like them.

Statement showing the number of Indian, Anglo-Indian and European nurses working in the Middle East and their scales of pay.

	Indian Military Nursing Service	Auxiliary Nursing Service
Europeans	6	3
Domiciled Europeans and Anglo-Indians	17	6
Indians	6	17
	29	26

Scales of Pay

Indian Military Nursing Service

Matron	Rs. 419—28—559
Senior Sister	Rs. 357—11—390
Sister after 10 years	Rs. 335
Sister after one year	Rs. 258—11—313
Sister on appointment	Rs. 230

Auxiliary Nursing Service

Certificated Nurses	Rs. 135—5—175	Free messing in addition is authorised.
Uncertificated Nurses	Rs. 100—2½—120—3—126	

NEEDS AND SUFFERINGS OF INDIAN TROOPS IN MIDDLE EAST

†1758. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the War Secretary please state whether any reports have been submitted to the Government on the needs and sufferings of Indian troops in the Middle East—(i) by the non-official members of the Central Legislature, and (ii) by the journalists in India who were sent to those areas?

(b) Have they made any recommendations? If any such recommendations have been made, how far have those recommendations been implemented?

(c) What is the expenditure incurred by Government for taking each of the aforesaid groups to see the troops?

Mr. C. M. Trivedi: (a) and (b). On return from their tour in the Middle East in March 1943, the Defence Consultative Committee made recommendations on a good many points which had come to their notice. The points raised by the members were discussed at a special meeting of the Committee on the

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

6th July, 1943 under the Chairmanship of the Deputy Commander-in-Chief. Those recommendations which were accepted at that meeting have since been implemented. The newspaper representatives who toured the Middle East were not of course, expected to submit a report to Government and have not in fact done so, but I may assure the House that any suggestions they have already made or may make in the future in their newspapers will be carefully and sympathetically considered.

(c) The expenditure incurred by Government on these two tours amounted to approximately Rs. 6,000 and Rs. 15,000 respectively.

HEALTH OF MAULANA NOORUDDIN

†1759. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Home Member please state the state of health of Maulana Nooruddin, Member of the All-India Congress Committee and a Provincial citizen of Delhi, who is detained in the Ferozepur Jail?

(b) In view of his bad health and of the fact that many Members of the All-India Congress Committee have been released, have Government considered the advisability of releasing him?

Sir Richard Tottenham: (a) and (b). The Honourable Member is referred to the reply given to Mr. Ram Narayan Singh's question No. 1641 on April, 5th. The advisability of releasing the detenu is of course considered periodically by the Chief Commissioner, Delhi.

REVIEW OF DEARNESS ALLOWANCE QUESTIONS

†1760. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Finance Member please state, with reference to his answer to a supplementary question in connection with starred question No. 481, answered on the 16th November, 1944, whether it is a fact that all questions relating to dearness allowance come under review from time to time?

(b) When was the question of dearness allowance to Government Pensioners first and last considered?

(c) Has there been any change in the amount of dearness allowance granted to Government Pensioners since it was first granted?

(d) Is it or is it not a fact that the rise in price level of essential commodities in U. K is not as much as 200 per cent., while in India it is more than 400 per cent. of the pre-war level? If not, what are the facts?

(e) In view of the fact that in U. K. dearness allowance is granted even to pensioners getting £300 a year, and also owing to the high level of prices in India, have Government considered the advisability of increasing the rate of dearness allowance to lower grades and extending the benefit to pensioners getting up to Rs. 200 per month?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) In November, 1943 and in November, 1944, respectively.

(c) Not to those drawing pensions below Rs. 40 per mensem, but at the revision in November, 1944 the limit up to which dearness allowance is given was raised from Rs. 40 per mensem to Rs. 75 per mensem and relief of Rs. 5 per mensem was allowed in this range.

(d) The Board of Trade index of prices stood at 167·2 in December, 1944, while the general index of prices, as worked out by the Economic Adviser to the Government of India, stood at 247·5 for the week ending 17th March, 1945.

(e) Attention is invited to my reply to starred question No. 481 given on the 16th November, 1944. The possibility of some further liberalisation of the existing scale of relief is at present under Government's consideration.

PROVINCIAL QUOTA FOR FILLING UP POSTS IN INFORMATION DEPARTMENT

†1761. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Information and Broadcasting please state whether any Provincial quota has been fixed for filling up posts in the Information Department and particularly in the All-India Radio?

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

(b) Is he aware that only the writers belonging to the progressive school are given a chance by the All-India Radio to broadcast their talks?

(c) Is he aware that these progressive writers stand for propaganda of literature and seek to suppress aesthetic beauties of literature?

(d) If the answer to above be in the affirmative, have Government considered the advisability of arranging the talks of writers who are interested in the aesthetic side of the literature?

The Honourable Sir Sultan Ahmed: (a) No.

(b) No. The policy of All India Radio in respect of broadcasts on literary subjects is that each station should, as far as and as faithfully as possible, reflect the linguistic and cultural conditions of the area concerned. In pursuance of this policy, writers of all 'Schools' of literature get their due share in All-India Radio broadcasts.

(c) All contributions to All India Radio programmes are subject to the same scrutiny and are judged by aesthetic standards. Such standards naturally taken into consideration all such desirable qualities in a literary work as good taste and literary merit, etc. Government are not aware of any deliberate attempt on the part of the writers in question to suppress the aesthetic beauties of literature.

(d) In view of the reply given to parts (b) and (c) the question does not arise.

COMPENSATION MONEY TO INHABITANTS OF VILLAGES OF AKHOLIA AND CHUNARU GHAT

1762. ***Mr. Ananga Mohan Dam:** Will the Defence Secretary be pleased to state:

(a) if the compensation money has been paid to the inhabitants of villages of Akholia and Chunarughat in the district of Sylhet, which were requisitioned by the Military Authorities under the Defence of India Rules in January 1944;

(b) if not the reasons for non-payment:

(c) the reasons for this delay on the part of Government; and

(d) if Government are aware of the fact that a poor Brahmin of village Akhalia died without any treatment for want of money, though Government owed him money as compensation for requisitioning his homestead and agriculture lands vacated by him?

Mr. Ram Chandra: I have called for information from the Provincial Government and will place a statement on the table of the House in due course.

COMMON ROSTER OF SUPERINTENDENTS OF GENERAL HEADQUARTERS, AIR HEADQUARTERS, AND NAVAL HEADQUARTERS

1763. ***Mr. Badri Dutt Pande:** (a) Is the Honourable the Home Member aware that a common roster of Superintendents of the General Headquarters, Air Headquarters, and Naval Headquarters has been prepared, with a view to filling up the posts of Officer Supervisors and C. G. O.'s in those Headquarters? If so, whether it will debar the employees on the Civil Secretariat side from being considered for the higher appointments in those Headquarters. If so, why?

(b) Do Government propose to have a similar common roster for the Civil Secretariat as well for promotion to higher appomtments in the Secretariat and debar the staff of the General Headquarters from such appointments?

Sir Richard Tottenham: (a) The reply to the first part of the question is in the affirmative. As regards the second part, members of the civil services in one Department have no claim to be considered for appointments in another Department. The maintenance of a common roster in Defence Headquarters does not, however, bar consideration of suitable candidates from outside the roster, provided that no suitable candidates are available in the roster and provided also that the civil Department is prepared to release the individual.

(b) No. Apart from what has been stated in reply to part (a) of the question, the proposal would be un-suitable for administrative reasons.

I would emphasise that the introduction of this common roster in Defence Headquarters has not affected in any way the previous position as regards the transfer on promotion of personnel between Civil and Military Departments.

INDIANS HOLDING COLONEL'S AND HIGHER RANKS

1764. *Mr. Badri Dutt Pande: Will the War Secretary please state the names and number of Indians who are holding the rank of full Colonels, Brigadiers and above these ranks in the technical branches of the Army *i.e.*, I.M.E., M.E.S. and Ordnance?

Mr. C. M. Trivedi: No Indian has yet got sufficient seniority and experience for being selected for these high ranks in the technical branches of the army.

Mr. T. S. Avinashilingam Chettiar: May I know whether the same circumstances apply in England even in war time. Is it the case that deserving men who have distinguished themselves in war have not been appointed to these higher grades?

Mr. C. M. Trivedi: I suppose so.

Mr. T. S. Avinashilingam Chettiar: What is the number of years required for this?

Mr. C. M. Trivedi: One does not become a full Colonel till about 25 years' service.

Mr. Badri Dutt Pande: Are we to understand that no Indian is suitable for these posts?

Mr. C. M. Trivedi: I did not say that no Indian officer was suitable. I said that no Indian has got sufficient experience and seniority for being selected for these high ranks.

GOVERNMENT OF INDIA UNDER SECRETARIES NOT BELONGING TO REGULAR SERVICE

1765. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member please state the number of Under Secretaries in different Departments of the Government of India who do not belong to any regular service, such as I.C.S., P.C.S., P.E.S., etc.?

(b) What are their qualifications, and what length of services has each of them got?

(c) What are the rules for recruitment to this class of appointment, of such persons who do not hold any substantive appointment under Government and are such officers at present working in different offices, and how were they recruited?

Sir Richard Tottenham: (a) and (b). A statement is laid on the table of the house.

(c) Appointments of Under Secretaries are made on the recommendation of the Selection Board. Under Secretaries are usually selected from among persons already holding a substantive Government appointment. Before appointing any person who does not hold such an appointment it is necessary to consult the Federal Public Service Commission unless the post is one created in connection with the war emergency and the officer is appointed to it on a temporary basis.

Statement showing the number of Under Secretaries in the Government of India who do not belong to any of the regular services, their qualifications, length of service etc.

S. No.	Name	Qualification	Length of service
1	2	3	4
1	Mr. H. C. Sharma (E. H. & L. Department).	M. A. of the Punjab University, B. A. (Hons.) in Economics, Politics and Philosophy and in Agriculture of Oxford.	Eleven months.
2	Mr. B. G. Ghate (P. & D. Department)	M.A., LL.B., Ph. D. (Econ) London	Six years 7 months.
3	Mr. L. G. Mirchandani (War Department)	B.Sc. (Bom.), T.D. (London), Psy. D. (London), M.R.S.T. (London) and A.R.P.S. (London)	7½ months.
4	Dr. S. J. Ashgar (Defence Department)	B.A. (Cantab) (Natural Sciences Tripos); Ph.D. (Vienna) (Philosophy); Bar-at-Law.	One year and five months.

S. No.	Name	Qualification	Length of service
1	2	3	4
5	Mr. J. C. Taylor (Supply Department)	M.A., B.Sc., (Glas.)	3 years 7 months.
6	Mr. A. A. Said (I. & C. S. Department)	M.A., LL.B. (Cantab) D.P.A. (Oxon.), Bar-at-Law.	One year 11 months.
7	Mr. T. C. Boyd (I. & C. S. Department)	B.A. (Oxford), 2nd Class in the Honour School of Philosophy, Politics and Economics. Post graduate civil service course of London School of Economics.	One year.
8	Mr. D. R. H. F. Davis. (I. & C. S. Department)	M.A. (Cambridge 1st Class Honours in Oriental Languages LL.B. (London).	Eight months.
9	Mr. N. G. Abhyankar (Food Department)	B.A. (Bombay University) with First Class Honours in Economics. Awarded Cobden Club Medal by the Bombay University, M.Sc. (Lond.).	2 years 9 months.
10	Mr. M. Shagil (Commerce Department)	M.A., LL.B.	Six years 7 months.

PROMOTION OF SUPERINTENDENTS AND ASSISTANT SECRETARIES AS UNDER SECRETARIES

1766. *Mr. Badri Dutt Pande: (a) Will the Honourable the Home Member please state if he is aware that on account of occasional recruitment to these appointments from outside the services there is a great discontentment among the Secretariat staff who generally have long experience?

(b) What proportion has been set apart for those men who are working as Superintendents and Assistant Secretaries in different Departments for promotion to Under Secretaries' appointments?

(c) What are the reasons for not throwing open the Under Secretaries' appointments to the Secretariat staff?

(d) Does he propose to consider the desirability of reserving at least half of Under Secretaries' appointments in each Department for the Ministerial staff, at least for the duration of War if not permanently? If not, why not?

Sir Richard Tottenham: (a) (b), (c) and (d). It has recently been decided that ten posts of Under Secretary should be thrown open to members of the Imperial Secretariat Service.

Mr. T. S. Avinashilingam Chettiar: What is the total number of posts?

Sir Richard Tottenham: I am afraid I do not know. There is at least one Under Secretary in each Department!

DETENTION OF MR. SARAT CHANDRA BOSE AND LALA SHANKAR LAL

1767. *Mr. Sri Prakasa: Will the Honourable the Home Member be pleased to state:

(a) when the cases of Mr. Sarat Chandra Bose and Lala Shankar Lal were last reviewed and when they were last informed of the reasons for their detention;

(b) the amount that is spent per month on their detention camp and also the amount granted for their food, clothing and other necessities;

(c) if Government would consider the desirability of sending them nearer their homes and confining them in jails; and

(d) if their relatives including ladies are searched before they are allowed to interview them; and, if so, what arrangements Government have made for this search and what the manner is in which it is carried out?

Sir Richard Tottenham: (a) Mr. Sarat Chandra Bose and Lala Shankar Lal were informed of the reasons for their detention in February 1944. Their cases were last reviewed in December 1944.

(b) Approximately Rs. 2,000 p.m. is spent on the place of detention and Rs. 500 p.m. on their personal requirements.

(c) No.

(d) All persons who come to interview them are liable to be searched though in the case of ladies the search may be dispensed with. If it is necessary to search ladies it is done by two women searchers of good status.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (b) of the question and in view of the heavy expense involved in keeping them where they are will not the Government consider the desirability of movnig them nearer their homes as suggested in part (c) of the question?

Sir Richard Tottenham: There is no reason to believe that that would produce any reduction of expenditure.

Mr. Sri Prakasa: If I am not mistaken, the Honourable Member said that the approximate expense per month is about Rs. 2,500. Surely, in confining two persons in an ordinary jail nearer their homes, Delhi or Calcutta, would not cost so much.

Sir Richard Tottenham: The main expense lies in the renting of a special house for the purpose and I imagine that houses in Calcutta or anywhere like that would be more expensive than they are at Coonoor.

Mr. Sri Prakasa: Is it necessary to confine these two gentlemen in a separate house and not in the ordinary jail and is it not a fact that the house in which they are confined at the present moment is surrounded with wires which are charged with electricity?

Sir Richard Tottenham: As regards the first part of the Honourable Member's question, if we had not considered it necessary, it would not have been done. As regards the second part of the question, it is true that these two gentlemen are kept in a bungalow in Coonoor which is surrounded by barbed wire but I am sure there is no electricity in it.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say that they could not be transferred to Calcutta because of the higher rate of house-rent there? If so, is the Honourable Member aware that Mr. Sarat Chandra Bose has got his own residence in Calcutta and in Kurseong?

Sir Richard Tottenham: I did not say that. I was merely answering the Honourable Member's suggestion that it would save money to move him.

Mr. Sri Prakasa: In view of the fact that the expense involved is very heavy, will the Honourable Member consider the matter again and also in view of the fact that the security prisoners have to be informed every six months of the reasons of their detention now under the Ordinance and also in view of the fact that the Honourable Member informed them as far back as February 1944, will the Honourable Member give them a fresh notice of the reasons that have compelled the Government to keep them in detention?

Sir Richard Tottenham: Government are always prepared to consider anything and I will consider it again, but I do not think it will make any difference. As regards the second part of the question, I can see no point in repeating the same words every six months. We have already told these people the grounds for their detention and if we were to do so again, we should merely repeat what we have said before. That does not alter the fact that their cases are reviewed every six months.

Mr. Sri Prakasa: And they are not informed of the results of that review?

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

INCREASING OF ALLOWANCE TO FAMILY OF MR. SARAT CHANDRA BOSE

1768. *Mr. Sri Prakasa: Will the Honourable the Home Member be pleased to state:

(a) if members of the family of Mr. Sarat Chandra Bose have applied to Government for an increase of the allowance paid to them; and if Government have considered the matter; and

(b) if Government have contributed anything towards the insurance policies of Mr. Sarat Chandra Bose; and, if not, what arrangements have been made to keep the policies alive?

Sir Richard Tottenham: (a) Yes. The application was considered and rejected.

(b) Government are paying a monthly allowance of Rs. 1,000 to Mr. Bose's family but do not contribute towards his insurance policies and have no information of what arrangements have been made to keep them alive.

Mr. Sri Prakasa: In view of the fact that Mr. Sarat Chandra Bose's domestic expenses have been high, would not the Honourable Member consider the desirability of raising the allowance and also in view of the fact that these insurance policies are in danger of lapsing, will not the Government take steps to keep them alive?

Sir Richard Tottenham: I have already answered both those questions.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that Government paid all the premium expenses during his last detention?

Sir Richard Tottenham: I have no information about that. I would point out, however, that Mr. Sarat Chandra Bose seems to have invested nearly all his savings, which must have been very considerable, in life insurance policies instead of adopting the more usual procedure of investing them in securities. The number of his life policies is extremely large and it would be impossible for the Government to keep them all alive.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that a representation was actually made by his wife to the Government of India for this purpose?

Sir Richard Tottenham: Yes, I have already answered that question in part (a).

Mr. T. S. Avinashilingam Chettiar: If the Government considers that the number of insurance policies is large towards which they cannot contribute, will they consider the advisability of contributing towards part of that insurance, which they think is proper in the circumstances?

Sir Richard Tottenham: No, Sir.

Mr. Sri Prakasa: May I take it that the Honourable Member is unaware of the fact that past savings are not invested in life policies but that they are taken out with a view to invest future savings? The Honourable Member said that Mr. Sarat Chandra Bose must have invested his very large savings in life policies. But so far as I know, life policies are taken with a view to invest future savings and there is no arrangement with Life Insurance Companies to take past savings.

Sir Richard Tottenham: I am not an expert in Insurance, but I think all policies have a certain surrender value. What I was pointing out was that Mr. Bose had chosen one form of saving, whereas other people have chosen other forms of saving. If for instance, he had invested all his savings in Government loans, his family would have a very reasonable income today.

Mr. Sri Prakasa: I am sorry I have not been able to make myself understood. The Honourable Member says that Mr. Sarat Chandra Bose has invested all his savings in life policies, but so far as I know life policies are taken out with a view to invest future savings and that life policies have nothing to do with past savings at all.

(No answer.)

SECURITY PRISONERS UNDER CENTRAL GOVERNMENT

1769. *Mr. Sri Prakasa: Will the Honourable the Home Member please give a list of security prisoners under the Central Government, the places of their detention, the amount of money spent on each of such prisoners, and the allowances, if any, made to their families. And have Government received any applications from the families of those not receiving anything that they are in need of such allowance, and from those receiving them that they are not able to manage, in the amount allowed? If so, what decision have Government taken in the matter?

Sir Richard Tottenham: I regret that for reasons of security it is not possible to give a list of the names and whereabouts of all persons detained by order of the Central Government. The amount of money spent on each person also cannot be stated as no individual accounts are kept. The families of six Central Security prisoners are in receipt of allowances ranging from Rs. 12 p. m. to Rs. 1,000 p.m. and other cases are at present under consideration. Government have from time to time received representations of the kind referred to, and have dealt with them in the light of the general principle that allowances should be granted not only in cases of absolute necessity but also in cases where the detention has deprived the family of a legitimate source of income or has caused them to fall into debt.

Mr. T. S. Avinashilingam Chettiar: What is the total number detained by the Central Government?

Sir Richard Tottenham: 37.

Mr. Sri Prakasa: Does the Honourable Member regard the figure 37 so large that details about them cannot be given?

Sir Richard Tottenham: I am quite prepared, if the Honourable Member wishes, to give details about a certain number of them. I said that I could not give a complete list.

Sardar Mangal Singh: May I ask if any family allowances are being given to the family of Sardar Sardul Singh Cavasheer?

Sir Richard Tottenham: No, Sir.

Sardar Mangal Singh: Was any application made by him?

Sir Richard Tottenham: I believe he applied in the past, but I should require notice of that.

BUSINESS CORRESPONDENCE OF MR. SHANKAR LAL

1770. *Mr. Sri Prakasa: Will the Honourable the Home Member be pleased to state:

(a) if it is a fact that Mr. Shankar Lal is permitted to carry on correspondence in connection with his business affairs, but that members of the family are not permitted to talk about business affairs when they interview him; and

(b) if so, the reason for this restriction; and if Government are prepared to consider the matter and remove the restriction?

Sir Richard Tottenham: (a) and (b). The attention of the Honourable Member is drawn to the reply given to question No. 730 on 6th March, 1945. The Home Member then promised to consider whether the restriction could, as a special case, be relaxed. I am afraid he was unable to complete his consideration of the case before leaving for England but I have no doubt that he will do so as soon as he returns.

Mr. Sri Prakasa: Will the Honourable Member in charge at present consider the matter before the Home Member comes back and place the case before him?

Sir Richard Tottenham: I have considered the matter very carefully. I have got certain recommendations to put before the Honourable the Home Member when he returns.

Mr. Sri Prakasa: May I know the exact reason for this difference made in interviews and in correspondence? While Mr. Shankar Lal is allowed to carry on correspondence on business matters, he is not allowed to talk to members of his family that are connected with his business on business matters?

Sir Richard Tottenham: I admit that the situation is a trifle anomalous. That is why the Home Member was prepared to reconsider it.

CONDITIONS FOR SUBMISSION OF APPLICATIONS FOR ACCOMMODATION BY NEW ENTRANTS IN GOVERNMENT SERVICE

1771. *Mr. Kailash Bihari Lall: Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that newly appointed Government servants have to apply for Government accommodation *on a prescribed form within one week* from the date of their respective appointments;

(b) whether it is a fact that if the above conditions are not fulfilled, the new entrants are neither given compensatory house-rent nor the conveyance allowance for the remainder of the season:

(c) if the reply to (a) above be in the affirmative, whether, in view of the fact that the new entrants are not expected to know the rules and procedure governing the grant of the above-mentioned allowances; they are guided by the Departments where they are employed in the matter of filling up the prescribed form within one week of their respective appointments; if so, whether this procedure is followed in the Finance Department as well as in other Departments of the Government of India; and

(d) if the reply to the latter part of (c) above be in the negative whether Government propose to take steps to see that new entrants do not suffer any pecuniary loss for no fault of theirs?

Mr. K. G. Ambegaonkar: (a) Yes.

(b) Yes.

(c) The standing orders are that Departments should bring the relevent rule to the notice of new entrants within three days of their joining service. Certain cases have come to light in which the standing orders were not complied with.

(d) Yes.

Mr. Lalchand Navalrai: May I know from the Honourable Member with regard to new entrants who have already joined without knowing about these Standing Orders, is the Honourable Member going to consider their cases and give them allowances or not?

Mr. K. G. Ambegaonkar: I said in reply to part (d) that the question was under consideration.

Mr. Lalchand Navalrai: This is a different question . . . .

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

CLERKS SENT ON DEPUTATION TO OTHER OFFICES FROM THE SUPPLY ACCOUNTS BRANCH, NEW DELHI

1772. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Finance Member please state:

(a) whether it is a fact that the Chief Controller of Supply Accounts, New Delhi, has spared some of his subordinates in the Supply Accounts Branch to serve on deputation in other Departments with prospects; if so, their number and conditions on which they had been spared;

(b) the increase in salary in their new offices; and

(c) whether any Muslim clerk applied to be so spared; if so, whether he was spared or not; if not, why not?

Mr. K. G. Ambegaonkar: (a) It is presumed that by "Subordinates" the Honourable Member means non-Gazetted staff. Excluding persons made available to the Supply Finance Department itself and to other Accounts Offices under it and persons transferred to the Office of the Controller of Rationing, Delhi, under the orders of the Home Department on their existing rates of pay, the Chief Controller of Supply Accounts has released 22 Subordinates between July 1940 and March 1945 for employment in other Departments.

(b) The increase in salary has varied in individual cases and has ranged from a few rupees to Rs. 100 p.m.; in two cases it was Rs. 150 and Rs. 230 respectively.

(c) Yes. 10 Muslim Clerks applied for posts in other Departments of whom 5 were spared. The remainder could not be spared.

ABSENCE OF MUSLIM PERSONNEL IN MILITARY ENGINEERING SERVICE IN BALUCHISTAN

1773. *Mr. H. A. Sathar H. Essak Sait: Will the War Secretary please state:

(a) whether he has read the letter published on page 2 of the *Dawn*, dated the 7th February, dealing with the complete absence of Muslim personnel even in the non-technical sections of the Military Engineering Service in Baluchistan;

(b) whether it is a fact that out of fourteen Head Clerks and fourteen Superintendents, Establishment Section, and ten Superintendents, Contract Section, not one is a Muslim;

(c) whether a few Muslims who were formerly employed in this service in Baluchistan were transferred; if so, why; and

(d) whether it is the policy of Government to have as few Muslims in the Baluchistan Government services as possible?

Mr. C. M. Trivedi: (a) and (b). I have read the letter but would point out that according to it four out of the fourteen Superintendents, Establishment Section, are Muslims. I would add that vacancies in the posts of Head Clerk and Superintendent are filled by selection on merit, and Muslims have an equal chance, with the employees of other communities in the matter of selection for these appointments.

(c) The conditions of service of civilian employees of the Military Engineer Services include liability to transfer wherever their services are required, and such transfers are continually taking place. If the Honourable Member would let me know the period during which he wants details of transfers of Muslims in the Military Engineer Services from Baluchistan, I should be glad to let him have the facts.

(d) No, Sir.

Mr. H. A. Sathar H. Essak Sait: Is it a fact that the result of these transfers is that there are no Muslims in a particular cadre?

Mr. C. M. Trivedi: Transfers are governed by considerations of public exigencies and they may have that result.

Seth Yusuf Abdoola Haroon: The other day, the Honourable Member for External Affairs Department said that selections are not made by Selection Committee but that they are made by Agent General, because the position in Baluchistan is different, but today the Honourable Member, Secretary for War Department comes to us and says that selections are made by the Selection Board. May I know from the Honourable Member whether it is the policy of the Government to change whenever they like?

Mr. C. M. Trivedi: I never said that vacancies in the posts of Head Clerk and Superintendents are filled by Selection Board.

LEGISLATIVE ASSEMBLY'S REFUSAL OF SUPPLIES TO THE EXECUTIVE COUNCIL

†1774. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member please state:

(a) whether the vote of this House—Refusal of supplies to the Executive Council this session—has been considered by the Executive Council; and

(b) if so, the result of the consideration?

Mr. K. G. Ambegaonkar: The Governor-General-in-Council has, under Section 67A (7) of the Government of India Act as set out in the Ninth Schedule of the Government of India Act, 1935, declared that Demand No. 12. Executive Council for 1945-46 is essential to the discharge of his responsibilities.

UNSTARRED QUESTIONS AND ANSWERS

PUBLIC RELATIONS DIRECTORATE

143. Sardar Mangal Singh: (a) Will the War Secretary please state the duties of the Public Relations Directorate, and when it was constituted?

(b) Is it one of the duties of the staff of this Directorate to cater for the Indian Army which is composed of members of different communities?

(c) Will he please state if representation to all the different communities has been given on their staff? If so, what is the proportion of different communities amongst the gazetted staff and others, separately?

Mr. C. M. Trivedi: (a) I would refer the Honourable Member to my reply to Mr. Manu Subedar's Starred Question No. 581 on the 1st March 1945, and the supplementary questions and answers arising therefrom.

(b) Yes, Sir.

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

(c) The reply to the first part is in the affirmative. As regards the second part, I lay on the table a statement giving the percentages of different communities amongst officers and others.

	Europeans	Hindus	Muslims	Indian Christians	Sikhs	Others
Officers	54·5	17·8	18·8	4·5	2·8	1·6
Others	6·8	57·0	29·0	3·8	3·4	..

PROPAGANDA AND INSTRUCTIONAL FILMS

144. Mr. Sri Prakasa: Will the Honourable Member for Information and Broadcasting please state:

(a) the number of propaganda pictures that was scheduled to be produced by the film industry in India and the number that was actually produced;

(b) if it is a fact that a producer who produces more than two pictures during a licensing period is compelled to produce a third as a propaganda picture;

(c) the number of short instructional films produced by the Information Films of India and the number produced by outside agencies during the last year;

(d) average cost of production per short film of the Information Films of India and the rate offered to outside producers for each short film ; and

(e) if the pictures produced by the Army Centre are not shown to civilians or to civilian censoring authorities; and, if so, why?

The Honourable Sir Sultan Ahmed: (a) During the period from September 1943 to December 1944, 33 full length instructional films were licensed. Out of this 13 full length films have been produced. The rest are under production In addition, 60 shorts were scheduled to be licensed in 1944. 57 licences have already been issued and the remaining 3 will be issued as soon as certain information is received from the producers. Out of the shorts licensed, 21 have been completed and others are under production.

(b) A producer who gets a licence for three or four films has to produce his first film as an instructional film and a producer who gets a licence for more than four films has to produce his first and fourth films as instructional films.

(c) 49 instructional films were produced by the Information Films of India in 1944. The number produced by outside agencies was 5.

(d) It is difficult to work out the average cost of production of the shorts produced by Information Films of India as the production of shorts and news reels as well as for their distribution is done by a combined organisation. The rate offered to outside producers depends *inter alia* on the quality of the short and the extent of its use. For example, for a film of which only the right for internal distribution was purchased, the rate offered was Rs. 4 per foot; for 2 films which were acquired for internal as well as external distribution the rates were 8 and 9 Rs. per foot and two one-reeler films which could only be distributed to Hindustani cinemas, were bought for Rs. 8,000 each.

(e) Such of the Army Centre films as are considered suitable for the general public and are shown in licensed cinema houses are submitted for certification to the Civil Board of Censors. Films meant for troops only which are shown in unlicensed military cinemas do not require any certification from Board of Censors and are, therefore, not submitted to them for approval.

SHORT NOTICE QUESTION AND ANSWER

TREATMENT TO MR. ASAF ALI AT DELHI RAILWAY STATION ON WAY TO PUNJAB

Mr. Satya Narayan Sinha: (a) Will the Home Secretary please state why Mr. Asaf Ali, while passing through Delhi, was removed from the Delhi station after a short interval from the Retiring Room to an unknown place and was not allowed to meet even the few friends he desired?

(b) Is it a fact that he was not brought back to the Delhi Station and was entrained at Ghaziabad?

(c) Is it a fact that the people were put off by a false statement that he would be brought back to the Delhi Station in time to catch the Frontier mail?

(d) Is it a fact that at Ghaziabad he was not allowed even to give a completely non-political and personal message to Mr. Bhula Bhai Desai, the Leader of Opposition in the Central Assembly?

(e) Where and how was he kept during the day?

Sir Richard Tottenham: (a) and (e). It had been arranged that Mr. Asaf Ali should travel straight through to his destination without stopping at Delhi but on arrival here on the morning of April 5 the officer in charge of the escort was informed by the railway authorities that the party would have to change and go on by another train with the result that he had to spend the day in Delhi. He was travelling in custody and was therefore taken to the Civil Lines Police Station where suitable accommodation was provided for him. It would be most unusual to give permission for any person to interview a prisoner in transit and in this case no one had even asked for such permission.

(b) Yes.

(c) I have no information to that effect.

(d) The officer in charge of the escort had no authority to allow messages of any kind. If Mr. Asaf Ali wished to send a non-political message to Mr. Bhulabhai Desai he could have sought permission from the proper authority while in Delhi.

Prof. N. G. Ranga: Who is the proper authority in Delhi whom Mr. Asaf Ali could have approached? Could Mr. Asaf Ali have reached him at all?

Sir Richard Tottenham: He could have approached the Chief Commissioner, Delhi, or he might even have approached me.

Prof. N. G. Ranga: Was Mr. Asaf Ali at liberty to engage a motor car and go to the Chief Commissioner? How was he expected to reach the Chief Commissioner, Delhi?

Sir Richard Tottenham: I understand that he did make representations to the Chief Commissioner about another matter while he was here.

Shrimati K. Radha Bai Subbarayan: May I ask whether Mr. Asaf Ali himself was informed that he could send a message by this means?

Sir Richard Tottenham: I do not know whether he was informed. He must have known that he could ask.

Prof. N. G. Ranga: What sort of convenience can there be when he is in police lock up? I myself have had experience of police lock up.

(No answer.)

MOTION FOR ADJOURNMENT

REFUSAL TO INDICATE GOVERNMENT VIEWS *RE* RECRUITMENT TO INDIAN CIVIL SERVICE AND INDIAN POLICE

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice of adjournment motion from Mr. Neogy. He desires to move the adjournment of the business of the Legislative Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the Government's refusal to indicate the views of the Governor General in Council on the question of recruitment to the Indian Civil Service and the Indian Police, and the repercussion of the policy of filling of 'war service vacancies' in these services on the future constitutional progress of India.

Does this refer to the reply to the short notice question which the Honourable Member asked the other day?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Yes, Sir. The Government Member said that the matter was under consideration and discussion, that is between the Government of India represented by the Home Member who is now in London and the Secretary of State for India. The point is that the Government of India have formulated certain views of their own and

they have communicated those views to the Secretary of State, and thereupon the Secretary of State wanted to consult the Home Member in person and that is how the Home Member and the Home Secretary were deputed to England. Then, Sir, I would refer to a supplementary question which was put by my Honourable friend to my right to the following effect:

"May I know if the Honourable Member will be in a position to divulge to this House whether any portion of instructions given to the Honourable the Home Member and the Home Secretary had provided against arrangements being made in such a manner as to prejudice the larger issue of India's ultimate control on her own officers?"

To this question, Sir Richard Tottenham said in reply "No, Sir". That is to say he was not in a position to divulge to this House the position. He did not even give an assurance to the effect that was suggested by my Honourable friend Mr. Krishnamachari, and that accounts for the second clause of my adjournment motion.

Sir Richard Tottenham (Government of India: Nominated Official): Sir, I can only say that I gave a carefully considered reply yesterday, and
12 NOON it is a fact that I am not at liberty to disclose the views of the Governor General in Council, because those views are confidential. If I were to disclose them I should probably be dismissed and I shall also be liable to prosecution under the Defence of India Rules and a sentence of five years! But, Sir, I think I can take this opportunity to say that I am quite sure that neither the Secretary of State nor the Governor General in Council has the slightest wish by what is going on at present to prejudice in any way the future constitutional issue.

Mr. K. C. Neogy: Sir, I daresay my Honourable friend has made a mistake in thinking that anything that he may do here might involve him in some personal risk. When we address the Honourable Member we address him as representing the Government of India, and if the Government of India chooses to make a statement I am sure my Honourable friend will be immune from any action.

Mr. President (The Honourable Sir Abdur Rahim): The communication between the Government of India and the Secretary of State being confidential at this stage, I do not think this adjournment motion is in order. The motion is therefore disallowed.

RESTRICTIONS ON ISSUE OF RAILWAY TICKETS FOR ARDHA KUMBH MELA AT HARDWAR

Mr. President (The Honourable Sir Abdur Rahim): I have received another notice of adjournment from Mr. K. C. Neogy who wants to discuss "the onerous restrictions on the issue of railway tickets for journey to Hardwar on the occasion of the Ardha Kumbh Mela which begins on the 13th of April".

Will the Honourable Member please explain the position?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I understand certain restrictions have been imposed on traffic to Hardwar and its neighbourhood on the ground of public health requirements. Passengers travelling to that area are required to produce certificates of inoculation against cholera: I have no grievance against that, but in addition to that I understand passengers are required to satisfy the railway administration, either that they are not proceeding to that area in the capacity of pilgrims, or if they are going to that area as pilgrims, they must in addition to that inoculation certificate produce a sort of permit from district officers or other executive officers of Government. And it is on the production of these two documents, namely, the inoculation certificate, to which I do not take exception, and the permit, that tickets are issued. This has resulted in a very great grievance among Hindu pilgrims generally all over the country, and ordinary travellers also are being put to a lot of inconvenience.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, it is naturally a matter of extreme regret that we should not be able to provide the usual facilities to passengers wishing to travel to a mela of peculiar sanctity to a number of devout pilgrims. But we are not able to do this,

[Sir Edward Benthall.]

as the Honourable Member well knows, owing to the passenger transport position, and the effect that the diversion of transport to abnormally large crowds travelling to this one place would have upon other civil and military movements. We have also to take into account the danger arising from inevitable overcrowding of trains going to this destination and the question of public health. We have had for similar reasons to refuse facilities to the same and other communities for similar occasions. The restrictions are imposed for the reasons which I have given; and as for the inoculation. . . .

Mr. President (The Honourable Sir Abdur Rahim): He does not complain of that; what he objects to is the permit.

The Honourable Sir Edward Benthall: That is entirely at the discretion of the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): That is not done under the instruction of any authority here ?

The Honourable Sir Edward Benthall: No, Sir. In the case of the cholera injection, the order is imposed by the Provincial Government, and the railways are merely helping the Provincial Government to carry out their policy.

As regards general restrictions on the travel of abnormally large crowds such as these to places of worship or other occasions, there is no new policy involved. The policy is well known to the House and it was a matter of debate in this House last year, from a case arising in Madras, on the 28th February, 1944. In the circumstances I submit that there is nothing new in these restrictions, and that being so, it is not a matter of urgent public importance.

Mr. K. C. Neogy: Sir, may I say something further? My Honourable friend said that the restrictions had been imposed in the interest of the railway administration itself. Do I take it then that the restriction with regard to the permit has been imposed by the Provincial authorities at the instance of the railway administration? If that be my Honourable friend's case, I should like to point out that this restriction applies only in the case of passengers travelling to that area from the U. P. districts, that the other provinces have not imposed such restrictions, and that the only requirement in the case of pilgrims from other provinces is that they should produce an inoculation certificate.

The Honourable Sir Edward Benthall: Yes, Sir; this has been imposed in conjuction with the U. P. Government as the bulk of the pilgrims go from the U. P.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, may I say one word? A festival like this at Hardwar is very important and it falls only once in twelve years. As such it merits special consideration. But instead of affording extra travelling facilities, the railway authorities have withdrawn all possible facilities, and in the U. P. the railway station masters have received orders that they are to issue no tickets at all to any person proceeding to Hardwar for the purpose of pilgrimage. This is a very serious matter, and if my Honourable friend opposite, who is usually obliging, would at least withdraw the restrictions for the next two days so that passengers can proceed in time for the main day, *viz*, the 13th April, he would be bestowing a favour, if I may put it that way, because everything that Government does is a favour even though it may be our right. I may add that in case my Honourable friend says, "How did these pilgrims come in ancient times when there were no railways?", I can only say that all these methods of transport, including the favourite bullock-cart about which my Honourable friend waxed eloquent the other day, have all been destroyed, and therefore we have to depend entirely on the railways for our transport.

The Honourable Sir Edward Benthall: If I might just say with regard to what my Honourable friend has said, we are, as I said at the beginning, aware of the peculiar desire of the people to go to this festival. But we have had, for the reasons which I have explained and the extreme shortage of rolling stock, to make it difficult for people to go there. We are perfectly aware that they will find their way to neighbouring stations and so onwards by other means of transport, and we expect a good number of people to reach there. We are

therefore trying to make special arrangements for stock to remove them at the end of the mela, especially in view of the danger of cholera. I think it is going to be impossible to provide rolling stock to carry more to Hardwar for the last day or two, but, if we did, those who were fortunate enough to take advantage of the special arrangements would reach Hardwar in preference to those previously shut out.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member making some special arrangement ?

The Honourable Sir Edward Benthall: All I can promise the Honourable Member is that I will look into the possibility of clearing any accumulations of pilgrims on the way to Hardwar in the course of the next day or two.

Mr. K. C. Neogy: Immediately?

The Honourable Sir Edward Benthall: I will look into the possibility of that. The Honourable Member will recognize that the whole difficulty arises through the shortage of rolling stock. He would not wish us to take off the ordinary trains from Delhi, for instance, in order to help the pilgrims to go to Hardwar.

Mr. Sri Prakasa: Is it not a fact that the ordinary trains are going empty because no tickets are being issued?

The Honourable Sir Edward Benthall: I think not.

Mr. Sri Prakasa: It is so.

The Honourable Sir Edward Benthall: But this is no new question of policy. It has been before the House on many occasions.

Mr. President (The Honourable Sir Abdur Rahim): Has this restriction in U. P. been imposed this year?

The Honourable Sir Edward Benthall: This restriction has existed ever since 1942, if not before.

Mr. Sri Prakasa: What about District Magistrates' permits?

The Honourable Sir Edward Benthall: The same conditions had arisen in connection with the Sikh mela and I seem to remember a discussion on that subject. Sardar Sant Singh will recall the occasion.

Mr. Sri Prakasa: The District Magistrates were never authorized to the extent as they have been authorized in the United Provinces this time.

The Honourable Sir Edward Benthall: I think it was exactly the same.

Mr. President (The Honourable Sir Abdur Rahim): There have been certain restrictions imposed in the shape of requiring licences or permits from the local authorities for passengers who want to go to Hardwar in order to attend the mela and it is certainly a matter of importance. The statement made by the Honourable the War Transport Member indicates that owing to the shortage of wagons and other difficulties, which are due to the exigencies of war, restrictions have to be imposed on the number of passengers travelling especially from the United Provinces from where a large number of pilgrims go to Hardwar. He contends that the restrictions are not new and they have existed since 1942. But Mr. Neogy's complaint is that this year a special restriction has been imposed which very much inconveniences the pilgrims. I hold, therefore, that the motion is in order. But as objection has been raised to leave being granted, those Members who are for leave being granted will rise in their seats.

(After a count being taken)

As more than 25 Members have risen in their places, leave is granted and the motion will be taken up at 4 o'clock.

THE BANKING COMPANIES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the Bill to consolidate and amend the law relating to banking companies. Mr. Yusuf Haroon will continue his speech.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Mr. President, I was yesterday referring to this important Legislation which is before the House. My Honourable friend, Mr. Manu Subedar, who is not here at present,

[Seth Yusuf Abdoola Haroon.]

said that this legislation is an outcome of the British influence. I would have assured my Honourable friend that I am as much against the British influence as he is, but that does not mean that an important legislation which might be of benefit to this country should be brushed aside on that score. We should try to improve that legislation by our combined efforts, and having done that we should place the improved legislation on the Statute Book.

Sir, the urgency of such legislation has become great because of the haphazard way in which new banks have grown up during the last four or five years, and it has become necessary that there should be some check over them. I find from the Bill that Government has taken more power as regards control and inspection without undertaking the obligation to aid such smaller banks or to finance them or to give them the necessary assistance if the banks are in difficulty. This is very important. When you take power for inspection and for looking into the affairs of these concerns, it becomes very necessary to give them such aid as they stand in need of. It might happen that in certain cases the banks, to which you may give your aid, may not survive, but you have got a vast machinery a vast organisation in the Reserve Bank to look after them, and therefore in the Select Committee I propose to move an amendment to this clause.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, I rise to a point of order. There is no Member of the Government present in the House.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): An "Assistant" Member is present!

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): This is a Government Bill and is it not desirable that Government Member should be present?

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ram Nath is there to reply, I understand.

Seth Yusuf Abdoola Haroon: Sir George Schuster, one of our Finance Members, speaking in this House, said that the smaller banks are a source of relief and are of great help to this country. In this vast country it is not possible for the big banks to establish their branches all over, but I find that Government has not moved in this matter. In order to encourage the growth of smaller banks which are comparatively in their infancy in this country, Government should bring forward suitable legislation before this House so that the economic needs for the growth of commerce, agriculture and industry in this country may be adequately met. As far as I remember, the Reserve Bank of India took up this matter in 1937 and drafted a scheme for the linking up of indigenous banks. The differences between the Reserve Bank and the indigenous banks narrowed down considerably, and the Bombay Shroffs' Association accepted the proposals of the Government. The Reserve Bank then called a conference of these bankers and the scheme was accepted with the modification that the Reserve Bank should fix five years' time within which period the indigenous banks should be asked to wind up other business.

I thought, that scheme would be added to this Bill but I find it nowhere. I am unaware of the intentions of the Government as to why they have shelved this question. They should have brought this scheme along with this Bill. What is the use of bringing this piece-meal legislation to this House? My friends have emphasized rightly that Government always bring piece-meal legislation and therefore there is a suspicion in their minds. Why do you allow such suspicion? Why don't you make it clear that the Bill which is before the House will later on contain this scheme, or if the Government were proposing to bring the scheme before the House you should have made this clear at the outset. It is a very important clause which is bound to bring about various complications in the development of joint banks in India where there has been so much discrimination between banks of British India and the States. It would be practically impossible for the banks which have been established in the States to establish their offices in British India. How would

they comply with the rules and regulations? If you start imposing such restrictions then you are simply crushing those banks which have established themselves in the States, or you are driving them to come away from their established places. But I cannot understand that while there is so much discrimination between the State banks and the banks in British India, you should give every facility to the banks which have been incorporated in the United Kingdom. I would like to know why the Government is feeling shy in putting these restrictions on them. It may be, Sir, that there are difficulties in bringing such legislation but ways should be found out to overcome such difficulties. There was a scheme before the Banking Enquiry Committee which had stated that the Government of India should take early steps in asking these banks who have established themselves in foreign countries to have Indian Directors who are *bona fide* Indians. It is high time that Government should consider this proposal brought by the Banking Enquiry Committee. The Banking Enquiry Committee had very strongly emphasized . . . .

Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): On a point of order. There is no quorum in the House!

(The bell was rung and the quorum obtained.)

Mr. President (The Honourable Sir Abdur Rahim): There is a quorum now. The Honourable Member can proceed with his speech.

Seth Yusuf Abdoola Haroon: Sir, I was referring to the Banking Enquiry Committee report. I must submit to the Government that they should look into this and bring about some legislation whereby it would be possible for Government to insist upon these foreign banks to include Indian Directors for their Indian business. I am sure, the Honourable Member will have some reply regarding this.

I must say that clause 16 which has been brought up by Government is a very important clause. I am convinced that the banking customers would feel easier about the safety of their money now if an absolute ban on loans to Directors or to their proprietary concerns were enacted. This measure will surely not deprive the bankers of their provision mentioned above in the note by the Honourable the Finance Member. People in India whether rightly or wrongly distrust any such transactions which are made between the bank and their Directors and we have seen that a bank failure is due mainly to this. In this connection I must refer, Sir, to one of the opinions of the British Exchange Bank in Calcutta which, while opposing the clause, says: "A director who is prepared improperly to use his position for his own advantage will not fail to find a method by which the provisions of the section can be evaded and the proposed section will in our opinion quite unnecessarily interfere with long established safe and satisfactory business."

It clearly shows from this that the bankers are opposed to this mainly in the interest of their directors and this clause confirms that it is very necessary and it is essential that such a ban should be put in. But I would like to ask my Honourable friend as to what he proposes regarding those directors who are the directors of limited companies also and who have their interest not in one concern, but in hundreds of concerns. I think if an amendment or a clause is added here that those companies which are public limited companies can be excluded from this clause, this will at least meet the objection which has been raised by the bankers all over India. I am strongly of opinion that as this clause is very necessary, it should remain intact: rather if we could improve on this in the Select Committee it should be done.

Sir, I would like to refer to one or two other important things. The patronage which has been extended by the Reserve Bank to the Imperial Bank should now be curtailed, in view of this important legislation which is being brought, and as you have now right of inspection and auditing of the work of banks, which my friend would not like. But when you are bringing this important measure, that will mean the safety of the banks and the work of Indian banks will progress, so that the patronage which is extended to the Imperial Bank should be extended to the Indian banks also. I do not mean all the banks but I mean those banks which are well established banks

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throughout India and they should be given their due legitimate share of patronage. As my friends Mr. Manu Subedar and Mr. Das said the other day, what we find is that the Reserve Bank which we thought or which the framers of that bill thought to be a national bank is now being turned into a monopoly concern. Shares are being sold in the Bombay market and are being bought by the capitalists and these capitalists are trying to monopolise this bank. I am sure that this is not only causing anxiety in the minds of us here but it is also causing anxiety all over India. I ask are you going to allow this Bank to become the monopoly of a few capitalists? Are you going to allow this Bank to be the concern of a few people who in their own interests would like to exploit this country? May I ask what were the functions of this bank when they brought this measure before this House. When you issued these shares, why did you not propose that no single man will have more than . . .

Mr. Ram Nath (Government of India: Nominated Official): May I take this opportunity of pointing out that under section 4 of the Reserve Bank of India Act a limitation has been placed on the total amount of shares that any one person can hold. That limit is Rs. 20,000.

Seth Yusuf Abdoola Haroon: My Honourable friend is reminding me of what he thinks I am not aware of. I have that Act and I have that point before me. I ask him can he deny this, that if I have Rs. 20,000 worth of shares, my brothers, my office servants or any member of my office staff can have each as much worth of shares. May I ask the Honourable Member whether he is prepared to bring an amendment to this clause that in the election of a director of a banking company or of auditors to a banking company each shareholder registered in the books of the banking company as having more than five shares shall have one vote for each five shares but subject to a maximum of votes and such vote may be exercised by proxy appointed on each occasion for that purpose, the proxy being himself a shareholder entitled to vote at the election and not being an employee of the banking company. Keep a restriction and fix the maximum of ten votes. If you do not do this I warn you now that you are allowing this important bank which you call a national bank to go into the hands of a few individuals. Those few individuals or capitalists are the same to us as you on the opposite side of the House. We feel the same about them as we feel about you. I hope that you will not overlook this matter and that you will consider it carefully.

There are other points which I would like to bring before this Honourable House but being a member myself of the Select Committee, I will place those points before the committee for consideration. But what I want is that this legislation which you have brought is not a complete one. It is not beneficial to this country and to the banks. We want legislation of a complete nature. I know that Sir Jeremy Raisman is leaving this country today. I must admit that really he has brought a legislation which will be useful or on which we might improve. We owe to him much more than what we owe to any Indian Member sitting on the other side. He has really done some service and I must really congratulate him on this piece of work. I hope that this Bill will emerge from the Select Committee in a complete form, so that a new era will start in the history of banking in India. Sir, I have done and I support the measure.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support this motion for reference to Select Committee, although I must confess that I cannot induce myself to do so wholeheartedly. While supporting the circulation motion in November last I gave general support to the principles of the Bill as far as they go. But I bitterly complained of the serious omissions and other shortcomings. Now, the opinions have come. I have studied the opinions carefully, and having done so I ask myself, how has the Bill been received in the country? My conclusion is that the Bill has got a very cold reception. As the Honourable Mover of the Bill has said, it is opposed by banks, big and small—opposed not only by the small banks

but also by the big banks. That proves conclusively that this measure is of a highly controversial character. I should like to add that it has been opposed not only by the banks affected, big and small, but it has been opposed even by the Imperial Bank. That opinion is so clear that I may be allowed to read one or two extracts. In their letter to the Government of India, the Imperial Bank says:

"To us it seems that inexperience, lack of business acumen and failure to appreciate the accepted canons of sound finance can never be remedied by legislation. It is also patent that, though legislation may act as a deterrent to dishonesty, it cannot prevent it."

Then it goes on to say:

"In fact, we see nothing in part II of the draft Bill which would have prevented any of the past banking failures in this country."

Then comes a statement of extreme importance in this connection:

"Compared with other parts of the world, joint stock banking in India is in its infancy, and we consider that the interests of the development of the banking system are best served by leaving it as free as possible from legal restrictions. In other words, we share the view that banking practice should be allowed to develop on convention rather than on legislation."

Then they say:

"Further, is it equitable that sound banking institutions, built up over a long period by honest, diligent and cautious management should be restricted in their activities in order that a questionable check may be placed on small inexperienced concerns?"

That is the opinion, the unbiassed opinion, of a disinterested bank. The Imperial Bank is not affected by this Bill. The Imperial Bank cannot be accused of any prejudice either against the Reserve Bank or against the Government of India. It cannot be accused of being influenced by any political considerations. Therefore their opinion is of extreme value. As regards control of banks. I am not against it. I am for control. The whole question is, how that control should be exercised, who should exercise it, in what manner these controls should be evolved? Will it be evolved by a natural steady process of evolution, by the establishment of conventions, or by legislations? That is the whole question. It is a very moot and fundamental question as to in what manner the control should be exercised over the banks. Between these two alternatives of legislation and convention, so far as the Imperial Bank is concerned, it declares itself definitely and decidedly for convention, as opposed to legislation. Here are the two principal banks of India—the Reserve Bank and the Imperial Bank. The Reserve Bank says "You accept this Bill", and the Imperial Bank says "Reject it." That is the position, as regards this particular Bill before us. The Imperial Bank as my friend said yesterday is imperial. In fact it is imperialistic in its views, tendency and tradition; and yet the Imperial Bank has opposed this Bill. Therefore the question should not be very lightly discussed but should be gone into very carefully. That is one fundamental objection to this Bill.

Our second objection is that this Bill is not a comprehensive piece of legislation. I am for banking legislation, but it must be quite comprehensive legislation. The whole country has been demanding for a comprehensive legislation now for over half a century beginning right from 1890, the time of the first industrial conference. All the time the demand is for a comprehensive legislation and not for piece-meal legislation. That was the recommendation also of the Banking Inquiry Committee. My complaint is that this Bill is not a comprehensive legislation at all. It does not touch the fringe of the banking problems which have been waiting for solution all this half a century. It is not comprehensive in a two fold sense. It is not comprehensive because it does not legislate for all these credit institutions of the country; it is also not comprehensive because it does not legislate for all the various forms of activities of banking. It is extremely narrow in its scope, and that is an objection to the Bill which has been taken in many quarters. Now, the Imperial Bank has been excluded. So also co-operative societies, Indigenous Bankers etc.

I shall now invite the attention of the House to some very important omissions in the Bill. There is no provision in the Bill to protect Indian banks against unequal competition of foreign banks. It is a question of life and death

[Mr. Akhil Chandra Datta.]

to our Indian banks, especially to the small banks. There is absolutely no provision anywhere in the Bill for their protection. A still greater objection is this, that in going into the whole question of banking, there was a Banking Inquiry Committee in 1930-31: the whole question was gone into on that occasion and after a great deal of labour they submitted a report in 1931 with as many as 220 recommendations. It is a most remarkable feature of this Bill that this banking legislation the first banking legislation after that report, in 1931, has ignored completely all the recommendations of that Enquiry Committee. In fact the report of that Enquiry Committee has been thrown into the dust-bin or the waste paper basket by this Bill. It is a pity that important investigations on very important matters should be so lightly dealt with by the Government. I feel justified in saying that it is a regular scandal that while this banking legislation is being introduced for the first time the recommendations of the Enquiry Committee have been completely ignored. It is really an insult to that Committee, it is an insult to the Government who appointed that Committee.

The next important omission is this. There is no provision in the Bill for the development of India's Trade, Commerce, Industry or Agriculture and even development of a Banking system. The main theme of this Bill is as to how to develop the banking system of this country but there is no provision here on that.

Coming to the avowed object of this Bill, namely, the protection of the depositors, may I on this point invite the attention of the House to the fact that only depositors of one type of banks are sought to be protected by this Bill and not the depositors of other credit societies such as industrial concerns, industrial banks, indigenous bankers, co-operative societies and other credit societies. Therefore the protection afforded to depositors is of an extremely limited character. It covers only a fraction of the depositors of this country. So much for the quantity of protection given to the depositors. As regards the quality of protection given to the depositors, the protection is very inadequate, because the provisions of the Bill are essentially of a punitive character and not preventive. If some thing is done to the detriment of the depositors, then the Reserve Bank comes in to take action but before the commission of those mistakes, the Reserve Bank is not to be found anywhere in the provisions of the Bill. There is some protection of a very limited character provided for the depositors. My complaint is that protection against ignorance and inexperience of management is not provided for. Some sort of machinery is necessary to impart education to the banks. This responsibility must be imposed on the Reserve Bank. The Reserve Bank should have a sort of consulting expert who should go round and advise the banks on the question of management, on the question of policy, on the question of investment, on the system of accounts and so on. I maintain that this should be a statutory obligation imposed on the Reserve Bank, namely, the task of educating the smaller banks. (*An Honourable Member*: "We will do it in the Select Committee".) I hope that the Select Committee would attend to this. Another thing which strikes me is that frauds are becoming more and more frequent. A number of frauds have been committed recently on the banks. Recently a big fraud in Calcutta involved some Indian banks to the extent of about half a crore. I wonder if the Reserve Bank has ever cared to think of these cases of frauds and cared to think out as to how a provision can be made in this Bill for the prevention of these frauds.

There is another thing about which there should have been a provision if you really cared for the protection of the depositors and it is this. There should be protection against accidents, namely, burglary, loss in transit, embezzlement of officers and so on. It must be admitted, even the Reserve Bank must admit, that the management, however sound, cannot possibly avoid accidents. Every day they occur. I therefore suggest that there should be provision for compulsory insurance to be provided in the Bill against fire in godowns, loss in transit and so on.

I also suggest provisions for protection against offences of individual bank officers. Although the bank management may be watchful, some mischief may be done in a distant branch. To prevent that, there should be provision for strengthening the hands of the management by making provision for deterrent punishment against offences such as defalcation, unsanctioned advances and transactions involving loss to the bank.

I also say that there should have been some provision in the Bill which might be helpful to the banks in other directions. Do not make it for Heaven's sake a one-sided legislation. Here in this Bill the provisions are all on the side of control and interference and none in the form of assistance, advice and education. Why not let them have better remittance facilities from the Reserve Bank or from the treasuries and sub-treasuries? There should be some provision for sparing them from the necessity to keep large sums of money as cash in hand. The Reserve Bank should undertake arrangements for custody of cash in treasuries and sub-treasuries. This is a source of immense difficulty for the small banks and branches of banks in the mofussil. There are many other ways in which you could help the banks. For instance, you could give the Indian banks deposits of Government, local bodies, municipalities, district boards and not merely to the Imperial Bank.

So much about the protection given and the protection not given in the Bill. The point that I want to make is this. Unless this Bill is made a comprehensive Bill, I say there is no necessity for this Bill at all. And my reasons are these. So far as the protection of depositors is concerned, you have it in the Companies Act. That is a sufficient protection, though not full, of the interests of the depositors.

Now, Sir, too much is made of investigation and inspection in this Bill but there is that provision in the Companies Act also. You might improve it if you like by a suitable amendment, but you cannot say that this provision is not there. Then, there is a provision for the suspension of business and the liquidation of business. But all these provisions for the protection of the depositors are there in the Companies Act also. One thing I should like to say here. A fine distinction has been made by the Honourable Mover of the Bill between the interests of the shareholders and the interests of the depositors. It is said that so far as the shareholders are concerned, protection is given to them by the Companies Act and there is no provision for the protection of the depositors. I say that that is a completely mistaken view. The Companies Act gives protection to all. There is a separate Chapter in the Companies Act which is meant exclusively for the banks. But so far as the protection of the depositors is concerned, my contention is that that was provided for in that particular Chapter. I forget its number, but that Chapter deals with banking companies. Therefore, there is no necessity for this unless you have a comprehensive legislation on banking solving all the different problems—problems relating to the country's Industry, Trade, Commerce and Agriculture. If you do not do that, there is no need for a separate Bill for the protection of depositors. I am not quite sure but so far as I know there is no country in the world where there is a separate and exclusive Bill for the protection of depositors only. I should like to know if there is any such provision anywhere.

1 P.M.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the Government is minus the Finance Department and the Leader of the House cannot speak for the Finance Department.

The Honourable Sir Sultan Ahmed (Leader of the House): You do not know Mr. Ram Nath is a Member of the Assembly.

Mr. B. Das: But he cannot speak for the Finance Department. How can he answer on behalf of the Government of India?

The Honourable Sir Sultan Ahmed: There is another representative of the Finance Dpeartment. He was sworn in today.

Mr. Akhil Chandra Datta: Sir, my contention is this that there is no conflict of interest so far as the law is concerned between the shareholders and the

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depositors. If a depositor is not safe, the shareholder also is not safe. They sink or swim together. Sir Nripendra Sircar was a giant of the Legislature and it was he who made the provisions for the depositors in the Companies Act. Are we to understand that while providing for the interests of the shareholders, he completely forgot the interests of the depositors? That is a distinction which cannot be defended and therefore there is no necessity for an exclusive Bill. In that case, you might have called it the Depositors' Protection Bill. It is a misnomer to call it the banking legislation and to give it the dignified name of consolidating and amending the banking law.

Now, Sir, in the speech of the Honourable Member we were told the necessities for this legislation. He was telling us that there was a demand for a comprehensive legislation. He said that the demand was there when the Inquiry Committee met and that demand was intensified during the last four or five years. Yes, when the actual provisions are examined, there is absolutely no provision at all except a few provisions for the protection of depositors only. Therefore, my contention is that the real object of this Bill is to give some power and control to the Reserve Bank. That is the mere object of this Bill. This Bill has been drafted by the Reserve Bank; it is a Reserve Bank Bill. It is not a Bill of the Government of India at all. I wonder if after receiving the draft Bill from the Reserve Bank the Government of India have changed a single comma or semi-colon in it. The draft is so bad that I cannot imagine it could have been sent to this House if it was properly looked into by the Government of India. Therefore, my Honourable friend Mr. B. Das was right in characterising it as a Reserve Bank Consolidation Bill. In essense, on a close analysis, it appears that the provisions of Chapter XA of the Companies law have bodily been produced in this Bill—some verbatim, some with slight modifications have been made here and there but wherever there has been any modification it has been of an extremely controversial character:

Now, there are no dout some new provisions such as the licensing of companies. This could be more appropriately done by the amendment of the Companies Act rather than by this so-called comprehensive legislation. The real object of this Bill is to give more power and more control to the Reserve Bank and the effect is also the same. Therefore, if the object of the Bill and also the effect of the Bill are to give more power and more control to the Reserve Bank, then the very pertinent question arises as to whether there is any justification for this and whether the Reserve Bank deserve all these new powers? That is the most pertinent question which must be answered before we give these powers to the Reserve Bank. The question resolves itself into this: what is the record of its service to the country as a whole and to the banks in particular. This is a Bill intended to give powers to the Reserve Bank and therefore it is certainly pertinent to consider whether the Reserve Bank deserves those powers. As regards the services rendered by the Reserve Bank during the past ten years, I put a question to the Honourable the Finance Member which he refused to answer. As far as I know there is no account given in any literature as to the quality and quantity of services rendered by the Reserve Bank to this country or to the banks. My Honourable friend Mr. Das repudiated the other day the claim of the Reserve Bank for control and power over banks. He gave four categorical grounds for his position, firstly that the Reserve Bank is not a national bank, secondly that the people of the country have no voice, the scheduled banks have no representation, thirdly, that the statutory obligations which were cast upon the Reserve Bank by the Reserve Bank Act have not been discharged, and fourthly, the Reserve Bank has been tried for the last ten years and it has been found wanting. That is the verdict of my friend Mr. Das, and the value of his verdict is enhanced by the fact that he was a party to that legislation, namely the Reserve Bank Act. Mr. Das has been supported since by, Mr. Manu Subedar, and today both of them have been supported by Mr. Abdoola Haroon. The question I want to ask is this. Whose bank is this? If it is a shareholders bank

controlled by share-holders, I wonder why all the other banks in the country should be controlled by the Reserve Bank. They are not share-holders in the Reserve Bank as in America and they have no representation or voice in the administration of the Reserve Bank. Besides, we know that the Reserve Bank is not fully representative of the different economic and territorial interests of India. In answer to my question, the other day, the Honourable the Finance Member admitted that the number of shareholders in certain registers are gradually decreasing and that the number of shares on the Bombay register is steadily increasing at the expense of other provinces. That is indicative of a tendency to concentrate shares in fewer hands and thereby make the Reserve Bank less and less representative. This has been emphasised today by Mr. Haroon. To my mind it appears that the Reserve Bank though normally a shareholders bank, even as a shareholders bank it is controlled by the Government through the executive officers who are nominated by the Government. Our grievance is that the Government have adopted a intreguing policy *vis-a-vis* the Reserve Bank in matters concerning banks. The Government have delegated practically all powers to the Reserve Bank and absolved themselves of all responsibilities in regard to all matters so far as banks are concerned. On the contrary in matters of national policy of credit and currency, the Reserve Bank is subservient to the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the chair.

Mr. Akhil Chandra Datta: Sir, I was making the point that the Reserve Bank is not a national bank and therefore we cannot give more powers to it, because we know that it is the executive which runs the show. Therefore the Government can well afford to say to us, "Well, the Reserve Bank is your central bank and as such the best guardian of baking affairs in India". Unfortunately we have not that faith in the Reserve Bank as a national bank, as it is now constituted and administered. My Honourable friends Messrs. B. Das and Manu Subedar have dealt with this aspect of the question at great length and I shall only say that I find myself unable to disagree with their views.

Now, Sir, while considering the claims of the Reserve Bank for new powers and new controls I should like to ask what has been its contribution to the development of trade, industry and agriculture of this country. What have been its activities in all these ten long years from 1934 to 1945. The Honourable Mover said that as financing agents of trade and industry banks play a vital part in the economic and financial life of the country. That is a perfectly true description of the position of banks. I do not quarrel with it, I accept it. But judged by this standard I must say that the Reserve Bank has failed to do its duty. Section 55 of the Reserve Bank Act deliberately imposed some great responsibility upon the Reserve Bank. Although it has been quoted by others I shall take the liberty of quoting it again because I want to draw the attention of the House to the very strict words in which that responsibility was imposed. Section 55 says:

"The Bank shall, at the earliest practicable date, and in any case within three years from the date when this chapter comes into force, make to the Governor General in Council a report with proposals, if it thinks fit, for legislation on the following matters:

* * * * *

Extension of the provision of this Act relating to scheduled banks to persons and firms not being scheduled banks engaged in British India in the business of banking."

This is a provision which was obligatory on the Bank. It is a statutory obligation which has not yet been discharged. They say that some efforts were made but the outstanding fact remains that it has not yet been done,

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I do not know if any definite proposals have been formulated, but we need not speculate about it at all. The fact remains that that obligation has not yet been discharged. The time given was three years and the provision was imperative and obligatory; still it was not done.

Sir, it is a matter of profound regret that that problem has not only been solved before but even in this Bill no attempt has been made to tackle that problem. I therefore say that the Reserve Bank is not a central bank in its true sense. That is not my opinion. Even according to the dictum of Sir George Schuster—whom I may describe as the father of the Reserve Bank Act because he brought into being the Reserve Bank—according to his dictum very strongly expressed, that provision of section 55 has not been applied yet. Therefore the Reserve Bank is not a central bank in the true sense of the term.

Then, Sir, there is another statutory responsibility and obligation contained in section 54 which has not yet been discharged. There is of course an agricultural credit department there but my contention is that they did not do anything to develop it. It is a huge joke; the department is a camouflage and an eye-wash, if not an absolute fraud on the public. The real question is, has agriculture received any benefit from the Reserve Bank? That is the acid test. As regards agriculture, is it in any better position in 1945 than it was in 1934? Has the Reserve Bank got any responsibility, direct or indirect, positive or negative, in the matter of the food shortage of India and in the production of food in India? On the contrary the provisions of this Bill and the main object of this Bill are described as safety and ready withdrawability. That means that they can give a go-bye to trade, industry and agriculture.

Sir, I was dealing with the services of the Reserve Bank to the country as a whole. Let me say a few words as regards their services to the existing scheduled and other banks. Has the Reserve Bank taken any actual step to educate the small banks and give them proper training? Is there any machinery, any trained personnel, to guide and advise the banks? Has it even got so much as a manual of instructions issued to the banks as regards advances and investment, as regards the system of accounts, and so on? Has there been any examination by the Reserve Bank of any scheduled bank except when the Reserve Bank suspects that the affairs of that bank have gone wrong, any inspection as a preventive measure as distinguished from a punitive measure?

In regard to remittance facilities and cash custody facilities, the service of Reserve Bank is as miserly as it can be.

It is claimed that financial accommodation has been given in some cases to scheduled banks. What is that accommodation? The financial accommodation is given on the security of Government paper. That is the service which this Reserve Bank is rendering. That is no service at all. Any other bank will give that accommodation on the security of approved papers. I support the suggestion made by several Honourable Members for the necessary amendment of Section 17 of the Reserve Bank of India Act.

My Honourable friend, Mr. Desai, has described the failure of some banks. Why do you allow some banks to collapse? Why could not the Government come to the rescue of these banks? They are mere sight-seers. Mr. Desai has told us at some length about the reason of the failure of these banks—speculation, mismanagement and so on. I should like to know whether even after the failure of banks it has ever occurred to the Reserve Bank to give any instructions or a warning to the other banks in the light of those failures so that they may not commit those mistakes. Even that much has not been done by the Reserve Bank. Is exclusion a Holwell's pill—a sovereign remedy? May I know how does exclusion protects depositors?

Another test about the efficiency of the Reserve Bank was laid down by the Central Banking Enquiry Committee. That test is this: Has it inspired and earned the confidence of the existing banks by methods of sympathy and support and advice and assistance? That is another test as regards the success or failure of the Reserve Bank.

I propose to say a few words about the interest-free statutory deposits by Scheduled Banks of the Reserve Bank. Huge amounts of money are taken from people as interest-free deposits and they are allowed to lie there idle without bringing any interest. There is no direct benefit, as has been admitted the other day by the Honourable the Finance Member. In answer to a question of mine, he said that the maintenance of the credit stability of the country as a whole is the reason and justification for these statutory deposits. If so, may I say that it is an unjust burden on the scheduled banks. It is not an obligation of the scheduled banks to maintain the stability of the entire country. These statutory deposits are frozen assets, assets unconvertible. It practically ceases to be our asset as it is unwithdrawable and inconvertible. Advance under Section 42 of Reserve Bank of India Act cannot be obtained in times of emergency even from the Reserve Bank itself against such deposits.

There is heavy penalty for default of the quota balance and that penalty begins as soon as default takes place. That heavy penalty has been increased by subsequent amendments to section 42. Therefore, this is an additional burden which only proves the attitude of the Reserve Bank towards the scheduled banks. The Banking Enquiry Committee apprehended that the Reserve Bank would be looked upon as an enemy of the existing banks and as a parasite on the existing banks. That apprehension is fully justified. That was an apprehension not of hostile critics but of the Central Banking Enquiry Committee in 1931.

As regards the statutory deposits, the question is why do you want cash deposits? If it is for ensuring the stability and solvency of the scheduled banks, then why not Government paper? Why insist on cash only? If it is for the benefit of the Reserve Bank, then, I say, give us interest and give us the right to withdraw in emergency. In America, such withdrawal is allowed subject to two conditions, *viz.*, no loan is to be allowed and no dividend is to be paid till quota balance is restored. Sir, I suggest amendment of section 42 of the Reserve Bank of India Act.

Then, Sir, how does the Reserve Bank behave with the scheduled banks?—it is an important question. As to the relation of the scheduled banks with the Reserve Bank, I say, there is a progressively increasing tendency of the Reserve Bank for more and more restrictions on such banks and for intensifying measures calculated to obstructing their development. One outstanding instance of that tendency is to be found in the new interpretation that has been adopted in 1940 about the qualification of a scheduled bank for a place in the second schedule. According to that interpretation, not only paid-up capital but assets are to be examined by the Reserve Bank. My submission is this: The original provision in section 42 of the Act and this new interpretation are substantially and radically different. The interpretation has disturbed the very foundation of the relationship and has laid down a different basic qualification. In fact and in substance, it is not interpretation, but it is amendment of section 42. Not only is this interpretation arbitrary and unjust, but *ultra vires*—I make bold to say that it is *ultra vires*. A difficulty was experienced sometime in 1940 and then Government decided to adopt a new interpretation. That is all that we know of the origin of this interpretation and there was an order amending section 42. The Government of India and the Reserve Bank arrogated to themselves the functions of this Legislature. We challenge the Government's right and the Reserve Bank's right to do so and cannot too strongly condemn this unconstitutional highhandedness. This is nothing short of contempt of law and contempt of the Legislature. Behind the back of the banks, without notice either before or after and without giving them a hearing, an executive order was passed *ex-parte*. Why not follow the usual procedure of amendment? If there is a *bona fide* dispute why not follow the procedure of moving an amendment and clarifying the position? I wish to point out that this interpretation leads to absurdity. What will happen to a bank if its assets are permanently or temporarily, wholly or partly reduced in consequence of earthquake, riots, conflagration, war operations, enemy action, fall of prices, etc. If the assets are reduced on account of these circumstances which are

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beyond the control of the Bank, is a bank to be taken off from the Schedule? Is that the law of equity or is it common sense? I wish the questions were referred to the Federal Court. But the banks being delicate credit institutions, they cannot take the risk of moving the Federal Court and therefore this arbitrary interpretation stands there.

I insist that banks must have some safeguard against arbitrary evaluation of assets under section 42 of the Reserve Bank of India Act by Inspectors without knowledge of local conditions and practice. Now, Sir, you have one valuation according to the balance sheet certified by auditors. The Inspector of the Reserve Bank makes an enquiry and he comes to a different conclusion. The result is that the certified balance sheet and the report of the Inspector lead to two different positions. How does it affect the shareholders? So it comes to this that the Reserve Bank becomes a party to the public being hood winked by an untrue balance sheet. This power of determination of real value of capital according to new interpretation cannot be accurately and correctly exercised. It is fraught with great risks and dangers. If there is any doubt over these matters, if you think that a bank is not entitled to be on the list on account of a deficiency in the present value, why not raise the qualification? You are quite at liberty to do so by an amendment of the Act. Instead of that, why should be Reserve Bank go round in this circuitous manner and insist on a higher qualification in this way.

As regards Inspection. After inspection of a bank, are banks given a copy of the report so that they can use it for future guidance, know what are the mistakes and be on their guard? One bank which has been scheduled. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is himself a member of the Select Committee and he can put these matters before that Committee. That is the proper procedure.

Mr. Akhil Chandra Datta: I am saying all this for the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): You can raise those questions in the Select Committee. At this stage, the principles of the Bill are to be discussed.

Mr. Akhil Chandra Datta: Although secrecy is assured, yet the inspection is conducted in a most public and open manner. I have heard the story of inspector's men going round and enquiring from individual debtors as regards the solvency of himself, other debtors and as regards the solvency of the bank itself. Anyway, in deference with your wishes, I shall not deal with that point any further.

Coming to section 94A about restrictions on capital issue. One of the restrictions is that of the minimum capital standard. I wish to point out the preposterous character of this provision in view of the fact that section 94A is still in force. Consent has been withheld for two years. Consent has been withheld even now with the introduction of this Bill in November last. There is one law laid down as regards the minimum capital standard and another laid down to make the attainment of that standard impossible. That is the position. Is this developing the growth of banks or is hampering their development? Now, Sir, during these twenty-four months since May, 1943, many banks in the country have been raising their deposits but have not been able to increase their paid-up capital. The result is the disproportion between the share capital and the reserve. Who is responsible for this disproportion. This disproportion is a very bad feature of all banks. In any event, before the Select Committee

3 P.M. meeting we want to be furnished with statistics. Whenever a Bill like this is presented before the House, the usual procedure is to furnish statistics necessary for making out a case for the Bill. That usual procedure has not been followed in this case. Before the Select Committee meets we want those statistics. We want a full statement of the activities of the Reserve Bank. We want a copy of all literature on the subject from 1939 up to the present time. Before we induce ourselves to grant the power of control to the Reserve Bank we must be satisfied that Mr. Das's verdict is

wrong and the Reserve Bank is the guardian of the small banks and is the friend, philosopher and guide of the small banks. I want to insist upon a full statement before a meeting of the Select Committee.

I shall conclude with a few suggestions. I suggest that the recommendations of the Banking Enquiry Committee for the inauguration of an All-India Bankers' Association be given effect to by a suitable provision in the Bill, I suggest that an All-India Bankers' Association must be inaugurated as early as possible, and that control under this Bill be vested in this Association by laying suitable provisions in the Bill.

Next, Sir, my suggestion is that there should be a Bankers Advisory Council elected by the Members of the Legislature or the banks themselves for advising the Government with regard to the control of banks and particularly in regard to the exercise of power conferred by clause 28 of this Bill and by section 42 of the Reserve Bank of India Act.

The next suggestion is that the Advisory Council should periodically examine the working of the whole banking system including the Reserve Bank. There should also be a provision for placing the report of the Council before the Legislature. There should be a provision for the representation of the commercial banks in the Central Board and the Local Advisory Boards of the Reserve Bank. As regards my suggestion for a Bankers Advisory Council may I point out that every department of the Government of India has got an advisory board. Is the Reserve Bank so unimportant in its functions that it can do without an advisory council? This should be done by necessary amendments to the Reserve Bank Act.

One more word, before I sit, regarding capital standard in clause 11 of the Bill. Apart from the merits of this proposal, it indicates the mentality and attitude of the Reserve Bank towards our banks. Look at the words of the clause. It says if a certain bank fails to comply with the standard the penalty is that it "shall not carry on business in British India". My submission is that it is something like capital sentence on a bank. Is your aim curing or killing? Is it protection of the depositors or absolute sacrifice of the depositors who can very well say, "Lord, save us from the hands of the Reserve Bank"? What is the result of this capital standard? It will discourage small banks in rural areas and on the country side with the result that there will be a policy of centralisation. Is it helping or hindering agricultural finance? Is this development and expansion or it is curtailment—merely weeding out and pruning of banks in the countryside? India is a vast sub-continent of villages. It is a legislation for capitalists, not for the poor and middle classes. It is a legislation for towns and cities. One result of this provision in the Bill will be that weak and backward provinces and areas will be deprived of banking facilities. They will not have their own banks. Medium size banks from neighbouring provinces also are not possible. Big banks from one particular area will have the monopoly which is discountenanced by all economists. Local banks are certainly preferable to banks at a distance. Parochial and provincial jealousies will be the effect of this provision. Concentration of banking business in a few banks frightened the United Kingdom into an attempt to legislate against amalgamation, followed by an agreement which had almost the force of law.

As to clause 28 I would subscribe to every word that my friend Sardar Mangal Singh said and I would add only this. In that provision the Select Committee should see that before exclusion or suspension you can provide for the stopping of loans and for the stopping of dividends. Give further notice and further opportunities. Then only you can take the final step of imposing the capital sentence.

I have taken the liberty of taking up the time of the House, so that these defects may be remedied in the Select Committee. All the same I support the motion for reference to Select Committee.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I welcome the present Bill, which is a great improvement and I wish that the Government had also undertaken the reform of the Companies Act as they had promised sometime ago. I remember that Sir N. N.

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Sircar definitely said that within the next three years the Companies Act would be revised again. Now we have got two eminent lawyers on the Viceroy's Council and I hope that they will take up in the near future the reform of the Companies Act as well.

[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).]

Sir, I do not want to make a very long speech, as I shall reserve my speech when the Bill returns from the Select Committee. But I should like to mention only a few points for the consideration of the Select Committee.

The first point to which I would like to draw attention is that in this Bill we have provided for the banks incorporated in British India. We have also provided for banks incorporated in the United Kingdom. But we have not taken any notice of the banks incorporated in Indian States. There may be some legal difficulties; but we have really classed them as if they were like the old Hong Kong and Shanghai Bank or banks in South Africa, or Australia and so on. The banks in Indian States play a very important part in the economic and banking development of this country and it is desirable that some method should be found by negotiation, legislation or otherwise by which close relationship should be established between banks in Indian States and banks in British India.

It is the experience of most of us that many business men have got two homes—a home in British India where they make money and a second home in an Indian State where they take their earnings and bury them there in terms of gold. This practice has also been followed in the reverse order also—there are some in British India who go to Indian States and make money there and by some method evade the intelligence of the department of Sir John Sheehy and bring all their profits back to their own home in British India. So if you can find out by negotiation or any other method some way by which banks in Indian States may be given the same status and position as banks in British India, it will, I am sure, be to the advantage both of the Indian States and of British India. Whenever a bank is opened in an Indian State a large number of persons in British India invest their money there and buy the shares and open their accounts there: the reverse is also true. There is close and intimate relationship between the Indian States and British India that it seems desirable that this Bill should take some cognizance of banking organisations in Indian States and should not treat them as absolutely foreign or put them at par with South African or Australian or Canadian or even French and German and Japanese banks. They form part and parcel of India's economic development and I think it is desirable that negotiations should be made to bring these banks associated with the Reserve Bank of India.

The next thing which requires consideration is the managing agencies. The managing agencies are such that I would never be inclined to accept even for a limited period. They have done great harm, particularly in Bombay, and to a less extent in Calcutta; and they should be removed as early as we possibly can; it is a great mistake to introduce them into the administration of the banking organisations. The sooner they go the better it is for the country.

Coming to clause 10 of the Bill, I think in the interests of those innocent persons who invest their money in these banks, it is desirable that the banking part of the business should be separated from any other business which that particular company may be doing. It is a great mistake to mix up the two things—the banking and the other business. We know very well—and I can, if the time permitted, give a number of cases where they have started two companies belonging to the same organisation and they really swallowed all the resources of the banking organisation for the benefit of the other part of the business. So, I think we ought to make it very clear that if any company has banking and other business organisation, then the business part and the part

which deals with the banking organisation should be separated and should not be mixed up and they should be treated as if they were two different companies. Firms like Messrs. Thomas Cook and Sons and Grindlays have the banking organisation, but their banking part is quite different from the other business which they do, and in the interests of depositors this rule should be strictly and rigorously followed.

As regards this system of contract, it is very unintelligible to me. Some persons are expected to take contract of banking organisations. I remember once Birla's offered to take the contract of the Universities for turning out so many graduates per annum at contract cost. This form of contract some wealthy men actually offered to the University authorities. I think the proposition of taking a contract of the universities with the object of turning out so many graduates is a hopeless proposition. This idea which we have introduced in the Bill, the contract system, is as hopeless as the contract of Universities. History shows that at one time the East India Company was inclined to hand over the administration of India to one ruling chief on the basis of contract. The contract system in political administration is hopeless; in the university administration it is more hopeless and in the administration of banks, it certainly is not less hopeless . . . .

Mr. B. Das: The East India Company started the contract system?

Dr. Sir Zia Uddin Ahmad: They wanted to give the contract of the whole of Oudh to Surajud Daulah—that we know very well.

The next very important thing is that the directors should have no financial dealing with their own banks. If the directors have any financial interest in the banks, then I think it will mean a very great loss, and I think it ought to be explicitly provided in one of the sections that no director should borrow any money from the bank, and no money should be given to any company in which any of the directors has got an interest . . . .

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): That is in the Bill.

Dr. Sir Zia Uddin Ahmad: No explicitly; and no money should be given to any company in which a director has an interest.

Sir Cowasjee Jehangir: Should these not be shareholders at all?

Mr. Sri Prakasa: How can they be directors without having shares?

Dr. Sir Zia Uddin Ahmad: He is the share holder of the bank, but he should not be the share holder of the company to whom money is advanced:

The next thing is that there ought to be no racial discrimination in giving loans to different companies. If time permits, I will mention specific cases later on, that certain banks have a kind of racial discrimination and this thing ought to be avoided either by means of statutes or some other method, which I need not suggest now but shall mention later—there should be definite rules prohibiting discrimination against classes of people to whom money can be advanced or lent. This requires very careful consideration and I hope the Select Committee will look into it.

The next thing is about the power of the Reserve Bank. I referred to the powers of the Reserve Bank in 1934 when I pressed that the Reserve Bank should be a Government bank and should not be a shareholders' bank. I hold the same opinion today and I am glad that the Government, though they have not accepted in plain words that it should be a Government bank for all practical purposes they have made the Reserve Bank a Government Bank. It is not really a shareholders' bank in the true sense of the word. Why not call a spade a spade. If you are really treating it as a Government bank, why not call it definitely as a Government bank. I think it will be more and more dangerous if we proceed further and enlarge the powers of the Reserve Bank. We should boldly come forward and make it a Government bank. In 1934 the British Government was of opinion that it ought to be a shareholders' bank and so strong was the opinion that they would rather have no Reserve Bank if it

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was not going to be a shareholders' bank. I think the opinion must have changed now and I think we ought to have a new Bill to amend the Reserve Bank Bill and to make it a Government bank and not a shareholders' bank.

I now come to clause 15 about subsidiary companies. The subsidiary company system which Bombay has evolved is very dangerous. This is a trick which people really use for cheating innocent persons or investors. Some people say that if a man takes away the money of other people by means of his intelligence it is not cheating but a display of intelligence, then I say if you take away the money by superior physical force, it is not cheating. A new standard honesty has been evolved by big business and it is very dangerous, and it is really at the bottom of the expansion and development of the companies system in this country. I strongly favour that Banking system should be developed in this country which will have the effect of checking inflation. If people use the banks, then they would not require so much paper money. People are very nervous in investing money in the banks on account of the superior intelligence of the people who organise the banks and who try to cheat innocent persons. I think we should have religious honesty in business.

The system of subsidiary companies ought to end. It requires a change in the Companies Act. It is said that if they want a thing to be done they can have it done by a subsidiary company which they themselves may form. It is not very desirable. Take the construction of a building. They may hand over the execution of the work to another company. They can ask a society of engineers to construct for them but the banking company itself should not form any subsidiary company to do this particular business. This method should end and it is very desirable that we ought to modify our present Bill on the lines I have suggested.

These are just a few points I wanted to touch on. As I want this Bill to be finished quickly I do not want to take long.

Before I sit down I may be permitted to make reference to Mr. Tyson, the Secretary of the Education Department. This is the last occasion on which I can make such reference, because he will be leaving India very soon. (*An Honourable Member*: "He is not here.") He is unavoidably absent. I have very great respect for him and throughout our work in the Assembly there has not been a single occasion on which he gave annoyance to any Member of the Assembly. We did not agree on some occasions but he has always been very friendly and very obliging and very helpful. There are two things in which he and I differ and we agree to differ. He began his life as a captain and ending in education. I began my life as a school master and ending as a Lieutenant-Colonel. He began in one way and I in the reverse order. The second thing is that I come from Cambridge with all its traditions. He comes from Oxford. I believe that for the training of intelligence and for general culture mathematics is necessary. Cambridge for long time did not give a degree to any person who was not a Mathematician.

Mr. Deputy President (Mr. Akhil Chandra Datta): What has all this to do with the Banking Bill?

Dr. Sir Zia Uddin Ahmad: I will come to that. They always thought that mathematics is necessary for the development of culture and intelligence.

Sir Cowasjee Jehangir: Did mathematics teach relevancy?

Dr. Sir Zia Uddin Ahmad: In Oxford, classics is considered essential for culture and for general knowledge. They consider that mathematics is nothing but a jugglery of figures and we consider that classics are nothing but archæology not of buildings but of words. This is the point on which Mr. Tyson and I disagree but in every other matter, during the last six years we have worked in perfect unison, with great friendship and I shall always appreciate the assistance he gave.

I am also sorry that Sir Jeremy Raisman who introduced this Bill is not here to guide the future stages of this Bill. But I hope his successor will take up

the matter and this Bill will soon become a law and the difficulties we are experiencing will be removed.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, my Honourable friend Dr. Zia Uddin Ahmad suddenly seems to have thought he was as young as he was when he was an undergraduate and he was trying to exchange the compliments between Oxford and Cambridge. Sir, although I am younger than him, I am not in that fortunate position of still thinking and still feeling proud of those Universities which have tried best to denationalise us. I also happen to be junior, and I can assure my Honourable friend that if I had only been as old as himself and if I also had been a contemporary at a college I should have certainly joined issue with him for the relative merits of marks in Cambridge. But I wish to try to bring the House back to the present day realities.

Mr. Deputy President (Mr. Akhil Chandra Datta): Please do.

Prof. N. G. Ranga: We do not have Mr. Tyson here and I am not over-fond of these gentlemen for continuing to occupy our Treasury Benches for any time longer. Sir, it is very typical of this Government that the Finance Member, who had introduced this Bill, is now on his way to England and yet the Bill is still being discussed in this House. The King may be dead but they shout 'Long live the King'. The East India Company is gone but the British Government has remained. One Finance Member goes but his adjunct or appendix, the Indian, for the time being, remains in this House to follow our debate. Well, Sir, it only shows that the gentlemen on the other side themselves live in a sort of mid-summer madness and want us also to live in a dream-land where we are cut off completely from all sense of realities and responsibility. In any other country my Honourable friends would have found it absolutely necessary to be there in their places when a responsible and an important Bill like this is being discussed and would have taken the decision of this House as deciding their own tenure of office. But it is a strange atmosphere in which we find ourselves where one Member goes and another Member comes and in between a liaison officer simply watches the brief for the Finance Department while an important Bill like this is being discussed. Sir, we were told that we should try to protect our depositors in this country. It is for that purpose that this Bill is being brought in here. But my Honourable friend Mr. B. Das and later on you, Sir, yourself cautioned this House that the object behind this Bill is not so simple or so innocent as all that. Indeed, it was styled as a Reserve Bank Consolidation Bill by my Honourable friend Mr. Das, and if it is not that, I would like to know what else it is. You want to empower the Reserve Bank to inspect the accounts, the activities, the offices and various other developments that may come in the future of our banks. In England the Bank of England has not got these powers. In India you want to give our Reserve Bank of India powers to that extent. But who is this Reserve Bank of India? You say it is an institution. It is not an individual, it is true. But who has created it? The Government of England. And for whose purposes? Is it for the purposes of India? If it is for the purposes of India, then why have you not made it a hundred per cent. State Bank? Why have you made it a shareholders' bank? Why have you brought in a number of gentlemen from various cities of our own country and put them there and have given them the gilded names of Directors and on the top of them placed your own I. C. S. officers as Governor and Deputy Governor? Why all this *tamasha*? Make it a State Bank and we will know where we are and we will control it better. Today you come to us and tell us that it is a shareholders' bank; it is an Indian organisation and the Legislature cannot possibly be expected to have day-to-day control over it; it cannot have a scrutiny over its activities and cannot put any questions and Government cannot be expected to be held responsible for all its activities. Why should it be so? You want to protect private interests in this country. What are these private interests? What are the interests that the Imperial Bank of India has in this Reserve Bank of India? And the Imperial Bank is not an Indian bank.

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It is, of course, the biggest bank in this country and it does the largest amount of work. Of course, it serves the biggest single vested interest, that is, the European industrialists, in this country and it has a big hand in the governance of the Reserve Bank of India either directly or indirectly. Why do you not propose that the Reserve Bank of India should be nationalised? Then, come to us with these proposals to give all these powers to our banks. But you do not do this because it does not serve your purpose.

Does that mean that the present Government does not exercise any sort of control over the Reserve Bank of India? It controls the Reserve Bank of India to a very great extent. Indeed, although the Governor is supposed to be an elected person, it is the Government of India which decides really who is to be the Governor. What happened to that Governor who was brought from Australia and why was he sent away? Constitutionally you will be able to say that he was never sent away because he resigned and he went away. But who forced him to resign? Are the Government prepared to take the House into their confidence and place the whole record on the table of the House for our scrutiny? Then we will be able to know what was the mailed fist which was behind the resignation of Sir Osborne Smith. Even if he had been a Britisher and dared to disagree with the Finance Member, he would have been asked to resign and go away. A Britisher will be allowed to serve in this country in any one of the Government offices only so long as he serves the British Imperialist interests. During this war the Reserve Bank has served the Government, and has helped the Government to inflict terrible inflation upon our country. It has also served the Government, as so many other Members have already stated, to create a sort of black market on behalf of South Africa and other countries for selling gold and silver and giving over all the profits to them, not even giving us information whether on these profits income-tax is being paid to this Government or not. We want this Reserve Bank of India to discharge its functions more properly, more adequately and more satisfactorily. But has it done so? Has the Finance Member told us what the Reserve Bank of India has been doing and why should this House give to the Reserve Bank of India any more powers than it has already got? He has not told us that. He tells us that it is an autonomous organisation. I do not want it to be so autonomous that this House will have no control over it and this Government will be so irresponsible in regard to its activities as not to take this House into its confidence in regard to its activities?

Why do I want a Central Bank at all? Is it only to do police work over our banks? If it has to do only police work, then you have got a sort of a Registrar or Superintendent of Insurance Companies. You may as well have a subordinate department in your own Finance Department and put on the top of it a Superintendent for Banking instead of having a Reserve Bank of India. It would be the task of that Superintendent to exercise all those functions. If that gentleman or any one of his subordinates should misbehave, then it will be possible for this House to take them to task to the extent that is possible to do so within the time at its disposal. We do not mind if you give these powers to that officer who will know where to put his finger to catch hold of the guilty person and how to take him to task. But you do not propose to do that at all.

Why do you want this big organisation to make profits? You say there is a maximum limit for their profits. Beyond that if there are any profits, the State will take. But why do you allow any maximum rate of profit at all to the shareholders? Is it because the Government are not able to find sufficient funds to buy up all the shares of the Reserve Bank even when it was brought into existence or that they did not have enough money to float the Reserve Bank? It is high time that the Government of India should take control of the Reserve Bank and run it themselves as a semi-autonomous organisation in such a manner that both the Government of India as well as the Reserve Bank will be responsible to this House and to the country as a whole. Sir, we are very much dissatisfied with the working of the Reserve Bank. The Reserve Bank was charged

with the task of helping the rural credit of this country. There was a special provision made in the Act. When we asked the Government as to what the Reserve Bank of India was doing in order to promote the interest of the agriculturists of the country, we were told that it was publishing reports and that some of these reports were supplied to Members of the House. Is that all that was expected of the Reserve Bank according to the Central Banking Enquiry Committee report? Why has the Reserve Bank neglected the development of agriculture in the country? It may be the fault of the Bank, but why have the Government also slept over the matter? The Government of India may say that it is a provincial matter so far as financing of agriculture is concerned. But if it were a provincial matter, then there would have been no need for that section in the Reserve Bank of India Act at all. At that time you thought that it was your duty to provide adequate facilities for increasing the total quantity of crop available for agriculturists and yet you failed in your duty in making the Reserve Bank discharge its duty towards the agriculturists in this respect. Then there are our other industries. Did the Government or the Reserve Bank do anything to promote our industries? You, Mr. Deputy President, put a question the other day as to whether the Reserve Bank had given sufficient accommodation or assistance to any one of the scheduled banks in their operations. The answer was that only one scheduled bank sought accommodation which was provided. But how much accommodation was asked for, how much was provided, to what extent and under what circumstances, we do not know. It may be because that that particular bank was in trouble with their depositors, and therefore they stretched their hands to the Reserve Bank and asked for assistance. We want the Reserve Bank to take more active part in helping our scheduled banks in their legitimate task of advancing credit to our various industries, in stimulating a policy of growth of new industries and providing them with adequate credit so that these industries can develop in all directions. It does not do anything of that sort. Well, Sir, let me take the cottage industries. Why talk about the Reserve Bank of India doing anything in regard to provision of credit for development of cottage industries? Have the Government of India themselves recognised their own duty towards these cottage industries and their need for finances? So far the Government of India have not discharged their duty to provide adequate credit facilities for all our cottage industries. Therefore, Sir, I am not satisfied with the various activities of the Reserve Bank, nor can I be satisfied with the *non possumus* attitude of the Government of India in regard to the Reserve Bank of India and its failure.

Then, I take up this very little matter as it appears to me about safeguarding the interest of depositors. No cause has been made out by any spokesman on the Government side to prove that the interest of the depositors cannot be safeguarded by any other institution that may be started by Government. The Government are running their own savings bank in post offices and therefore it is not that they have not got experience in this line of business. The post office savings bank pay quite a reasonable rate of interest on those deposits. In fact at one time these deposits had swollen to such proportions that Sir James Grigg found it necessary to reduce the rate of interest that was being paid by post office savings banks. The post office savings bank is trusted by the people of the country that it is efficiently managed, no money has been lost till now, there has not been any sort of complaint that any of the savings bank branches has failed, there has not been at any time any serious run on the post office savings bank, except during the short period when the fate of England was in the balance. Even that run was not very much. When the Government of India have such long experience of savings bank business, what is it that prevents the Government from having its own banking system? Yes,—you may say,—but, oh! you are asking for too much, you are asking for the nationalisation of banks. Even before I demand nationalisation of the existing banks, I wish to tell the Government of India and the provinces that if they enter the files of banking and start their own banks in competition, if necessary, with the existing banks and provide

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additional facilities for the people, it will pay them. It would certainly help the industries, it would certainly be able to draw funds which are at present shy from those people who are unwilling to trust their small savings to banks.

Have the Government of India considered the possibility of there being a set back before introducing these Bills in this fashion? They themselves say and they encouraged others also to say that many of our banks are not properly run and that at the end of the war, there is bound to be a crop of failures of banks. These banks are run so shabbily with such small securities and small funds that they are likely to fail. What would be the consequences? Naturally your prospective investors will become shy to invest in these banks. Already there is too much of shyness of depositors and this will be increased. Instead of that if you are able to provide an alternative to them through your own banks, an adequate number of branches, you will be doing a good thing. Because, many of our people who wish to save and who are saving will only be too glad to put their monies in such banks, and when they get used to the banking habit it is possible that the other banks will also be prosperous.

But I am not satisfied with the position. I want a complete nationalisation of the banking industry in this country. I call it an industry. It is not an academic matter which you can so easily dismiss. I warn you that if you do not nationalise our banking industry, if you do not wish to take up this responsibility you will be failing in your duty towards the people of this country. You are talking of post-war plans and post-war economic, industrial and agricultural development of this country. How are you going to have that? How will you achieve that? You want ten thousand crores according to these Bombay gentlemen, and according to your own Government here you want four to five thousand crores of rupees. Wherefrom are you going to get that? You want to induce our people save more and place it at your disposal. But what is the inducement that you are going to provide for them? You bring in this sort of Bill which frightens them away from saving and placing those savings in banks. There are serious and dubious methods that you are adopting for inducing people to subscribe to your so-called national savings certificate drives. That is not the right way, and in that way you will meet with a lot more trouble in future; you cannot succeed. Therefore you have to do something in order to assure our people that their monies would be safe with you. Not only that, but their monies that come to you will be put to very good use,—profitable and beneficial use. What is the inducement that you offer? You will say, "Yes, we are going to tell them, 'Look here, you place all your savings into your own banks, your banks are going to lend all that money to us; we are going to allow this money to be utilised by various private interests and public interests also, and in that way we are going to advance post-war economic development; and thus you will be serving the national cause'." That sort of appeal is not going to satisfy our people. They want to be given a much greater inducement than the ordinary inducement that the money will be safe and that a small interest will be paid thereon. They want to be told that their monies will be put to the best possible use, and through the best possible institution and through the manipulation of their money there will be no interest to make any private profits, and their monies will be allocated as between different industries, as between different industrial concerns which will serve the national cause alone. That inducement is not given at present; your Bill does not make any provision for it at all. It is a mere police Bill, as we have said.

Yes, Sir. Government says that every State has started with police work and it is only afterwards that it has matured into developmental activities and similarly that they are also going to do it. Then let not Government talk of post-war development because it would only mean that this Government is not keen on post-war development at all. If you want post-war development you must induce our people to give up their hoarding habits. Those of them hoard who can save and have got spare funds at their disposal. And why do they

hoard? They do it because they have no faith in your banks. And why have they no faith in your banks? Because your banks are managed for private interests and for private profits and big profits, and these banks cannot be expected to behave themselves properly. Therefore the nationalisation of banks is absolutely inevitable. And what is more, if you do not do it you are going to endanger your post-war economy. And for this reason. What your irrigation canals are to our irrigated lands, your savings are for the industrial development of our country. Without these irrigation canals you cannot draw off water from your rivers to your fields. Similarly, without banks you cannot draw the savings of our people to the industries. Your banks can only serve as canals. Is any one coming forward to suggest that your irrigation canals shall be owned by these various private industrialists? Yes, there was a time in England when these canals were owned by private merchants, industrialists and capitalists. But they came to realise that that system was really very bad, too costly and too cumbersome and too reactionary; so they gave it up. There is nobody in this country who suggests that your irrigation system as a whole should be handed over to any sort of profit-making company. There is no one who at this time of the day is prepared to say that your railways should be handed over to the M. and S. M. and other railway companies, either Indian or British. There was one gentleman named Wedgwood who came down to this country; he investigated our railways or pretended to do so and made a report in which he suggested that our railways should be handed over to a semi-autonomous organisation. No one in this country was prepared to look at it; this House simply turned down the proposals. Such is the position in regard to railways. Certainly your banking is to have a much greater key position than your railways. And why do you want this key service to be monopolised by these gentlemen who are interested only in their profits and in nothing else? We are told that the banks are semi-public interests. Are they? If so, how can you trust these semi-public interests to the vagaries of these profit-earning gentlemen? Supposing there is any sort of danger in your not being able to make any profits at all; will these gentlemen carry on any banking? Supposing there is a chance for them to make huge profits and more and more profits, will they possibly abstain from taking up any risky business? They have not shown themselves to be so very responsible-minded, nor have they displayed any such appreciation of national interests. And why should we trust these people?

Sir, there is one other very important function that banking has played, and that is to provide adequate credit to the country. In olden days it was with currency notes and rupees that trade was being financed. But now it is not done through those at all; it is more through cheques, bank drafts, credit given or accommodation provided by these banks. And banks will not carry on business only to the extent that their finances permit. If any particular bank has ten crores of rupees it does business worth fifty crores or sometimes a hundred crores. In that way these people create credit and can provide credit also to the country. The old quantity theory of money may have been exploded to some extent, but nevertheless money can be provided not in terms of more currency coin and currency notes but in terms of cheques and drafts by banks. And you allow these private individuals to gain control over this huge credit machinery. Sir, it is through this credit machinery that this Government has financed this war. But if Government had had greater control over our banks it would have played even greater mischief with our economy. So to that extent we are not sorry that this bureaucratic Government during this war did not have so much control over our banking system as it would have liked. But that does not mean that now when we are on the threshold of gaining our own Government we should be asked to agree to this Bill which is not prepared to take account of the post-war needs of our country.

Sir, booms and depressions have played great mischief with the fortunes not only of individuals but of whole peoples. As we all know, in America it was the speculation that was indulged in by the various merchants, traders and others in

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Wall Street that brought about the disastrous 1929 economic depression that enveloped the whole world in an economic blizzard. Millions of people had to suffer, there was a huge redistribution of wealth not only between individuals, between classes and classes, but between countries and countries. Throughout that economic depression, though America and England were the real mischief-makers it was they who suffered least and it was we people who were their victims who had to suffer most.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. It being 4 o'Clock, the adjournment motion will be taken up now. Mr. Neogy.

MOTION FOR ADJOURNMENT

RESTRICTIONS ON ISSUE OF RAILWAY TICKETS FOR ARDH KUMBH MELA AT HARDWAR

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move: "That the Assembly do now adjourn."

As I stated in the morning, my object is to discuss certain restrictions on the issue of railway tickets for journey to Hardwar on the occasion of the Ardh Kumbh Mela which begins on the 13th April.

These restrictions consist, firstly, of an order of the Government of the United Provinces to which I will refer shortly, and, in the second instance, restrictions that have resulted from certain instructions which I understand the Railway authorities have independently issued to the various station officers not to issue tickets for certain stations near about Hardwar, and Hardwar itself, beyond a particular number.

Sir, the Provincial Government's notification was published in the newspapers some time ago under the authority of the East Indian Railway itself. I hold in my hand a cutting which sets out this notification in full, and what I find in this notification is that, apart from insisting upon inoculation against cholera, the Provincial Government of the United Provinces laid it down as a condition for a journey to the neighbourhood of Hardwar that everyone must possess a permit from certain district authorities if they want to visit Hardwar for purposes of pilgrimage. Sir, it is very interesting that they should have made an exemption in favour of persons who would not visit Hardwar for purposes of pilgrimage. I shall read the relevant language of the notification for the purpose of explaining its purport. Sir, the notification, first of all, lays it down that:

"No one shall travel by the Railway or shall be carried on on any railway during the period March 15th to April the 13th."—(*April the 13th being the day on which the Mela begins*)—"unless he holds a certificate of having been inoculated against cholera"—(*to which no one can take any serious exception*)—"and unless either—

(1) the Railway Administration concerned is satisfied that the person is proceeding to that destination otherwise than for the purpose of taking part in the Ardh Kumbh Mela at Hardwar.

(2) he holds a permit from the Officer in charge of the mela or from a District Magistrate or any other Magistrate duly authorized by the District Magistrate to issue permits."

That is to say, if a person could satisfy the Railway authorities that he was going there on a shooting excursion or any pleasure trip, then no permit from the district authorities was required, but if a person is foolish enough to undertake this journey expressly for the purpose of pilgrimage, he is not authorized to have a railway ticket, unless he produces a permit from the District Magistrate, who in his turn perhaps will want to know how much he has contributed to the War Savings Fund.

Sir, we find from the schedule accompanying this notification that as many as 20 odd railway stations are mentioned to which the booking is subject to these restrictions. The railway stations are not only on the East Indian Railway but two stations I find are on the North Western Railway. So they have cast their net very wide. Then, after reproducing this notification, the East Indian Railway in the very same place publishes certain notes for the guidance of people, who may be coming from provinces other than the United Provinces. There we

find that similar orders for inoculation have been issued by the Government of Bihar and Bengal, and that a check for these inoculation certificates will be made at certain barriers; that is to say, people who may be coming from places other than the United Provinces, will not be required to produce any permit from any district authorities, but they will be expected to produce that inoculation certificate at the respective barriers which have been set up in this connection.

My Honourable friend stated in the morning that similar arrangements had been made in the past and that this case is covered by a general policy which the Railway Board has been following in this matter. In that connection, I desire to emphasise that Kumbh Mela at Hardwar is not an annual function. It recurs at intervals of twelve years; and according to Hindu ideas, a dip in the holy Ganges on this occasion gives one a special religious merit. Many of us may not share these beliefs, but at the same time it must be remembered that these sentiments have been cherished for ages past by millions of people in this country; and I dare say that the Hindu public opinion is entitled to hold the opinions that it holds in regard to these matters, and we must respect such sentiments even though many of us may not believe in the efficiency of such baths in the Ganges.

Normally, on such occasions, the Railway Department would be expected to provide extra trains, which used to be run in the past for the benefit of mela traffic. As a matter of fact, it is a business proposition; it has been a business proposition for the Railways in the past, and I understand that in regard to their post-war schemes of development, they definitely contemplate improvements in traffic of this kind. It is difficult to expect now-a-days the same kind of arrangements that used to be made in the past, but even then I should like my Honourable friend to tell the House what action was taken by the Railway Board for the purpose of handling the extra traffic that was sure to offer itself on this occasion. As I have said, this is not an annual event; it recurs after twelve years, and one should have thought that the Railway Department would make some provision for carrying extra passenger traffic on such an occasion.

As we are all aware, the normal train services have been curtailed, and even then the traffic that is normally offered to the railway for these various stations is being put to all these onerous restrictions. Therefore, Sir, I do hope that the Honourable Member in his reply would be able to give an assurance that, apart from relaxing restrictions in regard to the District Magistrate's permit, he will be in a position to provide extra coaching facilities, if not necessarily special trains, for the benefit of the pilgrims. The notification was published some time ago, and it may have already had the effect of scaring away the intending pilgrims to a very large extent; but, as I said, the Mela begins on the 13th and it may be possible, if early action is taken by the Honourable Member, for many people, at least from places near about, to avail of the opportunity of a visit to Hardwar on this holy occasion

Sir, I do not think that I can say anything more for the purpose of supporting this motion. I very much hope that the Honourable Member's assurance will be sufficient for the purpose of securing the object of this motion. I can assure him that I have no desire to press the motion to a vote if the Honourable Member would give us an assurance that the difficulties which I have mentioned are going to be removed, and some reasonable arrangements are going to be made for the purpose of conveying a sufficient number of pilgrims to Hardwar on this occasion.

An Honourable Member: The question be now put.

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

"That the Assembly do now adjourn."

The question cannot be put before the motion is moved.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. Deputy President, Sir, in rising to support my Honourable friend Mr. Neogy's motion which is in the nature of a vote of censure against the Government for its misconduct in this behalf, I should like to recall the events of 1938 when not the Ardh Kumbh but the full Kumbh was held at Hardwar. At that time the Railway Department was in charge of a very

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dour and devout Scotsman, Sir Andrew Clow, who was, as the House may remember, a very strict Presbyterian. But even under his auspices flambouyant notices were issued to the whole of Hindu India that a dip in the Ganga at Hardwar at that particular moment would ensure a very high place in heaven hereafter. Now everything seems to have changed. Government's heaven has changed. At that time what was an act of piety has now become impious. Now the excuse is put forward that there are no rolling stocks available. I should seriously like to know what has happened to all the mela rakes that used to be so much in evidence in the earlier days. Am I to understand that they are also transferring soldiers from one place to another in our country?

As my Honourable friend, Mr. Neogy, has said, there are restrictions to travel to Hardwar in two weeks. There is first of all the necessity for every pilgrim to undergo inoculation. Mr. Neogy has no objection to inoculation; but many persons may have; and decent Governments of the world have always a conscience clause because of which persons who have conscientious objections to getting vaccinated or inoculated can escape from that incubus. Then, Sir, while there may be conscientious objections to inoculation, the conscience of a person may impel him to visit Hardwar at this particular moment for the sake of his soul. Many persons, as the House knows, promise to their gods that they would visit Hardwar on particular occasions if a certain desired-for event in the shape of a birth or marriage should take place in their house. Why should the Government now deprive these conscientious persons from fulfilling the vows they have made to themselves? The Honourable Member opposite is very keen on impressing upon us all the desirability of only making journeys for essential purposes. Sir, for persons whom I have in mind, journeys to Hardwar at moments like this are far more essential than the movements of the military in the land. A journey to Hardwar for them is far more important than the journey of the Home Member to England for whom a passage was found at a moment's notice, or for journeys of Executive Councillors from one end of the country to the other for no apparent purpose.

The second difficulty is, as Mr. Neogy has pointed out, that the railways have been asked not to give tickets, at least in my province, unless a man can prove to the satisfaction of the railway authorities that he is not going to Hardwar for religious purposes. And if he cannot so satisfy the railway authorities, he must produce a certificate from the District Magistrate. It is all very well to write on a piece of paper that a man may go to the District Magistrate and receive his certificate. But those who have dealt with District Magistrates know how very unapproachable they are. And it is not always easy to get to them and to obtain the necessary certificate from them. In other words, what the railway authorities at the Centre seem to have in mind is to enable District Magistrates to give permits to their favourites and we know the sort of favourites they have in every district. The one person with whom I should not like even to have anything to do is the District Magistrate.

My Honourable friend, Mr. Neogy, has given to the House a summary of the circular issued by the United Provinces Government which has been patronised and published by the Railway Board. The less said about that Government the better. I should like to leave to the verdict of history, its misdeeds during the last two years and more. But it does seem that the Central Government raises a Frankenstein and then trembles before it. It hands over power to Provincial Governments and then pretends here that it cannot help itself in any way. Thus we in the House seem paralysed.

I should like, Sir, to give to the House a particularly tragic incident. Mr. Mahamaya Prasad is one of the notable public workers of Bihar. He has been suffering from tuberculosis. Doctors advised him to proceed to Mussooree Dr. B. C. Roy among others examined him in Delhi but he could not obtain a ticket from Delhi to Mussooree—Mussooree and not Hardwar—despite these circumstances, unless he got inoculated against cholera. The doctors advised that in that condition it was not safe to be inoculated against cholera, and for three days he had to wait and had to get himself inoculated despite the

doctor's advice in order to obtain a ticket to go to Mussooree. Such are the incidents that are happening. This one has come to our notice. But there must be thousands of others; and I think it is time that the Honourable Member opposite took some notice of such things and sat up.

I should be interested to know the condition in which trains are arriving at Hardwar at the present moment. I should not be surprised that when booking is so strictly prohibited, the trains are arriving there almost empty; friend opposite can please himself. We are always faced with what are called and if trains are meant to run without any passengers, then my Honourable war necessities. I am not interested in the war. Most of my countrymen are not interested in the war. The Government has declared the war and it is their business and theirs only. Let them fight or let them not fight. Why are they dragging us into this war and making us suffer from all the disadvantages that a war inflicts on a country? We have always regarded war as a sport of kings, and if the kings want to indulge in the sport they are welcome to do so. They can enlist their armies and go to war against one another.

It is a well known fact that in our land we have always been indifferent to wars, and incidents are known and historically recorded, that the peasant would go on tilling the soil while big battles were raging in his neighbourhood. He was indifferent to the fortunes of the war. That is our feeling even to this day and we do not like this Government to force upon us in India not only this war but also to force upon us its own ideology regarding wars generally, and to say at every step, "This is not for war purpose, therefore you can have it." We are being deprived of food, of clothes and of our houses on the pretext of war. We are being deprived of travelling facilities simply because there is a war on. Is it seriously contended that because there is a war in the world that therefore all civil life should come to a stop; that Government need not care for the civil population; that it is not the concern of the Government to provide for all possible facilities to such civil population and enable them to perform their daily duties?

I for one cannot understand that any decent Government can ever say that when it is indulging in warfare all persons who are under its sway should be deprived of every thing that they hold dear in either the physical or the spiritual spheres. The Government can however say, as I know they say, that these Kumbh Melas and Ardh Kumbh Melas were common in ancient times when there were no railways, but in those days there were other facilities that society had evolved for its own use. There were camel carts and bullock carts. There were rest houses, there were sarais, there were dharamsalas, and various other arrangements to enable people to go from one part of the country to another in reasonable comfort. But with the advent of the British Government and with the advance of science, railways have come into existence, and in every possible way Government have encouraged railways at the expense of all other vehicles and means of locomotion that were common in the country.

Now it is no good turning round and saying, "Go back to your bullock cart, go back to your camel cart," because bullocks and camels have gone away under the stress of competition with the railways. Therefore it is the duty, the paramount duty, of the Government to provide all possible facilities for our travel on business or pilgrimage. We are not going to sit quiet and suffer every hardship simply because there is a war on. War or no war, we want to live in our own country in our own way, follow our age-old customs and manners, and even our prejudices, if my Honourable friend thinks that all these things are mere prejudices.

Mr. Deputy President (Mr. Akhil Chandra Datta): Your time is up.

Mr. Sri Prakasa: I therefore think that all possible facilities should be provided for us to proceed to Hardwar on this auspicious occasion; and if the Government is not willing to do so, it deserves the censure of the House.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Mr. Deputy President, in connection with this adjournment motion I think it is the duty of every one of us to raise his voice in support of the motion, because in adopting the procedure complained of by my Honourable friend Mr. Neogy (and it is by no means the first occasion when procedure like this has been adopted) Government has been very light-heartedly trampling upon the religious freedom of the people of India. As my Honourable friend, Mr. Neogy, said, many people, possibly even many of the Honourable Members of this House may not go the whole way with those who believe in the spiritual efficacy of a dip in the sacred river Ganges on the occasion of the Kumbh or Ardh Kumbh Mela: but as vast multitudes, in fact, you may take it, practically the entire Hindu nation in India has for ages and ages held that belief and considered a bath in the holy Ganges on this occasion of very great spiritual merit, no Government has any business to treat lightly the beliefs and tenets of large numbers of the inhabitants of this country and to take measures which not only prevent them in a physical sense from exercising their right but deeply wound their religious susceptibilities and in that way cause them worse misery, because spiritual misery is really the worst kind of mental anguish.

I said that this is by no means the first occasion when Government have adopted a procedure of this kind. In fact for some years now Government have been taking similar action on the occasion of such fairs and melas—action which has been even more unceremonious than the action taken on the present occasion. On this occasion, perhaps taking advantage of some lessons taught by experience, Government have tried to give it the shape of a law. A notification has been promulgated, in which certain conditions have been announced and certain ways of securing permission to proceed to Hardwar have been laid down. It is said that the intending pilgrims must be inoculated against cholera. It is said that if they want to proceed to Hardwar they must secure a permit from a District Magistrate and on production of a certificate of anti-cholera inoculation and a permit from the District Magistrate they would be given a railway ticket for a journey to Hardwar. I say that in that way they have regularised or legalised what was in practice being done for several years and, as I said, much more unceremoniously than they have done on the present occasion. In connection with the very important religious function held annually at Ajmer Sharif, the Urs of Hazrat Khwajah Moinuddin Chishti, it has been the constant grief of all intending pilgrims to that holy place that tickets to Ajmer were refused. In fact, tickets for all stations on Ajmer side are simply peremptorily refused by the booking clerks. There is no condition even communicated to them, on the fulfilment of which they can get a ticket. They are simply told that booking for Ajmer is stopped, booking even for Jaipur is stopped, booking even for Beawar is stopped. In that way, not dozens, not scores, not hundreds, but thousands and thousands of people from various parts of India who had come as far as Delhi and found on reaching Delhi that they could not get railway tickets for Ajmer had to return disappointed, their hearts sorely wounded. But of course Government does not care. They say: "These fairs, and Kumbhs and Urs for aught we care are not worth the trouble to reach those places: these are ignorant people, they may believe anything, but we do not believe in the merit of these things, and we consider the urgency of matters of public health and war transport and all that to be of greater importance than the importance of these journeys being performed to any of these places." It is another matter that in spite of these restrictions, while thousands did suffer in having to go back disappointed to their places after performing long journeys to Delhi and to other stations in other directions from Ajmer or from Kalyar Sharif or from other places of pilgrimage, to which people are in the habit of resorting. I say, in spite of thousands being disappointed in that way, the number which actually assembled at these sacred functions is reported to have been much larger than on former occasions: and

it is quite another matter to speculate as to the means which must have been adopted by those who did reach these places—whether they added to the income of the railway babus, which of course in so many other ways these babus are nowadays making, and whether they had recourse to other kinds of conveyance—the fact remains that after making allowance for the numbers which did reach these places, there were thousands and thousands who had a genuine grievance that they were not allowed to go. Perhaps it was felt that this arbitrary and peremptory refusal on the part of these railway babus to issue tickets to the intending pilgrims did not look well, and therefore they said: "Let us now issue a gazette notification or a formal announcement by the Government laying down the conditions of journey. Well, we are prepared to allow you to go, provided you satisfy us that, in order to maintain public health, you have been inoculated against cholera, and it is further certified by a District Magistrate or some official that you are a *bona fide* pilgrim." This 'bona fide pilgrim' is a very curious term. Incidentally I may say that in connection with the Haj pilgrimage to the Hedjaz, one is simply mystified to see that term in certain declarations that have to be made and signed. Imagine a man from India resolving to go to faroff Mecca and Medina for the purpose of performing the Haj there and ready to incur heavy expense, ready to undergo the inconvenience incidental to a long journey and a voyage and all that—yet when he goes and files an application for a pilgrim's pass, he must certify and a respectable gentleman of the locality must also certify that he is a *bona fide* pilgrim. Imagine what nonsense is meant by this term *bona fide*! From the very fact that a man is going to undertake such a long journey, can you not infer, without being told that he is a *bona fide* pilgrim? Yet a certificate that he is a *bona fide* pilgrim must be presented to the District Magistrate; and then of course if that Magistrate is satisfied that really, the applicant is a *bona fide* pilgrim, he will issue a pilgrim's pass. Now, in the present circumstances the *bona fides* of a man has to be certified by this magistrate; a permit has to be granted to him and he has to produce it before the great railway babu—"Here is my permit and here is my inoculation certificate. Graciously issue to me a ticket for Hardwar." I say it is playing with the deep seated and cherished religious sentiments of the people, which only a Government devoid of imagination and lacking in knowledge of human nature can resort to; and I shall under these circumstances wholeheartedly support the adjournment motion moved by my Honourable friend Mr. Neogy, and hope that the Government will adopt a better procedure in future and not play with the religious sentiments of the people. I support the motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, I am glad that this adjournment motion has a better fate than the one which I tabled on the last occasion about similar action of the Railway Board in prohibiting railway travel to the Nankana Sahib at the time of the annual congregation of the Sikhs. It gives me an opportunity to make some observations on the policy that is followed by the Railway Board in such matter. I can assure the Railway Member that I quite appreciate difficulties due to war conditions that have come into existence; but I want to ask him, in spite of those war difficulties, some questions about the attitude he adopts on such occasions.

The first point that strikes me is this: what is the policy behind it? Is it due to the lack of accommodation in railway carriages on such occasions or lack of providing the same facilities as used to be provided before the war conditions set in? Or is it due to some other motives which we fear are creeping into the policy of the Railway Board? If it is entirely due to inadequacy of the railway rolling stock on such occasions, I can understand it if they refuse to provide further facilities which they used to provide on such occasions. But they cannot stop the normal communications that are going on. They can say and tell India and the world at large, "We are unable to provide special facilities as we used to do during normal days; but we will carry on our daily programme without reference to anybody; and if

[Sardar Sant Singh.]

they are prepared to suffer inconvenience it is for the pilgrims to do as they like". Or they can go so far as to decline to issue further tickets than what the accommodation warrants. I can understand that; but I cannot understand when they say, "It is not we that stopped it; it is not the Railway Board; but it is the Punjab Government, the Provincial Government, which has stopped it under the Defence of India Rules and we are simply obeying their order". I fail to understand this lack of policy. They refuse to take the responsibility and having done a bad thing they add to it and they are prepared to do a bad thing in a bad manner. That is what I cannot understand. I hope the Honourable the Railway Member will explain his position. Why did he submit to this attitude of the Provincial Government in refusing accommodation to those who wanted to go and see this fair, believing it to be their religious duty to be present on such an occasion. The Defence of India Rules, when they were framed, were never intended to be used by a Provincial Government against the Central Government who passed the Act and gave the power to the Provincial Governments. I have not been able to understand this policy of the Railway Board. They should be honest enough and tell us straight whether these provincial orders have been inspired by the Railway Board and whether they are bound to obey them.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): The Railway Board itself should have a dip in the Ganges to wash away their sins.

Sardar Sant Singh: The Railway Board has taken the monopoly of one system of transport in this country, namely, the Railways and now they are going to have the monopoly of the road system also.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): No, Sir.

Sardar Sant Singh: It is their duty to explain to the Legislature the reasons behind this monkeying with their department. I have not been able to understand why the Railway Board are taking shelter behind the illegal acts of the provincial authorities. I call them illegal, because the Defence of India Rules were never intended for such purposes. Therefore it is high time that the Honourable Railway Member should explain the position thoroughly on all these points to this House.

I will remind the Honourable Member of one thing. I regard the Honourable Sir Edward Benthall to be a non-official not belonging to the bureaucratic form as Sir Sultan Ahmed and Sir Asoka Roy. They are the national Government in India. He must approach this question not from the bureaucratic point of view, not because law and order have to be maintained at any cost. He should justify to this House why the Railway Board plays into the hands of the Provincial Governments, who though autonomous are carrying on the behests of some power and are acting in a way which is not for the good of the people. I support this motion whole-heartedly and I am waiting to see how the Honourable the Railway Member justifies his action.

The Honourable Sir Edward Benthall: Sir, I will accept the invitation of my Honourable friend the last speaker and will endeavour to explain the circumstances surrounding the position regarding the Ardh Kumbh. To appreciate the position, you have in the first instance to go back to the last Kumbh mela at Hardwar in 1938. On that occasion, there was, as a result of overcrowding in Hardwar at the time, a virulent and intensive outbreak of cholera which resulted in a very large number of deaths and the expenditure of something like 24 lakhs by the different Governments concerned. Following that event, the Central Advisory Board of Health met at Poona and recommended that in cases like this there should be preventive inoculation. The U. P. Government, when they saw the present Ardh Kumbh mela coming, took action as far back as November last. They wrote to the Railway Department asking their assistance in controlling the situation which was likely to arise at Hardwar. In the first instance, they asked the Railways not to issue tickets

from various provinces—the U. P., Delhi, Punjab, Sind, Bengal, Bihar and Orissa and C. P.,—to certain scheduled stations unless an inoculation certificate was produced. Subsequently there was further discussion through the Political Department with the States covered by the same area and the list of scheduled stations was agreed upon. That was an obvious precaution with which, I think, no one has disagreed except my friend Mr. Sri Prakasa who complained that one of his friends was prevented on this account from going to Mussoorie. I must point out that this is an order of the U. P. Government issued out of regard for the health of the population generally, including that of Mr. Sri Prakasa's friend. But in addition to the action regarding the inoculation certificates, the U. P. Government also asked the Railway Department not to run any special trains, thereby indicating their desire that extra large crowds should not be allowed to collect at Hardwar.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): That is the responsibility of the Central Government.

The Honourable Sir Edward Benthall: That is the responsibility of the U. P. who asked us not to run special trains. (*An Honourable Member*: "You obeyed those orders?") I am explaining that that was the attitude of the U. P. Government who desired, presumably for health reasons, to prevent undue crowds collecting in view of what happened on the last occasion and they also asked us to see that the inoculation cards were punched or stamped when the tickets were issued, so that it might form the evidence. They also asked us to arrange specially for evacuation of the crowds after the mela was over; and the reason for that was that in 1938 the big outbreak of cholera occurred after the actual mela was over and before the people could get away. The facilities for getting away were limited and people were kept there through no fault of their own and also on that occasion, during that particular mela, it was I understand considered to be an act of special sanctity for the pilgrims to stay for a month on the banks of the Ganges. Anyway, the trouble occurred last time after the festival. So, they asked us particularly to make special arrangements to move the people away as quickly as possible and as soon as the Mela was over on this occasion. I may perhaps just mention that the arrangements made by the United Provinces Government apply equally to motor transport with which the Railways are not concerned, and for that purpose the U. P. Government have restricted the use of petrol and also restricted the number of journeys which can be made by producer gas vehicles.

Now, Sir, when this question came under discussion, the numbers of persons who were expected to collect at Hardwar were in the neighbourhood of 3 lakhs and the numbers which were expected to arrive by train were something between 50,000 and a lakh. In fact, most of the pilgrims who usually come on this occasion are from the Punjab, and on the last occasion when this Mela was held there were 1,64,000 railway passengers, mostly from the Punjab, which explains why the North Western Railway is also concerned in it. That explains the genesis of the action taken. The complaint of the Honourable Mover is two-fold, not so much with the arrangements taken with regard to inoculation but with the arrangements for control by the railways and the District Magistrate.

I now pass on to the part of the Railways. I did not wish by my earlier remarks to indicate that the railways had no responsibilities in the matter and that it was entirely a matter for the Provincial Government. That is not so. The East Indian Railway, in pursuance of the policy which we have adopted throughout India since the Kumbh Mela of 1942 and the big Ajmer Fair of the same year, have asked the Provincial Government to prohibit under Rule 85(b) undue traffic to the Melas by ordinary trains. The grounds for that are, I think, obvious. My Honourable friend Mr. Sri Prakasa said that Government's heaven has changed. That is true. In 1938 we were doing our best to induce more people to travel and so we shall be in a few years time. But the House has always laid the greatest stress upon the desirability of trying to prevent people exposing themselves to danger on the railways by unsafe travel. That has come up on many occasions and all that we are trying to do is to try to alleviate the extraordinary difficulty which the passengers, particularly the third

[Sir Edward Benthall.]

class passengers, have in travelling and to save them from exposing themselves to danger to life and limb by riding on foot-boards and so on. We should have liked, of course, to have put on extra accommodation to take the extra crowd which we anticipated would go to the Mela. Somebody asked what we were doing with the Mela rakes? The Mela rakes have been distributed all over India for various reasons, partly military and partly because some of them have been put into operation for ordinary services for the public. Anyway, those rakes are not now-a-days available. If they were available, it would simply mean that we were not making the best use of our available stock. If we kept those Mela rakes in sidings for occasions like this, then the overcrowding on the ordinary services would be worse than ever. So, we were not in a position to put on extra accommodation to meet this particular rush. What we did was to get an order from the Provincial Governments in the terms which my Honourable friend has read out. What we have done is precisely what my Honourable friend Sardar Sant Singh has suggested namely, we have tried to restrict the booking by trains to these destinations to the normal numbers. We have tried to restrict the booking to the daily average for the last three months, so that we have tried to move the normal number of people. If we had tried to do more than that with the existing stock available, we should simply have encouraged the over-crowding which the House has always urged us to prevent. We have merely tried to stop over-crowding and dangerous travel. In other words, we have tried to restrict excessive numbers of people going to Hardwar, from the railway angle and from the point of view of desiring to help the Provincial Government who were fearful of the effects of crowds collecting there.

Pandit Lakshmi Kanta Maitra: Can you do something for them now?

The Honourable Sir Edward Benthall: I will come on to that. My Honourable friend Mr. Sri Prakasa said that he was not concerned with the military traffic. Well, Sir, there are two points of view about this matter. My Honourable friend Sardar Sant Singh said that if it were a question of military traffic *versus* Mela traffic, then there was a good case. It is just a question of two points of view and I should like to say, as I said in my opening remarks this morning, that I have no prejudices in the matter. I fully recognise the religious impulses of the people who go to Hardwar just at this time and it is with the deep regret that we cannot run the specials which we should like to run.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): What is the necessity of the permit from a District Magistrate? That point has not been explained.

The Honourable Sir Edward Benthall: I will come on to that in one moment. One has to make a choice between the military traffic and this traffic and I do not mind informing the House that in making special arrangements to get the pilgrims away from Hardwar after the 13th or the 15th, whichever is the critical day, we shall have to interfere with certain military movements. But we have come to the conclusion that that is justified in the circumstances because of the danger of keeping people there in insanitary surroundings.

As regards the permit of the District Magistrate, this is really designed not so much as a hindrance to the public but to assist them. As I have explained, the railways are charged with trying to restrict passengers to the ordinary numbers, but if they do not exercise their discretion properly, then various people have power to issue permits, not only the District Magistrates but also the Officer-in-charge of the Mela and any other officer authorised by the District Magistrate. And that is intended to help the position of anybody who has to go there on urgent business. I admit of course that the ordinary ryot has difficulty in approaching any one of these officers. But I think that if that provision were not made it would certainly be missed because it will allow facilities for certain people who might otherwise have some difficulty in getting them. One point was made that it was the U. P. Government alone which had a clause in the order about District Magistrate. That is not correct actually

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because I have in my hand the order made by the Punjab Government in precisely the same terms with precisely the same object of assisting people who must go there to make out a case before the Railways or before a Magistrate.

An Honourable Member: Are the terms of the Punjab Government order the same as that of U. P.?

The Honourable Sir Edward Benthall: I have not checked it word for word. I will read it out:

"In exercise of the powers * * * persons proposing to travel to any of the stations specified in the schedule shall not travel by railway and shall not be carried on on any railway during the period 15th March, to 13th April, 1945 (both days inclusive) unless the railways concerned are satisfied that the person is proceeding to that destination otherwise than for the purpose of taking part on the Ardh Kumbh Mela day on that . . . . . "

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

Sardar Sant Singh: Is this order under the Defence of India Act?

The Honourable Sir Edward Benthall: I cannot give way because my time is over. Sir, I have tried at the request of the House to explain the position in full and since the debate opened this morning, I have tried to find out what the position is on the railways and at Hardwar and to see whether anything could be done to ease the situation for people desiring to go and take part in th Mela. Sir, I have ascertained from the Divisional Superintendent who was yesterday at Hardwar that there are apparently no accumulations of people, no large crowds wanting to get to Hardwar at the various stations with which he has been able to get into touch. Why that is so, I do not know, whether the scare of cholera has put people off or whether inoculation put people off, or whether they have just decided not to travel I do not know.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Do not forget to remove the grievances of Ajmer Urs.

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

The Honourable Sir Edward Benthall: I will finish in a minute, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has no discretion in the matter.

Some Honourable Members: We want him to proceed with his speech.

Mr. Deputy President (Mr. Akhil Chandra Datta): If it is the desire of the House, then the Honourable Member can carry on.

The Honourable Sir Edward Benthall: The Mover has asked that we should withdraw these restrictions during the last two days of the festival. I am afraid that that is too bold a step which is not possible because it would have the effect of causing large crowds to collect and make a last minute rush to Hardwar which would be against the policy of the U. P. Government. That would, I am afraid, result in dangerous overcrowding during the last two days. But I have given instructions that the quotas for each of these stations should be enhanced during the last two days up to the maximum capacity of the stock available on the existing services so that everything possible will be done to get the maximum number of people through in the last two days without overcrowding and danger to life and limb.

Mr. K. C. Neogy: Sir, I promise I will not take very long in replying to this debate. I must say that the House appreciates the frankness with which the Honourable Member has put the whole case. On past occasions, as far as I recollect, the tendency of the Government was to take shelter behind the authority of the Provincial Government which initially is responsible for issuing such orders. Sir, my Honourable friend clearly stated that the restrictions that were complained of have resulted from certain negotiations or understanding between the Railway Department and the U. P. Government. Knowing the U. P. Government as we do, nothing of their doings is likely to surprise many of us. When I heard that the U. P. Government had asked the Railway Board not to run any special trains I was not therefore surprised. The U. P. Government evidently had not assigned any reasons in support of that strange request of theirs. My Honourable friend has been good enough to supply the reason when he said

[Mr. K. C. Neogy.]

that obviously they were anxious to prevent an outbreak of cholera. It does seem to me that the U. P. Government have not got sufficient faith in the efficacy of their cholera injections, because on the one hand they insist upon cholera injection in every case, and on the other insist upon the Railways not running any special trains. However, Sir, that is, as I said, a kind of action which we normally expect from the U. P. Government. But, Sir, the solicitude for the health and life of the people shown by the U. P. Government, is really touching; and I cannot help referring to that fact, because I come from a province where not less than 35 lakhs of people died of starvation in a year, and the best efforts of the Government were employed for the purpose of suppressing the truth about the number of the dead. Indeed, the Government have succeeded in establishing that those who actually died were never born. I, therefore, say that this is really very touching, this solicitude on the part of the U. P. Government for the welfare of the people, as exhibited by them in their orders. My Honourable friend said that the Punjab Government also issued an order very much to the same effect as the U. P. Government. I was not aware of that simply because the notification which was published at the instance of E. I. R. did not mention that fact. This shows how the bad example of a section 93 province can influence a province which is under a responsible Ministry.

Sir, I have no desire to prolong the discussion any more. I appreciate my Honourable friend's difficulties as pointed out by him in providing extra coaching accommodation for the benefit of the pilgrim traffic. But then, I must say that I expect a little more from him by way of removal of the restrictions, because if these restrictions regarding Magistrate's permit are allowed to operate, even though my Honourable friend may increase the permissible quota of tickets issued by different railways, it may not have much effect. As my Honourable friend himself pointed out, there is hardly any crowd waiting anywhere. That shows that these restrictions have been very effective indeed. I do not think my Honourable friend is justified in fearing that if these restrictions were to be withdrawn in their entirety at this last moment, there would be a last minute rush which would endanger public health.

The Honourable Sir Edward Benthall: I said we would enhance the quotas for each of these stations up to the capacity of the stock available on the existing services, but if there is no more stock what are we to do?

Dr. P. N. Banerjea: What about the District Magistrate's permit?

Mr. K. C. Neogy: My Honourable friend refers to the existing coaching services. The services, as we all know, have been already drastically cut down and we know to our cost how the existing coaches are normally overcrowded.

The Honourable Sir Edward Benthall: I meant, extra coaches to the maximum available.

Mr. K. C. Neogy: I am glad that my Honourable friend has given a promise that he will put on extra coaches from the stock available. I am sorry that I misunderstood my Honourable friend. In view of this assurance I would beg leave of the House to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th April, 1945.

LEGISLATIVE ASSEMBLY

Wednesday, 11th April 1945

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

MEMBERS SWORN:

The Honourable Sir Archibald Rowlands, K.C.B., M.B.E., (Finance Member);

Mr. Zahid Husain, C.I.E., M.L.A. (Government of India: Nominated Official):

Sir Gurunath Venkatesh Bewoor, C.I.E., I.C.S., M.L.A., (Secretary, Posts and Air Department); and

Sir Pheroze Merwan Kharegat, C.I.E., I.C.S., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RACIAL DISCRIMINATION AS REGARDS RAILWAY RUNNING ROOMS

1775. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member please state:

(a) on how many Railways running rooms for running staff are maintained on racial grounds; and

(b) whether Government propose to consider the advisability of removing such racial discrimination?

The Honourable Sir Edward Benthall: (a) and (b). On all State Railways the general practice is to have separate running rooms for those adopting a 'European' and an 'Indian' style of living respectively and the intention is that Indian staff who have adopted a European style of living should have the option of using the European style running rooms if they so desire. There is thus no racial discrimination in the matter and any State-managed Railway which is still following a practice contrary to the above intention will be instructed to modify it.

Mr. T. S. Avinashilingam Chettiar: May I know what is the difference between the European style of running room and the Indian style of running room, except of course the lavatory?

The Honourable Sir Edward Benthall: If the Honourable Member will look round his own benches, he will find that some of the Honourable Members are wearing European dress and others are wearing Indian dress, and so it is with the mode of living.

Mr. T. S. Avinashilingam Chettiar: May I take it that dress is the criterion to judge whether one should be allowed to use a European style or an Indian style of running room?

The Honourable Sir Edward Benthall: It is the mode of living.

Mr. Sri Prakasa: Do they run differently?

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the difference is only very superficial—that of dress and other things—and that the mode of living does not affect the sort of duties that they do in the Railways, will the Government consider the advisability of abolishing this distinction of European style and Indian style of running rooms?

The Honourable Sir Edward Benthall: Some people prefer one style and some prefer the other and I do not think it is advisable to force them to adopt a style to which they are not accustomed.

Mr. T. S. Avinashilingam Chettiar: What is the difference in both these styles of running rooms?

The Honourable Sir Edward Benthall: There are different types of fitments.

Dr. Sir Zia Uddin Ahmad: Is it not a fact that arrangements in these two types of bath rooms are entirely different?

The Honourable Sir Edward Benthall: I think so.

Mr. Sri Prakasa: And the bed room arrangements?

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

RACIAL DISCRIMINATION AS REGARDS PAYMENTS ON RAILWAYS

1776. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member please state:

(a) on how many Railways different payments are made for the same jobs on the grounds of race; and

(b) whether Government propose to consider the advisability of removing such racial discrimination?

The Honourable Sir Edward Benthall: (a) and (b). Government are not aware of instances on railways in which different payments are made for performing the same duties on grounds of race. If, however, the Honourable Member is referring to the grant of an initial pay of Rs. 55 p. m. to Anglo-Indians recruited to subordinate services in accordance with the Government of India, Home Department Resolution of 1st May, 1939, which was published in the *Gazette of India*, of 6th May, 1939, I would invite his attention to the reply given by the Honourable Sir Andrew Clow to Dr. Sir Zia Uddin Ahmad's Starred Question No. 65 asked in this House on the 14th February, 1941.

Mr. T. S. Avinashilingam Chettiar: As the question was answered in 1941, will the Honourable Member let us know the reply which was given then?

The Honourable Sir Edward Benthall: I think the gist of it was that the question should be put to the Home Department.

Mr. T. S. Avinashilingam Chettiar: Since he has got it in his file and since he has referred to it, we shall be glad if he will read it out?

The Honourable Sir Edward Benthall: I have just replied that one of the main points was that the question should be addressed to the Home Department.

Mr. T. S. Avinashilingam Chettiar: Is that the reply which was given in 1941? May I address the Chair, Sir? What is the use of his replying to my question in this way . . . .

The Honourable Sir Edward Benthall: There were a number of supplementary questions if the Honourable Member will take the trouble to look up the record.

Mr. T. S. Avinashilingam Chettiar: May I know whether these payments are made only to Anglo-Indians?

The Honourable Sir Edward Benthall: Yes, only to Anglo-Indians.

Mr. T. S. Avinashilingam Chettiar: Only to subordinate services or to upper services as well?

The Honourable Sir Edward Benthall: Subordinate services only.

RAISING OF RAILWAY ASSISTANT SURGEONS TO LOWER GAZETTED RANK

†1777. ***Dr. Habibur Rahman:** (a) Will the Honourable the Railway Member please state if it is a fact that Assistant Surgeons in the Military and Provincial Civil Medical Services are appointed in the lower gazetted service whereas those on the Indian State Railways are all non-gazetted and stand very few chances of promotion to the lower gazetted rank even after ten years' approved service?

(b) If the reply to (a) above is in the affirmative, do Government propose to regularise it on the lines adopted by the Military and Civil Medical Department? If not, why not?

The Honourable Sir Edward Benthall: (a) While Civil Assistant Surgeons in the Provincial Medical Services enjoy gazetted status, the question of such status does not arise in the case of Military Assistant Surgeons, who are granted military rank. Railway Assistant Surgeons belong to a non-gazetted service, though they can rise to the selection grade of Assistant Medical Officer, which is in the Lower Gazetted Service.

(b) The Honourable Member is referred to the reply to parts (g) and (i) of Maulvi Syed Murtuza Sahib Bahadur's Unstarred Question No. 114, asked on 31st March, 1942.

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

TRAIN CLERKS RECRUITED THROUGH NORTH WESTERN RAILWAY SERVICE COMMISSION

1778. ***Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

(a) the total number of Train Clerks recruited through the North Western Railway Service Commission from the year 1941 up to date; and

(b) how many of them have resigned?

The Honourable Sir Edward Benthall: (a) The North Western Railway Service Commission was formed in June, 1942, and 375 Trains Clerks were recruited through the Commission during the period from 2nd November, 1942, to 5th February 1945.

(b) The information is being obtained and a reply will be laid on the table of the House in due course.

Mr. Lalchand Navalrai: May I know if some of them have resigned? If so, why?

The Honourable Sir Edward Benthall: If the Honourable Member will wait a minute, there is a question on that later on.

TRAIN CLERKS ON NORTH WESTERN RAILWAY PROMOTED AS GUARDS

1779. ***Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

(a) the total number of Train Clerks on the North Western Railway promoted as Guards from 1941 up to January, 1945, and how many of them have been confirmed;

(b) how many Train Clerks of Grade I, Grade II and Grade III have been promoted to higher grades separately;

(c) the total number of Grade IV, V and VI posts held by Booking Clerks, Parcel Clerks, Ticket Collectors, Goods Clerks and Train Clerks on the North Western Railway; and

(d) in view of the limited number of higher grade posts fixed for Train Clerks, whether it is proposed to increase the higher grade posts for the Train Clerks; if not, why not?

The Honourable Sir Edward Benthall: (a) Of 73 Trains Clerks promoted to officiate as Guards during the period referred to, 15 have been confirmed as such.

(b) The information is being obtained and a reply will be laid on the table of the House in due course.

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

(d) No, the requirements of the work to be done do not justify an increase in the number of higher grade posts for Trains Clerks.

Statement showing the total number of posts of Booking Parcel, Goods and Trains Clerks and Ticket Collectors in grades IV to VI

Category	Grade VI	Grade V	Grade IV
Booking Clerks	..	1 *plus* 1 Ty.	*1 *plus* 2 Ty.
Parcel Clerks	..	2	1 *plus* 3 Ty.
Goods Clerks	5 *plus* 2 Ty.	2†	5 *plus* 2 Ty.
Trains Clerks	..	..	2
Ticket Collectors	1	2	6

* Upgraded to Grade V temporarily.
† Temporarily upgraded to Grade BI.

SHORTAGE OF TRAINS CLERKS ON NORTH WESTERN RAILWAY

1780. ***Mr. N. M. Joshi:** (a) Will the Honourable the Railway Member be pleased to state whether there is shortage of Train Clerks on the North Western Railway?

(b) What are the reasons causing shortage?

(c) Is it a fact that Train Clerks have to work extra duties due to this shortage, for a long period? If so, what action has been taken by the North

Western Railway Administration to find out the cause and to remove the shortage?

The Honourable Sir Edward Benthall: (a) There was a total shortage of 19 in December, 1944, most of which has already been made good.

(b) This shortage is due to conditions created by the War and is being experienced in other categories of staff also.

(c) Information is being obtained and a reply will be laid on the table of the House in due course.

RESIGNATIONS BY SENIOR TRAINS CLERKS ON NORTH WESTERN RAILWAY

1781. *Mr. N. M. Joshi: (a) Will the Honourable the Railway Member be pleased to state whether it is a fact that senior Train Clerks have submitted their resignations by telegrams to the Divisional Superintendent, North Western Railway, Lahore, and the General Manager, Lahore, separately?

(b) What action has been taken by the General Manager on their telegrams? If none? why?

(c) Is it proposed to fill the vacancies of Wagon Movement Inspectors from the Train Clerks? If not, why not?

The Honourable Sir Edward Benthall: (a) Telegrams were received by the Divisional Superintendent, Lahore, from certain Trains Clerks, asking him to consider their resignation. No telegram can be traced as having been received by the General Manager, North Western Railway, Lahore.

(b) and (c). Posts of Junior Investigators, Grade II, and Senior Investigators Grade III, and not of Wagon Movement Inspectors, have been created temporarily in the General Manager's Office and some of these posts have been filled by the promotion of Trains Clerks, Office Clerks and Yard Foremen, who were considered suitable. As regards the remaining vacancies, senior Trains Clerks, Grade I, will be considered if recommended by their Divisional Superintendents.

Mr. Lalchand Navalrai: May I know what replies were given to them when they offered their resignations?

The Honourable Sir Edward Benthall: I should require notice of that question. Telegrams were sent to the Divisional Superintendent not to the General Manager.

Mr. N. M. Joshi: In view of the fact that there is a great deal of discontent among these train clerks, may I know whether the Honourable Member will look into their grievances and take steps to remove their discontent?

The Honourable Sir Edward Benthall: I take it that that was the object of the Honourable Member's questions. I will look into it but I think the position has been thoroughly investigated already.

GUARDS CLAIMING REST SUSPENDED IN LAHORE DIVISION, NORTH WESTERN RAILWAY

1782. *Mr. N. M. Joshi: (a) Will the Honourable the Railway Member be pleased to state the number of Guards suspended in the Lahore Division, North Western Railway, when they claimed rest after sixteen hours of duty and what action has been taken by the Administration regarding these cases of suspension?

(b) Will he be pleased to state whether he proposes to fix the maximum duty hours in a day, week and month for the Guards and other running staff?

(c) Does he propose to pay special compensation to the Guards and others for their excessive duty hours?

The Honourable Sir Edward Benthall: (a) Government are informed that during the last twelve months no Guard on the Lahore Division has been suspended for claiming rest after 16 hours' duty. The latter portion of the question does not arise.

(b) The Honourable Member is referred to my reply to part (d) of Mr. Lalchand Navalrai's Question No. 24 asked on the 30th July 1943.

(c) Running staff are already in receipt of overtime and mileage allowances and the payment of further compensation is not considered necessary.

Mr. N. M. Joshi: May I ask in view of the fact that many complaints have been made regarding the excessive hours, will the Honourable Member consider this question and deal with it sympathetically?

The Honourable Sir Edward Benthall: It is always dealt with sympathetically and it is constantly under supervision. There are difficulties of course created by war time conditions and particularly on the North Western Railway, where there was recently a series of deliveries of bad coal which caused trains to be held up by the roadside which in turn naturally resulted in running staff having to work longer hours. But I must remind Honourable Members that hours are linked with mileage allowance and overtime and any heavy reduction would affect their emoluments.

Mr. T. S. Avinashilingam Chettiar: May I know the marimum number of hours that a person can be asked to work?

The Honourable Sir Edward Benthall: It is a question of maximum number of hours after which they can claim rest. Most railways I think have twelve hours. On the North Western Railway the hours are longer, but it does not follow that that is usual. It is only exceptional.

Mr. T. S. Avinashilingam Chettiar: May I know whether this maximum number of hours differs from railway to railway?

The Honourable Sir Edward Benthall: The conditions of service have differed on all railways throughout India and it is neither possible nor desirable to make them uniform.

Mr. T. S. Avinashilingam Chettiar: From what to what are the maximum hours?

The Honourable Sir Edward Benthall: The maximum figure on the North Western Railway is sixteen hours.

PREPONDERANCE OF MUSLIM DISTRICT TRAFFIC SUPERINTENDENTS, ETC., ON METER GAUGE SECTION, BOMBAY, BARODA AND CENTRAL INDIA RAILWAY

1783. *Mr. Ananga Mohan Dam: Will the Honourable Member for Railways be pleased to state:

(a) if it is a fact that in the Metre Gauge Section of the Bombay Baroda and Central India Railway, out of six District Traffic Superintendents five are Muslims and that there is only one Hindu;

(b) if it is a fact that out of five Traffic Inspectors, four are Muslims and the fifth is a Sikh;

(c) if the answer to (b) be in the affirmative, why no Hindu was appointed to these posts;

(d) if it is a fact that one of the Traffic Inspectors had previous conviction for theft and that he has now been promoted to the post of Chief Inspector, superseding senior efficient and experienced Hindu officers; and

(e) in view of the fact that the Bombay Baroda and Central India Railway has now been taken over by the Government, whether or not they propose to act in accordance with the communal ratio established by them in the matter of recruitment of services? If not, why not?

The Honourable Sir Edward Benthall: (a) The reply is in the affirmative.

(b) and (c). Government are informed that of the 12 Traffic Inspectors employed on the Metre Gauge Section of the B., B. and C. I. Railway, three are Hindus.

(d) No. There is no post of Chief Inspector on the B., B. and C. I. Railway.

(e) Government have no reason to believe that the instructions in regard to reservation of fixed percentages for different communities in vacancies open to direct recruitment on railways are not being observed on the B., B. and C. I. Railway. The Honourable Member appears, however, to be thinking mainly of vacancies filled by promotion and I may remind him that promotions are not made on a communal basis.

Mr. Ananga Mohan Dam: With regard to (d), what about the previous conviction

The Honourable Sir Edward Benthall: There is no evidence at all and there is no post of Chief Inspector.

Mr. T. S. Avinashilingam Chettiar: With regard to (d), is it a fact that one of the Chief Inspectors had a previous conviction for theft?

The Honourable Sir Edward Benthall: I have no evidence of that at all.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not make allegations like that in the House without sufficient evidence.

MEASURES FOR SUPPLY OF PURE MILK, ETC., TO TRAVELLING PUBLIC AT DELHI RAILWAY STATION

1784. *Mr. S. K. Hosmani: Will the Honourable Member for Railways please state the measures provided for the supply of pure milk, curd, milk *lasee*, *sharbat*, cold drink, and fresh fruits to the travelling public at Delhi Main Station on the North Western Railway together with the sanitary arrangements provided for their vending? If sanitary arrangements are not provided, the reasons therefor?

The Honourable Sir Edward Benthall: All edible articles vended at the station, including those referred to in the question, are subjected to an examination each morning by the Station Superintendent or the Platform Inspector to see that they are good, clean and wholesome, that the utensils are clean and properly protected from dust and flies, and that the salesmen are in clean uniforms. The stalls and surroundings are also inspected to ensure cleanliness. In addition, the Divisional Medical Officer and his Assistant make frequent surprise checks on these articles, and see that the vending arrangements are satisfactory.

EUROPEAN LADY'S HIGH-HANDEDNESS AT AMBALA CANTONMENT RAILWAY STATION

1785. *Sardar Mangal Singh: Will the Honourable the Railway Member please state: (a) whether his attention has been drawn to a newsparagraph published in the Daily *Ajit* of Lahore dated the 24th March, 1945, under the Capstation" European Lady's highhandedness at the Ambala Cantonment Railway

(b) why the Railway officials did not take any action although the facts of the case were brought to their notice by the aggrieved party?

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

TOLL TAX COLLECTION AT LANSDOWNE RAILWAY BRIDGE IN SIND

1786. *Seth Yusuf Abdoola Haroon: Will the Honourable Member for Railways please state: (a) whether he is aware that the Lansdowne Railway Bridge in the Sind Section of the North Western Railway is the only bridge connecting the Sukkur town with the Rohri town, except the Sukkur Barrage Bridge which is 2½ miles away from the town;

(b) whether he is aware that the people are allowed to cross the Railway bridge only on foot;

(c) whether he is aware that toll tax is being collected from people who cross the Railway bridge on foot;

(d) is it a fact that this toll tax is only levied since 1931; and

(e) if it is a fact that toll tax is not collected from Government servants, Municipal servants, Railway servants and military people?

The Honourable Sir Edward Benthall: (a) Yes. The Barrage bridge is about 3 miles from Rohri.

(b) No; vehicular traffic is also allowed over the Sukkur channel of the Lansdowne Bridge.

(c) Yes.

(d) No. Tolls were levied before 1920 but were suspended from that year in consideration of a contribution paid to the Railway Department for the maintenance of the roadway by the Bombay Government. This contribution was stopped in 1932 and the tolls were reintroduced in that year.

(e) No tax is leviable from:

(i) Magistrates, other Government Officers and Government process servers.

(ii) Railway servants in possession of passes signed and issued by the Chief Commercial Manager, or a Divisional Officer or an Officer of the Engineering Department of the N. W. Railway.

(iii) Officers and soldiers of His Majesty's Regular forces, both British and Indian, on duty.

Municipal servants are not exempt from payment of the toll-tax.

Prof. N. G. Ranga: How much is this toll-tax? Is it being charged on bullock carts also?

The Honourable Sir Edward Benthall: No, Sir.

Seth Yusuf Abdoola Haroon: The Honourable Member may collect this information again, because traffic is not allowed over the whole railway bridge: only part of that bridge is allowed. They are not allowed to cross the bridge.

The Honourable Sir Edward Benthall: The Honourable Member seems to know the answer to his question better than I know.

Seth Yusuf Abdoola Haroon: Therefore I put the question. It is said by the Government that they are allowed to cross the bridges. They are not allowed to cross.

The Honourable Sir Edward Benthall: I will look into it.

Mr. Lalchand Navalrai: May I know if the Sind Government had been consulted with regard to this tax on the Lansdowne Bridge? With regard to the contribution that is being made by the Bombay Government, may I know whether the Sind Government are also giving a similar contribution?

The Honourable Sir Edward Benthall: If the Honourable Member will wait till the next question, he will get the answer.

Prof. N. G. Ranga: May I know how much is this tax and why is it still being levied?

The Honourable Sir Edward Benthall: I cannot tell the Honourable Member without further notice, how much is received but apparently the Bombay Government paid Rs. 20,000 per annum and the reason why the toll is put on is of course in order to maintain the pathways.

Prof. N. G. Ranga: Are we to understand that the Government have no responsibility to make these roads and to maintain them without having to charge this pedestrian traffic?

The Honourable Sir Edward Benthall: It is really a matter for the Local Government to maintain the passenger bridges and the railways to maintain the railway bridges. In this case the railway is also providing footpaths and meets all the expenses of upkeep.

TOLL TAX COLLECTION AT LANSDOWNE RAILWAY BRIDGE IN SIND

1787. *Seth Yusuf Abdoola Haroon: Will the Honourable the Railway Member please state: (a) whether it is a fact that the Lansdowne Railway Bridge which connects Sukkur and Rohri yields a revenue from toll tax of Rs. 800 per month;

(b) whether it is a fact that representations have been made by public that considerable difficulty and hardship are being felt by collection of this tax;

(c) whether it is a fact that representation has also been made by the Government of Sind to do away with this toll tax; and

(d) whether Government propose to remove this tax?

The Honourable Sir Edward Benthall: (a) Yes.

(b) No representations have been received by the railway administration.

(c) No. The tolls are levied with the consent of the Government of Sind.

(d) The question will be considered shortly in consultation with the Government of Sind.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that walking does not produce much wear and tear on bridges will Government consider the advisability of removing this tax altogether?

The Honourable Sir Edward Benthall: No, Sir.

Mr. T. S. Avinashilingam Chettiar: Do Government maintain that there is wear and tear of bridges due to walking over them?

The Honourable Sir Edward Benthall: The Honourable Member has not apparently much experience of the upkeep of bridges. They have to be repainted, kept in good repair, refloored etc.

Seth Yusuf Abdoola Haroon: Will the Honourable Member make a reference to the Sind Government regarding this question?

The Honourable Sir Edward Benthall: Yes, Sir. I have already said that it will be discussed shortly with them.

POSITION *RE* SUPPLY OF SOFT COKE FOR DOMESTIC CONSUMPTION

1788. *Mr. T. T. Krishnamachari (on behalf of **Mr. K. C. Neogy**): (a) will the Honourable the Supply Member please refer to his reply to starred question No. 396 of the 20th February, 1945, and state how far the supply of soft coke for domestic consumption has improved since the reply was given?

(b) What were the total despatches from collieries of soft coke during the years 1941, 1942, 1943 and 1944, separately?

(c) With reference to the statement made by him in part (b) of the said reply that apart from the soft coke supplied by rail, domestic requirements in Calcutta have also been met by the use of soft coke available from the Oriental Gas Company and of fire-wood, charcoal and gas, were the supplies of these alternative sources appreciably increased in 1944 over such supplies available in 1941, 1942 or 1943? If so, to what extent in the case of each such alternative source?

(d) Has the system of distribution of soft coke in Calcutta undergone any change since the above reply was given? If so, in what manner?

Mr. J. A. Mackeown: (a) During March 1945 arrivals of soft coke in Calcutta amounted to 56 wagons per day. The February figure was 30.

(b) The total despatches of soft coke during the four years were as follows:

Year	*Tons*
1941	957,553
1942	431,858
1943	354,835
1944	445,721

(c) No information is available regarding increase in the supplies of firewood and charcoal during 1944. The quota of coal allotted to the Oriental Gas Company was increased by 500 tons per month from September 1944. This resulted in a corresponding increase in the supply of gas and additional soft coke drawn from this Company.

(d) Yes. A separate quota of soft coke has since been allotted to each dealer in Calcutta, and to ensure quick deliveries at Calcutta, Government have also under consideration a revised system of allocation of quotas to individual soft coke manufacturing collieries and certain other measures.

IMPOSITION OF PRODUCTION CESS ON UNIFORM SCALE ON COALS AND SOFT COKE

1789. *Mr. T. T. Krishnamachari (on behalf of **Mr. K. C. Neogy**): (a) With reference to the reply given by the Honourable the Supply Member to part (c) of starred question No. 26 on the 8th February, 1945, regarding the production cess imposed on despatches of coal and coke, to the effect that "the fund will only be used to meet any deficit resulting from plant which has been purchased by Government from abroad and offered to collieries remaining unsold" and that "it was anticipated that the whole of the plant imported will be purchased by collieries", will he please state whether an alternative method was considered of financing such purchase out of an interest-free advance as in the case of purchase of Egyptian Cotton by the Cotton Co-ordinating Committee on behalf of Indian importers?

(b) What are the reasons for imposing the production cess on a uniform scale on coal of different grades including soft coke?

(c) To what extent are collieries producing the inferior grades of coal, particularly of the type that is utilised for the manufacture of soft coke, likely in actual practice to benefit from the imposition of the cess? How many applications for plant and machinery purchased out of the production cess, have been received from collieries of these types, and what is the approximate total value of such plant and machinery?

Mr. J. A. Mackeown: (a) I am afraid the question is not very clear to me. Presumably the Honourable Member is suggesting that Government should have considered the question of assisting smaller collieries by interest-free advances to purchase the imported plant from Government. This does not seem to be necessary, as all the imported plant is being readily disposed of on payment.

(b) The cess was imposed on a uniform scale largely for simplicity of operation and collection.

(c) Collieries producing inferior grades of coal are eligible for all benefits from the Coal Production Fund. 38 such collieries have already taken advantage of facilities and applied for plant and machinery of an approximate total value of Rs. 3 lakhs. The Honourable Member is under a misapprehension in thinking that the production cess finances such purchases.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if he is in a position to state to what extent monies out of this fund have been paid out to meet deficits? Is there any deficit at all?

Mr. J. A. Mackeown: There has been no deficit so far. The position is that the fund is not used to finance purchases of machinery. That is done from a different source and against indents placed by the collieries which are bulged and the money is recovered from the collieries when the Government receives the machinery here. So far there is no question of any loss on the machinery received because the collieries to whom machinery was delivered paid for it. Until all the bulk transactions are complete, it will not be known whether there is a deficit or not.

Mr. T. T. Krishnamachari: Since one part of the objective of this fund seems to have been rendered unnecessary, will the Honourable Member consider the feasibility of reduction of this cess on collieries producing low grade coal?

Mr. J. A. Mackeown: No, I cannot accept the assumption that it has been rendered unnecessary. We will not know until all the transactions on the machinery have been completed whether there has or has not been any loss. We hope there will be no loss.

Mr. T. S. Avinashilingam Chettiar: With regard to clause (b), does not the imposition of the same cess upon coal which is more costly and coal which is less costly operates to the hardship of the inferior variety of coal?

Mr. J. A. Mackeown: All that was considered, but the cess is not a large one and the hardship entailed is very small compared with the advantages of a uniform rate.

Mr. T. T. Krishnamachari: As the Honourable Member says that the cess is not large, would I be correct in estimating the total amount collected by way of this cess at about Rs. 3 crores a year?

Mr. J. A. Mackeown: I would require notice of that.

PERMISSION TO MOVE SODA ASH ON RAILWAYS ONLY TO IMPERIAL CHEMICAL INDUSTRIES

†**1790. *Mr. Muhammad Azhar Ali:** Will the Honourable the Railway Member please state if it is not a fact that only the Imperial Chemical Industries (India), Limited, are permitted to move soda ash from stations on East Indian, North Western and Shahdara (Delhi) Saharanpur Railways? What is the number of persons who were permitted to move soda ash and fuller's earth from those stations to Howrah during the preceding year?

The Honourable Sir Edward Benthall: It is not a fact that only the Imperial Chemical Industries (India) Ltd. are permitted to move soda ash from stations

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

on the East Indian, North Western and Shahdara-Saharanpur Railways. Information regarding the number of persons who were permitted to move soda ash and fuller's earth from those stations to Howrah during the year 1944 is not readily available and the labour and time involved in obtaining it would not be justifiable in war time.

ARRANGEMENTS FOR RESERVATION OF ACCOMMODATION AT DELHI RAILWAY STATION FOR MEMBERS OF CENTRAL LEGISLATURES AT TERMINATION OF SESSION

†1791. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state: (a) if it is a fact that in the Railway Board's circular regarding accommodation provided for the Honourable Members of the Central Legislature by rail from Delhi on the termination of the session, accommodation is only available for the two succeeding days; if not so, what the fact is; and

(b) if it is a fact that the Honourable Members are entitled to stay for three days after the termination of the session; if so, what arrangements have been made for their trouble; if no arrangements have been made, the reasons therefor?

The Honourable Sir Edward Benthall: (a) and (b). The Honourable Member is no doubt referring to the Railway Board's Circular of the 26th March the arrangements detailed in which were subsequently modified. The Railway Board's later circular of the 31st March indicates the revised arrangements made, which I believe meet the points raised by the Honourable Member.

SENIORITY OF CANDIDATES FOR TRAINING IN COURSE P-10, NORTH WESTERN RAILWAY

†1792. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the procedure for determining the seniority of the candidates for training in course P-10 selected by the Central Selection Board held in the office of the General Manager, North Western Railway, Lahore, in 1938 who were successful after training in batches in 1938, 1939 and 1941?

The Honourable Sir Edward Benthall: The seniority of the staff selected on the 10th November 1938, for Course P-10, and who obtained training in four periods between November 1938, and March 1940, was determined according to the combined order of merit obtained by them in the course of training during these periods. A certain number of employees who could not be trained in the four periods mentioned and who were given training along with other staff in Course P-10 during the period 23rd June to 26th July 1941, were given seniority in the combined order of merit obtained by the staff trained during June-July 1941 and November-December of the same year.

EXPENDITURE ON RAILWAY EXHIBITION AT NEW DELHI

†1793. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the total amount expended on the Railway Exhibition at New Delhi in 1945 and the reasons for that expenditure?

The Honourable Sir Edward Benthall: I would refer the Honourable Member to the reply given to part (b) of Mr. T. S. A. Chettiar's starred question No. 1664 on the 6th April 1945. I think it will be generally agreed by those who visited the Exhibition, that it achieved its main objects which were to give Honourable Members of the Legislature, the Defence and other Services and the public some conception of the magnitude of the task that the Indian Railways have been called upon to perform in sustaining the economic life and defence of the country, and of the methods which have led to their success in the task.

RAILWAYS USING SAFETY SHUTTERS AS EXHIBITED

†1794. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state the Railway on which safety shutters as exhibited in the Exhibition are in use with the result achieved from the day they were brought in use and the reasons for not extending their use on other Railways?

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

The Honourable Sir Edward Benthall: I understand that a proportion of the broad and metre gauge stock on the M. and S. M. Railway is equipped with the shutters to which the Honourable Member refers and that a few coaches fitted with this type of shutter were transferred from the M. and S. M. Railway to the Mysore State Railway.

The question of extending their use to other railways was considered in 1938 but up to the outbreak of War a sufficient number could not be supplied for the extensive trial considered necessary before universal adoption. The question of the more extensive adoption of this pattern will be considered after the cessation of hostilities.

STRENGTH OF EACH RAILWAY IN RAILWAY BOARD AMONGST GAZETTED AND NON-GAZETTED STAFF

†1795. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state what is the strength of each Railway in the Railway Board amongst the Gazetted and non-Gazetted staff, separately?

The Honourable Sir Edward Benthall: I lay on the table a statement giving the required information.

Statement showing the total number of Gazetted and non-Gazetted staff on deputation from different Railways in the Railway Board's Office (Positon as on 18-3-45).

	Gazetted	Non-gazetted
N. W. Railway	12	58
E. I. Railway	8	10
B. B. & C. I. Railway	7	4
G. I. P. Railway	5	12
B. & A Railway.	5	2
S. I. Railway	2	19
B. N. Railway	2	..
M. & S. M. Railway	1	6
O. & T. Railway	1	5
Total	43	116

NOTICE OF STRIKE BY BOMBAY POSTAL EMPLOYEES

1796. ***Prof. N. G. Ranga:** (a) Will the Secretary for Posts and Air please state if it is a fact that the Bombay Postal employees had given notice of their intention to go on strike? If so, when? What action have Government so far taken to ascertain their needs?

(b) Has the Postal Enquiry Committee appointed by the Government of India in December, 1944, submitted its report? If so, when?

(c) Is the said Report unanimous?

(d) Will the Government of India publish the Report? If so, when?

(e) When will Government issue orders on the said report?

(f) In view of the need for affording immediate relief to the subordinate staff, do Government propose to issue orders on the recommendations of the Committee?

Sir Gurunath Bewoor: (a) Notices purporting to be under S. 15 of the Trades Disputes Act were given by the Bombay Post Office Lower Grade Staff Union and by the Bombay Postmen Union on 17th November 1944. Government appointed a Committee of Inquiry to examine their demands and to establish all necessary facts relating thereto.

(b) Yes, on 17th March 1945.

(c) Yes.

(d) The question of publication will be considered after the Report has been examined by Government and orders passed.

(e) and (f). The Report is under examination and it is hoped to issue orders in a short time.

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

Mr. N. M. Joshi: May I know from the Honourable Member whether the orders will be issued before the Assembly adjourns?

Sir Gurunath Bewoor: I am unable to say but they will be issued very shortly.

CONCESSIONAL GRAINS SUPPLY SCHEME FOR STAFF BY POSTS AND AIR DEPARTMENT

1797. *Prof. N. G. Ranga: (a) Has the Secretary for Posts and Air announced a concessional grains supply scheme for its staff on the same line as that of the Railway Department?

(b) If so, in what areas has the scheme been introduced so far?

(c) When do Government propose to introduce the scheme in other areas?

(d) What benefit in cash does the employee get under the grain concessions scheme as introduced?

Sir Gurunath Bewoor: (a) No, Sir. It was stated in this House in answer to a short notice question that the principle of arranging for sales of food grains at concession rates to the Posts and Telegraphs staff, wherever practicable, had been accepted by Government. No reference was made to the Railway Scheme.

(b) In pursuance of the above policy, the Posts and Telegraphs Department worked out a scheme for their staff which has so far been introduced in the city of Bombay and its suburbs.

(c) In view of certain serious practical difficulties which have been encountered in extending the scheme to other areas, the whole question is being re-examined with a view to securing an alternative method of affording the necessary relief in all areas.

(d) The cash equivalent of the benefit in Bombay at present market rates averages about Rs. 5 p. m.

Mr. N. M. Joshi: May I know from the Honourable Member whether the prices charged by Government at the Railway shops are higher or lower than the prices charged in the Postal Department shops in Bombay?

Sir Gurunath Bewoor: I am afraid I would require notice of that question. I believe that rates in the Posts and Telegraphs shops are higher than those in the Railway shops.

Mr. N. M. Joshi: May I know why the shops maintained by one Department of the Government of India should charge higher prices for the same articles than the prices charged by shops maintained in the same city by another Department of the Government of India?

Sir Gurunath Bewoor: It is just a question of the extent of relief which it is considered desirable to grant and the Honourable Member is already aware that there is a distinction between the relief granted to Railway servants and to other Central Government servants.

Dr. Sir Zia Uddin Ahmad: May I know whether postal employees were compensated in places where cheap food grains at concessional rates could not be supplied?

Sir Gurunath Bewoor: That is exactly the point which is under examination.

Prof. N. G. Ranga: In view of the fact that the difficulties which the Honourable Member has referred to in regard to providing these facilities in various cities are already overcome or are being overcome by the Railway Administrations in similar circumstances, may I know what is it that prevents the Government of India from extending these facilities beyond the precincts of Bombay to other towns and cities also?

Sir Gurunath Bewoor: The chief point is that the circumstances are not similar. The Railways have got their staff living along their own lines. They have got their own transport. They are a very much bigger organisation than the Posts and Telegraphs whose staff are scattered all over India and small numbers of staff live in different areas. We have experienced real difficulty in finding the staff or the godowns or the transport for the conveyance of grains and in some cases we have had difficulties from the Provincial Governments. Therefore we are now considering whether the relief could not be given in another form, namely, cash instead of grain.

Mr. T. S. Avinashilingam Chettiar: Will the Government consider the advisability of arranging the supply of foodgrains for the Posts and Telegraph employees from the railway shops, where they cannot establish their own grain shops?

Sir Gurunath Bewoor: That would not cover the whole of the Posts and Telegraphs employees, because they do not live along the Railway lines.

Mr. T. S. Avinashilingam Chettiar: It will cover a large population.

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

SANDERSON AND CO.

†**1798. *Maulvi Muhammad Abdul Ghani:** Will the Honourable the Supply Member please state:

(a) whether Sanderson and Co. is on the approved list of contractors;

(b) the headquarters and capital of the Company; and

(c) whether it has a branch office at Patna?

Mr. J. A. Mackeown: (a) No.

(b) and (c). I have no information.

UNSTARRED QUESTIONS AND ANSWERS

PROCEDURE FOR PROMOTION OF SENIOR ACCOUNTANTS TO GAZETTED RANKS IN RAILWAY ACCOUNTS DEPARTMENT

145. Mr. Badri Dutt Pande: Will the Honourable the Railway Member please state if procedure for promotion of senior Accountants to gazetted ranks in the Railway Accounts Department has been changed to one of selection by very brief interviews of the senior Accountants? If so, since when? If not, will he please state why such a procedure was adopted for selecting four officers as A.A.Os. in the Railway Clearing Accounts Office, Delhi, last year?

The Honourable Sir Edward Benthall: No. Recruitment to the grade of Assistant Accounts Officer has always been made by selection from qualified non-gazetted staff on the recommendation of the Head of the Accounts Office concerned, based on past performance of the men concerned. This procedure has always been followed in all offices of the Railway Accounts Department including the Railway Clearing Accounts Office.

NEW JOURNAL STARTED BY EAST INDIAN RAILWAY

146. Sri K. B. Jinaraja Hegde: Will the Honourable the Railway Member be pleased to state:

(a) whether a journal of the East Indian Railway has been started within the last six months:

(b) whether an earlier journal of this Railway was discontinued; if so, for what reasons:

(c) who the Editor of the present journal is, what his remuneration is, and how the paper is financed:

(d) if it is a fact that the above journal was started to find a job for the Editor:

(e) whether the Staff Benefit Fund of the East Indian Railway employees pays towards the expenses of running this journal; if so, how much a year;

(f) whether the grievances of the employees of the East Indian Railway are voiced in this journal;

(g) whether it is a fact that this journal is forced on the employees through the inspecting officers;

(h) in view of the Paper Control Order, whether Government propose to explain how this journal is being supplied with paper; and

(i) if it is the policy of Government to encourage similar journals in respect of other State Railways?

The Honourable Sir Edward Benthall: (a) Yes.

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

(b) There used to be an *East Indian Railway Supplement* to the *State Railway Magazine*. When publication of the latter was stopped, the former automatically ceased.

(c) Sir Srinivasa Sarma is the Editor and Publisher. He is not paid any remuneration. The financial responsibility for the Journal rests entirely with the Publisher.

(d) No.

(e) During the initial period of 5 years, the Publisher will be subsidised from the Staff Benefit Fund as follows:

1st	year	Rs. 250	per mensem
2nd	,,	,, 200	,,
3rd	,,	,, 150	,,
4th	,,	,, 100	,,
5th	,,	,, 50	,,

Thereafter, if the Publisher wishes to exercise the option to continue the publication, no subsidy will be granted. As against this, Staff Benefit Fund will benefit to the extent of 50 per cent. of the receipts from subscribers.

(f) and (g). No.

(h) The supply of paper is duly authorised by Government.

(i) Yes.

WAGONS AVAILABLE FOR COAL LOADING IN BENGAL COAL-FIELDS

147. Mr. K. C. Neogy: (a) Will the Honourable the Supply Member be pleased to state:

(i) on how many days in each of the months of January and February this year, wagons were available for coal loading in the Bengal coal-fields under each of the following heads: Jute Mills, Paper Mills, domestic fuel and small industries under Provincial quotas; and

(ii) total number of wagons allotted for soft coke for Calcutta stations during January and February, 1945?

(b) Is it a fact that supply of coal wagons required for Paper Mills and Jute Mills are given preferenee over supply of wagons required for domestic fuel, Cotton Mills, Oil Mills and Flour Mills?

Mr. J. A. Mackeown: (a) (i) For Jute Mills wagons were available for 30 days in January and 25 days in February. In the case of Paper Mills wagons were available for 29 days in January and 24 days in February. As regards domestic fuel and small industries under Provincial quotas allotments are made on a system of rotation except for the Calcutta area for which allotment is made on a daily basis. Wagons for despatches to this area were available for 29 days in January and 22 days in February.

(ii) The total number of wagons allotted for soft coke for Calcutta stations was 1,095 during January and 800 during February.

(b) No. Supplies to each industry are based on the allocation fixed for it from month to month after taking into account factors such as the transport position and the relative urgency of the various demands.

DENIAL OF DUE SHARE IN DISTRIBUTION OF COAL TO CERTAIN COLLIERIES

148. Mr. K. C. Neogy: (a) Has the attention of the Honourable the Supply Member been drawn to the Associated Press report published in the *Hindustan Times*, dated the 31st March, 1945, of a statement made by Mr. D. R. Rathore while presiding over the annual meeting of the Indian Colliery Owners' Association at Jharia, to the effect that "while a section of the coal industry was starving without orders for coal, there were on the other hand industries which were closing down for want of coal"?

(b) Is it a fact that collieries working III-A and III-B grades of coal are being denied their due share in the distribution of coal? What are the classes of consumers that use these grades of coal, and how has the restriction of wagon space for these grades affected these consumers?

(c) Does the Honourable Member propose to define Government's policy in regard to the smaller collieries and collieries working III-A and III-B grades of coal in the matter of the operation of the Coal Control Scheme in all its aspects?

Mr. J. A. Mackeown: (a) Yes.

(b) No. These grades of coal are mostly utilized for the manufacture of soft coke, brick-burning and for supplies against miscellaneous and Provincial requirements. A small percentage is also used for certain other industries such as cotton mills. Whenever consumers asked for allocation of these grades of coal, necessary permission was given, and the restriction on wagon supplies has affected these consumers more or less in the same proportion as the consumers requiring better grades of coal.

(c) The policy of Government so far has been to get all the coal they can. Collieries producing Grade III-A and III-B are entitled to Production Bonus in the same way as the collieries producing coal of superior grades. To maintain these collieries, supplies for certain purposes, *e.g.*, manufacture of soft coke, bricks, lime etc., are almost exclusively made from them. As a further measure of assistance these collieries have also been given some orders for loco coal and for stacking on Government account.

DIVISION OF CONTRACTS FOR VENDING OF SAME ARTICLE ON EAST INDIAN RAILWAY

149. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state if it is a fact that division of Contracts for vending of the same article on the East Indian Railway is against the adopted policy of Government; if not so, what the fact is?

The Honourable Sir Edward Benthall: A reference is being made to the General Manager, E. I. Railway, to ascertain whether any such "divisions" of contracts have in fact been made or are contemplated.

MOTIONS FOR ADJOURNMENT

TEARING OF NOTICE OF RESOLUTION RE CHIMUR AND ASHTI CONVICTS BY MR. LEBAILLEY AT DELHI MUNICIPAL COMMITTEE MEETING

Mr. President (The Honourable Sir Abdur Rahim): There are two adjournment motions which have been left over from yesterday, one is by Mr. Kailash Bihari Lall and the other by Prof. N. G. Ranga. The adjournment motion by Mr. Kailash Bihari Lall relates to "the conduct of Mr. W. F. G. LeBailley, the Deputy Commissioner, Delhi, as President of Delhi Municipal Committee, in indulging in an utterly uncalled for and provocative action in tearing into pieces the resolution on Chimur and Ashti Riot Cases' convicts, which was handed over to him personally by the retiring Senior Vice-President at the last meeting of the Delhi Municipality".

I do not suppose that the Honourable Member suggests that this was done under the instruction of the Government of India, nor do I suppose the Government of India could have anticipated it.

Mr. Abdul Qaiyum (North-West Frontier Province: General): May I make a remark?

Mr. President (The Honourable Sir Abdur Rahim): Not while I am addressing the House.

I should like to know why the Municipal Committee could not take proper steps in a matter like this.

Mr. Kailash Bihari Lall (Bhagalpur-Purnea and the Sonthal Parganas: Non-Muhammadan): The municipal commissioners had already expressed their desire that they wanted to move a resolution; and although it was within his power to disallow the resolution, his object was to insult them and so he tore it up in their face; and I say that is an insult and not becoming behaviour on the part of the president of a municipal committee. The responsibility of the Government of India comes in like this; that even when there is so much talk of change of heart and spirit in the administration, such a man is posted as the head of an institution where it is expected that democratic spirit would prevail.

Mr. President (The Honourable Sir Abdur Rahim): What I want to know is where the responsibility of the Government of India comes in.

Mr. Kailash Bihari Lall: If the Government of India could not anticipate, at least they can now take the matter in hand and do the needful and bring the man to his right senses. Such a man, is expected to behave properly in a democratic institution.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has now brought it to the notice of Government—I want to know whether the Home Secretary would like to say something about it.

Sir Richard Tottenham (Government of India: Nominated Official): Sir, I submit that this is not a matter of sufficiently urgent public importance . . . .

Honourable Members (on the Opposition Benches): Oh, Oh!

Mr. President (The Honourable Sir Abdur Rahim): I should like to know what the Honourable Member has to say on to the facts of the case.

Sir Richard Tottenham: I was to going to make the point first of all, Sir, that this incident took place last week; and if the Honourable Member himself had thought it of sufficient public importance, he could and should have taken the earliest opportunity to move the adjournment motion . . . .

Mr. President (The Honourable Sir Abdur Rahim): On what date did this incident happen?

Sir Richard Tottenham: It took place some time before the end of last week and he could have moved an adjournment motion on Monday morning.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): But it was published only the day before yesterday.

Sir Richard Tottenham: He could have moved an adjournment motion on Monday morning; that was not done; but instead I was approached by my Honourable friend opposite and asked to accept a short notice question on the subject. I declined to accept short notice because in my opinion this was eminently a case of "least said soonest mended". I have since made inquiries and I am informed that what happened was this. At the meeting of the municipal committee over which Mr. LeBailley presided he was handed notice of the resolution in question and, in the exercise of his powers as president, he ruled it out of order. The business of the meeting then proceeded and Mr. LeBailley quietly tore up the paper on which the notice of the resolution was written and dropped it into the waste paper basket . . . .

Mr. President (The Honourable Sir Abdur Rahim): Are not such notices preserved in the records?

Sir Richard Tottenham: I do not know, Sir. I am giving the facts as I have been informed of them. No offence was taken at the time, and I am sure that was right because no offence was intended. There was no question of making a dramatic or provocative gesture and nothing more was said about it until after the meeting had finished in the normal way. Then certain people seemed to decide that they would take the matter further. I have been assured by the Chief Commissioner that Mr. LeBailley did not intend any kind of insult to anybody. I am prepared to accept that assurance myself and I hope the House will also do so.

Honourable Members: No, no.

Mr. Abdul Qaiyum: We expect better manners.

Sir Richard Tottenham: I would add that I think the Honourable Members opposite have really attained their object, that is to say, if I may put it that way . . . .

(Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Will Honourable Members please not interrupt?

Sir Richard Tottenham: . . . . that is to say, I have been outmanœuvred and I have been compelled to give an answer to the short notice question. I do not mind that in the least—I have no objection whatever to that; but in the circumstances I have stated, since I am sure that there was no intention of insult to anybody. I hope the Honourable Member will agree not to press the matter and so allow the House to continue with the more important business on the paper.

Mr. Abdul Qaiyum: Is the Honourable Member prepared to express regret on behalf of the Government?

Mr. President (The Honourable Sir Abdur Rahim): I think the matter has now been fully explained. As regards the objection of the Home Secretary that there has been delay, the fact is, as he himself stated, that notice of a short notice question was given, which he did not accept. I should have thought that in a case like this it would have been the proper course to accept short notice and get the facts cleared up. I now come to the question whether this motion is in order or not. There is no doubt that, if as is alleged in the notice of the motion, the Deputy Commissioner of Delhi tore up the resolution and was thus guilty of an act of discourtesy to the Vice-President of the municipality or the other members such an act was not expected from a high official of the Government occupying that position. But I am assured that as a matter of fact no offence was meant or taken and the Home Secretary has stated that the municipal commissioners themselves did not take any offence. Further I must hold that in a matter like this it is expected of the members of the municipal committee themselves that they should take appropriate action. Outside authorities should not be called upon to intervene in a matter like this. I hold that the motion is not in order, that is to say, it is not of sufficient public importance to justify adjournment of the business of this Assembly.

BEZWADA GRAIN PURCHASE OFFICER'S WARNING TO GUDLAVELLERU RICE MILLERS *RE* PADDY PURCHASE

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of Prof. Ranga. He wishes by this motion to discuss a definite matter of public importance, namely, the warning issued by the Grain Purchase Officer of Bezwada to the rice millers of Gudlavelleru not to purchase paddy at a higher rate than that at Gudivada, instead of maintaining their former lower rate.

I should like to know who is this officer. Is he an officer of the Government of India?

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): He is not an officer of the Government of India but all these people carry out the orders of both the Government of India and of the Madras Government.

Mr. President (The Honourable Sir Abdur Rahim): I should then like to know if this price was fixed by him in accordance with instructions given by the Government of India or by the Local Government.

Prof. N. G. Ranga: There also our information is not definite.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know from the Honourable Food Member what the position is.

The Honourable Sir Jwala Prasad Srivastava (Food Member): I may say that the Grain Purchase Officer is an official of the Madras Government. He has nothing whatever to do with the Government of India. He would be acting under the orders of the Madras Government if he had consulted them; but my information is that even the Madras Government were not consulted. They know nothing about it in Madras even. I rang up the Civil Supplies Commissioner in Madras yesterday and I was told that they did not know about this. This is a purely local administrative matter. In any case the Government of India . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member take notice of it and find out what has happened.

The Honourable Sir Jwala Prasad Srivastava: I have already told Prof. Ranga yesterday that I have taken up the matter; but he must understand that it is not the primary responsibility of the Government of India in these things. We exercise a certain amount of supervision over the Provincial Governments. But they are autonomous in these things. (An Honourable Member: "You have got control over them.") Not in these matters. We advise them and we guide them but no more than that and in any case the authority is vested in the Local Government.

Mr. Sri Prakasa: You have given them the authority.

Prof. N. G. Ranga: As long ago as the 13th February I brought to the notice of the Honourable gentleman this question in which I stated that the ceiling price was kept down to Rs. 10-8-0 in that district, whereas it was Rs. 11 in the neighbouring district. This policy has adversely affected the poorer peasants who are obliged to sell their paddy at the prevailing prices which are lower than the ceiling prices. They want to keep on to this policy of keeping down prices. They want to depress prices. There seems to be some anarchy . . . .

Mr. President (The Honourable Sir Abdur Rahim): I must point out that there are inherent difficulties in a situation of this kind, where the food control is in the hands of the Government of India. Numerous questions have to be dealt with in different provinces and all sorts of difficulties are bound to arise . I must hold that in a matter like this it is not expected that the Government of India must be held responsible for every action taken by a local officer, even supposing it is not in accordance with the policy of the department.

Prof. N. G. Ranga: The Honourable Member himself says that the Madras Government knows nothing.

THE INDIAN CENTRAL OILSEEDS COMMITTEE BILL

APPOINTMENT OF SIR PHEROZE KHAREGAT TO THE SELECT COMMITTEE

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

"That Sir Pheroze Kharegat be appointed to the Select Committee on the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseed products with a view to his replacing the mover who will shortly cease to be a Member of the Assembly.

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

"That Sir Pheroze Kharegat be appointed to the Select Committee on the Bill to provide for the creation of a fund to be expended by a Committee specially constituted for the improvement and development of the cultivation and marketing of oilseeds and of the production and marketing of oilseeds products with a view to his replacing the mover who will shortly cease to be a Member of the Assembly.

The motion was adopted.

THE BANKING COMPANIES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Banking Bill.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): When the House rose yesterday I was saying that it is most necessary to treat our banking industry or trade as a public utility service and therefore to nationalise it. In support of that plea I was referring to the economic booms and depressions that are brought about by banks also. I said that in 1929 as a result of widespread speculation indulged in by banks and those associated with banks in Wall Street of New York, a big economic crash was brought about and that enveloped the whole of the world in a disastrous economic depression from which our country also suffered so much between 1930 and 1935. The queerest thing was even though the whole world was suffering, those industrial countries, especially America and England, suffered much less than agricultural countries like ours, because they were able to sell their industrial products and commodities at cheaper prices but certainly they could charge for them comparatively higher prices than for the agricultural products which they were purchasing, with the result that England was able to get her food at a very much lower cost and she was able to export smaller quantities of her own manufactured goods and pay for her food. In that way, England suffered the least. Again there are these booms and during booms there is inflation. Inflation hurts especially the poorer classes, as we are witnessing it in our own country. It brings about an uneven redistribution of wealth from poorer classes to the richer classes and the banks are mostly responsible for these booms and depressions. I do not mean to say that they alone are responsible. The capitalistic system creates certain conditions which make it absolutely inevitable for these booms and depressions to infect the masses from time to time. One of the most important instruments of the capitalist system is the banking system.

It is through banks that credit is multiplied through their issue of cheques, drafts and other means. The banks are either able to increase the total amount of credit at the disposal of the country or to decrease it. Suddenly one big bank fails because of a run on it. The whole banking industry of that particular country gets into a panic. Each particular bank goes to its own customers, the industrialists, the traders and merchants for help and these people are immediately obliged to cut short their productive activities, throw out of employment thousands of their workers and a regular economic crash takes place. Depression and unemployment follow in its wake. This is so far as the industrial countries are concerned but when it comes to the agricultural countries like ours, there are no markets for our agricultural produce, because of the depression created in the industrial countries by their bankers and so our economy is also completely upset. We are unable to sell our goods and pay for the consumer goods that we are obliged to import into our country and we are also enveloped in that economic depression. For all these things, it is the banks that have the key. When the banks realise the credit, money flows again into the sinews of industry and agricultural activity. The mills begin to work. The agriculturists find it more paying to cultivate their lands. They do it on a larger scale and more intensively. Economic activity begins anew. This is the way in which the banks can play a key role in reconstructing the economic structure of the world.

Can these banks act by themselves? They can to the extent they are allowed to by the Central Bank. The Central Bank has to decide upon the policy whether there should be a boom or a depression or whether there should be more credit in circulation or less. This is a very responsible function. It ought not to be entrsted to any private bank. As long ago as 1928, the great writer in England Wedgehut pleaded for a greater control over the Bank of England. The Bank of England Act was supposed to have been passed later on in the light of the remarks and the criticisms that he had made. Even now the Bank of England does not happen to be a State bank and that is why Mr. Churchill, when he was the Chancellor of the Exchequer for England, adopted the disastrous policy on the advice of that very powerful Governor of the Bank of England, Sir Montagu Norman, on a return to boom and England suffered terribly right up to 1931. It was only when England took her courage in both her hands and gave up the gold standard and depended entirely upon the pound sterling that she began to recover from the bad effects of that disastrous policy pursued on the advice of the Bank of England. This could not have happened if the Bank of England had been a national bank. This could not have happened if the British bankers and the British capitalists did not have such a hold over the Bank of England. We do not want the repetition of these things in this country. We have suffered, in fact, from such an anarchical condition in our own banking world.

Our Reserve Bank of India is the handmaid of this Government and the Government, again in its own turn, is the handmaid of the British Government and the Lambert Street. Again and again, the Government as well as the Reserve Bank of India now and the Imperial Bank of India previously had been pursuing such anti-national and anti-Indian policies that they enveloped this country more than once in economic crisis and particularly in a prolonged economic depression. It was at the time, even when you had been elected as the President of this Assembly, that we were trying to persuade Sir James Grigg again and again to pursue an expansionist policy, for which suddenly the Finance Member, who has just now retired, was also pleading, but at the fag-end of his career as the Finance Member. Sir James Grigg said he would not allow any monkeying with their currency or with their exchange rate. He would not allow any sort of inflationary policy at all; he was pursuing a deflationary policy. So much so that our goods were made to cost more to foreigners and so our exports were depressed. The imports were made cheaper to us and thus imports were encouraged. India which is a country which has enjoyed a traditional favourable balance of trade was forced to have the balance of trade against it. Therefore, India had no other option but to export her gold to

[Prof. N. G. Ranga.]

England so that the pound sterling of England could be maintained vis-a-vis the dollar. If it were not for the exports of our own distressed gold to England, the pound sterling would have gone to dogs and the English credit would have been at the bottom of the English channel. But this gold could be sent up to England only by this very clever manipulation not only of our exchange but also of our currency policy in this country. And whenever we wanted to tackle Sir James Grigg upon this matter, he was able to come here and say: 'The Reserve Bank of India is an autonomous body and I have no control over the issue and the distribution of paper money and the currency and all the rest of it'. That is why we are anxious that the Reserve Bank of India should be brought directly under the control of the Government of India, so that this House and this country may know where they are. They should know how to control this Government and to censure it, advise it and direct it in regard to the currency policy of this country.

I now come to the administration side of the Reserve Bank of India. They want to give more powers to it as a result of this Bill. Already it has its powers. It is to be empowered, according to this Bill, to send one of its Inspectors to any one of our scheduled banks to inspect their accounts; he may interview their managers also; form his own impressions upon it and keep these impressions entirely secret and keep the people of the bank completely in the dark. He may communicate the impressions that he has formed to the Governor or the Deputy Governor or some other functionary in the Government of India and they may also keep that information as secret and they may on one fine morning reduce the status of this bank from the rank of the scheduled bank to that of a non-scheduled bank. The scheduled rank is supposed to have a sort of appeal against it, but how is it to appeal? Is it not necessary that it should have some definite information about which it should appeal? Is it not necessary for it to know what reply it has got to give and under what charges? But this information is not vouchsafed to the scheduled banks at all. To vest such an amount of power in any one of these Inspectors of the Reserve Bank of India is likely to cause great harm to this country and particularly to the banking companies. Then, it may be said that there are the Governor, the Deputy Governor and all these other people who can be expected to look into all these things. They are not interested against any bank and they can be expected to be really impartial. If the affairs of any bank disclose the fact that that particular bank is not being managed satisfactorily, it must be possible for them to pull up that bank. I see the strength of that point. But my answer is this. In how many cases is it possible for the Governor or the Deputy Governor to go into every one of these cases which are brought to their notice by their Inspectors? They have so many other things to do. The gentlemen on the other side are having administrative experience. Some of us also have some experience of the management of these institutions. We know as directors how much attention we are able to give to most of the problems that are being brought up before us for decision. It is not humanly possible to expect a Governor or a Deputy Governor to go into every one of these details in regard to every one of these banks. Therefore, I make a suggestion and it is this.

In order to guide the Reserve Bank of India in regard to these very important details, there must be a scrutiny or an inspection advisory Council. You may have a small one if you like or you can make it as big as you like, but it must be an organisation which should have some of the representatives of the banking world. It must be the duty of this Council to go into all these reports that are being made about the scheduled banks and other banks also which must be brought and will be brought under the Reserve Bank of India and then submit their reports. It is only when the Inspectors and this Council disagree that the Governor or the Deputy Governor may have to take special trouble to examine all the details. Otherwise, as now happens, they must accept them for whatever they are worth, because they are the unanimous decisions and they may

allow in the natural course of things any action that may be found necessary to be taken.

Then, Sir, in addition to that, how can we control the Reserve Bank of India? Yesterday I was saying that we must have more control; this House must gain more control over the Reserve Bank of India and the Government of India should have more public control over the Reserve Bank of India. Today they have a secret control over the Reserve Bank of India. We want it to have this control in a public fashion, so that they would be entitled to control the Reserve Bank of India in their own rights. At the same time, we would know in what respects they are controlling the Reserve Bank of India. But that is not enough. The country too must have sufficient control over the Reserve Bank of India. There are various matters of the Reserve Bank of India, and the country must be given a certain amount of control over them. I do not want the present Directors Board at all. They are elected by the shareholders. You get rid of this system. I do not mean to say that you must confiscate the shares. We are not at that stage yet. Buy up the shares and compensate the shareholders. Then if it comes under your own control, yet we do not want to trust this Government to that extent. Therefore this Government must be advised at every stage. So, I suggest that there must be an Advisory Board, if you so choose to call it, which must consist or which must include representatives of the scheduled banks who are expected to keep their reserves in the Reserve Bank, representatives of Agricultural Banks that ar to be brought into existence in future, to which I will very soon refer, the necessity for an organisation of such a character has already been stressed by the Leader of the Opposition. Then, there are these exchange banks. They too must have adequate representation on it. Then there are these various classes of people who draw their support from the Reserve Bank of India, that is the agriculturists, the industrialists, the merchants, all these people. This House too must be represented on it. The Government too must be represented on it. Now, Sir, with all these representations, if an Advisory Board is brought into existence, what are to be its functions? It is not to take any executive decisions at all. It will be the task of the Governor and the Deputy Governor who are to be appointed by responsible Ministries, if and when they come into existence in this country, in co-operation with the Legislative Assembly that should carry out the advice of the Advisory Board. So long as the present nominated Government exists, it should be advised by an Advisory Board, on all important matters. Information should be supplied to this Advisory Board on all important topics and discussion must be allowed to be initiated and carried on. It will be the duty of the Governor and the Deputy Governor to suggest agenda, initiate discussion and bring to the notice of the Advisory Board various subjects that may be considered necessary from time to time. It would be the task of this Advisory Board to make periodical reports to the Government of India, also such extracts from these reports as it deems fit should be sent to this Legislative Assembly. Then, it will be possible for this House to have a more instructive, more useful and more intelligent discussion than is at present possible because we know very little about the activities of the Reserve Bank at present. Very little information is supplied to us today. The sort of technical tables in which information is supplied to us by the Reserve Bank today are so complicated that most of us are not able to understand the significance of those figures that are supplied. Naturally it is not possible for us to control this Government properly and censure it when necessary. It is always possible for the Honourable the Finance Member to run away with it somehow or other interpreting these things that are not so easily intelligible. Once you have an Advisory Board at the Centre, it necessarily becomes inevitable that similar Boards should be constituted at the provincial centres also.

Now, I come to the further development of banking industry in this country. What do we find today? In our country, banking is still in a very primitive condition. We have something like 2,074 banks and they have 25 crores capital.

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There are 25 banks having a capital of 12½ crores and these 25 banks all belong to my Honourable friends on that side of the House.

Mr. President (The Honourable Sir Abdur Rahim): This is a motion for referring the Bill to the Select Committee. All the points which the Honourable Member is raising can be raised in the Select Committee.

Prof. N. G. Ranga: I am not a member of the Select Committee, Sir. It is for the consideration as well as the benefit of members of the Select Committee that I am making these suggestions, to the best of my knowledge that I find it possible to make. I may say, Sir, for the information of the House that banking was one of my special subjects for my Reader's course, I used to teach Honours students, in the College, public finance and banking and currency all these years. I have been taking a deep interest in this subject. I have often found that these gentlemen have always been able to confuse not only the ordinary public, but also Honours students and also Professors with their mistaken notions that they give. Ever since this Reserve Bank has been brought into existence, we find that discussions in this House on currency problems have become really very stale. In old days of this Assembly, it was indeed a treat even for those who were outside to read in the newspapers interesting discussions on currency and exchange problems in which such giants like Mr. Jamnadas Mehta and the late Mr. Rangaswami Ayyangar took part. After this Reserve Bank has been brought into existence, the House has been given no real chance to discuss these problems and to expose this Government in its true colours.

I was saying, Sir, that these 25 European banks among themselves monopolise as much as 12½ crores of capital, that is half the total capital which the banking industry has in this country. No wonder my Honourable friend Mr. Avinashilingam Chettiar was complaining the other day that our European friends have succeeded in getting all that they want through this Bill. This Bill is going to throttle our smaller banks, it is going to strengthen the bigger banks. The trouble is that even among the bigger banks, it is not that the Indian bigger banks that are going to be helped so much as the bigger banks belonging to my Honourable friends of the European Group. The exchange banks do not have their headquarters here in this country. They have their headquarters in England, and only branches here. One of them used to have its headquarters in Hong Konk, but now I suppose it is Hong Kong *cum* London. If these bigger banks are helped, they will be only European banks. That is why there is so much suspicion with regard to the intentions of this Bill. If you want to help the bigger banks, then state the reasons why you want the bigger banks to become bigger still. Is it with a view to nationalise them? If that is so, then why don't you come forward with your proposals for nationalising them. The biggest bank in this country, the most powerful bank in this country that has played the greatest possible mischief and which has ruined this country financially and economically is the Imperial Bank. Why don't you nationalise it? The experimental stage has long past. Formerly, it consisted of three separate banks, the Madras Bank, the Bombay Bank and the Bengal Bank and by amalgamating all of them you have brought into existence the Imperial Bank. Even then it was ripe for nationalisation. At least when you created the biggest quasi-State Bank, the Reserve Bank, you should have nationalised the Imperial Bank. Instead of doing that you allowed the Imperial Bank to create more vested interests in the Reserve Bank and to have first priority over the shares of the Reserve Bank. You allowed all these privileges to the Imperial Bank. Now, I say it is high time that you should nationalise the Imperial Bank and if you do not do so, you will stand exposed.

Now, Sir, when compared to America we find that our banking is in a very primitive stage. In America there are 14,397 operating commercial banks; in India we have only 2,000. And if you take into consideration their capital, their deposits, their total resources, their contribution to their industry, you will find that India is very backward indeed in regard to banking. Therefore

there is every reason why we should try our best to stimulate the banking industry in this country. Not that you should throttle the small banks under some pretext or other, not that you should throttle these moneylenders and hundiwalas or Nidhis or those various other people; but you should give them every possible encouragement pending nationalisation of this public utility service,—every possible encouragement to all these banks and help them to build themselves up into bigger and bigger banks, not merely for the benefit of their depositors or their shareholders but mostly and primarily for the benefit of the general public. Our banks are not in a position to induce our people to divert their savings into their coffers. Whose fault is it? It is the fault of Government because it does not encourage banking. Instead of banking it develops all these various tricks of its own,—national savings and so on. Even in these days you find that banks are not able to draw the savings of the people. And if you introduce such piecemeal banking Bills, necessarily you arouse the people's suspicion in regard to the solvency of the banks.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should bear in mind that this is an amending Bill.

Prof. N. G. Ranga: It is an amending Bill only as far as the Companies Act is concerned because it is expected to supplement that Act. It is a consolidating Bill and therefore it is even more important as an original Bill.

Sir, they have restricted the definition of banking. I already made that point when it came up for the first time before it was sent for circulation. And they have not stated that in the light of the opinions that they have received, in the light of the discussions that had taken place in this House previously they have not already made up their mind to alter some of the important provisions of the Bill and therefore they want to seek the assistance of the Select Committee. So it is most necessary—anyhow at least I think it is necessary—that we should raise our voice in regard to the very restricted scope of this Bill and in regard also to the mischievous possibilities of certain of the provisions of this Bill. We have in India five very big banks and much of our banking resources are concentrated in them. All these banks are expected to keep their resources with the Reserve Bank of India which again keeps its resources with the Bank of England. In this way we are tied to the apron-strings of Lombard Street. We want these ties to be broken. Our banks have not yet realised it to be their duty to encourage industry in this country. What is happening is that 50 per cent. of their investments are in Government securities; and Government till now has not yet recognised it to be its duty to actively encourage and stimulate our industries and also themselves to take up and run our industries. And what Government does with all these resources we do not know, except that they place these resources at the disposal of England in one way or another. Only 40 per cent. of the deposits that are being placed with our banks are being advanced as loans. This is a very unsatisfactory state of things. We do not see any reason why as much as 50 per cent. shall be invested in Government securities. I do recognise one reason, and that is this. When our Government becomes a national Government, when it takes upon itself the responsibility of stimulating and developing our trade and industry in this country and financing our industries, I can understand Government calling upon the banks simply to serve as a sort of suppliers of all the savings that the nation makes and place their capital and deposits at the disposal of Government, so that it will be possible for Government to finance our industries. But our Government has not yet taken that responsibility, and under such circumstances it is absolutely meaningless for Government to so manipulate things that our banks are obliged to place 50 per cent. of their deposits at their disposal as investments in Government securities, and so on. We had 626 non-scheduled banks in our country in 1938. They had 3 crores of current deposits and 11 crores as fixed deposits. What is the position, and what is the significance of these figures? It shows that while the scheduled banks are made to place all their money at the disposal of Government these non-scheduled

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banks were able to serve our public to a much greater extent because they were able to place easily three times as much as they were keeping as current deposits at the disposal of our traders, merchants and industrialists, etc. So to this extent comparatively the non-scheduled banks were serving our industrial economy much better than the scheduled banks. I do not say it is the fault of the scheduled banks that they have not been able to serve our industry so well. It was the fault of Government and the Reserve Bank of India that they did not allow the scheduled banks to serve our industry as well as they could.

We have not even one Indian exchange bank; and why is it we have not been able to develop it? The reason is that these European exchange banks that we have in this country have won such a monopoly in this country that they will not allow an Indian exchange bank to come into existence and function successfully. I think there were certain attempts made by Indians but they were not successful. One can easily understand it. Before a giant like this, a dwarf that has not yet found its feet to move about cannot possibly function and exist. Then, Sir, it would be the duty of Government to have started exchange banks on its own. Why did they not do it? They say, "You want Government to go out even in that risky field?". What is happening in England? Although she has had one of the most ancient monetary systems in this regard, Government found it necessary to come to the rescue of their own banking industry in its exchange section, and started what is known as the exchange equalisation fund, and also certain other funds, for helping the bank for international settlements, and so on. All these England found it necessary to establish and our Government too could have done it. If they wanted, they could have gone further. There was Soviet Russia; there was their own erstwhile friend the Reich and the Reichbank. The State was controlling the whole of the exchange policy and currency policy and exchange banking policy. You could have taken charge of all these exchange banks; there are only a few and they are not even Indian. You could have nationalised this industry and taken charge of it, controlled our exchange banking industry so well that all these lucrative profits that these gentlemen have been able to make through exchange banks could have been reserved for India, either through Indian exchange banks or through the Government of India.

Now, I come to the question of my own people—the rural public. My Leader has already made it clear that the first duty of banks is not so much to serve the depositors or the shareholders as to serve the public as a whole, and amongst that public the one class of people who deserve the best attention of the banking industry are the peasants, the agriculturists, the rural people, and therefore my Leader has already stated that it is necessary for the Government to establish a State Agricutural Bank with provincial branches and with district branches, and so on. We should not have any private money-lending for this. We should not give any scope for profiteering to anybody. This idea is not new; it has been placed before the Government of India by so many people in the past. Even the Central Banking Enquiry Committee has made suggestions in this respect, but the Government of India would not do anything. They came forward with a sop: Here is the Reserve Bank of India; it is being entrusted with the task of stimulating rural credit. But what has it done? I said yesterday that it has done practically nothing except issuing a few reports. We are not satisfied with this position. We want the Government to come forward with definite proposals as to what it is going to do. Are they going to say that it is all provincial matter and we have nothing to do with it? The Government of India must feel its responsibility in this matter and they should take steps to establish an Agricultural Bank with branches all over India. If they ask, 'is it to be an independent body: entirely independent of the Reserve Bank?', my answer is no. It must be a bank which will be associated with the Reserve Bank of India as is the case with the Bank of France in Paris, as was the case with the Reich Bank in Germany before the war, as has been the case

with the New Deal. You must make it one of the duties of the Reserve Bank of India to place funds, as it is found necessary, at the disposal of the Agricultural Bank and to see that the Agricultural Banks cater to the needs of agricultural masses. Therefore, I agree with my Honourable friend, Mr. Ananthasayanam Ayyangar, when he said that private money-lending to peasants must be stopped. The business of private money-lenders must be stopped. We are not anxious to throw them into the unemployment market. You take them on,—they are very experienced people—as managers of local banks. You will say that, 'why do you want to take on such old hands who have been deceiving the rural public for years together'. But I say, if you associate them with the local Advisory Committees and Councils, consisting only of peasants, then it will be possible for us to provide employment for them in that way. Then introduce what is known as 'controlled credit for agriculturists'. Don't allow any peasant to borrow money for un-productive purposes. If he wants to borrow money, let him give specific reasons for it, and when he borrows money do not pay him in currency notes, but let him get from your own co-operative stores whatever he wants. If he wants to purchase iron ploughs, or even tractors in a co-operative manner, or manures, or seeds, or clothing, even eatables, let him purchase all these things through co-operative stores, so that he will not have much loose money in his hands to waste as he likes. In that way you will have to control him. Even while controlling him, you should try to educate him. I do not want to go into those details, but you should not be content with this negative policy. Do adopt a positive policy in order to raise the morale of our people, their cultural level, and their general outlook upon life so that they may not waste their money. In this way you should advance money to our agriculturists. Only two years ago, the ex-Chief Judge of Punjab said that it was the British Government which has been keeping up the money-lending system in the villages. These money-lenders go by various names—banyas, shahukars, seths and so on. You have them among Muslims, Hindus, and other communities; they do not belong to a particular community. They are a race by themselves; it is an international race rising up to Victor Sassoon and the Imperial Bank of India. These people have to be tackled carefully. You have not yet begun to tackle them; the Reserve Bank has not begun to tackle them. I do not want to see these people at large to exploit our rural masses, and rural masses, even according to your own admission, are illiterate, ignorant, and incapable of protecting themselves, especially in financial matters, and they are not able to put up a fight against either the money-lenders or the purchasers. Therefore, it is most necessary that we should tackle this problem as soon as possible, and your Bill does not propose to do anything in this respect.

There are these international monetary funds now going on, and the Government of India is a party to them. They say they are going to draw some benefit from them. What sort of benefit can they draw? They admit that we are a backward country. Backward countries must be helped by advanced countries. So far we know how the backward countries have been exploited by the advanced countries . . . . .

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I rise to a point of order. May I know in what clause of the Bill is this subject dealt with? Not that I want to stop my Honourable Member's eloquence, but I only want to know to which particular clause it relates.

Mr. President (The Honourable Sir Abdur Rahim): I have been trying to find out myself. The speech of the Honourable Member must relate to some clause or other.

Prof. N. G. Ranga: There are a number of clauses, but my Honourable friend must know that merely because he happens to be a director of a number of banks, he cannot claim to know all the details about banking.

Mr. President (The Honourable Sir Abdur Rahim): All conceivable questions about banking are not before the House.

Prof. N. G. Ranga: There is this definition here in regard to 'banking company'.

Mr. President (The Honourable Sir Abdur Rahim): Just because there is a definition of 'banking company', it does not mean that the Honourable Member can wander all over the subject of banking.

Prof. N. G. Ranga: Sir, they want to draw some help from the International Banks that have been created, but what is to be the relationship that must subsist between the Indian banking system and the International Banking system . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise out of this Bill.

Prof. N. G. Ranga: Sir, I do not want to waste the time of the House . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not say that the Honourable Member has been wasting the time of the House, but he has spoken now for one hour, I think.

Prof. N. G. Ranga: Sir, I have as much appreciation of the value of the time of the House as any other Honourable Member including my Honourable Baronet friend.

My point is that in spite of all these Baronets India has been done in by these people; millions of people of this country have been robbed by others. And he does not even want us to help him in spite of himself. My complaint is this. The Government of India are going to join the International monetary funds and all the rest of it, but do you know the idea for which these International Banking Corporations have been brought into existence and whether it is according to the plans of Whites or Lord Keynes? I may tell you that they want to control the whole economic structure of this country; they want to prevent the economic development of this country. How can they prevent your economic development unless they get your banking system? What do you do? You have to expand and contract your credit. You are restricting the powers of your banking industry so much that it will be impossible for you to tell them through the Reserve Bank of India not to indulge in any investments, in cottage industries, or ordinary industries. If you go too far you are likely to endanger your own solvency. You are already going too far, they say. So do not do that!

I want the Government of India to reconsider their position. Let them realise that it is not possible for such a backward country like ourselves to get into these monetary funds and allow our resources to be tapped by them and allow our economic developments to be jeopardised by them. Therefore we should either form a separate monetary organisation for all these backward countries and challenge the other countries to prove their *bona fide* by offering to us as much credit as we want, as much accommodation as we want: If they do not do so, they then stand exposed. If they do so, they would be carrying out their own professions. Mr. Morgenthau said that the prosperity of one . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Where does that appear in this Bill?

Prof. N. G. Ranga: Mr. Morgenthau's name does not appear in this Bill.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has given enough instructions to the Select Committee. It is time now that other Members who want to speak should have a chance.

Prof. N. G. Ranga: Therefore, I conclude by saying that this Government has not served this country properly in regard to this and cannot be trusted to give a fair deal either to our cottage industries or to our industries or to agriculturists through this Bill and through the methods it wishes to pursue and that this Government must in all fairness co-operate and assist with the Select Committee in such a manner that it would be possible for it to come back again, not with this Bill, but with a very much improved Bill, a Bill that would be comprehensive and cover all the suggestions made from this side of the House and that would certainly pave the way for post-war economic development.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): The need for banking legislation of a comprehensive character has been felt in India

for a long time past and demands have come from all quarters of the country. But the Bill which has been introduced and placed before us is not of a comprehensive character. It is exceedingly limited in its scope and extremely narrow in its outlook.

Sir, my Honourable friend, Sir Jeremy Raisman, when he moved the first reading of this Bill, pointed out that the safety of the depositor was the primary object of this Bill. The safety of the depositor is surely one of the important duties for us to guard but it should not be forgotten that there are other objectives which a banking legislation properly so called should take into consideration.

Now, Sir, this Bill is not only restricted in scope and narrow in its outlook, but the actual provisions of the Bill are defective in many respects. What is the cause of this unsatisfactory character of this Bill? I think this can be traced to the genesis of the Bill. It was in 1939 that the Central Board of the Reserve Bank of India placed certain proposals before the Government and the country and now they have placed practically the same set of proposals with minor amendments before the Government. And what have the Government done? They have not made any substantial changes in the proposals but have placed them before this Assembly in order that the Reserve Bank may stand out as the framers of the Bill and that this Assembly, this Legislature, may serve as merely a registering body. Is that a satisfactory position? The Government of India may be poor in talent, may be poor in knowledge, may be poor in experience; but the country as a whole is not so poor. There are enough men of knowledge, of intellectual equipment and of experience in this country who might have given the Government necessary advice for bringing forward a proper Bill.

Sir, I have said that this Bill is exceedingly limited in scope. Now, in what respects is this Bill extremely restricted? This Bill does not bring within its purview the provisions of the Reserve Bank of India. Now, how has this Reserve Bank of India functioned? Has it been able to render much service to the country in the field of agriculture, in the field of industry, in the field of trade and commerce? Sir, previous speakers have pointed out that the Reserve Bank of India has done very little. When this Bill was first introduced, the sponsor of the Bill said:

"I am inclined to regard the proposed Reserve Bank as the most important measure of liberalism in finance that has been offered to India."

Then he went on to say:

"When it comes effectively into existence, the Reserve Bank of India will add enormously to the importance and influence of India's position in the financial councils of the world—when the Reserve Bank takes its place side by side with other great Central Banks of the Empire, of the United States and elsewhere."

Now what is the position of the Reserve Bank? Does it stand side by side with the other great national banks of the world? Nothing of the sort. It is a mere handmaid of the Bank of England.

Further, Sir, Sir Basil Blackett said:

"Once these two institutions (*i.e., the Reserve Bank of India and the Imperial Bank of India*) are strongly established side by side, India will move forward towards the financial and economic development with the granting of additional financial and banking facilities for Indian agriculture Indian commerce and Indian industry which has been the theme and object of the Commissions and Committees which had been appointed from time to time."

Further on he says:

"Opportunity will at last arise for giving greater effect to some of the recommendations of the Industrial Commission and of the External Capital Committee, in fact a new chapter will open in the financial history of India."

That was what was said by Sir Basil Blackett in 1927. The Bill which was introduced by Sir Basil Blackett in 1927 was greatly modified in the Select Committee and instead of a shareholders' bank the Select Committee desired the bank to be a State Bank. Fundamental changes were introduced, with the result that the Government thought that they could not proceed with the Bill. Another Bill was brought before the Legislative Assembly after consultation with the British Government, but the President of the Assembly at that time refused

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to allow the introduction of the Bill, when the first Bill was already before the Assembly. Then, Sir, an important event happened. The largest party in the Assembly, the Congress Party, left the Assembly and the Government had the opportunity to enact this measure. This Bill was passed in 1934 in an unrepresentative House. There was also another reason. This Bill was passed, because it was pointed out that no constitutional development would be made in India until the Reserve Bank Bill was passed. It was because of that threat that this Bill was passed.

I have pointed out that the Reserve Bank has failed to render substantial assistance to agriculture, to trade and to industry in this country. When this Bill was in its last stage, Sir George Schuster, the then Finance Member, said:

"This Bill will make the country realise that we are taking a real practical step towards giving India financial autonomy and by so doing we are giving to India a guarantee of the honesty of the intentions of the British Government in this whole programme of constitutional reforms."

I wish Sir George Schuster had not raised the question of honesty, because there is a great deal of difference of opinion in this House as well as outside on this point. But Sir George Schuster said that this Bill would give financial autonomy to India and let us judge this Bill by that test.

What has happened during the last six or seven years in India? Has the Reserve Bank functioned as an independent bank? Has it not been subservient entirely to the Government of India, which is itself a subordinate branch of the British Administration? Sir, the activities of this Bank have been disastrous to this country during the last few years. A policy of inflation, starvation, famine, and high prices throughout the country stand to the credit or discredit of this Bank. My Honourable friend Mr. Joshi reminds me that it is a shareholders' bank. The Legislature wanted it to be a State bank but the Government decided that it should be a shareholders' bank and what is the implication of that? It means that it is to be conducted not for the benefit of the country but for the benefit of a few individuals and that is what accounts for what has occurred during the last ten years of its existence. It has not served the best interests of this country. And what are the reasons for this? In the first place, the constitution of the Bank is so defective that a large measure of control has been left in the hands of the Government. The Government of India, —the Governor General in Council,—can remove any member of the Central Board and can remove the whole Board of the Reserve Bank. That is one of the great powers which is enjoyed by the Government. At the same time, this Legislature has nothing to do with the Reserve Bank. Men who are interested in the affairs of the country have no right to enquire as to how the bank is working. It is provided in this Act that no Member of the Legislative can be elected as a director. The object of this is to prevent political influence to bear upon the decisions of the bank. Now what do you understand by the words "political influence"? If it means merely influence of party politics, I agree that it is not desirable that party politics should interfere with the policy of the bank. But if by political influence is meant influence of the general public of the country, I think this provision is abominable. If the Legislature had been represented on this body, I am perfectly sure the disastrous consequences of the last six or seven years would not have happened.

This is a private bank, but it enjoys a very large share of Government business. It does a great deal of work on behalf of Government and can effectively control the financial policy of the Government of India. That is most undesirable. Therefore I suggest that steps should now be taken, so that the constitution of the bank may be changed. Further, I would urge that even in regard to the details of the functioning of this bank it has failed. It has not been able to give much credit to the agriculturists. It has not been able to help the scheduled banks to any great extent, as has been pointed out by the Government in the course of answers to questions which have been asked in this House.

There is another defect as was pointed out by my Honourable friend Mr. Geoffrey Tyson, the other day. There is tendency for the shares of this bank being concentrated in certain provinces and also the shares of the bank being concentrated in the hands of certain individual capitalists. That is a very wrong tendency,—a dangerous tendency,—which should be checked.

As regards the scheduled banks the Reserve Bank gets their money: certain proportions of deposits have to be kept with the Reserve Bank; but is there any quid pro quo? The Reserve Bank does not pay any interest on the deposits which are made by the scheduled banks; there is no quid pro quo except some advice contained in certain leaflets issued by the Reserve Bank from time to time. That is no assistance. That is no real help given to these scheduled banks. Therefore I suggest the whole constitution and functions of this Reserve Bank should be changed.

Another omission is the failure to deal with the Imperial Bank of India. The Imperial Bank of India, true to its name, is a bank which serves the interests of the British Empire. It does not serve the interests of the people of this country. It is shareholders' bank but enjoys certain special privileges as against the Indian banks of this country. The Imperial Bank is the custodian to a large extent of the funds of the Central Government, the Provincial Governments, the district boards, the local boards, and of the Railway Board. It does not help the trade, industry or commerce of the people of this country. This position is enjoyed without giving the general public any advantage. It is true that it keeps deposits of the people, but at very low rates of interest; and how does it employ these deposits? For helping the trade, commerce and industry of foreigners in this country. Now, this leads me to the consideration of the exchange banks.

These exchange banks are mostly branches of banks incorporated in other countries including the United Kingdom. These non-Indian bankers have never raised their little fingers to help the people of India in their trade and industrial activities. Their exclusive concern is with regard to the interests of their own countries, not to the economic interests of this country. Therefore it is desirable that the non-Indian exchange banks—there are no Indian exchange banks; it is a great pity,—should be brought within the purview of this legislation.

Then, indigenous bankers are not brought within the scope of this Bill. I know that there are many difficulties in this matter; but I cannot forget the fact that the indigenous bankers play an important part in the economic life of this country; these indigenous bankers have existed from time immemorial. They existed even two thousand years before the birth of Christ; and they enjoyed a very important position, till the beginning of British rule in this country. In this connection I may point out that when the battle of Plassey was fought these indigenous bankers helped Clive . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Shame!

Dr. P. N. Banerjea: .....!. to our shame indeed, with the result that the house of Jagat Seth, known as world bankers, incurred the displeasure of the Indian rulers so much so that Mir Kasim, when he became Nawab, threw some members of this family into the Ganges from the ramparts of the fort at Monghyr . . . .

Mr. Sri Prakasa: That was how the Defence of India Act was worked then.

Dr. P. N. Banerjea: These indigenous bankers helped the British Government, and what did they get in return from the British Government and from the British people? Nothing at all . . .

Mr. Sri Prakasa: They got the Reserve Bank!

Dr. P. N. Banerjea: In 1773 a general bank was established under the administration of Warren Hastings and the management of this general bank, which was to be a compromise between the Indian indigenous system of banking and the European system of banking, was vested in two Indians, one of whom was Babu Hazari Mul and the other was Babu Dayal Chand. This bank did good work for a period of 20 months; but sanction was not given by the Court

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of Directors of the East India Company for its continuance, and it died an unnatural death. This is the amount of assistance which has been given to indigenous bankers in this country by the British Government. Even in spite of this handicap, even in spite of the various difficulties which have been placed in the way of their development, the indigenous bankers have continued their existence and have played an important role in the economic life of this country. Now, is it not desirable that they should be linked up with the whole banking system of the country? That is most desirable; and efforts should be made—not efforts of the nature which were made a few years ago of sending out a circular to the indigenous bankers asking "Are you prepared to come in and be subservient?"—not that way, but by proceeding in a more careful and scientific spirit.

Then, Sir, co-operative banking is not included. Co-operative banks, it may be argued, are governed by provincial Acts and they are under the control of the provinces. That is true; but so far co-operative banks have not touched even the fringe of the problem. They have been in existence since 1911, but have they made much impression on the economic life of the country? No. The time has come when they will have to be placed on a proper basis, so that they may render great services to this country.

In this connection I would refer to the establishment of an agricultural bank which was suggested by my Honourable friend the Leader of the Opposition day before yesterday. It is a very good suggestion and it should be kept in mind by the Government and the Select Committee should do its best to consider how far an agricultural bank may be brought within the purview of this banking legislation. Sir, the bulk of the people of India live on agriculture and therefore the improvement and expansion of agriculture are the greatest needs of the country. There is a Rural Department of the Reserve Bank of India but this has done practically nothing for the improvement and expansion of agriculture in this country. It is absolutely necessary that something should be done in this direction. A State Agricultural Bank may be established at the Centre with its branches in the provinces and in all the larger villages of this country. These are the deficiencies of the present Bill.

1 P. M.

Now, I come to the actual provisions of the Bill. It is pointed out in the Statement of Objects and Reasons that the primary object of this Bill is to protect the interests of the depositor. That is, I agree, an important duty, although it should not be the only duty. It also tries to regulate the joint stock banks. Now, with regard to regulation my view is that there should be some amount of regulation,—regulation to a reasonable and desirable extent,—but too much of regulation would not be good for the banks or for the country. In this connection I should like to refer to the opinion of the foreign experts who were in India to give their evidence before the Central Banking Inquiry Committee. They gave their definite opinion against the regulation of banking, because they thought that regulation would lead to excessive regulation and excessive regulation would hamper the growth of banking in this country, which is one of the greatest needs of India at the present moment.

With these preliminary observations, I will examine some of the details of this Bill. I will not discuss all the provisions of the Bill but I will refer to some of the important provisions. The first provision on which I should like to say a few words is the definition of a bank. The definition that has been adopted here is a very simple one, but it appears to be a little too simple. In defining the word 'bank' we should carefully consider what it includes and what it does not include. I wish to ask in this connection whether industrial banks would be included within the scope of this Bill. In the industrial banks it is not the practice to keep only demand deposits. The greater practice is to have time deposits. If this definition is accepted, industrial banks would be excluded. Then come to the Land Mortgage Banks. In these also not demand deposits, but time deposits, are accepted. Will they be excluded from the purview of this Bill? At the present moment, it is true, the Land Mortgage Banks come within the scope of the Co-operative Societies Act, but in order to make the land mortgage system an affective system, a system more conducive to the welfare of the agricultural community, it will have to be brought within the scope of a comprehensive Bill. So much in regard to definition.

Then I pass on to clause 8 which deals with the prohibition of trading. This is a very salutary provision. If the trading functions of an institution are not separated from its banking functions, various irregularities are likely to arise and every bank would be led into difficulties from which it may be deficult for it to extricate itself. Then coming to clause 10, which prohibits the employment of managing agents, I agree with the principle that managing agents should not be employed. But there is a proviso to the effect that when there is a contract for a period of five years this may be renewed for another period of five years and again for a third period of five years and so on. This is most undesirable. Even when there is a contract, it should be provided that no contract should be renewed after the first renewal for a period of five years.

Now, we come to the most important and the most controversial clause of this Bill, namely, restrictions on capital. I am strongly of opinion that the capital structure of the banks should be as strong as possible but we cannot ignore the circumstances of the country. This country, if it is to make any real progress in the economic field in the near future, must develop small banks, and we should not do anything which will hamper the growth of such banks. We should not send into liquidation the existing small banks, nor should we prevent the coming into existence of small banks in future. I therefore think that although some restrictions may be placed on the capital structure of the bank, these restrictions should not be such as would affect adversely the small banks. I may say that this clause has not been framed with much attention and forethought. One of the provisions of this clause is that no bank will be allowed to have its branches in a province different from the province in which its headquarters are located unless it has a capital of 20 lakhs. Now, to open a branch at Ghaziabad which is fast becoming a suburb of Delhi. What I will give an instance. A bank is established in the city of Delhi but what will be the result? This bank can be established in Delhi with a capital of two lakhs only, but as soon as it wants to open a branch at Ghaziabad, a suburb of Delhi, it will have to raise its capital to 20 lakhs. Can absurdity go further? Then, again, small banks should not be penalised because they are small. The small banks possess great advantages as the small bankers know the conditions of the people of the locality. They are intimately acquainted with the circumstances of the locality and there is personal acquaintance between the depositors and the managers and officers of the banks. These are great advantages which should not be lost sight of. Therefore, I suggest that while some restrictions are needed, let not these restrictions be of a prohibitive character. I should suggest, therefore, that the whole of this clause should be re-drafted so that the minimum should not be placed at a very high figure. As regards the branches, it may be provided that whenever branches are sought to be established in a province other than the headquarters of the province in which the original bank has been established, an additional capital of, say Rs. 50,000 or a lakh, would be demanded. That would be reasonable.

Coming to clause 16, I consider the underlying principle of it to be very sound, but difficulties may arise, as has been pointed out by some Members of this House. I am glad that Sir Jeremy Raisman agreed that clean accommodation may be given in cases where a demand is made. There should not be absolute prohibition. I may also refer to Sir Jeremy Raisman's assurance with regard to the capital of the small banks. He practically assured the House that the existing banks would be given a period of five years instead of two years, in order that they might raise their capital structure to the required standard. In connection with the capital structure of the small banks, I may point out that the Government has placed certain restrictions on capital issues. Government rigidly control the issue of capital. Now, on the one hand they say that the existing banks must raise their capital, but on the other hand, they strictly control capital issues. Some method will have to be found by which it will be made possible for the small banks to raise their capital to the

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required standard without undergoing any great difficulty. We all know that whenever the examiner of Capital Isssues examines the cases he raises so many difficulties that it becomes impossible for the promoters of small banks to overcome them. This matter, I hope, will require the serious consideration of the Government . . . .

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

Dr. P. N. Banerjea: Sir, I shall take 10 minutes more.

Mr. President (The Honourable Sir Abdur Rahim): If the house desires to sit on, I have no objection.

Several Honourable Members: No, Sir.

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Dr. P. N. Banerjea: Sir, before the House rose for lunch, I was discussing some of the principal provisions of this Bill. I pointed out that the underlying principle of clause 16 of the Bill was a sound one. But difficulties might arise in certain cases. I referred to the assurance which had been given by the former Finance Member, Sir Jeremy Raisman, to the effect that clean accommodation might be given in suitable cases.

I come next to clause 17 of the Bill which deals with licensing of foreign banks and Indian State banks. I do not object to licensing of foreign banks or even Indian State banks, but what surprises me is the fact that Indian State banks have been bracketed with foreign banks, while British banks have been placed in a different category. This, Sir, is preposterous proposal. If there is to be licensing, let there be a system of licensing for all, including Indian banks and branches of British banks working in this country as well as Indian State banks and foreign banks. There is no reason why Indian State banks should be classified as foreign banks. There are no racial, linguistic, cultural or economic barriers between British India and Indian States. The only barrier that at present separates the two categories of territories is the administrative barrier, and it is our earnest desire to remove this administrative barrier. Sir, it is a most undesirable thing to regard the Indian State banks as foreign banks. They are not foreign in any sense of the term. The people of the Indian States are our own kith and kin. In many cases, they are related to us and they are as dear to us as the population of British India. There are also no economic barriers, no geographical barriers either. The proposal in this Bill, therefore, appears to be a most preposterous one. I hope the Government will see their way to remove this distinction when the Bill will be considered in the Select Committee.

Sir, my European colleagues are always anxious to avoid discrimination. But here is a case of discrimination against a section of the Indian people. There is no discrimination against British people. As regards British banks which work in this country, we are told, to quote the words of Sir N. N. Sircar, that "white must be deemed as black". The British banks must be regarded as Indian banks because there are certain provisions in the Government of India Act which lay down that principle. Sir, how long will you continue this discrimination? The other day this House carried a Resolution demanding the abolition of sections 111 to 121 of the Government of India Act. I am glad that Members of the Government of India and the whole bloc that sits behind them refrained from voting against the Resolution. If that is a gesture, I welcome it. It is a very good gesture. Let us hope and trust that in future there will be no discrimination in favour of the British banks and against Indian State banks and all traces of discrimination would be obliterated. Sir, although we are against discrimination, we are in favour of

protection for Indian banks. The European banks in India give very little assistance to those aspects of the trade, commerce and industry and agriculture which are in the hands of Indian people. The European banks confine their activities to the interests of people of their own countries, their own nationals. India is as yet undeveloped in respect of its banking system. Therefore it is desirable that some protection should be given to Indian banking and some conditions should be laid down regarding the working of all non-Indian banks, whether British or non-British. It is not my intention to create any discrimination, but let not Indian banks suffer in an unfair competition between the British banks and themselves. Protection to infant industries has been regarded as legitimate everywhere in the world, and I want that protection at the hands of my European friends. India is far too civilised to adopt a policy of retaliation and discrimination against anybody, but India, when she comes into her own must safeguard the interests of the country, and one of the most important interests in this country is that of banking.

Sir, I come next to clause 18 which insists on the maintenance of 25 per cent of the liabilities of a bank as a cover. I agree to the principle, but I think we should make a distinction between demand liabilities and time liabilities. While we should fix a higher percentage for demand liabilities we need not fix a very high percentage for time liabilities. Therefore, I suggest that 10 per cent. of time liabilities and 20 to 25 per cent of demand liabilities might be fixed for the purpose of this clause.

Clause 19 embodies a welcome provision and I need not deal with it.

Then I come to clause 23 which relates to audit. A proper system of audit is absolutely essential for sound banking in this country; but the qualifications of auditors should be such as may not adversely affect the small banks. My Honourable friend Mr. Krishnamachari, while he stressed the need for proper and independent audit, suggested that a panel might be formed by the Reserve Bank of India out of which the auditors may be appointed by the small bankers. But I think a better solution of the difficulty would be to lay down general qualifications after considering the number of banks, the number of auditors whose services would be available and the fees which would be charged by the auditors. The essential thing is that, while we should insist on a proper system of audit, we should not make it very difficult for the small banks to employ auditors who may comply with the qualifications laid down by the Reserve Bank of India or by the Government of India.

Coming to clause 28 of the Bill dealing with inspection, I find that it is one of the controversial clauses of the Bill. I do think it necessary that there should be inspection not only of the small banks but also of the large banks,—not only of the Indian joint stock banks but also of the exchange banks and even the Imperial Bank. Inspection is necessary, but not the sort of inspection which is provided for in this Bill. This sort of inspection is open to very serious objection because it may create suspicion in the minds of the people. It may give rise to rumours, it may create nervousness among the depositors and may even lead to the ruin of the banks. Therefore what is needed is regular and periodical inspection. If that is provided for, no bank can complain and there will be suspicion as to the solvency of any bank. Sir, I am sorry to find that the role which has been assigned to the Reserve Bank of India in this connection is not an honourable one. It is the role of the policeman and the hangman. I should like to give the Reserve Bank a more honourable function, *viz.*, that of a friend, philosopher and guide. Let the Reserve Bank of India constantly watch the proceedings of all banks and help them not only with advice but with financial assistance.

Sir, I spoke at some length this morning about the failure of the Reserve Bank of India in performing some of its statutory obligations, and I will not refer to that subject again. But I will say only this that if the Reserve Bank is to play the part of a national bank of India it should fully equip itself for that purpose and should regard its responsibilities with that amount of seriousness which is expected of it.

[Dr. P. N. Banerjea.]

Sir, these are the important provisions of the Bill to which I have referred. Before concluding my observations, I should like to emphasize three points: In the first place, the Government or the Reserve Bank of India do not seem to attach that amount of importance to credit which is necessary in this country. As was observed many years ago by the famous jurist-statesman, "credit has done a thousand times more to enrich nations than all the mines of the world". That is a fact which should be remembered by my Honourable friends on the Treasury Benches. Without credit India will not make any progress at all. It will be on the basis of a large expansion of the credit system that the future progress of India in prosperity and wealth will depend. In regard to this question, I should like to point out that the existing large credit institutions do not afford any facilities for credit to Indian agriculture, to Indian trade and to Indian industry. That system will have to go and a new system will have to be brought into existence when all the banking institutions will regard the interests of Indian industry, Indian agriculture and Indian trade as supreme.

The next point which I wish to emphasize is the effect of legislation. If a piece of legislation is rightly conceived and rightly carried out, then it will lead to great good for this country, but if it is badly conceived, as this Bill has been, and if it is carried out in the spirit of its conception, it will lead to great harm for this country. Good laws are necessary for the economic advancement of the country and bad laws are sure to prove disastrous. But I must frankly say that good laws alone are not enough for establishing good banking in this country. Something more will be needed, even if the legislation is conceived and carried out in the proper manner. For establishing good banking, we require good bankers, and there will be no good banking in this country unless and until the patriotic men of this country come forward and take their place in the banking enterprises of this country. Not only patriotic men, but able men, intellectual men, men whose only purpose is to serve the country, should come forward and place the banking system on a satisfactory footing.

Lastly, I think it is absolutely important for the successful working of a true banking system to train Indians for the higher offices in the banking services of the country. So far very little has been done in this respect and I urge that all the banking institutions of this country, form the Reserve Bank and the Imperial Bank downwards, should be compelled to give training for the officers' ranks in the bank services. It should be made obligatory on all the exchange banks to give adequate training to Indians for discharging their functions as administrators in the banks. Therefore, I suggest that not merely legislation but also the administration of banks should be carefully considered, and if that is done then and then only will there be a good banking system in this country. Sir, there are Faculties of Commerce and Economics attached to all the Universities in India, and it would not be difficult to find good material for training purposes. The young men who take good degrees at the Indian Universities may be selected for training and if that is done, in the course of a few years we shall find that there is no paucity of men for the administrative posts in the banks.

Sir, I have made these suggestions, and I hope that the Select Committee will not take a narrow view of its functions. Let the scope of the Bill be expanded, let the members of the Select Committee take a wide view of their duties so that they may place this banking Bill on a satisfactory basis and thus render invaluable service to this country.

Mr. E. L. C. Gwilt (Bombay: European): In rising to support the motion before the House, and I propose to confine myself to the provisions of the Bill, I do so subject to what I have to say at this stage and in the Select Committee. Any legislation that is designed to build an efficient banking system, which is essential to the economic structure of the country, must

be worthy of support. But, Sir, I submit that in some respects the provisions of the Bill defeat that object, for, if passed, the smooth running of banking business will be hampered. On the other hand, mere legislation will not prevent malpractices unless it is reinforced by severe penal provisions. The House will no doubt not have forgotten the name of Mr. Clarence Hatry. Some fifteen years ago, Mr. Hatry was a financier in the City of London. He had an international reputation and about that time I recall and I met a man who had just arrived from South America where he had bought land and when he had reason to believe he had, literally, struck oil. He came to London and saw in succession all the big five banks. He wanted finance of course.

3 P. M. Without exception the banks referred him to Mr. Hatry. Such was Mr. Hatry's reputation. That episode took place just a week before Mr. Hatry was arrested for the misappropriation of large sums of public money, and though the trust that was reposed in him as a financier by the City of London did not deter him from his misdeeds, because he had betrayed that trust he was sentenced to fourteen years penal servitude. It was a sentence which surprised a good many people in financial circles but the Judge in sentencing him said that he considered his greatest crime to be the injury that he had done to the reputation of the City of London as a financial centre. I quote this, Sir, because I am perhaps not the only Member of the House who has been struck by the fact—and not only does this apply to this piece of legislation—that Government appear to be making an attempt to make man honest in business by legislation: and though I am sympathetic with many of the motives implicit in the Bill, and more particularly in view of the large number of banks that have come into being in recent years, nevertheless I feel that some of its provisions are unnecessary and likely to defeat the objects for which they were framed. If penalties for criminally mishandling or deliberately misappropriating other people's monies were as severe in this country as they are in others, I submit, Sir, that some of the clauses in this Bill which will have the effect of slowing down the machinery of good banking would be unnecessary, and I hope, Sir, that the Select Committee will suitably amend the Bill when they deal with it.

Now, Sir, there are one or two points on which I seek clarification One of the provisions of the Bill is that no banking company, whether incorporated in or outside British India, shall engage in any form of business other than those referred to in clause 6 (2). Presumably this only applies to banks whether incorporated in or outside British India in so far as their operations lie within British India, for I take it that a bank's branches that are outside British India would be subject to the legislation of the countries in which they are established.

Moreover, three terms are given by which a bank shall, after the expiration of two years from the commencement of the Act, be defined. Those terms are—bank, banker and banking: and whilst I suggest that the second shall also be in the plural, I take it that the use of these words, obligatory though they be, may be used descriptively and not essentially as part of the registered name of a bank. The name of Bahring Brothers and Rothchilds and Banking are synonymous, and surely if either of these two great banking-houses were to start a branch in this country they would not be called upon to incorporate the name "bank" in their registered name, but would be permitted to do so descriptively.

The Bill imposes certain prohibitions on trading and amongst other restrictions prevents a bank from dealing, directly or indirecetly, in the buying or selling or bartering of goods. It explains that the expression "goods" does not include stocks and shares, but as the term stocks does not include Government promissory notes, this should also be included, likewise bullion and specie. But I submit that it is a common and accepted practice amongst the most reputable of banks to dispose of goods which are in their control as collecting agents, and in this respect a bank may be of very great service to its customer. The provisions for the disposal of non-banking assets, I suggest, also requires

[Mr. E. L. C. Gwilt.]

amendment, for during the time that it is provided by the Bill, a bank may well come into the possession of a valuable building as a result of a mortgage foreclosing and the interest on the invested capital of which may prove a highly profitable investment

The remarks I made in opening my speech have particular relevancy to the restrictions in the Bill of unsecured loans and advances by a bank to a firm or company in which one of its own directors is interested. It is to this point to which I would draw particular attention. Whilst I have no doubt that malpractices have occurred in the country in this direction, and which this clause seeks to prevent, the fact remains that its provisions are in my opinion, Sir, drastic and likely to hamper a perfectly sound risk on the part of a bank. There must be, and there are men of the highest integrity in this country who are directors of banking companies and at the same time directors of financially sound commercial undertakings, the financial structure of which latter would be well known to the director concerned. In such circumstances, he may well and with prudence advise the bank of which he is also a director, to make an advance—possibly a short-term one—to the commercial undertaking. But if the provisions of the Bill are followed he would be prohibited from doing this. Indeed in its day to day business, a bank would be prohibited from making purely sound unsecured loans to a commercial company if it has a common director, and the legal hazards such a director will now have to run are of an order as may well deter him from continuing his directorship with the bank. Thus the bank would lose the services of a sound and efficient administrator and I would commend to the Honourable Member the suggestion that instead of including the provisions of this clause in the Bill, powers be given to the Reserve Bank under section 20(2) permitting the Governor or Deputy Governor should they see fit, to call for particulars of the debt due to the bank by the commercial undertaking with which the bank has a common director.

In regard, Sir, to the restrictions of capital, I would submit, as I believe that my Honourable friend, Sir Cowasjee Jehangir, has done,—and I hope, Sir, that my friends on my right will not misunderstand me—that some of the figures laid down are too low. There is much to be said for the small man in business but banking is hardly the venue for business of extremely small financial proportions, and I submit, Sir, that they rare likely to be a danger to their depositors and a weakness to the whole banking structure of the country. I think it is fair to say that if a group of men have the experience and the ability to manage a bank they will raise, within the country, money of greater proportions than some of those laid down as a minimum for this purpose. In regard to the restrictions, or rather the prohibitions, upon the holding of shares by a banking company, whilst I am in sympathy with the objects of this provision, I submit, Sir, that the restrictions are too rigid. Likewise I would draw attention to the restrictions of those loans and advances, which it would appear a bank is prohibited from negotiating or discounting, known as "house paper", that is to say, clean finance bills drawn at usance by a firm in India, say on its London house and discountable on the London market. I think, Sir, that this is obviously an oversight and that "house paper" will be excluded from the provisions of the Bill. I hope too, Sir, that the Select Committee will examine carefully the provisions of the maintenance of a percentage of assets, which if faithfully observed may immobilise deposits, which may at times impose a heavy strain on the resources of the smaller banks.

In the next clause, the clause dealing with assets in British India, it is stated that the object of the clause is to avoid repetition of an instance of where a bank, incorporated in a native State but in which the bulk of deposits were from British India, failed. The Select Committee will, I hope, Sir, amend this clause appropriately to prevent its provisions hampering India's overseas trade some day in the future, for as it is now framed and if it is put on the Statute Book in this way it may well do this. For at times such large

assets in India might be detrimental, in this respect, and cause unnecessary fluctuations in exchange rates.

And lastly I would deal with the schedules and particularly the first. Whilst the evident objects of items (vi) and (vii) cannot be disapproved of, as they are intended to prevent directors from taking loans during any financial year, but avoiding disclosure by repaying this before the balance sheet date and then reborrowing the money; the effect of this provision is obscure. If the meaning is that the maximum amount advanced on any day on all accounts under these respective heads is to be disclosed, this is impracticable in the case of a bank with numerous branches and numerous accounts. It would be necessary for each branch—and there may be fifty branches—to prepare a list of all accounts under (vi) for each day in the year and another list for all accounts under (vii). The daily totals of these branch lists and the head office lists would have to be amalgamated in order to find the dates on which the maximum balances were respectively shown. A few years ago a prominent Bombay businessman was reported to be on the board of nearly one hundred companies and the amount of work involved in such a case, even if he were a director of ten companies, in compiling the lists can be imagined. If, on the other hand, the total of the maximum balances on each account is required, though such maximum balances will not be on the same day, the resulting total may be out of all proportion to the amount of the total advances to all customers of the bank, as well as to the total due by directors, etc., on any one day. I suggest, therefore, in the case of advances which fall either under (vi) or (vii) and which are against the personal security alone of one or more debtors, the Reserve Bank be notified monthly of the terms and limit, and that the Reserve Bank should have power to compel the bank to demand repayment of any such advances, and if necessary, to take legal steps for recovery. I suggest that if this procedure is adopted, there is no need for items (vi) and (vii) as the proposed safeguards would be effective, whereas the disclosure of totals, with no indication of the names of the directors, etc., or the circumstances of the advance would not, I submit that there is no need for disclosure of secured advances where the security is other than personal security, for ex-hypothesi, the bank is covered.

It must not be forgotten that where qualifications for a directorship between two men are equal, the bank would very naturally choose the one capable of placing profitable business with itself, and if the conditions of advancing money are such that no director could take an advance, the bank would either be deprived of the business of the services of the director.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I do not wish to speak at length on the subject, because I had the privilege of giving evidence before the Banking Enquiry Committee in 1936 on behalf of the city of Bombay businessmen and bankers, as their President. I only want to draw the attention of the House to the great powers that the House is called upon to bestow on the Reserve Bank of India. These powers will virtually be vested in the Board of Directors of that great institution and, as I pointed out, the other day, when the question of securities and dealing with securities was to be handed over to the Reserve Bank, that it is very very risky that we should give such powers, in fact hand over the whole banking system of India to directors who could get themselves elected as they have been able to do all throughout for so many years. Not only that, but there is a still more important question and that is this. Whilst in this very Bill the Government have pointed out that the Bill is confined to the companies carrying on the business of banking, it would be impracticable within its scope to distinguish between such institutions and those dealing in credit, in view of the complex credit structure of the country and the fact that money-lending is an item of the Provincial Legislature. As a businessman I must admit that I fail to make any distinction between money-lending and banking,—as if they are different things altogether. My submission has been and will be that banking means nothing else but money-lending and in fact we are now handing over all the Provincial Government's

[Mr. Hooseinbhoy A. Lalljee.]

business as well as provincial activities with regard to money-lending and money-borrowing to one institution in India and that is to the Directors of the Reserve Bank of India. I would like the House to consider very seriously the position that we are creating for them and the position that we are creating for ourselves. I should also like to point out that so far as the Reserve Bank is concerned you have very little voice except to give your consent to the appointment of the Governor and the Deputy Governor. But there again we can visualise that we have perforce to appoint or nominate or sanction the appointment which the Board of Directors in their wisdom would like to have. That is the constitutional position. This is also a question in which one has got to consider that not only securities but all the banking, the money-lending and the business of all the provinces will be in the hands of a few gentlemen who can get themselves elected under the present circumstances. And if you scrutinise very carefully the Board of Directors, you will find that they belong to only one class of businessmen and there is none to represent the agriculturists or any other class of persons. It has nothing whatsoever to do with anything but money-borrowing and money-lending connected with certain banks and connected with certain industrial concerns pure and simple. As my friend Mr. Gwilt has just pointed out (and for me it was worth listening to him), the business of the banks ought to be more to lend to the persons who can bring business to them. In fact that has been the practice going on so far as the foreign banks and foreign concerns are interested in this country—it is part of their business and for the development of their business; and not only on securities but even house bills, as they call it, money is advanced. My friend rightly is in that position and he wants to maintain that position. It may be that those who are fortunate in becoming directors of the Reserve Bank will like to have the same principle adopted, and the great advantage they will have would be that all the banking concerns will be under their thumb: they will be entirely dictating, if they choose, the commercial and industrial and other development, including, as my friend Mr. Gwilt pointed out, even the building and land properties; if they lend money and the poor man is unable to pay the debt, they take up the land, foreclose it, because the interest they have got is much more. It is not money-lending there: it becomes an investment, and an investment which will carry on for years together, for their own benefit. These are very very serious things which one has to consider.

Another thing which has got to be considered very seriously is this: that the Reserve Bank has got very few branches: it has to rely on its agents the Imperial Bank of India. Sure enough, we know the Imperial Bank of India; and if you will scrutinise the board of directors of that bank and compare it with that of the gentlemen who are on the board of the Reserve Bank and of one or two other important banks—we may not have the five great banks as in England, but we have almost that number in Bombay—you will find that before the Reserve Bank came into existence, the Imperial Bank had one or the other agent of a European firm or an Indian firm either as a director in Calcutta or in Bombay or Madras. If you were to scrutinise for the last thirty years, you will find 'A' firm's representative being a director in the Imperial Bank in Calcutta—'A' firm's director in Bombay becoming a Director of the Bombay Bank in the next year and in the third year the same firm's managing director becomes a director at Madras. In fact it has been worked out very nicely and very cleverly with certain firms holding all the business and industries; and they have made this their business to get all sorts of capital all over India under their control that you will find that invariably the constitution allows them to bring in their partners. Therefore, so far as the Reserve Bank is concerned, I feel it is not immune from that danger. It is exactly in that line. These gentlemen by forming into groups—I will not say cliques or coteries—can wholly control the Reserve Bank and I do not wish at the present moment when our country has been having banking, big and small, that our smaller banks should be entirely at the mercy of one class of

persons who have been fortunate enough to hold in their hands the reins of the capital of most of the banks already existing in this country. I should very much like that so far as the directors are concerned, as my friend Mr. Gwilt pointed out, that not only the directors should not be of any bank but his partner or cousin or his brother, who are directly or indirectly interested in him, should not be a director of one or the other bank; because what after all is the scheduled bank? What are all the banks? They are all depending on the inspection and report, on the consideration of the monthly or yearly or weekly reports of the officers of the Reserve Bank.

Then, see the position of auditing. So far as Indian banks are concerned, they will be audited by the auditors recognised by Government. Very good. So far as the foreign banks are concerned, there is no such clause that the regular recognised auditors will audit their accounts; furthermore it is not laid down anywhere that they shall not do any other business, as the Indian banks are bound not to do. My friend Mr. Gwilt pointed out very rightly that there was strict punishment, but that will only be applicable to my countrymen and my banks, because in the audited reports it is required that three directors at least will sign. In the case of the foreign banks it is required that the manager will sign; and we have seen in the year 1935, when the Italian banks had managers and when they went to war with Abyssinia, they put in a third class clerk to be their manager for the time being. I want to know from my Honourable friend the Finance Member why is the foreign bank not required to sent in an audited report signed by the recognised auditors so far as this country is concerned and I also want to know why the great men who have got much more honourable feelings of honesty—why their directors should not sign and why the manager should sign so far as these foreign banks are concerned. We must see to this.

We have also to see that all these restrictions will apply to the foreign banks that are already there and not merely to those that will come hereafter. It has been pointed out that they can do such business as they were doing before this Act comes into force. New foreign banks will certainly carry this out, but the old banks are not bound to do so. I also wish to point out that banks are required to do no other business but banking, but in another way it has been provided that they can carry on business for seven years, or in the extreme ten years in business or companies or industries or commerce of whatever nature, if that business comes under their influence by the mere fact that they have advanced money. If, for instance, I want to be interested in a commercial business or in grain or in cloth business I have only to lend it to the party and then I become interested. I have gone there to take my interest. All this law is nothing. If the investment is more than 3 or 4 per cent, as Mr. Gwilt said, why should I not keep that property? If the business—grain or cloth or spinning mill or insurance company—is paying to him, he advances the money and sits down to carry on the business. This is a thing which we have very carefully to consider. Seven or ten years is sufficient life for anybody to carry on a good successful business.

Sir, this is a very important Bill and I see the House is impatient. I will only say that my friends opposite must be very careful to see to whom they are going to give power. All these clauses can be set aside and the directors can do anything they like and the restriction is made only on the small people. With these remarks, I resume my seat.

Mr. Ram Nath (Government of India: Nominated Official): The debate in the House on the motion for reference of the Banking Bill to a Select Committee . . . . . .

Dr. P. N. Banerjea: On a point of information. I wish to know in what capacity my Honourable friend Mr. Ram Nath replies to this debate. Is he replying on behalf of Government: (*Some Honourable Members*' "Yes.") Is he a Government servant or a servant of the Reserve Bank of India?

Mr. Ram Nath: May I explain. I am now an official of the Government of India and a Member of this House in that capacity. I am speaking as an official Member of this House.

Dr. P. N. Banerjea: Any Member is not an official.

Mr. Deputy President (Mr. Akhil Chandra Datta): I shall deal with that point of order . . . . . .

Dr. P. N. Banerjea: I did not raise a point of order. I asked on a point of information.

Mr. Deputy President (Mr. Akhil Chandra Datta): Mr. Ram Nath is a Member of this House and as a matter of right, he is entitled to speak. As to whether it is a reply or not, that is a matter for the Honourable Mover of the motion to decide.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The Mover is not here.

Mr. Deputy President (Mr. Akhil Chandra Datta): If the Mover is satisfied with his reply as a reply on behalf of the Government, then it is a matter for him to decide.

Mr. Ram Nath: Sir, the debate on the motion for reference of the Bill to a Select Committee, covering as it did the entire gamut of the Bill has served a very useful purpose and has been of great value. The views expressed by Honourable Members and the criticisms and suggestions made by them will be of the greatest assistance to the Select Committee and will receive their earnest consideration, when the Committee meets to consider and report on the provisions of the Bill. A special merit of the debate has been that it has served to bring into relief those provisions where Honourable Members appear to feel that there is need for modification, more so than in the case of others. As the motion is for reference of the Bill to a Select Committee, it does not appear necessary for me to deal at length with all the points that have been raised or deal with complicated constitutional questions which will no doubt receive full consideration at the proper time. Nor does it appear necessary for me to traverse again the ground which has already been covered by the Honourable Mover in the course of his speech and I therefore propose to deal with the more important issues and questions of general principle.

Before I come to the provisions of the Bill, I should like to deal with the criticism made of the working of the Reserve Bank. Reference has been made by a number of speakers, by Dr. Banerjea, my Honourable friend Mr. Manu Subedar and others, to the statutory provisions of sections 54 and 55 of the Reserve Bank of India Act, and to the alleged failure of the Reserve Bank in complying with those provisions. As the House is aware, in accordance with section 54 of the Act, the Reserve Bank at its inception created a department of agricultural credit which studies and deals with problems of such credit and advises Provincial Governments and co-operative banks with regard thereto. In accordance with the requirements of sub-section (1) of section 55, the Reserve Bank in 1935 published a preliminary report and in 1937 the statutory report with regard to the problems mentioned in that sub-section. As regards the provisions of section 55(2), namely, the making of proposals in regard to a permanent basis for the Indian monetary system, the conditions necessary before that requirement can be fulfilled have not yet materialised. In so far as the criticism has been made that the Reserve Bank has not played its proper part in financing trade and agriculture in the country, I should like, Sir, to deal with this question in some detail. There are three agencies which function in the provision of credit—firstly, joint stock banks organised on modern lines, secondly, co-operative banks and thirdly, indigenous bankers. In dealing with these agencies, the aim of the Reserve Bank in each case would be to make them more credit worthy so that they may become more effective and efficient instruments for making finance available for the promotion of agriculture, industry and trade in the country. So far as the agency in the first category, joint stock banks, are concerned, it has been our aim to lay down in the Banking Companies Bill, which is before the House, sound banking principles and helpful guidance to banks in conducting their operations. Provision has also been made in the Bill for inspections of banks but in the present circumstances it does not appear practicable to introduce a system of regular inspections, such as that suggested by a number of speakers in the course of the debate, as the creation of an adequate staff for carrying out this function would involve too large a drain on the available trained banking personnel in the country. Such trained personnel, we think, can perform a more useful function as a leavening of experienced men amongst the staffs of the commercial banks. I should further like to emphasize that the object of this provision for inspection, as of the other provisions contained in this Bill, is to provide help and beneficent guidance for banking companies, under the ægis of the central institution, in order that banks may conduct their operations on sound lines and in order that healthy banking traditions may be built up which alone can make for stability.

As regards the agency in the second category, namely, the co-operative banks, the Reserve Bank has been assisting the movement by giving constant advice and guidance to Provincial Governments and co-operative banks on the problems of co-operative credit. In order to assist the co-operative movement, the Reserve Bank has gone a step further and has recently introduced a scheme of advances to co-operative banks at concession rates of interest, namely, 2 per cent., the benefit of which is to be passed on to the ultimate borrowers for financing seasonal agricultural operations as well as marketing. In this connection, I should like to refer to a suggestion that was made by my Honourable friend Mr. T. T. Krishnamachari and also by my Honourable friend, Mr. Manu Subedar, who is not in the House today, that the scope of section 17 of the Reserve Bank of India Act should be enlarged so as to enable the Reserve Bank to render greater assistance to scheduled banks and co-operative banks. I should like to mention that the problem of increasing the usefulness of the provisions of the Reserve Bank of India Act has been receiving the constant attention of the Reserve Bank and recently the Reserve Bank has circulated to Provincial Governments proposals for establishing warehousing companies. With the setting up of warehousing companies on properly constituted lines it would be possible for documents of title to be created, against which the Reserve Bank would be able to render assistance under section 17(4)(d) of its Act. I may, however, add that there are other provisions of the Act under which assistance can be rendered by the Reserve Bank with equal facility and these provisions have in fact been availed of by banks from time to time.

Now, I come to the agency in the third category, that is, indigenous bankers. The question of their regulation was referred to by a number of speakers such as Mr. Manu Subedar, Mr. Yusuf Abdoola Haroon and others. Now, it appears to us that the question of their regulation is really a matter which should follow their linking with the Reserve Bank. The Honourable Mover has already explained in his speech the position regarding the efforts made by the Reserve Bank to establish a link between itself and the indigenous bankers and it does not appear necessary for me to go over that ground again. However, I should like to mention that there are two conditions on which emphasis is laid by us in the establishment of such a link. The first is that the indigenous bankers should be prepared to furnish returns and to have their books and accounts inspected; and the second is that they should be prepared to separate their non-banking business from their banking business. The first requirement, that is, inspection and the furnishing of returns, is obviously desirable and we are prescribing it for Joint Stock Banks in the present Bill. The second requirement, namely, the separation of banking from non-banking business, is equally or even more important in view of the complications inherent in partnership firms and the joint Hindu family system. I may mention that there is already a tendency on the part of indigenous bankers to convert themselves into limited liability

[Mr. Ram Nath.]

companies and to the extent that they do so, they will come in the ordinary manner under the purview of the Reserve Bank of India Act and the scope of this Bill. I should like to add that the Reserve Bank is continuing in its efforts in this direction and is reviewing the problem from time to time as to the best means of establishing such a link. It appears to us that such a link can best be secured through the provisions of the Reserve Bank of India Act and not through a regulatory measure such as the present Bill. My Honourable friends Mr. Manu Subedar and Mr. Yusuf Abdoola Haroon, who raised this point, will be in the Select Committee and they will have the opportunity of making suggestions designed for achieving this object.

Sir Cowasjee Jehangir: That will be outside the scope of the Bill.

Mr. Ram Nath: They want to do it through this measure. I am trying to meet them on their own ground.

I will now take up the provisions of the Bill itself. The first provision that I will take up is the definition of "banking" given in clause 5. In that clause "banking" has been defined as the business of accepting deposits repayable on demand. The Honourable the Leader of the Opposition in a speech, which made a valuable contribution to the debate, expressed the opinion that the present definition in clause 5 is insufficient. He suggested that the scope of the definition should be enlarged by defining a banking company as a company which does the various kinds of business specified in clause 6 and in addition receives deposits, the greater part of which is repayable on demand. A definition such as this would leave out of account those institutions which accept deposits repayable on demand and also carry on other operations of a trading character not covered by the provisions of clause 6. This brings us to the basic difficulty, as the principle on which we have proceeded is that if a company accepts deposits from the public repayable on demand it should have restrictions placed on it as to the use it makes of those monies. This illustrates the difficulty of evolving a satisfactory definition of "banking" to which reference was made by the Honourable Mover in his speech. Such a definition has proved intractable to the efforts of legislators, lawyers and bankers. As an example of the difficulty, I would give the House the definition suggested by Dr. Walter Leaf, a great authority on the subject. He defined a bank as a person or corporation which holds itself out to receive deposits from the public repayable on demand by cheque. Now, if any Member tries to ascertain what a cheque is and looks up the Negotiable Instruments Act, he will find a cheque defined as a Bill of exchange drawn on a bank, so that you have the position that while, on the one hand, you define a bank as an institution which issues cheques, on the other hand, you define a cheque as a document on a bank. Here you have a complete parallel to the case of a dog trying to chase its own tail. A further point is that having regard to the conditions prevailing in India any definition of banking based on a reference to cheques would not be suitable. There are a number of institutions in this country which carry on the business of accepting deposits repayable on demand and other banking business, but which do not issue cheques. In order that such institutions may be brought within the scope of this Bill, it was considered desirable to omit any reference to cheques from the definition. In our opinion the present definition, that is, the definition proposed in Bill is the most suitable having regard to the conditions prevailing here and the dieffrent types of institutions which carry on the business of banking. I have no doubt, however, that the matter will receive careful consideration at the hands of the Select Committee.

I will now come to clause 6. This clause lays down the various kinds of business in which it will be lawful for a banking company to engage. Provision has been made in sub-clause (r) of this clause for the Central Government to notify in the official gazette any other kinds of business which banking companies will be permitted to undertake. The point was made by the Honourable Member for East Punjab that this provision may be abused and that it might lead

to discrimination in favour of particular banks. I should like to make it clear that it is not the intention that the powers conferred by this sub-clause should be exercised with reference to any particular banking company, but that they should be exercised with reference to banking companies in general. As however it seems that the clause is liable to a different interpretation, I have no doubt that the matter will be considered in the Select Committee whether any drafting improvement could be made to remove any possible ambiguity in the provision.

The next provision which I would like to refer to is clause 11 which prescribes minimum capital requirements and lays down restrictions on the commencement of business. The point has been made that the basis of population adopted in this clause is not scientific and that a more correct method would be to link capital to deposits. In framing the provisions of the Bill in regard to capital requirements, we have been guided by the corresponding provisions in the legislation of the U. S. A. In that country the population of the town or the city where the bank is established generally forms the basis of the capital standard prescribed for banks. For example, under the National Bank Act of the U. S. A., banks established in towns with a population of under 6,000 inhabitants are required to have a capital standard of 50,000 dollars, banks established in towns with a population between 6,000 and 50,000 inhabitants are required to have a capital of 100,000 dollars, and banks established in towns where the population is more than 50,000 are required to have a capital of 200,000 dollars. It appeared to us that having regard to the conditions prevailing here, the provision in this behalf in the legislation of the U. S. A. was the safest model for us to follow.

I will now take up the suggestion that capital should be linked to deposits. I should like to mention that there are certain practical difficulties in adopting any such course. In the first instance, the linking of capital to deposits is likely to lead to frequent changes of share capital. Another and perhaps more serious objection is that having regard to the quantum of bank deposits at the present time and the expanding economy that is contemplated for the post-war period, the linking of capital to deposits is likely to result in banks being burdened with large amounts of share capital. It would be difficult for banks to maintain any reasonable rate of dividend on such share capital without having resort to unsafe, speculative lines of business.

As regards the amounts prescribed in clause 11, I should like to mention that on a preliminary consideration of the opinions received on the circulation of the Bill, Government are impressed with the difficulties that will be experienced by the smaller banks operating in the smaller towns and rural areas, in complying with these requirements. Our aim in framing the provisions of this Bill has been to help and strengthen the smaller institutions and in this connection, I must take exception to the implication inherent in the remarks made by the Honourable Member for East Punjab that the intention of this Bill is to create hardship for the smaller institutions. The special position occupied by the smaller banks in the national economy and the part played by them in financing trade and agriculture are fully recognised and I may safely say that it may be possible to arrive at some compromise in the deliberations of the Select Committee that will pay due regard to the difficulties of these institutions.

I now come to clause 18 of the Bill. This clause requires banks to maintain, in cash, gold or unencumbered approved securities liquid resources to the extent of not less than 25 per cent of the total of their time and demand liabilities. The suggestion has been made by more than one speaker that this clause is likely to affect the smaller banks. This provision merely embodies a principle of sound banking which is already being followed by sound banks, both in India and elsewhere and in fact some of the bigger banks are already maintaining a much larger percentage than 25 of liquid resources. I am sure, however, that the difficulty to which attention has been drawn will receive careful consideration in the Select Committee.

I now come to clause 28 which provides that in certain circumstances, the Central Government may direct the Reserve Bank to carry out inspections of

[Mr. Ram Nath.]

banking companies. This provision was the subject of great deal of criticism from Honourable Members. Fears were expressed that the powers conferred by this clause may be exercised in an arbitrary manner and in a manner detrimental to the interests of banks. I should like to emphasise what I said earlier in my speech that the powers conferred by this clause, as also the other provisions of the Bill, are intended to be exercised in a manner calculated to promote the interests of banks. As regards the suggestion that there should be a system of continuous and regular inspections, a practical difficulty is encountered to which I have already referred, namely the shortage of staff. As far as can be seen, this shortage of trained banking personnel is likely to continue for some years to come, as it will be some considerable time before an adequate staff can be built up.

The suggestion has been made that the provision for inspection in the Bill may affect the credit of a bank chosen for inspection. In this matter we can only go upon the experience that has been gathered so far in regard to inspections. The Reserve Bank has so far inspected about 40 to 45 banks in connection with the admission or retention of banks in the Second Schedule, and in no case have any adverse results followed from such inspections. I may mention that in a case where a bank was expelled from the Second Schedule nothing untoward happened. Even when that institution was expelled from the clearing-house no unfavourable repercussions occurred. I have no doubt, however, that the matter will be given careful consideration in the Select Committee.

4 P.M.

The debate in general showed that a great deal of concern is felt in regard to the possible effect of the provisions of this Bill on the position of the smaller banks and fears were expressed which appear to us to be out of all proportion to the actual provisions of the Bill. I should like to assure the House on behalf of Government that these fears are groundless and that there is no intention behind this measure of creating difficulties or hardship for the smaller institutions. On the contrary, we are fully persuaded having regard to the size and stage of economic development of the country, that the smaller banks have an important and a vital part to play in providing credit in the smaller towns and rural areas of our backward economy. And I should like to take this opportunity of putting it on record that many of the smaller banks are rendering useful services to the public in spreading the banking habit among the masses of the people in areas which are largely untouched by the bigger institutions. The present proposals are designed not with the object of hindering and hampering the smaller banks but with the precisely opposite object of helping and guiding them in the conduct of their operations on sound lines in order that they may be able to take their proper place in the industrial and agricultural reconstruction and development of the country in the post-war period. In that context I hope Honourable Members will regard this Bill as an essential part of the blue-print for the economic regeneration of the country which is in course of preparation for the period following the cessation of hostilities.

Sir, I commend the motion to the support of the House. Before I sit down I should like to mention that in order to consult the convenience of members of the Select Committee in regard to a suitable time and place for holding meetings of the Committee and other matters of procedure, it is proposed to hold a short meeting of the Committee on Saturday the 14th instant at 10-30 A.M. Members of the Committee will receive notice in due course.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Sir, may I ask one or two questions for the purpose of eliciting information? My first question is this. The Honourable Member was complaining of the shortage of trained personnel in the inspectorate of the Reserve Bank, and he told the House that for a long time to come a sufficient number of trained personnel would not be forthcoming to undertake the task of inspection. If

that has not been possible in the course of the last ten years, I should like to know how would it be possible in the future if the Reserve Bank has not any facilities by which a special body of personnel can be trained.

My second question is this. The Honourable Member said that the Reserve Bank had been functioning through three agencies, and that the Reserve Bank had been giving accommodation wherever necessary for the benefit of industry. I want to know what has been the volume or extent of accommodation granted by the Reserve Bank so far for the purpose of fostering industries. I want to have a very rough idea.

Thirdly, the Honourable Member said that recently there had been a departure and that to the co-operative banks the Reserve Bank has been advancing money at the nominal rate of interest at 2 per cent. I want to know what is the specific way in which the Reserve Bank has been fostering the development of industry in this country. What is its past record? The Honourable Member has not said one word about it although there has been such a volume of criticism of the Reserve Bank about this.

Mr. Ram Nath: The first point is with regard to the shortage of trained personnel. I can only say that bankers cannot be trained in a day.

Pandit Lakshmi Kanta Maitra: You had ten years to do it.

Mr. Hooseinbhoy A. Lalljee: If you have not got the staff why do you want the Bill now?

Mr. Ram Nath: It takes time to build up an adequate force that will be able to cope with the duties of inspection. And, as I said, we think that having regard to the present situation the trained men that are available in the country at present can serve a more useful purpose by functioning as a leavening of experienced men among the staffs of the commercial banks.

Pandit Lakshmi Kanta Maitra: What are the training facilities in your bank?

Dr. Sir Zia Uddin Ahmad: You refuse to train them.

Mr. Ram Nath: With regard to the second and third points, surely the Honourable Member does not expect me on this occasion to supply figures of advances made by the Bank. I have no figures here.

Pandit Lakshmi Kanta Maitra: But can we not have a rough idea of the volume of credit accommodation, how many crores roughly?

Mr. Ram Nath: Sir, I have nothing more to say.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, as the Mover of the Motion is not here, I suggest that in the motion instead of the Mover you might mention the name of Sir Archibald Rowlands who *ex-officio* will be a member of the Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): I will put it with the leave of the House.

Pandit Lakshmi Kanta Maitra: Sir, my question has not been answered at all. I wanted to know how the co-operative banks have been helped and what is the specific way in which the Reserve Bank has supported agriculture and industry in this country.

Mr. Ram Nath: Sir, I have replied to the debate. I have endeavoured to reply to all the points raised in the course of the debate, except those points which are of an unimportant character.

Pandit Lakshmi Kanta Maitra: You say this is an unimportant matter. You have misled the House by telling it that the Reserve Bank of India has been helping the agriculture of this country. That is a misrepresentation; it is a sheer misrepresentation. Can you support it by facts?

Mr. Deputy President (Mr. Akhil Chandra Datta): I have to put the question. If the Honourable Member does not want to reply, I cannot compel him to do so.

Mr. Ram Nath: I have indicated in a general way in the course of my speech.

Mr. Deputy President (Mr. Akhil Chandra Datta): I only want to know if you have anything more to add to the remarks which you have already made.

(Mr. Ram Nath did not rise to speak.)

Prof. N. G. Ranga: The Government is bankrupt.

Dr. P. N. Banerjea: Is the Reserve Bank also bankrupt?

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. Pandit Lakshmi Kanta Maitra raised a point of order and I am afraid I have deprived him of the answer to his question. If he insists and if the gentleman concerned wants to answer, he can.

(Mr. Ram Nath did not rise to speak.)

The question is:

"That the Bill to consolidate and amend the law relating to banking companies be referred to a Select Committee consisting of Mr. Bhulabhai J. Desai, Mr. Abdul Qaiyum, Mr. Manu Subedar, Mr. T. S. Avinashilingam Chettiar, Mr. H. A. Sathar H. Essak Sait, Seth Yusuf Abdoola Haroon, Syed Ghulam Bhik Nairang, Mr. T. T. Krishnamachari, Mr. Akhil Chandra Datta, Mr. G. W. Tyson, Mr. E. L. C. Gwilt, Sir Cowasjee Jehangir, Rai Bahadur Sir Seth Bhagchand Soni, Sir Vithal N. Chandavarkar, Mr. Ram Nath and the Honourable Sir Archibald Rowlands....."

Mr. Sri Prakasa: Sir, I rise on a point of order. Sir, the rule is definite and clear that the mover must be in the Select Committee; and if the mover of this motion has left the shores of India then I think it is his lookout. I do not think we can agree to it.

Dr. P. N. Banerjea: He will have to come back!

Mr. Deputy President (Mr Akhil Chandra Datta): The consent of the House can upset a rule.

For obvious reasons this change has been suggested by the Honourable the Leader of the House. He has done it on behalf of the Honourable the Mover of the motion. I will proceed with the motion:

".....that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be authorised to meet at Simla."

The motion was adopted.

THE MINES MATERNITY BENEFIT (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill further to amend the Mines Maternity Benefit Act, 1941, as reported by the Select Committee, be taken into consideration."

Sir, the Bill, I must admit, has been considerably modified by the Select Committee. In view of that it is only proper that I should call the attention of the House to some of the important changes in the Bill which have been made by the Select Committee.

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

The first change which the Select Committee has made is with regard to the period of prohibition of pregnant women on women working under-ground. The original Bill had provided that the prohibition should operate for ten weeks before confinement and for four weeks after confinement. The Select Committee has made no change in the period originally proposed, for prohibition before confinement. But with regard to the period of prohibition after confinement, the changes they have made are somewhat extensive. In the first place, the period of prohibition is extended from four weeks to thirty-six weeks. This period of thirty-six weeks is broken up into two parts: There is a period of complete prohibition which is followed by a period of partial prohibition. The period of complete prohibition, is extended by the Select Committee from four weeks to twenty-six weeks. The period of partial prohibition covers ten weeks. The period of partial prohibition is again made subject to two different prescriptions dependent upon the existence or non-existence of a creche. During the period of partial prohibition, a woman is not to work underground for more than four hours if there is no creche, and, secondly, she is not to work underground for more than four hours at any time even if there is a creche. These are the changes made by the Select Committee with regard to the period of prohibition on work underground.

Coming to the question of maternity benefits to be paid to a woman working underground, the Select Committee has made the following changes: Originally the Bill had laid down two conditions which a woman working underground was required to satisfy before she became entitled to maternity benefit. Those conditions were, firstly, a minimum period of work extending to six months in a mine before confinement, and the second condition was minimum of 90 days work underground during such period of six months. The Select Committee has removed the first condition, namely the requisite period of six months of service in a mine, so that under the amended Bill all that a woman need do is to satisfy the condition of having worked for ninety days underground within the period of six months prior to delivery and she becomes entitled to maternity benefit.

The Select Committee has also made certain amendments with regard to the period of benefit. In the original Bill, the period of benefit was ten weeks before confinement and four weeks after confinement. The Select Committee has changed the period of benefit after confinement from four weeks to six weeks. Similarly changes have been made in the amount of benefit. Originally the amount of benefit was eight annas per day. The Select Committee has changed it to six rupees a week, which is a little less than fourteen annas a day. Then the whole of the period of benefit is now declared to be a period of authorised leave, so that during this period an employer is not entitled to dismiss a woman who comes under the present Bill.

Another important provision made by the Select Committee is to require that the medical examination of a woman entitled to benefit shall be by a woman doctor if the woman demands it, a provision which did not exist in the original Bill. I might also draw the attention of the House to the fact that during this period of thirty-six weeks of prohibition on work underground, a woman is free to work otherwise than on work underground during a period of thirty-two weeks and supplement her earnings, which was not provided in the original Bill. The only period during which she will not be free to work is four weeks after delivery. So that under the Amendment Bill, a woman is not only entitled to get the maternity benefit as given by the Bill, but she is also free to earn otherwise than underground for thirty-two weeks and supplement her earning. I might mention that incidentally the Select Committee also has augmented the maternity benefit of a woman working on the surface from eight to twelve annas. That is to say, she has also got an increase of fifty per cent over the previous benefit, admissible to her under the original Act.

These are some of the important changes which the Select Committee has made. As I have said the Bill has been very considerably altered by the Select Committee. All the same, Government do not propose to raise any difficulty with regard to the amendments and having regard to the peculiar circumstances of the case they are quite prepared to accept the Bill as amended by the Select Committee.

Sir, I move:

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

"That the Bill further to amend the Mines Maternity Benefit Act, 1941, as reported by the Select Committee, be taken into consideration."

Shrimati K. Radha Bai Subbarayan (Madras and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Sir, the wealthy banking community has enjoyed the attention of this House for nearly four days and I trust, Sir, that the poor humble women miners and their children, who, our rulers admit without any sense of guilt and shame, are still in a semi-aboriginal state will receive their due share of the time of this House.

Sir, I support this motion but with a certain amount of reluctance because I regret the reason that necessitates this Bill—I mean the withdrawal of the ban against the employment of women underground in mines. The object of a measure of this kind is not only to prevent hardship, suffering and mortality, but also to promote healthy motherhood and childhood. I am convinced that

[Shrimati K. Radha Bai Subbarayan.]

work underground in mines is most injurious to the health of women, particularly in the conditions which exist in the mines in India today, and therefore the women miners will not be able to receive the fullest benefit under this Bill. However, I support this Bill, Sir, because it mitigates to some extent the harm that is done to these women by the arbitrary action of the Government in withdrawing the ban against their employment underground in mines.

Sir, in the Statement of Objects and Reasons of this Bill, it is mentioned that the withdrawal of this ban is a temporary measure and if I remember right my Honourable friend, the Labour Member, referred to it in his speech while moving that this Bill be referred to a Select Committee. I pointed out the other day that this so-called temporary measure is already over eighteen months old and I fear that this Bill implies that it will go on for an indefinite period. The Government took this retrograde step without consulting this Honourable House or any responsible trade union organisation or even their own creation—the Tripartite Conference. It has continued to carry on this retrograde policy against the declared verdict of this Honourable House and of the Trade Union Congress. The Government have also refused to have the matter examined as demanded by the public and by questions and speeches on the floor of this Honourable House.

I think, Sir, that it is the height of autocracy and absurdity for the Government to ignore responsible public opinion and argue that such a serious question as the increase of coal production in this country can be solved by driving about 10,000 to 15,000 poor humble women to work undergrornd in mines. Some friends have been chaffing me that I should be pleased that the Government are paying so much importance to the work of women. Well, I can assure my Honourable friends opposite that we do not feel flattered by this kind of compliment to women. In a country like ours, which is not lacking in manpower and where people have even died for want of work and food, it can not be difficult to secure such labour as is necessary to increase the production of coal without employing women for underground work. The real reason for the withdrawal of the ban, Sir, is that the Government have weakly surrendered to the pressure brought to bear upon them by the wealthy capitalist owners of coal-mines, and this was evident from the speech made in this House by my Honourable friend, the Leader of the European Group, in February, 1944. The coal-mine owners wanted to have facilities to engage cheap labour as women are paid lower wages. It also helps the owners of coal-mines to carry on their exploitation with greater ease if they have miners and their families in their grip. I think, Sir, the Government are trying to hide their partiality for these owners by exaggerating the difficulties of securing sufficient labour for coal production and by making misleading statements and giving evasive answers to questions asked on the floor of this House. I am reminded of two important questions which I asked my Honourable friend. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot revive discussion on matters already dealt with.

Shrimati K. Radha Bai Subbarayan: Sir, this Bill is a corollary to the lifting of the ban. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine herself to the motion before the House.

Shrimati K. Radha Bai Subbarayan: Sir, I would like to point out that this Bill would not be necessary if this ban were re-imposed.

Mr. President (The Honourable Sir Abdur Rahim): It is there. The motion now is that the Bill be taken into consideration.

Shrimati K. Radha Bai Subbarayan: I would like to emphasise Sir, that if Government give their immediate attention to the need for improving labour conditions in the mines so as to attract labour, it will not be necessary to send women underground to work in mines. . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a larger question and it does not arise out of this motion.

Shrimati K. Radha Bai Subbarayan: I would like to ask, Sir, that they should at least adopt measures to prevent the sale of liquor in mining areas, because it affects the health and efficiency of the miners.

Mr. President (The Honourable Sir Abdur Rahim): Even that does not arise.

Shrimati K. Radha Bai Subbarayan: Sir, main point is that the removal of the ban and this Bill would not be necessary, if the Government adopted certain measures to attract labour but. . . .

Mr. President (The Honourable Sir Abdur Rahim): The question is whether this measure ought to be adopted by the House or not. There may be many other measures which could have been adopted by the Government, which would have obviated the necessity for this measure, but that is not the question now.

Shrimati K. Radha Bai Subbarayan: I submit to your ruling, Sir.

I agree with my Honourable friend, the Labour Member that the Bill has certainly been improved by the Select Committee but the improvements do not in my opinion go far enough. As my Honourable friend has often stated that he is very unhappy about the withdrawal of the ban, I expect he will derive some comfort from the fact that this Bill has improved after its emergence from the Select Committee.

I think my Honourable friend mentioned that the examination of the women referred to in clause 3 shall be made by women doctors but in the report of the Select Committee it is stated that "if the woman so desires," the examination will be carried out by a woman doctor. I would like to point out to the Government that as these women miners are very timid and ignorant and they would be too shy and nervous to express their wishes to their employers, the Government should issue instructions that this examination should be conducted by a woman doctor, whether the woman miner expressly desires it or not.

With regard to the authorised leave for six weeks after confinement, I wish it had been ten weeks but as my Honourable colleagues have compromised on this matter, I shall not protest much about it.

I would like to point out also with regard to amendment of section 11, clause 9, that the Government should appoint women Inspectors, because as I said before, these women miners are in a very backward state and will feel nervous if men Inspectors try to find out what their difficulties are. I should like in this connection to draw the attention of the Government to what Sir Atul Chatterjee, a distinguished retired official of the Government of India, who had a good deal of experience of labour problems in this country, has stated in his leaflet "Labour Legislation in India". After remarking that the recommendations of the Whitley Commission about the employment of women Inspectors has met with scant response from the Government of India, he points out:

> "India is a country where women have always needed special protection and it is well known that they would be particularly reluctant to bring their difficulties and complaints to the notice of men Inspectors. It cannot be said that competent Indian women of the type suggested by the Royal Commission are not available at the present time."

I hope, Sir, that Government will appoint as many women Inspectors as are necessary to make this Bill effective.

Lastly I congratulate my Honourable friend the Labour Member in trying to bring forward progressive legislation in the interests of labour. Only a few days ago he brought forward a Bill for sanctioning an annual holiday with pay—brief though it be,—to factory workers and today he is piloting this generous measure, no matter what the reasons are for bringing it forward. While I appreciate that my Honourable friend is trying to make his influence felt in this Imperialist agency known as the Government of India, I do hope and trust that he will assert himself more strongly and re-impose the ban

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against the employment of women underground in mines and also bring forward further legislation in the interests of labour.

Sir, I support this motion but with certain reservations, to which I have referred.

Mr. N. M. Joshi (Nominated Non-Official): Sir, the Honourable the Labour Member has explained the changes made by the Select Committee in the original Bill. I shall therefore not take much time of the House in going over that ground again. I feel, Sir, that if the Select Committee had accepted the proposals which I had made in the amendment of which I had given notice, the Bill would have been much better. I had suggested that there should be complete prohibition of the employment of women underground for a year after confinement. The Select Committee has reduced that period from one year to six months. I feel that in the case of the working classes to ask women to go underground so that they will not be able to give a feed to their children once or twice in a day, is a hardship, which is neither in the interest of the women nor in the interest of the children. However, the Select Committee has agreed to the reduction of the period to six months.

Then, Sir, I would have liked maternity benefit to be paid for at least ten weeks after confinement. The Select Committee has agreed to six weeks. However, Sir, as the main parties in the Select Committee came to a compromise, I have no desire to move any amendment to extend the period to ten weeks.

I have suggested in an amendment of which I had given notice that the Government of India should make it obligatory upon the mine-owners to establish creches. The proposal was placed by me again before the Select Committee. The Honourable the Labour Member stated that the Government of India was considering the question of establishing creches in mines and making them obligatory and I did not press for my amendment on account of this declaration by the Government of India. I hope, Sir, that the Government of India will be prompt in considering this proposal and bring forward legislation to give effect to their good intentions.

Sir, the Honourable Member in his speech pointed out that according to the provisions made by the Select Committee a woman who works underground and who on account of confinement is not permitted to work underground after confinement has, according to him, the great facility of working on the surface from four weeks after her confinement. I feel that, if the Honourable Member considers this question sympathetically, he will realise that to work from four weeks immediately after confinement is not a very great opportunity. We would not like our women belonging to our class to begin to work as carriers of coal to wagons from four weeks after confinement; and therefore when the Honourable Member said that the women had a great opportunity to supplement their earnings by working on the surface, he was not really pointing out an advantage conferred upon them. He was really pointing out the smallness of the wages which are paid to women miners. If a woman miner has to work on the surface if not underground in order to supplement her wages and earnings, then certainly there is something wrong with the wages paid to women miners in this country. There should be no need to supplement her earnings if the maternity benefit paid to her has been sufficient, if the wages paid to her had been sufficient to enable her to save something for those days immediately after confinement. I would therefore suggest to the Honourable Member that as he must have been convinced that the maternity benefit paid to the women is not sufficient, and as he may have also seen now by this time that the wages paid to the miners are not sufficient, he should take steps to see that the maternity benefit is increased from what it is proposed in the Bill and also to see that the wages paid to the Indian miners, especially women, are increased.

Then I would like to say a word in support of what my Honourable friend Mrs. Subbarayan has said about the need for employment of women Inspectors. The Government of India has permitted women to work underground; we do not agree with their action, but if women are permitted to work underground, I think that the Government of India should appoint a few women Inspectors to inspect the conditions underground and to render such protection as they could to the women working underground. I hope the Honourable Member will consider this suggestion sympathetically. I do not wish to say anything more on this occasion: with your indulgence, I may speak a few words more at a later stage.

Sir Henry Richardson (Nominated Non-Official): Sir, like my friend Mrs. Subbarayan, I have been waiting for days in a somewhat expectant state, hoping to make delivery of a few words on this maternal matter. The Honourable Member described the Bill as having been considerably modified. I should think that is a considerably moderate statement. I should think that it has been drastically altered in many respects, and my colleague Mr. Stokes, who unfortunately is not able to be here, today, was, I think, justified in claiming in his minute of dissent that these changes can be classed as drastic, and therefore that industry and the consumers were entitled to have a further opportunity of considering the changes. Now, from the purely humanitarian point of view these increased benefits are no doubt to be commended; but there are other considerations to be taken into account. In common with my friend Mr. Joshi and others, we would like to see the ban on the employment of women underground re-imposed, provided alternative labour is available. Mrs. Subbarayan mentioned what I had said in February 1914. I do not quite remember what I did say, but whatever I did say was right, and I do not withdraw. We do not want women workers in the mines, but the inescapable fact is that it has been estimated by experts, by those who really know, that removal of women now would mean a drop in the output of as much as 20 per cent. Whether we like it or not, that is a position we cannot contemplate with equanimity. On all sides it is admitted that the country is in dire need of coal and coal must be secured if the war effort and the economy of the country generally is not to suffer. Compared with government's original proposals, the benefits as amended by the select committee represent an advance of nearly 100 per cent; and women above ground as well as below ground will now receive an increased allowance. The economic factor, therefore, may come into operation; for after all it is the consumer that has to pay in the end. It is all very well, as I have already stated, to legislate from the humanitarian point of view; but I detect a tendency amongst labour representatives to regard war time profits and prices as normal; whereas employers and consumers must look to the future when competitive conditions will again obtain It is therefore to the mutual benefit of both employers and employees to bear this in mind when considering this type of legislation, in order to avoid hardship which may be brought about by unemployment when normal trading conditions are restored, and the stern law of economy renders impossible benefits bestowed without thought for the future. We shall not oppose the Bill, but having uttered this warning, I feel our position has been made quite clear.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, some crocodile tears have just been shed on behalf of these poor women miners. But at the same time a warning has been sounded that we must think of the stern law of economy. What is that stern law of economy? Today even according to the admission made by my Honourable friend the Leader of the House, the prices of coal are easily 300 per cent. higher than they were before the war. But the wages are nowhere there at all; and when we asked how they compared with the prices of coal, the Honourable Member was not able to give any reply. So there is much leeway and my Honourable friend and his mine owners have been making huge profits. Therefore today they do not feel the pinch. If after the war they find that these benefits are too high then it is all the more reason why they should give up employing these women. We do not want you to employ them. But he attached one condition there and he said "Provided there is sufficient supply of labour".

Sir Henry Richardson: Now, I said.

Prof. N. G. Ranga: At the end of the war, if you do not want women workers at all, so much the better, because we do not want women to be employed underground; but even as it is the mining industry as well as the Government have failed in their duty in training male miners in sufficient numbers for this work. Surely it cannot be contended by them that mining is such a skilled job that males cannot be trained to become skilled workers even over a period of four years, during which this coal shortage has been experienced. But Government has failed in its duty in that direction. I put the question whether Government has been taking any definite steps to train male workers in order to become efficient miners. They said 'Yes'. As to the extent they have succeeded, they have not given us information. Is it their aim to see that all these women are replaced by equally efficient male workers to carry on that work in the place of these women? We have had no information and Government do not seem to be very serious or sincere about this particular aspect of it.

Then, Sir, I am certainly glad to say that the Honourable the Labour Member was very accommodating at the Select Committee stage. He was much more reasonable in the Select Committee than he generally is in the House when he has to answer our questions and I am also happy to say that the Government anticipated many of our amendments and came forward with a number of their own amendments, more reasonable amendments, amendments which certainly improved the character of the Bill. They agreed with us in imposing a partial ban upon women labour underground by making that provision that no woman shall be employed underground for six months after child bearing. That is a very good change which has been made in the interest of women and also in the interest of the child—more in the interest of the woman and I am glad that Government has agreed to it. My Honourable friend Mr. Joshi said that it was because of our compromise with the Government that he was not able to press for ten weeks. That is not quite a correct statement. We did not come to any compromise at all. We found the attitude of the Government reasonable and therefore we did not wish to press for ten weeks in this House and press for a division. That is all. We certainly would have liked to have given the women this privilege of ten weeks leave from work after child birth. But since Government were prepared to go forward in so many other directions, we thought we might accommodate the Government and show our good spirit also. But this does not mean that we abandon our claim at a later stage to press for ten weeks.

In regard to the monetary side of it also, the Government has shown some accommodation to our point of view. I need not say which member of the committee made which suggestion in the Select Committee but the Government themselves came forward and made a proposal to increase this allowance to 12 annas and when we suggested, they accepted our suggestion of one rupee per day so far as women underground are concerned. Therefore although I do not at all agree with the Government in their having removed this ban on women working underground and although I am seriously discontented with the Government's attitude in regard to the women underground, I am happy to be able to support this Bill as it has come from the Select Committee.

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

"That the Bill further to amend the Mines Maternity Benefit Act, 1941, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 12 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, as amended, be passed."

Mr. N. M. Joshi: Sir, I do not wish to make a long speech. I would like in the first place to tell the Government of India again that the passing of this measure will not reconcile either the labour movement in this country nor this House to the removal of the ban by the Government of India on the

employment of women underground. There is no section of this country which is not anxious for larger production of coal but we would like the Government of India not to be under the delusion that there is larger production of coal because of the employment of women underground. In the second place, even if the Government of India gets some larger production of coal by the employment of women underground. . .

Mr. President (The Honourable Sir Abdur Rahim): This does not arise at the third reading.

Mr. N. M. Joshi: . . . the Government of India could secure male labour for that purpose, if the Government had given proper conditions for male labour to work underground. The Government of India does not accept our statements. In this connection, I would like to suggest to the Government of India—let facts be investigated. If there is less production, who is responsible for the smaller production—whether it is the employers or the shortage of labour. That is the first point on which the Government of India should make an investigation. In the second place, if there is shortage of labour, what is the shortage due to. I would like the Government of India to investigate that fact. If the shortage of labour is due to the fact that bad conditions are given to labour, then the remedy is not the employment of women but improvement of the conditions. Then, Sir, I would like the Government of India also to investigate the fact whether by the employment of women production has really been increased. I therefore suggest to the Government of India to appoint a committee of inquiry presided over by an impartial person like a High Court judge, a committee on which both labour and the employers and the general public may be strongly represented, and if the verdict of a committee of this kind is against the Government of India, the Government of India should immediately accept this verdict of the committee and take steps for the imposing of the ban again. I hope, Sir, that the Government of India will accept that suggestion which I am giving to them. Let them investigate the facts by appointing an impartial committee and I have no doubt that if an impartial committee is appointed the conditions in the coal mining industry will be improved and the need which the Government felt regarding removal of the ban will not be felt at all. I hope, Sir, the Government of India will accept my suggestion.

I have no doubt that the Honourable the Labour Member has great sympathy for labour. I have no doubt on that point. What I do say is that he should give practical effect to his sympathy by taking labour welfare measures more promptly, measures which will do larger good than they are doing at present.

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

"That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th April, 1945.

(b) Will Government please lay a statement of accounts showing how the amount was spent?

(c) Will Government please state whether this grant of Rs. 13,000 per month has been included in the current years budget, and, if so, under what head the figure is shown in Demands for grant?

The Honourable Dr. B. R. Ahmedkar: (a) I have not seen the book.

(b) The attention of the Honourable Member is drawn to my answer to his supplementary question to starred question No. 31 by Mr. Lalchand Navalrai on the 2nd November, 1944.

(c) Yes; it is included in Demands for Grants for 1945-46 under the head "Miscellaneous Expenditure connected with the War—C.5—Expenditure on War Publicity—C.5(4).—Labour propaganda".

Mr. Badri Dutt Pande: The Honourable Member had said the other day that a statement of the accounts will be placed on the table of the House. When is he going to do that?

The Honourable Dr. B. R. Ambedkar: That does not arise out of this.

Mr. Lalchand Navalrai: If the Honourable Member has not read that book, may I tell him that there are two books, one against the other. One is by Mr. Jamnadas Mehta and the other by Mr. Roy. Will the Honourable Member send for these books and read them and he will then find that there is a contradiction between them? Will the Honourable Member then go into this question and find out how this money has been spent—whether it has been divided half and half between them or what?

The Honourable Dr. B. R. Ambedkar: I do not propose to spend my money on purchasing them. If they are sent to me, I will read them.

Mr. T. S. Avinashilingam Chettiar: I am sorry I could not catch the answer to part (c) of the question. Will the Honourable Member kindly repeat it?

The Honourable Dr. B. R. Ambedkar: I said that the grant is in the Demands for Grants.

Mr. T. S. Avinashilingam Chettiar: Has the grant been enhanced or is it the same amount?

The Honourable Dr. B. R. Ambedkar: It is the same amount.

Mr. Lalchand Navalrai: If I send these books which I have got with me, will the Honourable Member read them?

The Honourable Dr. B. R. Ambedkar: If I find time, I will.

Mr. Badri Dutt Pande: How did the Honourable Member say in reply to my supplementary question that the question does not arise of placing a statement of accounts on the table of the House when it is definitely stated in the question that a statement of accounts should be so laid showing how the amount was spent?

The Honourable Dr. B. R. Ambedkar: I have not been able to follow the question.

Mr. Badri Dutt Pande: You said just now that the question of laying a statement of the accounts on the table does not arise, but that is a definite part of the question as stated in part (b).

The Honourable Dr. B. R. Ambedkar: I am sorry. Such information as I have I will lay on the table of the House.

AUTHORITY FOR APPOINTMENT OF MICA ENQUIRY COMMITTEE

1801. *Mr. Ram Narayan Singh: Will the Honourable the Labour Member please state whether, according to the 7th Schedule of the Provincial Legislative List, item 27 to the Government of India Act, 1935, Mica Industry is a provincial subject? If so, is the formation of the present Mica Enquiry Committee by the Government of India within their powers under the Act?

The Honourable Dr. B. R. Ambedkar: I have nothing further to add to the reply I gave to Mr. Satya Narayan Sinha's short notice question on the same subject on the 20th of November 1944.

Mr. Ram Narayan Singh: May I ask whether this is an encroachment by the Government of India on the rights of the Provincial Governments?

The Honourable Dr. B. R. Ambedkar: As I said, I have nothing to add to the answer I gave.

BRITISH-AMERICAN MICA MISSION

1802. *Mr. Ram Narayan Singh: (a) Will the Honourable the Labour Member please state at whose instance the present joint British-American Mica Mission was instituted?

(b) What is the respective strength of the British and American representatives on the said Mission?

(c) What are the purposes and functions of the Mission?

(d) Is it only a war measure or is the Mission to permanently continue even after the war?

The Honourable Dr. B. R. Ambedkar: (a) The Joint Mica Mission was set up as a result of discussions between the Government of India and His Majesty's Government, and through His Majesty's Government with the Government of the United States of America.

(b) Three British and three United States of America representatives.

(c) The Mission under instructions from their principals, are responsible for purchasing, inspecting, accepting, paying for and despatching all mica required by the United Nations.

(d) It is only a war measure.

Mr. Ram Narayan Singh: May I ask why the Government of India or the Mica industry have not been represented on this Mission?

The Honourable Dr. B. R. Ambedkar: It is unnecessary; it is only a purchasing Mission.

Mr N. M. Joshi: May I ask whether it is a fact that the mica is sold in America for a much higher price than the price paid to the mica owners in India and if there is a profit—and a large profit—, who takes that profit?

The Honourable Dr. B. R. Ambedkar: I must have notice of the question.

CANDIDATES FROM HINDU BACKWARD CLASSES APPOINTED AS LABOUR OFFICERS, ETC.

†**1803. *Mr. M. Ghiasuddin:** Will the Honourable the Labour Member be pleased to state if any Labour Officer, Labour Inspector, Labour Legal Adviser and Labour Welfare Society Officer has been appointed from amongst suitable candidates belonging to the Hindu backward classes, such as *Ahirs*, *Gadariyas*, *Teli*, *Tambolies*, *Kahars*, *Lohars*, *Barhais* and *Kumhars*, who are hereditary occupational and artisan classes and who number sixteen to seventeen crores in the country? If not, why not?

The Honourable Dr. B. R. Ambedkar: From information readily available, it appears that no officer from such particular classes has been appointed.

FACILITIES TO CANDIDATES FROM HINDU BACKWARD CLASSES UNDER BEVIN AND OTHER TECHNICAL SCHEMES

†**1804. *Mr. M. Ghiasuddin:** Will the Honourable the Labour Member be pleased to grant official facilities to the candidates of the backward classes such as *Lohars*, *Barhais*, *Gadariyas Kumhars* and *Kolies*, who are hereditary occupational and artisan classes in the Bevin Trainees Scheme and such other technical schemes as are being formulated every now and then? If not, why not?

The Honourable Dr. B. R. Ambedkar: Government have already taken special steps to help recruitment of backward classes (Scheduled Castes, etc.) in the Bevin Training Scheme. The National Service Labour Tribunals which make the selections have been directed to follow the orders in force in the different Provinces with regard to communal representation and to see that the various communities and classes are adequately represented. In addition Tribunals have been asked to associate with them a non-official of influence

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

LEGISLATIVE ASSEMBLY

Thursday, 12th April, 1945.

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

Legislative Assembly Members accepting Offices of Profit under the Crown

1799. *Mr. T. S. Avinashilingam Chettiar: (a) Will the Honourable the Leader of the House please state how many members of the Legislative Assembly have accepted offices of profit under the Crown and still continue to be Members of the House?

(b) What are those offices in Government the occupants of which can also be Members of the Legislature?

The Honourable Sir Sultan Ahmed: (a) One.

(b) The Honourable Member is referred to section 2 of the Indian Legislature (Prevention of Disqualification) Ordinance, 1942.

With a view to avoid a possible misunderstanding, I would desire to add that under sub-section (1) of section 63E in the Ninth Schedule to the Constitution Act, the seat of a non-official member becomes vacant on his acceptance of any office (whether an office of profit or not), under the Crown in India, and that with the one exception referred to in my reply to part (a), the offices accepted by the members whose tenure of their seats has been preserved under the Ordinance have not been offices of profit.

Mr. T. S. Avinashilingam Chettiar: What is that one exception?

The Honourable Sir Sultan Ahmed: Mr. Jamnadas Mehta.

Mr. T. S. Avinashilingam Chettiar: What are the other offices under the Government of India which have been accepted by the non-official Members of the House and yet they have continued to be the Members of this House?

The Honourable Sir Sultan Ahmed: I can remember only two cases, Mr. Griffiths and Sir Frederick James. I do not remember the others but they are very few; they were not offices of profit at all.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member collect the instances of non-official Members who have taken offices under the Government of India and who are still continuing to be the Members of this House?

The Honourable Sir Sultan Ahmed: I did give such a list in the House during the last Session.

Mr. Badri Dutt Pande: Is Mr. Griffiths receiving any pay?

The Honourable Sir Sultan Ahmed: No.

Mr. T. S. Avinashilingam Chettiar: In view of the vote of the House during the Supplementary Grants, will Government consider the advisability of not giving any privilege to any non-official Member who accepts any office under the Government of India?

The Honourable Sir Sultan Ahmed: All these cases will be considered.

Sardar Mangal Singh: May I ask whether the Government contemplate to appoint any other Member of this House to any office?

The Honourable Sir Sultan Ahmed: There is no idea but if my Honourable friend will help us, we are prepared to appoint him.

Government Contribution to Indian Labour Federation

1800. *Mr. Badri Dutt Pande: (a) Will the Honourable the Labour Member please state whether Government has seen a book entitled "The Story of a Sordid Episode" of Rs. 13,000 grant given by his Department to Mr. M. N. Roy as Secretary, Indian Federation of Labour, published by one Ganpat Rai?

belonging to the Scheduled Caste and if necessary, a Muslim to guide them in determining the adequate representation of Scheduled Caste and other backward class candidates.

HINDU BACKWARD CLASSES REPRESENTATIVE ON PROVINCIAL NATIONAL LABOUR SERVICE TRIBUNAL

†1805. ***Mr. M. Ghiasuddin:** Will the Honourable the Labour Member be pleased to state if Hindu backward classes have any representative on the Provincial National Labour Service Tribunal? If not, why not?

The Honourable Dr. B. R. Ambedkar: The Government of India are not aware if there are members of the Hindu Backward classes on the National Service Labour Tribunals. Representation on the Tribunals on a communal basis is neither necessary nor practicable.

CANDIDATES FROM HINDU BACKWARD CLASSES APPOINTED AS CIRCLE RATIONING OFFICERS

†1806. ***Mr. M. Ghiasuddin:** Will the Honourable the Food Member be pleased to state if any Circle Rationing Officer at Delhi, Lucknow and Lahore has been appointed from amongst the Hindu backward classes, such as *Ahirs, Gadariyas, Lohars, Barhais, Bhurjees* and *Kahars*, who number sixteen crores in India? If not, why not?

The Honourable Sir M. Azizul Huque: Delhi, Lucknow and Lahore: No, Sir. No suitable candidate was available.

WELFARE OF MR. KALACHAND RAMCHANDANI, SIND WORK MERCHANT AT MANILA

1807. *Mr. Lalchand Navalrai: Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) if Manilla is now in the hands of the Allies;

(b) whether telegraphic communications between Manila and India are open both ways;

(c) whether he is aware that two telegrams, dated the 5th and 20th March, 1945, have been received at Hyderabad Sind from Manila from Lalchand Karamchand, but the reply to Manila has been withheld on the ground that they have no orders to send wires; if so, why;

(d) whether he has any information as to which 'Sindhis' are alive or who died in the recent capture of Manila; if so, whether he will give names or place the list on the table;

(e) whether he has any information specifically about the welfare or otherwise of one Mr. Kalachand Ramchandani, Sind work merchant, at Manila; and

(f) whether the Honourable Member proposes to find out and give all the above information; if not, why not?

The Honourable Dr. N. B. Khare: This question should have been addressed to the Secretary of the External Affairs Department but the answer is as follows:

(a) Yes.

(b) No.

(c) Government understand that some telegrams have been received in India from persons in Manila, but do not know by what route these were transmitted. Direct communication between India and the Philippines was suspended in December 1941 and has not yet been restored, and that is why Telegraph Offices in India cannot accept telegrams for Manila. In a *communique* issued on the 14th March, the public have already been informed that next of kin or near relatives may communicate with civilians in the Philippines through the American Red Cross, APO 442, c/o the Postmaster, San Francisco, California.

(d) As my Honourable friend the Secretary of the External Affairs Department informed the Honourable Member in reply to his question No. 1539 on

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

the 3rd April, information as to the welfare of British subjects, including Sindhis, in Manila has been asked for from the American authorities and will be communicated to those concerned as soon as it is received.

(c) The name of Mr. Kalachand Kishenchand Ramchandani is included in the list of persons about whose welfare enquiries have been made from the American authorities. Their reply has not yet been received.

(f) This is covered by the answers to the other parts of the question.

Mr. Lalchand Navalrai: Will the Honourable Member tell me whether, if the Sindhis of India send an initial sum of 10,000 dollars for the relief of Sindhis in Manila, he will arrange to send the same?

The Honourable Dr. N. B. Khare: I will transmit that request to the External Affairs Department.

Mr. Lalchand Navalrai: Will the Honourable Member also arrange for passports and visas for those Sindhis who wish to go there to afford relief?

The Honourable Dr. N. B. Khare: That request also will be passed on to the External Affairs Department.

Mr. Lalchand Navalrai: May I know if ladies also will be allowed to go there?

The Honourable Dr. N. B. Khare: That will also be considered when the request is made.

LICENCES TO SELL ARTIFICIAL SILK IN MADRAS PRESIDENCY GIVEN ONLY TO TWO MERCHANTS IN MADRAS

1808. *Prof. N. G. Ranga: Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) if the Madras Presidency handloom weavers have addressed his Department a representation about the troubles of weavers caused by the fact that the licences to sell artificial silk in the whole of Madras Presidency were given only to two merchants in Madras and that the weavers all over the province who are granted only a quota of 1 lb. of artificial silk yarn per mensem per loom are, therefore, unable to incur the cost of going to and from Madras; if so, when, and what action has been taken to relieve this new distress caused to weavers; and

(b) whether it is not a fact that there are District Textile Officers in all the weaving districts and that a system of rationing of yarn has been introduced in co-operation with the local weavers associations in several districts and it works satisfactorily; if so, why Government do not authorise these District Textile Officers to obtain and distribute this artificial silk also in co-operation with the weavers associations and also their co-operative societies?

The Honourable Sir M. Azizul Huque: (a) Yes. This representation was forwarded to the Provincial Textile Commissioner, Madras.

(b) Under arrangements recently made, artificial silk yarn is being distributed in the Madras Presidency by the Provincial Textile Commissioner, Madras Province, in co-operation with the local trade. The suggestion of the Honourable Member will be passed on to the Madras Government.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that a large number of complaints have been received from weavers that they are not getting yarn for weaving, will the Honourable Member see that the machinery he has devised ends in proper distribution of yarn to these weavers and that no middlemen or black market profit?

The Honourable Sir M. Azizul Huque: Sir, the plan has been so devised by the Madras Government that the distributors have promised to distribute their yarn to all handloom weavers in those areas on a certain quota basis. This arrangement has been agreed to for the months of February and March and we will see how it actually works. These distributors have their branches in five or six district headquarters and they propose to open some more branches in other districts so that yarn may be sold to handloom weavers of those places. This will show that every possible step has been taken to see that the handloom weavers actually get yarn.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member consider the advisability of using the agency of co-operative society formed by the weavers themselves for distributing yarn?

The Honourable Sir M. Azizul Huque: I will pass on that suggestion to the Madras Government who must be considered responsible for these details.

GOVERNMENT PROMISE TO SUPPLY MILL-MADE SUGAR TO MEMBERS OF SWEET AND MILK UNION, DELHI, ON CERTAIN CONDITION

1809. *Mr. Ram Narayan Singh: (a) Will the Honourable the Food Member be pleased to state if the following facts are correct:

(i) that Government promised to supply mill-made sugar to the Members of the Union and also increased the quota by 25 per cent. on the condition that the Sweet and Milk Union, Delhi, will contribute a sum of Rs. 1,25,000 towards the National Savings Certificates;

(ii) that after securing promise for the amount in (i) the previous quota was increased and mill-made sugar was supplied in the place of the hand made brown sugar which was being supplied previous to this promise in (i); and

(iii) that the balance between the amount promised and the amount collected is being recovered as per order referred to in starred question No. 542, dated the 28th February, 1945?

(b) Is it not a fact that judicial officers of the Delhi Province have been pressing for the contribution mentioned in part (a)?

(c) What is the position now?

The Honourable Sir M. Azizul Huque: (a), (i), (ii) and (iii). No, Sir.

(b) During the National Savings Fortnight all officers of the Delhi Administration assisted in the work of collecting contributions.

(c) Officers who wish to continue making such collections can do so in their private capacity.

Mr. Ram Narayan Singh: Is it not a fact that a sum of Rs. 1,25,000 was stipulated to be collected from these people?

The Honourable Sir M. Azizul Huque: I have answered, no.

CERTAIN ORDER OF THE RATIONING CONTROLLER, DELHI

1810. *Mr. Ram Narayan Singh: Will the Honourable the Food Member please refer to starred question No. 542 of the 28th February, 1945, on order passed by Rationing Controller, Delhi regarding deposit of security by 'establishments', and lay on the table:

(i) a copy of the agreement referred to in the question;

(ii) the total number of 'establishments', which paid the security deposit, and the total amount so deposited; and

(iii) the total number of defaulting 'establishments' and the total amount purported to be due from them in pursuance of the agreement and the order referred to above?

The Honourable Sir M. Azizul Huque: (i) A copy of the agreement is placed on the table of the House.

(ii) The total number of shops which have paid the security deposit is 2,500 and the total deposit amounts to Rs. 2,14,536.

(iii) The approximate number of establishments which have not yet paid the security is 1,900 and the total amount due from them is approximately 1,50,000.

DELHI RATIONING

(See Paragraph 6-A)

AUTHORISED ESTABLISHMENT PROPRIETOR'S AGREEMENT

No.....

Dated .....1945.

I (address)

hereby state that having been appointed as an authorised establishment proprietor for the supply of rationed articles namely wheat, wheat products, rice and sugar under the provisions of the Delhi Rationing Order 1944, I shall comply with all the provisions prescribed from time to time under the said Order and any directions issued thereunder.

In particular,

1. I undertake to use rationed articels for purposes of establishment consumption in accordance with the porvisions prescribed by or under the Delhi Rationing Order 1944.

2. I also agree to deposit with the Controller of Rationing, Delhi Rs. against the fulfilment of this undertaking and I agree to the forfeiture by the Controller of Rationing, Delhi, of this deposit for any breach by me or by any person acting on my behalf or in my employ, of the provisions prescribed from time to time by or under the Delhi Rationing Order 1944 or any directions thereunder.

3. I further agree to maintain all the registers, books of accounts, or other forms and to make and furnish statements and returns as may from time to time be required by the Controller of Rationing.

4. I further agree that the Controller of Rationinp, Delhi, or such officer serving under him, as he may authorise generally or specifically, shall be the sole judge of the occasion, manner, measure, justice or equity of forfeiture of the security deposit. I forego all, rights to claim a refund of the whole or any portion of the deposit save at the entire pleasure of the Controller of Rationing, Delhi.

Before me

Circle Rationing Officer.....

Signature.....

Mr. Ram Narayan Singh: May I know whether one of the terms of the agreement is that the person depositing money has to agree that he will forego all rights to claim a refund of the whole or any portion of the deposit save at the entire pleasure of the Controller of Rationing, Delhi?

The Honourable Sir M. Azizul Huque: Yes, Sir.

Mr. Ram Narayan Singh: Is it legal?

The Honourable Sir M. Azizul Huque: I believe it is so.

BAN ON RETAIL SALE OF ICE BY DELHI *PAN* SODA AND *SHARBAT* ESTABLISHMENTS

1811. *Mr. Ram Narayan Singh: (a) Will the Honourable the Food Member please state if the following are facts:

(i) that Pan, Soda and Sharbat establishments in Delhi have been deprived of the right to sell ice in retail; and

(ii) that separate permits or licenses have been issued for the exclusive sale of ice on condition that a separate shop is opened for the purpose?

(b) If the answer to (a) be in the affirmative, will he please state the particular policy and purpose for which the deprivation in (i) is being effected?

The Honourable Sir M. Azizul Huque: (a) (i). Yes, but *Pan*, Soda and *Sharbat* establishments have been given permits to enable them to obtain ice required for consumption in their establishments.

(ii) No such condition has been imposed.

(b) The object of the Delhi Ice Control Order is to enforce a reasonable retail price for ice and prevent wastage of supplies.

DEPOSITS FROM DELHI BAKERIES

†1812. *Mr. Ram Narayan Singh: (a) Will the Honourable the Food Member please state if he is aware of the facts:

(i) that *Pan*, Soda and *Sharbat* establishments in Delhi have been deprived on its work;

(ii) that every man who supplies loaves from these bakeries to restaurants is required to deposit Rs. 250; and

(iii) that every restaurant or *halwai* who would keep these loaves for sale is required to deposit Rs. 250 apart from the usual deposit required under the order referred to in question No. 542 of the 28th February, 1945?

(b) If the answer to (a) be in the affirmative, will he please take into consideration the difficulties of poor bakers, carriers and restaurant keepers, and propose exemption in deserving cases?

The Honourable Sir M. Azizul Huque: (a) (i) Yes, Sir.

(ii) No, Sir.

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

Particular	1939-40	1940-41	1941-42	1942-43	1943-44	Agencies	Forms of Publicity	Remarks
	Rs.	Rs.		Rs	Rs.			
6. National War Front (Grants to Provinces and at centre).	..	..	..	24,72,067	34,36,228			
7. United Nations Centre .	..	..	..	..	16,698			
8. Counter Propaganda .	..	..	84,871	4,32,203	4,87,042			
9. Bureau of Public Information.	29,186	1,93,781	4,17,271	6,84,702	6,70,000			
10. All India Radio . .	2,66,500	9,69,200	10,78,000	9,68,800	16,09,000			
Total .	4,56,485	18,53,360	31,53,192	87,87,055	1,10,45,429			

FINANCE DEPARTMENT
Expenditure on Defence Loan Publicity.

Agencies to whom paid						
1. Reserve Bank of India .	49,982	14,027	..	..		
2. Advertising Committee, Bombay.	1,73,806	..	..	..		
3. The Registrar Cooperative Societies, Punjab.	310	..	..	..		
4. The Govt . of C. P. and Berar.	5,000	..	..	..		
5. Bombay D. L. Committee.	154	3,528	837	1,542		(1) Press Advertising, (2) Posters, handbills etc. (3) Advertising on buses and trains. (4) Cinema slides and films. (5) Commercial advertisements.
6. The British War Savings Movement.	5,195	..	..	..		
7. Messrs. Sharp and Tamran, Bombay.	..	4,42,419	1,03,467	..		
8. Bengal D. L. Committee.	..	7,765	10,669	12,614		
9. Madras, D. L. Committee.	..	1,486	3,852	4,600	As given in column 1	
10. Orissa, D. L. Committee.	..	750	..	..		
11. The Controller Advertising Committee.	..	1,728	..	..		
12. The War Week, Calcutta	..	15,000	..	..		
13. The Govt. of Sind .	..	100	..	10,000		
14. Punjab War Board .	..	..	15,605	..		
15. Sind D. L. Committee.	..	..	240	..		
16. Genl. Advertising Agencies.	..	..	44,083	..		
17. The Press Syndicate .	..	..	37,681	..		
18. J. Walter Thompson Company, Bombay.	..	..	34,222	..		
19. D. J. Kaymer & Co. (India) Ltd., Bombay.	..	..	37,101	..		
20. L. A. Stronach & Co. (India) Ltd., Bombay.	..	..	66,765	..		
21. Adarts Ltd. . .	..	..	31,575	..		
22. D. Sevza c/o L. A. Stronach.	..	..	100	..		
23. Yog Raj Chopra, Calcutta.	..	..	110	..		
24. Creative Publicity Unit	..	..	23,005	..		
25. D. I. B., Punjab . .	..	..	2,050	..		
26. P. & T.	..	..	2,444	..		
27. Madras Govt. . .	..	..	..	40,400		
28. N. W. F. P. Provinces Government.	..	..	..	10,000		
29. Punjab D. L. Committee.	..	..	..	2,523		
30. Lahore Bureau . .	..	..	..	707		
31. Calcutta Bureau . .	..	..	..	106		
32. Press Advertising .	..	..	..	14,665		
33. Posters . . .	..	..	..	14,194		
34. Notices on Public Vehicles.	..	..	..	5,247		
Total .	2,34,447	4,86,803	4, 13,806	1,16,598		

WAR DEPARTMENT

	1240-41	1941-42	1942-43	1943-44		
Publicity of the armed forces in the India Command and of Indian troops in other theatres of war.	..	12,000	37,733	1,89,113	(1) Bureau of Public information (2) All India Radio. (3) Public Relation Directorate.	(1) Written propaganda. (2) Oral Propaganda. (3) Visual Propagonda.

NOTE. The statemeent is not complete and it is not possible to giv e the rrquired information without spending on it the time and labour which will not be justified in war time. The incomplete statement itself has entailed much labour and time.

Information promised in reply to part (a) of starred question No. 225, asked by Shrimati K. Radha Bai Subbarayan, on the 14th February, 1945

BRITISH WOMEN FROM THE A. T. S. IMPORTED INTO INDIA

Rank	Number	Consolidated rate of pay
Director, W. A. C. (I)	1	Rs. 1200 per mensem.
Chief Commander	1	Rs. 930 per mensem *plus* Rs. 200 when holding a staff appointment.
Senior Commander	5	Rs. 720 per mensem *plus* Rs. 100 when holding a staff appointment
Junior Commander	19	Rs. 460 per mensem

In addition to the above rates of pay, the following officers of the Auxiliary Territoria Service are also entitled to Japanese Campaign Allowance and War Service Increments at the rates given below :

Rank of officer	War Service Increment	Japanese Campaign Allowance
Senior Commander to Senior Controller.	Rs. 46 per mensem on completion of 3 years' service. A further Rs. 15 per mensem is allowed on completion of each subsequent year's service.	*Nil.*
Junior Commander and below	Rs. 34 per mensem on completion of 3 years' service. A further Rs. 11 per mensem is allowed on completion of each subsequent year's service.	Rs. 46 per mensem.

The total cost on their account amounts to approximately Rs. 2 lakhs per annum.

Information promised in reply to unstarred question No. 14, asked by Mr. Ananga Mohan Dam, on the 21st February, 1945

PAYMENT OF WAGES ACT AUTHORITIES FOR RAILWAY LANDS WITHIN INDIAN STATE TERRITORIES

Total number of persons appointed : 18.

Where no person has been appointed, the necessity for such an appointment has not so far arisen.

Information promised in reply to starred questions No. 771 and 773, asked by Mr. Muhammad Hussain, Choudhury, on the 7th March, 1945

DEFICIENCY OF MUSLIMS IN APPOINTMENTS OF APPRENTICE MECHANIC AT JAMALPUR

No. 771.—(c) Five non-Muslims were recruited as Apprentice Mechanics during 1944 to make up the deficiency of Muslims. One of them was eighth in order of merit and the remaining four 29th, their names having been bracketted.

PREPONDERANCE OF NON-MUSLIMS IN SELECTION BOARD FOR RECRUITMENT OF APPRENTICE MECHANICS AT JAMALPUR

No. 773.—(a) and (b). There is no rule to the effect that particular communities should be represented on the panel of examiners for written examinations held for the purpose of recruitment to railway services. All the examiners appointed by the Railway Administration during 1944, in connection with the written examination held for Apprentice Mechanics were non-Muslims. The Selection Board constituted for the selection of Apprentice Mechanics comprised 3 Europeans, one Hindu and one Muslim. The prescribed procedure for the constitution of Selection Committees was, therefore, not contravened.

Information promised in reply to parts (b) and (c) of starred question No. 872, asked by Mr. Badri Dutt Pande, on the 9th March, 1945

FORCIBLE REALIZATION OF MONEY FOR DEFENCE DRIVE FROM CERTAIN PERSONS IN NAINITAL

As a result of the enquiries made, it has been ascertained that there is no foundation for the allegations made.

Information promised in reply to starred question No. 1015, asked by Shrimati K. Radha Bai Subbarayan, on the 15th March, 1945

WOMEN EMPLOYED IN RAILWAY MINES

STATEMENT giving the information as it stood at the end of *Feb.* 1945

(a) The number of women employed in mines owned by the Railways—		
(i) for under ground work		1,995
(ii) for surface work		13,898
(b) The number of women now working underground who used to work on the surface previous to the removal of the ban on such work		519
(c) The number of women working underground who are not wives of men miners working underground in mines.		471
(d) The number of boys and girls between the ages of 12 and 18 working uuderground in Railway Mines.		Boys 124 and girls 28
(e) The average wages of the miners referred to in (a) and (c) and the dearness allowance.		The average wage and dearness allowance of miners vary from colliery to colliery as shown below :—
	Minimum	Maximum
Wage— underground	0 6 3	0 12 0
Surface	0 4 0	0 7 6
Dearness allowance	0 4 0	0 6 9
(f) Whether the physical condition of these miners is medically examined before they are employed for undergrouud work, and, if not why not.		Yes ; the latter part of the question does not arisse.
(g) The facilities provided by the Government for medical aid, care of infants and children of women miners and for protection of their homes when they are working.		Free medical attendance and free medicines are provided. Chowkidars are engaged to look after the homes of women miners when they go out to their work. There are no special arrangements for the care of infants and children of women miners but there are many elderly women who are not employed by the colliery and who are engaged by the workers to look after their children. Qualified midwives are attached to each colliery to help in maternity cases.

Information promised in reply to starred question No. 1028, asked by Prof. N. G. Ranga, on the 15th March, 1945

BOOKING AND TRANSHIPMENT FACILITING FOR GROUNDNUT OIL FROM METRE GAUGE TO BROAD GAUGE AND VICE VERSA

The booking of commodities between points involving transhipment between gauges is discouraged as for as possible in order to reduce the demand on wagons and to prevent congestion at transhipment points. There is no general prohibition however, and essential movements are allowed.

No assistance is given to movements of groundnut oil from places on the metre gauge section between Guntur and Bezwada to places on broad gauge sections Bezwada-Nellore and Bezwada-Vizagapatam. As groundnut oil is produced on the Bezwada-Vizagapatam section and is exported from there, there is no necessity to move other groundnut oil to that section. Similarly, there appears to be no justification for movements of groundnut oil the Bezwada-Nellore section.

Government is not prepared as a general rule to assist the movement of any commodity to a surplus area, particularly when such movement would involve transhipment between gauges.

Information promised in reply to starred question No. 1085, asked by Mr. Abdul Qaiyum, on the 19th March, 1945

HEALTH OF DR. YUDHVIR SINGH

Dr. Yudhvir Singh, does not suffer from any organic disease in his system. He was an indoor patient in the jail hospital from 30th January 1945 to 10th February 1945 as a case of colitis. He has lost 13 lbs. in weight but the general state of his health is satisfactory.

Information promised in reply to starred question No. 1143, asked by Mr. Muhammad Ahsan, on 20th March, 1945

ABSORPTION OF A. R. P. STAFF ON BENGAL AND ASSAM RAILWAY

(a) and (b). The surplus staff of the A. R. P. organization which comprises 200 Hindus, 116 Muslims and 2 members of Other Minority Communities, are being absorbed by the Bengal and Assam Railway in a temporary capacity. With a view to adjust the Muslim quota, future recruitment of non-Muslims as far as possible, has been suspended by the Railway Administration.

Information promised in reply to starred question No. 1152, asked by Hajee Chowdhury Muhammad Ismail Khan, on the 20th March, 1945

NON-APPOINTMENT OF MUSLIMS AS ASSISTANT MALARIOLOGISTS ON BENGAL AND ASSAM RAILWAY

(a) to (d). Government are informed that the post of Assistant Malariologist on the Bengal and Assam Railway was advertised only once in 1944. In response to this advertisement only 13 Hindus applied, of whom six were approved in the final selection held on 5th September, 1944. No advertisement was issued by the Railway in 1943.

(e) For want of suitable applicants, the Muslim quota could not be maintained.

Information promised in reply to starred question No. 1164, asked by Mr. Muhammad Nauman, on the 20th March, 1945

MEDICAL OFFICERS, ETC., ON OUDH AND TIRHUT RAILWAY

(a) The statement below gives the required information:

Designation	Total Number	Number of Muslims
District Medical Officers	3	*Ni*
Medical Officers	34	12
Sanitary Inspectors	4	2

(b) to (d) Of these categories, only 5 Medical Officers were appointed during 1944. Their vacancies had been advertised in September, 1944, in the following newspapers:—

The Statesman, Delhi and Calcutta.
The Pioneer, Lucknow.
The Indian Nation, Patna.,
The Search Light, Patna.
The Leader, Allahabad.
The Christian Layman, Allahabad.
The O. & T. Railway Traffic Gazette.

2 of these Medical Officers were Hindus and 3 Muslims. Two of the Muslims were taken directly, all the other candidates being appointed after selection by a Selection Board.

(e) The reply is in the negative.

Information promised in reply to parts (b) and (c) of starred question No. 1296, asked by Lala Sham Lal on the 23rd March, 1945

PROSECUTIONS ON NORTH WESTERN RAILWAY UNDER NATIONAL SERVICE TECHNICAL (PERSONNEL) ORDINANCE

(b) Government are informed that from an examination of current personnel files of the Electrical staff on Karachi Division no case of a person having tendered his resignation on grounds of bad health can be traced.

(c) Does not arise in view of the reply to part (b).

Information promised in reply to part (c) of starred question No. 1440, asked by Dr. Sir Zia Uddin Ahmad, on the 28th March, 1945

LOW SALARIES AND OTHER GRIEVANCE OF STAFF ON OUDH AND TIRHUT RAILWAY

The District Traffic Superintendent in charge of Travelling Ticket Examiners is a resident of Azamgarh District. He has one son employed on the Oudh and Tirhut Railway in the capacity of a Permanent-Way Inspector.

Information promised in reply to part (b) of starred question No. 1500, asked by Mr. Ram Narayan Singh, on the 2nd April, 1945

COWS, ETC., KILLED FOR MILITARY PURPOSES

Year	Cows	Goats	Sheep	Total
1939-1941	..	..	..	*Nil.*
1942	883	..	..	883
1943	14,504	..	88	14,592
1944	6,036	9	411	6,456
1945	381	..	..	381
TOTAL	21,804	9	499	22,312

Information promised in reply to parts (a) to (d) of starred question No. 1656, asked by Mr. Ananga Mohan Dam, on the 5th April, 1945

NATIONAL SAVINGS FORTNIGHT HELD IN DELHI

(a) Yes.

(b) Yes, except that the Committee has since resolved that certificates (of two classes) should be given, instead of letters of commendation.

(c) Authorised Agents who have collected Rs. 25,000 or more. 21.

Authorised Apents who have collected not less than Rs. 10,000 but less than Rs. 25,000. 29.

(d) The certificates have not yet been handed to the recipients for the reason that the collection of final figures from the authorised agents who number altogether some eight hundred has only recently been completed.

SHORT NOTICE QUESTIONS AND ANSWERS

CLOTH FAMINE IN BIHAR

Mr. Satya Narayan Sinha: (a) Is the Honourable Member for Industries and Civil Supplies aware that there is an acute famine of cloth in Bihar for the last few months and it has been aggravated recently on account of marriage seasons when the rich and the poor all require cloth for the ceremonies?

(b) If the reply to above be in the affirmative, what steps is he going to take to relieve the situation there?

The Honourable Sir M. Azizul Huque: (a) I am aware of the cloth position in Bihar. I take it that even though this is the marriage season which has created certain temporary difficulties, the Government of Bihar is doing its level best to deal with the situation.

(b) Having regard to the general cloth position in the country, I can assure my Honourable friend that I shall do my best in the matter.

Mr. Satya Narayan Sinha: Has the attention of the Honourable Member been drawn to a report which has been published that all the shops in Patna were forced to close down because of the great rush of people for purchasing cloth?

The Honourable Sir M. Azizul Huque: I have seen press report to that effect.

Mr. Satya Narayan Sinha: That gives you an idea of the situation prevailing there.

The Honourable Sir M. Azizul Huque: I have seen the press report.

Mr. Ram Narayan Sinha: What are the steps which the Honourable Member has taken to relieve the situation?

The Honourable Sir M. Azizul Huque: All possible steps that can be taken. I have got to send supply to Bihar without doing any harm to other parts of India. That is the only step I can take.

NATIONALISATION OF HEAVY INDUSTRIES

Sri K. B. Jinaraja Hegde: Will the Honourable Member for Planning and Development be pleased to state:

(a) whether it is a fact that the Standing Committee for Planning and Development recommended the nationalisation of heavy industries in the country; if so, what the industries coming under that category are; and

(b) whether the recent 1970-75 loan of 40 crores issued by the Government of India has anything to do with the starting of heavy industries in the country; if not, what the purpose of the loan is?

The Honourable Sir Ardeshir Dalal: (a) Some members of the Standing Committee recommended the nationalisation of some industries.

(b) No. The loan forms part of Government's borrowing programme for 1945-46 and the proceeds will assist the building up of the Government's resources for purposes of reconstruction during the first effective post-war quinquennium referred to in para. 56 of Sir Jeremy Raisman's speech introducing the Budget for 1944-45.

Mr. T. S. Avinashilingam Chettiar: May I take that it would be more correct to say that a majority of the Members recommended nationalisation of some major industries?

The Honourable Sir Ardeshir Dalal: The proceedings of the Committee are supposed to be confidential and only the inaugural meeting has just been held, even the minutes have not been confirmed, and as mentioned in the report of the Committee on Standing Orders, the issues placed before the Committee and the decisions arrived at will in proper time be reported to the House.

Mr. T. S. Avinashilingam Chettiar: Sir, I am sorry the question has not been understood at all. The Honourable Member said that some members recommended it. I asked him whether it would be more correct to say that a majority of the members recommended it, because that will give us some idea of the position.

The Honourable Sir Ardeshir Dalal: In that case the whole of the proceedings will have to be conveyed to the House in order not to convey an incorrect impression to the public. The best course would have been not to answer this question at all; but I have accepted this short notice question and gone out of my way to give this answer.

Mr. T. S. Avinashilingam Chettiar: Having accepted it will the Honourable Member be more exact and represent the proceedings of the Committee more correctly?

The Honourable Sir Ardeshir Dalal: Only three industries were recommended for nationalisation by a majority.

Dr. Sir Zia Uddin Ahmad: Can the Honourable Member mention the names of those industries?

The Honourable Sir Ardeshir Dalal: I am not prepared to go into any more detail.

MESSAGE FROM THE COUNCIL OF STATE

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

"I am directed to inform you that the Council of State at its meeting held on the 11th April, 1945, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on the 2nd and the 3rd April, 1945, namely:

1. A Bill further to amend the Factories Act, 1934;
2. A Bill further to amend the Indian Companies Act, 1913;
3. A Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941;
4. A Bill to repeal certain enactments and to amend certain other enactments;
5. A Bill further to amend the Indian Army Act, 1911; and
6. A Bill further to amend the Indian Air Force Act, 1932."

DEMAND FOR SUPPLEMENTARY GRANT FOR 1945-46—RAILWAYS—contd.

DEMAND NO. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the supplementary demand for Rs. 82,00,000 in respect

of Railways moved by the Honourable Sir Edward Benthall. Does Mr. Neogy wish to move his amendment?

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Deshmukh who gave notice of another amendment is absent. Therefore Mr. Ayyangar will continue his speech.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I do not wish to add anything to what I have said so far as the first clause is concerned. As regards the supplementary demand itself I should like to make an observation. This is an unusual supplementary demand and it ought not to be made a precedent for the future because it would open the way for other demands that are thrown out by the House during the budget Session to be brought up later on during the same Session when the House is thin or Government have got a majority. Therefore I suggest that such a practice ought not to be followed. Even if, as has happened now, the demand is thrown out by mistake, a supplementary demand in the same Session should not be made.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member suggest that it is not in order?

Mr. M. Ananthasayanam Ayyangar: No, I do not say that. I am aware of the rule which says that a supplementary demand may be brought in even though the policy was not accepted regarding that matter in the Session itself or otherwise. But I urge that in the case of Resolutions the same matter when it is thrown out ought not to be brought in the same Session; and in the local bodies like the municipalities there is a provision that when a resolution is thrown out it will not be brought in for three months after that.

Mr. President (The Honourable Sir Abdur Rahim): There is a distinction between a Resolution and a demand.

Mr. M. Ananthasayanam Ayyangar: It is true, but the difficulty is that we are getting thinner and thinner as the Session is coming to a close. Government may summon all their resources at any time. Therefore in the interest of propriety and justice to the House this ought not to be made a precedent. That is all I wish to say regarding the supplementary demand; and in as much as the demand was thrown out by a mistake I heartily support the restoration of the grant.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, regarding this new move for the restoration of the grant of Rs. 82 lakhs which had been thrown out, I wish to say just a few words. It would be idle to deny that some good has come out of the rejection of the grant. It would also be idle to forget that the Honourable War Transport Member is today in a different mood to what he was in when he was moving for the original demand of these 82 lakhs. Then he was in a more militant mood; and at that time outside capitalist interests which were looming large in the background, were prowling around this House hoping that they would be able to get a substantial share in the new road transport companies which were going to function in the future. Whether the cut was tacked on to the right grant or the wrong grant is not a matter of much consequence now; but the decision which has been arrived at between the War Transport Member and the Leaders of the Parties in the House about road-rail co-ordination is a just decision, a good decision; and in as much as it has involved a change in the attitude of Government it shows that better counsels have begun to prevail on the other side. And we hope that in other and larger issues also, the Government of India, before it becomes extinct will bow before the inevitable and act according to the desires of the elected part of the House.

I am not going to criticise the decision which has been arrived at. I have read the decision; and I have read the agreement, and I think it is a fair agreement. We were very much concerned about the fate which was going to overtake all those people—individuals and companies—who were at present

[Mr. Abdul Qaiyum.]

running our road transport in different parts of the country. We really felt that they were not having a square deal. We were also conscious of the fact that the road transport companies were not in a position to give that efficient service to the public which the public desired, even though they were charging amounts which were almost the same that the railways were charging. But the amenities and comforts which even the defective railway system provides to the public, were lacking in the case of the road transport companies. All the same we were very anxious that these people should not be unceremoniously thrown off the road. These people were experiencing a lot of difficulties because the new trucks which were reaching this country under the lease-lend arrangement, were not being given to them. They were having difficulties in the matter of getting their licenses renewed; and very large capitalist interests were trying to influence the provincial Governments and the provincial road transport authorities to give them a dominant voice in the formation of new companies.

I am glad that the new arrangement which has been arrived at, is very satisfactory, because the railways will have a share in the road transport services. We welcome the participation of the railways because, after all, the railways belong to the people; and if there are any benefits which are likely to accrue, they will also go to the public treasury and will be available for the use of the public. It is also a good thing that the Provincial Governments will come in and take a share in the road transport companies. But the most redeeming feature of the new scheme is that large capitalist enterprises, some of which were foreign, will not be allowed to come in; but any shares which are left over after the three categories have exhausted their quota, namely, the railways, the Provincial Governments and the existing road transport companies, will be thrown open to the public. This is the most welcome feature of the scheme and, at the same time, as the Honourable Member said in his speech, "Shares offered to the public will be spread over as large a number of shareholders as possible with, if it can be arranged, a restriction on the voting power in order to prevent individual capitalists from a controlling interest".

This is a very welcome sign and a very welcome decision, but there is one thing which is laid down in para. 13 to which I wish to draw the attention of the Honourable the War Transport Member. Like some of my Honourable friends, I am not going to criticize the agreement, because I have said I fully accept the agreement which has been arrived at by my Leader and which I think is the best in the circumstances. But at the same time I must say that very much depends on the spirit in which this agreement or post-war policy is to be worked. I hope and trust that the old spirit under the old policy under which these road transport people were being unceremoniously crowded out, will cease to be enforced and that a new spirit will be at work; and that this agreement will be worked in the spirit in which it has been arrived at by the Parties in the House which had absolutely different views on the subject.

There is one thing more on which I wish to draw the attention of the Honourable Member. In para. 13 it is stated:

"Finally, the discussions have shown that there is considerable concensus of opinion, that in the formation of road transport companies managing agencies should be avoided"

This is all to the good. But we find further on:

"This principle is fully accepted by Government, but it is possible that certain Provincial Governments or certain Railways who may have already gone so far with negotiations with road transport interests that they are to a large degree committed to a managing agency."

The Honourable Member has stated, in the course of this agreement, that he would try to induce the Provincial Governments to fall in line with the all-India policy. It is a very desirable object; and I want the Honourable the War Transport Member to bring his power of persuasion and also his gentle pressure—which he knows how to do—to bear upon the Provincial Governments, especially those Governments which are under Section 93, and

say that the managing agency system is not to be brought into practice and that those who have committed themselves should be induced to terminate these agreements if they can conveniently get out of it.

So much about the agreement. The agreement is all to the good and much depends on the spirit in which it is going to be worked. But speaking purely personally for myself, I say that I am of the opinion that the policy of *laissez faire*, or cut-throat competition, as it is laid down in this agreement, is a very bad policy indeed. I do not see eye to eye with one item namely that a unified road-rail co-ordination policy for India is a utopian measure. It is a dream which is not likely to come into existence very soon. That is a frame of mind which does not appeal to me. We must in this country have a scientifically planned rail-road policy and it should be an all-India policy. They should all work under the same principle and it should apply to all the various parts of the countries. We want uniformity, and without uniformity and co-ordination it would not be possible to work this arrangement in a satisfactory manner.

Therefore I want the Government of India to get out of this idea that it is a mere dream which is to be realized sometime in the distant future. I am not one of those who believe that the Government of India is so powerless, that the Government of India is so helpless that they cannot do anything in securing uniformity of policy, a co-ordination between the rail and road transport, and that they cannot do anything in the matter. I want them to have a well-planned policy for the whole of India, and I am sure that all the enlightened Provincial Governments, especially those that have been elected on the popular ticket, will not stand in the way because where the larger interests of the country are concerned, provincial prejudices, I am sure, will not be allowed to militate against an all-India policy.

Sir, I commend this agreement to the acceptance of the House; but I do repeat once again, before I resume my seat, that I want the Honourable the War Transport Member to see that the agreement is worked in the spirit in which it has been arrived at, because that is of the greatest consequence. There is a sort of lurking fear in the minds of those who are running the road transport services. It is quite possible that the fears are exaggerated; that the fears have no foundation whatever; but much will depend on the spirit in which it is worked; and I hope that this agreement will be put into practice and will do away with a lot of evils which are afflicting our road-transport services at present.

Sardar Sant Singh (West Punjab: Sikh): During the course of the passage of the Motor Vehicles Bill in this House in 1928, those of us who participated in the debates of those days were afraid that the aim of the Bill was not really railroad-co-ordination but domination by the railways over the road transport services. Dr. Sir Zia Uddin in the course of his speech warned the Government in this respect when he was making his observations on the Bill. His words were: "It will seriously affect the road service in this country." That was his observation then; I do not know what his present attitude is with regard to this supplementary demand today. At the same time, Sir Kenneth Mitchell while assuring the House, used this expression: "I deny that the Bill enjoins forced partnership between motor transport and State Railways." That was the understanding given to the House at that time. My Honourable friend, Mr. Bhulabhai Desai during the course of his speech gave expression to the same fear. While discussing the same question of co-ordination, he said: "This clearly shows domination of the Railways and not co-ordination which is alleged to be the motive for passing this Motor Vehicles Bill."

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): That was in 1938. Now we are in 1945.

Sardar Sant Singh: What difference has that made. During the seven years which have elapsed the Railway Board have gone back on that policy, which probably is due not due to experience they have gained but because they have got powers under the Defence of India Rules. They are utilizing this power to the fullest extent. The import of motor vehicles stopped due to the war. Later on, when the vehicles were imported, they were to be disposd of by

[Sardar Sant Singh.]

the orders of the Government according to their wishes, so that the Railways seem to have taken advantage of this and have tried to acquire those vehicles for their own purposes. The result has been the change in policy. My submission with regard to this supplementary demand is that the new policy which they now want to lay down has formed the basis of some agreement between the Leaders of the Parties and the Government in entirely controlling the road transport of the country. As it has been agreed to by the principal parties in the country, it is no use crying in the wilderness and opposing this, but it is certainly of use to protest against this new policy which has been adopted over the head of the transport operator.

If the present policy is to continue, Sir, and to be given effect to, then in that case I will ask the Railway Board to give a definite assurance to the operators. This will go a long way to satisfy their fears. The first assurance that I want is that in the proposed scheme of co-ordination, the operators want to be assured that they will have an equal voice with the Central Government-*cum*-Provincial Government and not one-third as at present—the provincial interest, the Central Government interest and the operators' interest. What they want is that the operators will have an equal voice in the formation of policy and the settling of the details as the two Governments will have in the future working of this policy. With this is allied the question of financial contribution to the scheme of things, the operators portion of the financial interests in the scheme should be equal to that of the two Governments. The third point on which they want an assurance from the Government is that the present permit holders want to be guaranteed their present position till the new policy takes shape.

An Honourable Member: Who is to be guaranteed for?

Sardar Sant Singh: Operators. That is to say in the motor transport the *status quo* is to be maintained. What they mean is that no new permits are to be issued to outsiders. The present permit holders will not be denied the renewal of their permits and they will be allowed to continue until the whole scheme is settled and in working order. Before this policy takes shape certain settlements will have to be made with those who are engaged in this industry today and those settlements may contain several points of dispute and controversy between the parties. The operators desire an assurance that in the matter of assessment and settlement of other details, if there is a difference of opinion and dispute, the matter will be referred to arbitration of some judicial officer of a high standing so that they may have an opportunity to place their point of view and get a decision upon those points.

Then there will be the question of fixing of zones, deciding of routes and similar other matters. In this the operators desire that their wishes as expressed through the All-India Motor Congress Union should be considered seriously before any policy is decided upon. The Honourable Member in charge of War Transport laughs over these things. I am unable to appreciate this laugh but I want to know whether he has in mind some other body, some other institution, which he wants to consult in this matter. So far as the motor union is concerned, I understand that there is only one union, the All-India Motor Congress Union. There is no other rival body. There will be no difficulty in consulting their representatives in this matter. In several other departments of life there are rival institutions but it is peculiar to this institution that there is no other body which will stand in the way of the authorities consulting it or even questioning the right of this body to represent them in this connection. I would like, Sir, that this assurance should be held out before this new policy is put into practice. I agree with Mr. Abdul Qaiyum when he said that this agreement goes to some length. Now it is to be seen in what spirit it is to be worked. The spirit in which this agreement is to be worked will be the spirit which will mark the progress of this new experiment in this sphere of life.

I will therefore suggest that instead of using the usual methods which have been used in this country in most departments of life, namely bringing coercion to bear upon the weaker party, if it is to be a partnership, each partner

should have equal rights to modify the policy and to work the details. If this assurance is held out I am sure that this policy will be acted upon in the spirit which will advance the interest of the railways as well as roads concerned.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): We are discussing this very important point and the subject is. . . .

Mr. President (The Honourable Sir Abdur Rahim): It has been very fully discussed too!

Mr. Lalchand Navalrai: Let me remove the fear of the Chair that I will speak for long. What I mean is that it has been discussed, no doubt, but I think it has been wrongly discussed. In other words, it is a subject which has been discussed in a roundabout manner. The real issue is only a small demand that has been asked to be passed by this House. So far as the demand is concerned, there is no objection to allow that demand. But I wish to understand if the Government is really serious and honest in laying down a certain policy of co-ordination with the motor concerns. The fear with me is this that to my knowledge from past practice I have reason to believe that the Government has hitherto not done any co-ordination with the motor concerns but has on the contrary dominated them and competed with them. Therefore the main question is: is this co-ordination or is this competition? If it is competition, then the motor industry will be ruined, as they have been prejudiced up to now. I know that just before the war motor concerns were flourishing, because there were no obstructions or restrictions against them. Then the railways became greedy. Though they were earning so much themselves without giving proper conveniences and by overcrowding in trains, yet they wanted to earn from these motor transports also. With that view they began first of all putting obstructions in the way of the motor concerns by saying that motors should not work on roads parallel to the railways. Then they said that motor companies ought to be licensed and that there ought to be Inspectors over them. Then the war came and they put handicaps in their way. In other words, they do not get any petrol nor motor cars. Therefore the motor concerns have more or less been ruined. Therefore if a similar policy is going to be laid down I strongly object to it. I think the House will agree with me that if the former practice is going to be followed, then motor concerns will be stopped altogether and the railways would work their own motors to the prejudice of the private concerns. But they cannot do so to the extent which is required in India. If they are unable to do so, then they have no business to put any obstructions in the way of motor concerns.

My Honourable friend Mr. Abdul Qaiyum said that the Leaders of Parties have come to some understanding with the Honourable Member regarding the scheme, as he called it. I do not know what it is. But I submit that my leader will throw light on this more than I can but I feel that the understanding that may have been arrived at between the Leaders and the Honourable Member (to which of course our Party must also have been responsible) is not a complete agreement from what I have heard and seen in the papers. It is a summary understanding tentatively arrived at and is subject to the consent of the local Governments. If that is so, then it is nothing. I know Mr. Abdul Qaiyum appealed to the Local Governments to accept this. Do not bind them that way. Leave them free and let us see if they agree, because they know more about the interests and the welfare of motor concerns.

Mr. Abdul Qaiyum: Including the Sind Government?

Mr. Lalchand Navalrai: Certainly the Sind Government is sometimes very wide awake.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Not always.

Mr. Lalchand Navalrai: What I am submitting is this that the negotiations that have been done cannot be accepted by the House all at once. Whatever arrangements may have been made, the Provincial Governments have to be consulted as also associations representing motor concerns.

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I think I should perhaps point out at this point that there

[Sir Edward Benthall.]

are no arrangements with the Leaders of Parties or anybody else save those contained in my speech which sets forth the policy of the Government.

Mr. Lalchand Navalrai: That speech was read here and I also read it in the papers but I do not think it is very easy to understand what the real spirit underlying that is. It may be as you say but what is the guarantee that it will be practised? The other day he did make a statement and if he had not made it this question would not have come before this House. Once it was refused and therefore the Honourable Member had to induce (I do not say seduce) us to accept the scheme. It should be considered after consultation with those bodies which are concerned in these matters and then after the scheme has matured it must come before this House. It is only then that we will have to consider it. Therefore I would request the Honourable the Railway Member that if he has to do any co-ordination with them, we have no objection, because otherwise he will be very strong and will ruin the motor industry, even though he may not supply proper motor conveniences and even though the trains may go overcrowded. Therefore I submit that fair and just co-ordination may be done but not discrimination or domination over them. This is the main point I am submitting to the Honourable Member and the House and all those who have been negotiating the scheme. Past experience has taught us how domination goes on. Honourable Members will remember that in the beginning when the question of deciding the relations between the motor transport concerns and the railways came up, there were many representations. Even books were written on this subject and sent to us and to the Honourable Member. Now the grievances are all there. They have to be considered. There is no more loose talk required. You are actually planning. You are laying down a definite scheme. I do not propose to speak more but I know that the Honourable the Leader of my Party will make it plain as to what we have agreed to and what my Honourable Leader has actually said. So far as I understand any talk that has taken place up to this time was only for war time and not for planning after the war.

Mr. Abdul Qaiyum: It is post-war policy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member would do well to leave it to his Leader to clear it up.

Mr. Lalchand Navalrai: My submission is this that nothing is clear to us. No agreement is final. Therefore very great care should be bestowed on this question and any consent given to it either by this House or the public should be done with the greatest caution.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, before going into the merits of this matter I would like to congratulate the Honourable Sir Edward Benthall on the new method that he has devised. It is really a welcome feature that Members of the Executive Council, before making serious and sound proposals, should take the Leaders of Parties into their confidence. He has done well in this matter and I hope this example will be followed by others also. I would like also to congratulate his lieutenant at his back, Mr. Zahid Hussain, who, I understand is leaving the Government of India for another place. During the very short time he has been here in this Assembly, he impressed me well, anyway, and I wish him good luck in his new sphere of activity and I hope he will have greater opportunities for doing good to the people of that portion of the country.

12 NOON

Coming to the merits of the statement, I generally support it; and while doing so, I would like, if I may, to give a few constructive suggestions for improving it. One statement in this agreement, or, as I would like to call it, statement,—in para 13—has created some misgivings. In the latter portion of para. 13, while condemning the managing agency system, the Honourable Member goes on to say:

> "This principle is fully accepted by Government, but it is possible that certain Provincial Governments or certain railways may have already gone so far with negotiations with road transport interests that they are to a large degree committed to a managing agency."

I have been pursuing this question for some time, and in answer to questions I have not received a definite reply till now that any Provincial Government or any railway has committed itself to any method at all till now. I have it in black and white from the Honourable Member himself that no province has come to a decision over this matter and no railway has come to a decision. If that is so, I do not see that there is any necessity for this reservation. I would like him to say here and now which province and which railway has definitely committed itself. As far as I know, from the questions which the Honourable Member himself has answered, no province has committed itself to this managing agency system: in fact no decision has been come to anywhere: we have it on the authority of the answers of the Honourable Member. This is how it happens: you concede a law and make a proviso which takes away all the liberty that the law gives: sometimes it happens like that; but I trust it will not happen in this case, that while condemning the managing agency system there is this clause in para. 13 which saves the managing agency system in cases where the agreement was arrived at before this was put into action. I hope that will not happen and the statement of the Honourable Member that the managing agency system will not be resorted to with these companies will be a cherished fact when it comes into action.

Now I come to the other considerations. Any plan for road transport must satisfy two conditions. One is that it must give justice to the present investors and give the utmost help to develop the future transport industry of this country on good lines. I find an attempt has been made to meet the present investors. While generally accepting this, I would give him only two suggestions, if I may do so. One is this: when you consider the investments from the present investors, you will have to create machinery by which you will properly evaluate the present investments in road transport. I hope he will constitute the proper machinery for that purpose. It is difficult to say anything more definite about it now; it must be left to the future arrangements, that may be made under this statement. While on this matter, I would refer to para 11. That para. says emphatically that large capitalist interests outside the motor transport trade should not be allowed to seize this opportunity to secure a hold on the country's transport. But what about the present large capitalist interests. We are afraid that all these things will come to light in the working.

As far as Madras is concerned. I know that interests which are mainly European with Indian names, with names of Hindu gods and goddesses, have taken hold of this trade today and we do not want any concern to be in the hands of foreigners. I can understand that while accommodating Indian investors you have also to accommodate the European investors and treat them on a par with Indians. But I would like to give him a constructive suggestion as a way out. Road transport is going to be in the future as important as the rail transport because it will have many branches into the villages. In future I think it will be as important, if not more important than the rail transport. In those circumstances I would not like that this large national transport industry should be in the hands of companies whose objective will be profit. I give two constructive suggestions in this matter. Just as when the railways were registered a clause was put in that the railways can be acquired by the State after a certain number of years, at a certain rate, I should think that whenever companies are floated, admittedly to suit present conditions, the future should not be mortgaged to them eternally. A clause must be introduced into those contracts that after a certain number of years—10 or 12 or something like that—it must be open to the Government, Provincial or Central, to acquire those companies. It is not a new thing. Such provisions do exist in the case of railway companies which run the railways today and it is under that provision of law that the major railways in this country have been acquired by the State, and I would like to ensure for the State that when the occasion arises, that it may be possible for them to acquire these transport concerns. While doing that, I would like to put in another restriction that the dividends that might be paid by these companies should be limited. I do not want the shares of these transport companies to go into the money market

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and become a matter of speculation. There is always a degenerating effect when shares are purchased at a higher value. When shares are purchased at a high value the tendency is to get more profit that always degenerates the service that it can give. So I do not want that the shares of these transport companies which we are forming today in 1945, knowing the full assets of the existing organisations—I do not want these shares to go into speculative markets: I want to put a limit on the profit of these shares, so that the main objective of these companies will be public utility and not private profit. I hope that these two suggestions will be considered by the Government and will be incorporated in any agreement with any company that may come into existence.

While organising these companies, I would like him to organise them on a smaller basis rather than on a larger basis. I will make myself understood presently. If a company is floated for the whole province—Madras or Bengal, the money that will be required will be to the extent of Rs. 50 lakhs or a crore, and the manager or the managing director, whoever he may be, that may be chosen for that company will necessarily be a company or a set of private individuals who will contribute a very large amount. This has two disadvantages. One is that it will drive the management into the hands of capitalists, Indian or foreign and that the smaller bus owners can only be clerks in those companies and efficiency also will suffer if these companies are allowed to manage large areas. Considering these three disadvantages, I would submit, that these companies should be formed for managable areas; it may be two districts or three districts or one district, so that smaller men can become managers or managing directors in those areas and then the management will be in greater touch with the people whom they serve. I would suggest that that view may be considered. Companies should not be organised for huge areas which may become unmanagable in future.

Another point which I would put to the Honourable Member is this. When shares are issued to the public, they should be issued on the model of the Reserve Bank. The point I want to make is this—that they should be distributed, just as the shares of the Reserve Bank have been distributed, over a large number of people. Sometimes political significance is attached to them and many rich people may corner those shares. But in spite of it these shares if they are issued must be issued on the Reserve Bank model.

These are the few constructive suggestions which I thought may be of benefit to the Railway Member. I hope he will give us his considered opinion over these suggestions and I hope that his statement, when it comes to action, will really work in the best interests of this country.

Dr. P. N. Banerjea: Sir, so great is the prestige of democracy in these days that even a multi-millionnaire like my Honourable friend Sir Cowasjee Jehangir takes pride in calling himself a democrat. I do hope and trust that the day will soon come when he will become a true democrat after giving away his huge wealth for purposes of public benefit. Until then, we shall call him a pluto-democrat. On the other hand, I am a poor man; I am a common man, a man belonging to the demos and therefore I am a real democrat. Now, if a pluto-democrat like my Honourable friend Sir Cowasjee Jehangir considers it his duty to consult his party of one member. . . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not think that Sir Cowasjee Jehangir is under discussion.

Dr. P. N. Banerjea: No, no. He is not under discussion I am paying him a compliment.

I feel that it is more incumbent on me to consult my party on an important question like this. Therefore, I did call a meeting of my party and after very careful consideration my party came to a definite decision on this question. My party was prepared to restore the grant of 82 lakhs in the Railway Budget for the purpose of easing the transport situation in the country at the present moment. But my party was not prepared to commit itself or the country to a post-war

transport policy. That was the position of my party at the time when the meeting was held. We knew that there was a great deal of congestion on the Railways both in respect of passenger traffic and in respect of goods traffic and it was the desire of my party to help to relieve the situation if such a relief was possible by making temporary arrangements on the road. At the same time my party felt that it would be wrong on our part to tie up the hands of the future Central Government or the future Governments in the provinces with regard to a post-war policy of road-rail competition. I communicated this decision to the Honourable Transport Member both verbally and in writing, and I and my party still hold that opinion.

In this connection I am free to admit that the Honourable the Transport Member during the discussions which we had with him showed a very democratic spirit and he accepted almost all our suggestions. But, Sir, the fundamental difference between him and ourselves still remains. He wants to commit us to a policy of post-war rail-road co-ordination, but we want to help him in respect of arrangements which he may consider suitable for the duration of the war. That is the point of difference between us. Now, Sir, as he has already shown a great deal of democratic spirit, I would request him to go a little further and try to bring about a solution of the difficulty. The Honourable Transport Member made a statement the other day and he also made a speech when he introduced the Railway Budget. Let him treat the views expressed by him as his personal opinion on the transport policy. But I would request him not to impose this opinion on this House. Let there be freedom on both sides. Let him stick to his own opinion, but let him also give freedom to us so that we may be able to raise this question, if necessary, at a later stage during the life of the present Assembly or that the Central Government of the future or the future Governments in the provinces may have their say in the matter. If we divide this question into two parts, namely, the present arrangements for the duration of the war and the post-war transport policy, there will be no difference existing between him and ourselves. I hope that the Honourable the Transport Member who has agreed with us to a very large extent will not deny us the opportunity of meeting fully his desire with regard to the restoration of the demand. We are prepared to restore the demand, but we are not prepared to commit ourselves to a future rail-road co-ordination policy. That is our position. But I hope and trust that the Honourable Transport Member will agree with us in thinking that the future may be allowed to take care of itself. Sir, I am prepared to support the restoration of this grant without prejudice to the future.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I join my friend on the other side in congratulating the Honourable the War Transport Member for the new policy that he has laid down, namely, to consult the Opposition before bringing in his grant which had been rejected. That is what he said the other day. Sir, I am not one of those who ever felt that there will be no good out of consultation with anybody on any question in which the other man is interested. It has always been the practice in civilised countries that the opposition leaders have been taken into confidence. A similar practice was started in this House in 1938, but unfortunately that practice has been given up. It was on the question of sending the Indian troops beyond the Indian frontiers that the Government through Viceroy made it a point to discuss or at least to lay before the Opposition Leaders, Mr. Bhulabhai Desai and Mr. Jinnah, their policy. It was a very welcome move on the part of the Honourable the War Transport Member that he has thought it fit to consider that the Opposition may be taken into confidence. Very recently, when we were discussing International questions, I did point out, and so did my friends on the other side, that many agreements were being made by Government with other Governments but there were always confidential arrangements attached to them which were not known to the public. It has invariably been the practice in other countries that whenever the Government made an agreement with any other party, there have been two agreements, one was the agreement for the public and it is a

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well-known fact that the other agreement which was there had always been communicated to the Leaders of the Opposition. I ask my friends on the Treasury Benches to insist why should they not follow in this country the practice which has been followed in England? Whenever a confidential arrangement is being made by the Premier or by the Cabinet in England and if it is not in the interests of the public to publish it, it is at least placed before the Opposition Leaders. This is an important question as it lays down a principle of rail-road communications and for the future development of our railways and roads. In 1938 we had a full discussion on that subject.

Sir, I do not think it will always be the case that our railways will make huge profits as they have done now. At present they have been able to make huge profits for two reasons. One reason is that they have put up the rates and the second is that they have huge military traffic to tackle but the important thing to remember is that there have not been renewals and repairs as they were necessary. But these conditions cannot last long. The freights and the rates that are being charged to the public at present are exorbitant and the country cannot afford to pay them always. Besides, it should now be realised that the railways are now the property of the Government of India and it is our duty to see that the railways give us such a return as would enable the Government to keep them up at a fair level and also at the same time to keep the rates and freights at a fair level. Therefore, I do believe that the road communications should be made in a way that they do not adversely affect the railways.

When we were discussing road communications, I did point out that the river traffic has also to be developed. We have already found out that river traffic is very essential in times of war, and may I tell my Honourable friend that even the country-craft have been playing a most useful part so far as this war is concerned? The Government have taken care to develop country-craft on the Western coast and they with the steamers and the railways are doing a most useful work. Not only that but it is a well-known fact that in order to relieve the railway congestion, cotton from the Punjab to Bombay side is being brought from Karachi to Bombay by country-craft and the Government pays 75 lakhs of rupees for the insurance charges out of the general revenues to help Railways to keep up this line as well as to protect the business of cotton coming from the Punjab to Bombay via Karachi by means of these country-crafts. In fact, I was often surprised how the Government of India and how the Finance Member could justify spending 75 lakhs of rupees on the insurance of businessmen's cotton that these country-crafts bring from Karachi to Bombay. But I was told that because the railway facilities could not be made available now and these lines should be kept up that the General Exchequer had to pay this amount to keep up these lines and the trade and commerce. But it ought to have been a charge on the railways. My contention is that the railways should pay. But we had created another Fund which is called the War Risk Fund in which we have accumulated nearly 36 crores of rupees and I believe it is out of that fund that these 75 lakhs have been taken and given away. I must say, however, that the insurance rates that the Government in Commerce Department have been able to arrange and to get are very economical rates and although many businessmen do think that this was an indirect way of subsidising some Insurance companies but it is not so. The real fact is that the railways could not cope with the traffic and lines had to be kept up therefore the country-craft had to be encouraged and even the losses which would have been incurred by the merchants and industry were paid by our Exchequer to the tune of 75 lakhs of rupees.

I have stretched this point at some length because I want to impress on the House the development of country crafts and river crafts are as much important as the development of roads, since the railways have become the property of the State. I do hope that the Honourable Member for War Transport will consider the question of country crafts seriously. These country crafts

have been brought into existence, they are being fitted with motor power with small engines. I am sorry to bring to the notice of the House that during the last war 1914-1918 several such important industries which were developed were discontinued as soon as the war was over. This was due to pressure from vested interests. I hope the Government will not pursue a similar policy now after this war is over. I also wish to point out that in making agreements with any gentleman or any company, the points which Mr. Chettiar referred to should be taken into consideration. Shares must be distributed among all classes of people. The shares should not be concentrated in the hands of any single gentleman or big group or very few rich people or otherwise the result would be that they will come to have influential interest in that undertaking which would then stand in the way of development of other resources in the country. Another point I wish to stress is that the agreement should not be entered into for any long period. In fact the agreement which you are going to make at present will be in provinces which are governed by section 93 where there are no popular Legislatures. Honestly speaking I feel the Government of India will advise the Governors of those provinces and they will simply carry out the orders of the Government of India. Of course the Governors will express the views on behalf of their respective provinces, but they will not be the views of the public of those provinces. If the Legislatures had been functioning in those provinces, then those Legislatures could have been consulted. In the absence of the Legislatures in those provinces, I do request that the agreement which you may make should be for as small a period as possible in order that if and when the legislatures come to function they may have the opportunity of expressing their views with regard to the agreement, for its renewal or otherwise. If you make the agreement for a long period, such as thirty years, then the liability will be there. The utmost that the Legislature, when it comes to function, can do is to break that agreement by paying heavy compensation which nobody would like to do. Therefore the agreement should be for a small period and it should also be subject to the condition that it can be brought up with a reasonable time notice before the Legislature whenever those Legislatures come to function.

Unfortunately very recently one of the most imoprtant provinces in India, Bengal, has passed under section 93 regime. The river communication palys a very important role in Bengal. As a person who has had long dealings with Bengal, I can assure the House that development of river transport is very very essential for Bengal, and the railways ought to take the development of river communication much more seriously there than the development of roads. Bengal is not a small province. Everything there depends upon river crafts. Thousands of tons of cargo are discharged in Calcutta harbour through river crafts and everything that comes to Calcutta is taken into its interior through the river. Very little proportionately commercial traffic goes through roads. Moreover very little could be done for roads there because roads cannot be easily built on account of soft nature of the ground and also owing to heavy rains. Therefore, it is equally necessary that river communications should be developed in Bengal simultaneously or much more than road and that too without delay.

Furthermore in forming these companies, one has also got to take into consideration the right of the existing companies to get a fair deal. Small people may be given some help, they can co-ordinate with big companies. Small lines with a range of 15 to 50 miles, with one or two motor buses must be co-ordinated rather than monopoly be given to some big companies for all the roads in the province. The big main trunk roads connecting important cities may be taken over in co-ordination with companies, but small connections which are being run with one or two buses must not be entirely broken. After all by these small connection and otherwise, poeple have a tendency to look to the mechanical development of the country. These small parties and companies become their own workmen, their own foremen, and as such they form a very

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useful limb in the development of industries specials mechanical in the country. In fact for three years after war broke out, we were very very short of motor and other mechanics, and even today, we cannot say that we have plenty or even sufficient member of mechanics, to drive or mend our cars. If you restrict the activities to big syndicates or big groups, then you will take away from the small people the initiative to look to the development of the mechanical side. Most of the people will then have to be contented with small Government jobs. I do beseech that small lines or feeders must be kept up not only that but inducements must be given to small owners by placing more cars at their disposal on easy payment system. You should not always look to a return of four or five per cent as Mr. Gwilt suggested yesterday over the monies that you may advance to these small owners. Every endeavour should be made to make people keep on to some sort of business rather than service and if they get on to the business of motor cars, which they are doing and planning, then it would be a very useful addition to the industries of the country and right employment.

I once more ask the Honourable Member for War Transport and other Honourable Members to take the House into confidence as often as possible and specially to take the Opposition Leaders into confidence as much as they can. If the Treasury Benches do that, then it will make the Opposition to take real and greater interest; otherwise the Opposition would naturally feel much if they are kept unaware of many useful activities of the Government. It is because the Government do not take the Opposition into confidence that makes the Opposition say, what are we to do, are we here only to make speeches and criticise and go away. If you honestly and sincerely take them into confidence, then the Opposition will certainly think it worth while to remain in the House and contribute their best for the betterment and development of their country. You must now definitely give the people their equal rights just as all the people in civilised world are entitled to and get from their Governments.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions Muhammadan Rural): Sir, my Honourable friend Sir Frederick James described the attitude of the Leaders of Parties in agreeing to reconsider the demand which was rejected by the House as a sign of approach of parliamentary mentality. I think, Mr. President, my Honourable friend was not quite correct in his interpretation of this matter. The Honourable Member for War Transport has admitted himself that when this demand was put before the House on the last occasion sufficient information and sufficient material was not made available to the Members of this Honourable House. In other words by rejecting this demand the Opposition Parties had shown that they were vigilant; they have proved that Government generally depend on their luck. And I am glad, Sir, that at least in this case the Honourable Member for War Transport has shown a mentality of responsiveness. As far as we on this side of the House are concerned, I have stated it before and I repeat it again that we always look at every question on its merits. Government should not expect that we would cast our votes blindly, as my Honourable friend Sir Cowasjee Jehangir did on the last occasion and intends to do on this occasion.

Sir Cowasjee Jehangir: Blindly? Why?

Nawabzada Muhammad Liaquat Ali Khan: Because on the last occasion on the admission of the Honourable Member for War Transport himself, he had not placed sufficient material before the House to justify it in granting the money.

Sir, reference has been made to the meeting which took place between the War Transport Member and the Leaders of the various Parties in this House. I think I owe it to the House and to the Honourable Member in charge of Transport to place the correct facts before the House. It has been suggested by some Honourable Members that my Honourable friend Sir Edward Benthall has in an insidious manner brought forward this question of post-war policy with regard to rail-road coordination. Let me tell this House that the Transport

Member would have been only too happy to get his 82 lakhs back without committing Government to any policy whatsoever. It was done at the suggestion, not only suggestion but on account of the pressing proposal that was put forward by us that before we are asked to vote this money we must know what is going to happen with regard to road-rail transport. And I may say that—I do not want to use the word "pressure"—it was persuasion from us that induced the Honourable Member to come forward and place his proposals with regard to future policy. My Honourable friend Dr. Banerjea himself has stated that whatever is contained in the speech of the Honourable Member was agreed upon between us and Government. If some of us have not been able to carry the members of our parties with us the blame cannot be laid at the door of the Honourable Member for War Transport. As far as the Muslim League Party is concerned, I am glad to state that there is no difference between me and the members of my party. We consider that in the public interest it is necessary that the people who are connected directly or indirectly with the question of road transport should have a clear indication of the policy that is to be followed in that respect. Sir, it has been stated by some of the Honourable Members who feel rather apologetic in reconsidering this matter in the form of a supplementary demand that the House was wrong when it rejected this demand because it was not connected in any way with the future policy. I do not agree with them. I think that this demand and what is being done by Government with regard to road transport and the future transport policy are very intimately inter-connected; and therefore when my Honourable friend Sir Yamin Khan had moved his cut to omit this demand from the budget he was justified, and subsequent events have shown that the attitude that was taken by the House on the last occasion was a jutifiable and justified attitude.

Sir, some objection has been raised with regard to the principles that are enunciated by the Honourable Member for War Transport while presenting this demand. Some Honourable Members seem to think that it would be wrong for this House to express any opinion with regard to this question of rail-road coordination. Sir, there are only a few alternatives which can be considered. The first is that the question of road transport should be left entirely as it was in the past, that the road operators should have a free hand to develop the road transport in any manner that they may like. I very much doubt if there is any one in this House who would seriously support a proposition of this nature. The second alternative is that the railways should take complete charge of road transport also. I do not think that that also is a proposition which would receive the approval of this House. The third proposition is that the Provincial Governments to the exclusion of the railways should be given a free hand to deal with the present operators and the question of road transport in any way they like. I feel that the majority of opinion this House would be that that would not be a very desirable proposition either. Then the only other method left is that the railways, the Provincial Governments, the present operators and the public in cooperation should develop the road transport of this country. That is the policy which Government have accepted and which they have placed before this House. Now, Sir, I think what is happening at present in the various provinces is a sufficient argument in support of a general policy which should be followed throughout the country. You cannot restrict a certain policy to a certain area. The question of road transport is one which concerns other provinces very intimately. And it is a matter which is inter-connected between province and a province. It has been shown, Mr. President, that some of the provinces are carrying on in a manner which cannot be described as a very satisfactory one. They have ignored the railways; they have ignored the present operators. In other provinces monopolies are being created for certain big firms and vested interests. So it is necessary that we should have a general policy for the whole of India which we consider as a fair proposition and which is in the interest of everybody concerned. Therefore, I submit that the desire that has been expressed by the Hnourable the War Transport Member that he would be in a better position to negotiate with the provinces if he was assured

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that he had the backing of the Central Legislature, is a very legitimate desire. One of the Honourable Members suggested, "Well, what happened with regard to food; the provinces did not co-operate". For the sake of argument, let us presume that the provinces or some of the provinces will not co-operate with the Honourable the War Transport Member, but if they do not co-operate, we shall not be in a worse position than what we would be otherwise. Therefore, is that any argument that because there is a fear or there is a remote chance of the provinces not agreeing to co-operate with the Central Government in the formation and promulgation of a policy with regard to rail-road transport—is that any argument that we should not even make an attempt in that direction? And, therefore, Sir, I think that it is very essential that this House should give its approval of that policy which has been placed before this Honourable House.

When we were considering these proposals, there were certain principles which we had accepted and there was, I am glad to say, complete agreement between the Government and ourselves. I have already referred to two of the principles. The third one was that the present operators' rights should be protected fully. In other words that in the formation of any company they should be given full shares to the full value of their assets and that I am glad to say is one of the principles that have been put forward by the Government. Now, Sir, there are a large number of employees who are at present engaged in this trade. A provision has been made that in any future development in any future scheme of things, those persons who are earning their bread today shall receive preference in the matter of employment. That, Sir, I think is a proposition which should commend itself to the Honourable Members of this House.

Then, we have accepted another very important factor and that is that in the matter of road transport, no one particular interest—whether it be Railways, or the Provincial Governments, or the present operators—should have supreme control. That to me, Mr. President, seems to be the only policy that we can follow for the time being, and as the whole scheme is based more on co-operation between these various interests than on coercion, it is essential that no particular interest should have a supreme control over the road transport.

At present we sensed a great danger that on account of the inflationary policy of the Government, there was plenty of money in the country in the pockets of a few contractors, profiteers and bribe-takers, and therefore we thought that the road transport should not become a prey of the greed of these people who do not know what to do with their money, and that they should not be allowed to control and take complete hold of the road transport of this country. Therefore, it has been proposed that no capitalist interests outside the transport trade shall be entitled to buy more than a certain number of shares and in that way we have protected the road transport of this country falling into the hands of a few profiteers. My Honourable friend, Mr. Chettiar, rightly suggested that the method which may be devised to give effect to this policy should be like the one that was adopted with regard to Reserve Bank and it is on account of that that it has been stated by the Honourable the War Transport Member that the Government will see, if possible, and adopt such method which would restrict the power of voting with regard to the exchange of shares which may take place later on.

Sir, there has been another undesirable feature in the industry and commercial development of this country and that has been the existence and the control of the managing agencies on the industry of India. They are indeed in a very happy position. Their motto is 'Heads you lose, tails I win'. The managing agencies never lose; they make profit when something is sold, they make commission when something is bought, they make commission if there is a loss, they make commission if there is a profit. Therefore, we have eliminated the system of managing agencies, which I am glad to say has received the approval of practically every section of this House.

I think that the policy which has been laid down is one which should, in fact, receive the support of this Honourable House. I really do not see that there is anything objectionable with regard to any of the principles which have been laid down. Of course it has been pointed out, and rightly so, that all will depend on the manner in which this policy is carried out. If the Government in carrying out this policy not only follow the letter of this policy but the spirit of it, I have no doubt that it will prove satisfactory for everybody concerned.

There are, Mr. President, one or two points to which I would like to draw the attention of the Honourable Member of the Government. One is that when there is a question of floating any company or fixing of zones or the formation of various roads into certain areas, I hope the Government will take into their confidence and consult with the present operators and they shall treat them in every way as real partners in this enterprise and not as those who should sit on the edge of the carpet. After all the idea is that there shall be complete co-operation between the present operators who have no doubt done a service in opening out the road transport and who deserve a very sympathetic and a very friendly consideration, and therefore I would suggest that what has been happening so far—in other words that they have been treated as untouchables and they have been kept quite ignorant of the policies that have been followed in the various provinces—will cease and they will be taken into confidence with regard to the future development of the road transport of this country.

1 P.M.

Now, Sir, there is just one matter to which I would like to draw the attention of the Honourable Members of this House who seem to be under the impression that nothing should be done with regard to this matter. I have got here a copy of the Central Provinces Government Gazette. Under the Defence of India Act they have been and they are creating monopolies in the matter of road transport. This Gazette is of the 9th March 1945. Firstly it confers all the powers of the regional transport authority on the Chairman of that authority.

The Honourable Sir Sultan Ahmed (Member for Information and Broadcasting): What is the date?

Nawabzada Muhammad Liaquat Ali Khan: 9th March, 1945. After that it gives power to this gentleman that he should give permits to two firms. I do not think it is necessary to read out the names. They are two big firms for whose benefit the Defence of India Act has been used. Not only that, but it has been stated that while giving permits to these two companies, the permits shall not be given for a lesser period than five years. My object in referring to this matter was only to show to the Honourable Members of this House how monopolies are being created by the Provincial Governments in favour of certain vested interests and capitalist companies.

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): By autocratic Governors in Provincial Governments under Section 93.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend says it is an autocratic Governor under section 93. He probably does not read any of the Punjab papers. I could refer him to a democratic Government in a province next door and if he were to know all that was happening there in regard to this matter and how the road operators are being pushed off the road, I think he would not have made the interjection that he did.

All that I want is that there shall be an uniform policy and that this Government should make every effort to bring about and give effect to that uniform policy. I have had representations from the present operators. They themselves desire that in their interest it would be better if there was an uniform policy throughout the country. Their complaint at present is that they go to the officer concerned six times a day and no information is given to them as to what is being done, how it is being done and what would be their fate. Sir, I think the House would recognise that the present operators have contributed much to the development of road transport. Until such time as we decide to nationalise all the industries of the country, I think the road operators are entitled to have a fair share in any scheme of things which may be devised by this Honourable House or the Government.

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Then, Sir, there is another point to which I would like to draw the attention of the Honourable Member for his consideration: that while alloting shares to the present operators, consideration will be given to the question of the holdings of permits by them. There are some operators who hold permits to work on a certain route. But on account of the war and on account of the fact that their lorries were requisitioned by the military or given to the military for the purposes of war, they have not been able to replace those buses and those lorries. Therefore I would suggest that when giving shares to the people in a particular company, these persons will be given preference so that they may be able to take part in operating the road transport. There is no question of any favour. They do not ask for any favour. If a person holds, let us say, a permit for two lorries, well he should be allowed to invest to the extent of the price of two lorries into this company and get shares on that basis. I think, Mr. President, this is a fair proposal and it should not be considered that because these people, although they hold permits to operate on a certain route do not possess any lorries at present for no fault of their own, therefore they are not entitled to partake in the formation of any particular company.

Then, Sir I would request the Honourable Member that as soon as the House gives its approval to this policy he should take immediate steps to see that at least the Defence of India Act is not misused by any Provincial Government for this purpose. It was never intended—I do not think that any of the Members of this House who voted for that Act would have ever thought—that this Act would be used to confer favours, to create monopolies in favour of certain capitalistic interests.

Mr. N. M. Joshi (Nominated Non-Official): We voted against it.

Nawabzada Muhammad Liaquat Ali Khan: I am glad my Honourable friend voted against it.

I want to impress upon the Government that the Defence of India Act could not be intended to be used to give favours to certain companies and therefore they should see to it that the misuse of this Act is stopped immediately.

Sir, as I said before, the policy which has been enunciated by the Honourable Member has got the complete support of my Party. Not only that but I feel and I think I am right in saying that—that barring a few exceptions it has the complete support of this Honourable House. It is not that we think that we are conferring any boon on the Honourable Member. It is because we feel that this state of affairs cannot be allowed to continue in the interests of road transport, because we feel that a policy of drift will not help anyone, because we feel that this question of the road transport of the country is of great importance. It is not only a question of making profits, it is a question of providing conveniences for the peoples of the country. Besides it is a matter which proves very important in a time of emergency. The rail road transports of a country are indeed national assets of that country. Until such time as we accept or the House accepts a policy of nationalising the road transport, as it is done in the case of railways, the next best thing that can be done is to work this in co-operation with the railways, the Provincial Governments, the present operators and the general public and if the Honourable the War Transport Member gives effect to this policy in the spirit in which it has been conceived I have no doubt in my mind that it will prove of great benefit in the matter of the future development of road transport in India.

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. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural): Mr. President, the Assembly has run its accustomed course for this

Session and if it was permissible to count the losses and the gains, it would not be an uninteresting speculation. I do recommend that in future, whoever may be in charge of Government, will find it in his heart to say at the end of the Assembly and to tell each other exactly what we think. Many years ago, I was appearing in a case in the High Court where the Honourable Leader of the House is highly esteemed and well known and respected. He was absent during those days but I was asked to a dinner of the Bar Association (and I understood that it was instituted by Sir Edward Chamier) where the judges and members of the bar and one or two extremely distinguished guests were allowed to be present. The dinner ran nearly to 3 o'clock in the morning for more reasons than one; but among other things it was understood that the bench and bar would just tell each other what they thought of each other; and it was expressly meant for that purpose. I was at that dinner by the courtesy of the leader of the bar in Patna and I found myself in an extremely congenial atmosphere. One of the leading members of the bar got up and said, referring to two judges by name—he said if Mr. Justice So and so had a little more mercy, and Mr. Justice So and so had a little more reason, we might have had a better judgment; I think that expressed fairly roughly the human inequalities of life which we find reflected in the examples of this world. Therefore I have no desire, a day not being allotted for that purpose, to cast any accounts because I must confess that the account of the institution as it now exists must necessarily in itself be a very poor one, so poor indeed that a great deal of what we say has very little effect, except on the world at large; and we have got into a state of mind where the only cure is, what I believe one of the Members on the other side said, a real radical surgical operation; as I cannot see any other way in which, so long as we are going to function under what is called the present constitution, it has any real purpose left. We devoted five years to the performance of carrying on a propaganda so that men may learn under what conditions we work. Out of the remaining five—a span of life which is very unusual in any Assembly in the world but which by the fortunity of world war has continued to exist till today, we had a still more chequered career. In those years, as the accustomed language of the other side runs, we went into a wilderness. It is a very unpleasant kind of wilderness, at all events on the physical side of it; and when we returned here we find that we are working in exactly the same conditions as before—the same vote—I would not say the same lies—but with the same result. I am very happy to say that on the very last day of this Session at all events—and I hope it is the last of its kind—I was able at all events to come to some agreement with a gentleman on the opposite side. I welcome that as an oasis in the desert, because I do not look forward to anything better than ploughing the sands on the other side for a long time to come, unless things alter. I say this thing, not as a mere facetious speech, because on a last day like this I wish to be quite plain as to the losses and gains, without counting them and without intending to cast any reflection on any particular individual. The fact, however, remains that the system under which we are governed is a system which cannot any more bear the strain of complete disguise, where I think we live a life of self-deception, because to expect that anything will ever be done for the good of the people except as a profession, while this constitution lasts, is a thing which one must not hope for; for I fully realise that the present constitution is only intended just to govern this country, collect taxes, keep what is called law and order, and otherwise be comfortable on the other side of the House. They do evince a little pleasantness and happiness during the question hour; but it is a very fleeting sort of pleasure for they can always say, following your ruling that "if the Honourable Member will not answer a question, what is the good of pressing? I cannot help it." So he tells us exactly what he wants to say and omits exactly what he wants to omit, except when they are unprepared, when they begin to read something from the back of the page. Except for

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that and for a certain amount of legislative business, we have had no change. This constitution has been tried long enough, and I think the sooner it is wound up the better for all of us, because till then there is no future for this country, as far as we on this side of the House can see. There is some future for a very short period of time for those on the other side if they think it is a comfortable future—that is another matter; but I am looking to the larger world for the purpose of the statement I am making, because we feel and we realise fully that without a constitution where both sides of the House are responsible for the people, with an alternate Government if the one in power will not administer it for the benefit of the people, is the only possible solution of the great problem which is now before the country, and the problem which it is now professed is before the world.

Having said this, I will come back to the subject immediately before us, on which for once in many years, I am glad to say, we were able to sit down and come to an agreement. The subject is somewhat old in the sense that one has got to go back to the days when the Motor Vehicles Bill was under discussion in this House. At that time it was indeed known that motor vehicles were plying for public transport, both of goods and human beings, and it is good to know the environments under which this agreement was arrived at. There was cut-throat competition between those who ran the buses between themselves and there was competition between the railways on the one hand and all the persons who attacked each other on their own course. I recollect, getting out of the Delhi station, we saw nothing else but a large number of undecipherable boards on motor vehicles intended for many places, holding out one attraction indeed, that whereas the railway train will only stop at specified stations, the bus will take you to your door, so that there was a great deal to be said for those who competed with the railway; and if they did render any specific service it had a value of its own to those at all events who did not have to struggle between terminus and terminus as my Honourable friends on the other side are accustomed—they only go from Bombay to Calcutta or Bombay to Nagpur and so on and to them these things do not matter. The urban world of India is a thing of very little consequence and probably of very little knowledge. Hence it was that the problem really became difficult and without visualising what has in fact happened now, when the question arose as to the appointment of one of the representatives of the Railways on the Provincial Transport Board, I ventured to say that it should not become what has been referred to as, I do not mind repeating it—a Frankenstein. In all probability, as it happens, large capital organisations of this kind even in the hands of a Government might easily absorb the poor man in so far as the struggle goes. It was then only intended for the purpose of an experiment so that there would be better co-ordination and in that spirit of helpfulness I agreed to that proposition. Since then events have moved very quickly. The transport world has altered. The Railways have worn out in many countries and in this country particularly large number of tracks—I would not say proportionately so large but still large enough—have actually been lifted in order to assist the world war in other spheres and we have come to a stage, where without replacement or repairs, we are being told that for the purpose of a pilgrimage in daily life just about 40 per cent. of the transport is all that is available for civilian use and hence one began to realise that probably this co-ordination is a necessity. It may well be that the Railways will begin to carry on with their accustomed strength of vehicles and engines but none the less this country has yet to be opened up in a large part of the rural areas to which one must pay attention if there is going to be any use for future progress in this direction. I recognised, as I ask the House to recognise; that if the railways, and what you call the bus owners, whether it was a single individual or a corporation owning a hundred cars, were both outside bodies, as in large parts of England, they might well be left to work out their own fate, unless the State intervened with a superior authority to compel them to fall in line, but in this

country we just cannot afford from the point of view of her resources and otherwise to allow such a thing to happen. We cannot follow a policy of 'let it alone'. This policy of *laissez faire* is a matter which could not be supported because in the present condition even motor vehicles cannot get replacements. We have reached a stage where we must make our smaller resources go the longest way possible. At the same time, as a lawyer, one may say that the motor transport owner who by his initiative and adventure and even risk contributed something to the transport of this country had acquired no legal right to what you may call the right of the road. Nobody administering public affairs can honestly disregard the amount of time and energy, the industry and the sacrifice that he had put in. At the same time what is not often recognised is that in the present constitution the Provincial Government has after all got to keep its own roads, so that there will have to be reconciliation of three interests on the basis of an equitable and fair deal. You must have regard to the protection of the railway interests, because ultimately if there are losses we have to make up the deficit. Even though the State has become the owner, I believe the national debt represented by the railways still remains. How much of it has been paid off I am very doubtful about. Up to now at all events, there is no funding process to pay off the railway debt. It is what is called the productive debt of the country but I do not wish to go into the history of this. It will keep me long if I do so and it will revive memories which are not too pleasant. Somebody said the other day, I think it is Sir Cowasjee Jehangir, that on account of some fault on our part, on account of our being outspoken, some provisions were made in the Government of India Act. Well, if misfortunes are to come out of truth telling, I am prepared to tell the truth even at the risk of having to face those misfortunes. I am not a prudent enough businessman of the type my Honourable friend is and hence I will always tell the truth, even at the risk of sufferings. Hence it was that we examined our debts and the National Debts Scrutiny Committee to which I have called attention the other day did report that the Railways in their origin were never regarded from the industrial point of view or from the point of view of the expansion of the industry of this country. Professedly and on their own despatches, the Railways were built merely to serve a military necessity. Professedly according to their own despatches they paid three times the price in order to expedite their completion. That is the load of debt which we have got to bear today. No doubt it has been realised in course of time that the foresight of the railway builders of those days has been justified because 60 per cent. of the railways now serve exactly the same purpose after some 80 or 90 years of its existence. Therefore we have got to bear the debt.

So far as the provinces are concerned, there is no doubt a certain amount of income now being derived from a contribution from the petrol tax which would contribute to the maintenance of the road system of this country. But it must be remembered that it can only go a very limited way and hence those interests must be preserved if only to enable the Provincial Governments to replenish if not the whole at least a part of what they have to expend on the maintenance of the transport machinery in the shape of the roads. Then comes in one of the most aggressive campaigns of individual visits of men who are interested in the motor transport. It is our good fortune or otherwise that everybody comes to us with an appeal and tells us that his interest is the national interest and it becomes very difficult to tell a man that while I shall remember what he has got to say his notion of national interest is different from ours. At the same time you cannot disregard claims founded on what you might call amenities or equities which are not founded on a correct reading of dry law. When one of the transport owners discussed the matter with me, I told him that when I was a young man and learnt law, I was told that a teacher had started a school and had collected some 800 pupils. Another enterprising teacher came along and started his school and did collect all the pupils of the earlier school. The first teacher went to law and the court said: "This is the result of his labours". In other words, things have got to go on in this competitive life and yet you

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cannot resist an appeal founded on, after all, considerations of labour and sacrifice, even though it may not be exactly within law. It is these considerations that have prevailed upon my Honourable friends, who have done me the honour of agreeing with me, to come to this agreement, because, after all, these three interests had to be reconciled.

Of course, we may easily differ on what is to be the fair proportion in human affairs and even some sort of a superior arbitration is a very doubtful remedy. The next best thing that we can do is a matter of negotiation. And I am glad to be able to say that the railways and, to the extent to which we can make, this House can make a recommendation to the Provincial Governments and I cannot say that there is anybody who had authority actually to agree on behalf of the motor transport private owners. The agreement, roughly stated, I venture to say, does a fair amount of justice to each of the three interests. You are aware, Sir, more than I am during the long career both at the bar and on the bench that there is always a different point of view of the giver and of the taker. However much a man takes, he still thinks he wants more or he deserves more and however little the giver gives, he still thinks he has paid too much. That being the human nature and you have found it reflected in some of the speeches in this House and I do not blame my friends for the view that they have taken. But I am quite certain that if the problem is approached somewhat generously in evaluating the actual assets which the motor owners can produce today in their usable and workable condition and if in that property they get a share of any combine, I have no doubt that, though they may not get all that they might have expected, I think they ought to be satisfied with what they can get under this agreement. Before I go further, I will say this. Although no machinery is provided because it was not so easy to do for the implementation of these grievances, I hope and trust that whoever may be the Government for the time being—meaning whatever their personnel—will deal with this problem in no niggardly spirit whatever, nor in a spirit of exclusiveness or isolation as if their interests were dictating interests and the others were mere suppliers. I have every hope they will be treated as if they were three shares in a bargain. If in that spirit of equality the matter is approached, I have no doubt that many difficult problems will be solved. And it is in that spirit that I hope they will be worked.

Further, our care was and I hope it will succeed and I say so because we have been told that there have been a certain amount of commitments either in the matter of employment of the managing agents or some other interests involved. But I have been assured that unless they became so strictly legal-minded that they cannot be evaded or avoided, every effort will be made to reduce such commitments to the lowest possible amount. If that happens, then the greatest fear would be eliminated, namely, a large outside capitalist interest—I have not become a socialist, but still the word must be used. A large capitalist interest should not absorb all the work and the labour of the small man who has put in and who has contributed to the making of the road transport such a success that it has become a supplementary means of traffic. That having been done, I am hoping that whenever it is approached the motor transport owners or their representatives will be taken into confidence as to what you might call the aggregate combined capital of any particular route or zone, because then he would be able to say whether or not it is being over-capitalised so as to give the railways and the province much too large a share at his expense, because his contribution is limited to the usable material that he can put at their disposal. Therefore, I hope care will be taken to see that it is not over-capitalised resulting in injustice to the small private car owner. If that happens and the agency system is not established and outside capital is not introduced, I do not think, honestly speaking, that the present motor-car owner could, even by resort to any court or arbitration, except or get any more. Hence it was that we have had to go through a few hours of discussion and we were able to arrive at a workable agreement. It would not have mattered who sat in the Chairman's chair, for it did not make any difference

if you ultimately come to a just agreement. In addition to that, there is a word to be said for the intermediate stage, or what I might call the transitional stage, to which, I believe, my Honourable friend Nawabzada Liaquat Ali Khan referred, namely, that until the new organisation begins to function, it must be seen to that the provinces do not take a big slice between their mouths and run away with some arrangement of their own, thereby putting the small man into more or less a difficult situation which they may not be able to bargain at all. Nor should they design an unlikely thing when judged by the standard agreed, which may easily happen. But I hope and trust that the Provincial Governments will so use the authority which they have got under the Motor Vehicles Act as not to produce any such unpleasant consequence. I hope that during the interval, except in so far as any undertaking is actually made, the present state of things will continue and the licences will be renewed till such time as the organisation begins to function, so that you will almost lapse one into the other without any real visible effect on the means of life.

There is one other appeal which I will make and which, I believe, would be successful if the agreement is carried out in good spirit. The single motor car owner, having put all that he had, employs himself as a driver in addition, so that his earnings really are the combined earnings of invested capital and personal skilled labour. I hope it will be remembered that so long as he is reasonably efficient, he would not lose that part of the benefit. In fact, it is to the advantage of the new organisation that a man who has actually run over a course of a road for several years would be a more useful person than a demobilised military lorry driver to whose reckless driving we have become accustomed at the risk of our lives. In a city like Bombay these military lorry drivers became a regular menace. As a matter of fact, I believe in the city of Delhi also the same thing happened, but I am told that a certain amount of vigilance has improved the situation. The same thing, I understand, happens in the larger cities of the east, because instead of having one frontier, we are having not merely the north-west frontier, but we are also having the north-eastern frontier. Therefore, I hope and trust that instead of merely putting a plea for what you may call the demobilised military lorry driver—I have every sympathy with him, but we must remember that he is perhaps, comparatively speaking less efficient for this purpose than the man who has been his own bus owner and his own driver—I hope and trust that you will consider the man who has actually been running the vehicle on the roads. At the present moment, it is easy to put forward the plea, in the name of demobilisation, that we must provide for the man who has returned from the army. I have been told in Mr. Bernard Shaw's book that if you can give a formula to an Englishman, he is prepared to commit a murder without the least wrench of conscience, but if you produce a form which does not appeal to the ingenuity or the ability of my Honourable friend opposite, whatever other ability they may have or they may not have, they won't agree to it. Therefore, I do not want them to get away with the formula. That is far beyond the outline of the agreement into which we have entered.

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Therefore, we are quite willing to restore the cut which we rejected. We did so under no misapprehension, as it is sometimes called, because whether it was good or bad we do not want to hang on the argument which had to take place some time or other. I think sometimes even a bad kick on the pant to rouse a man is good enough rather than merely safe gentle awakening. Sometimes, I think it gives him a little energy, for when the man wakes up, he thinks it worth his while to talk to the other man. Whereas if you had simply said, may I have a word with you, he will say, thank you very much, I have had a bad night yesterday, so that in the aftermath of the morning, you may not get much out of him in the morning. Such a thing happens sometimes. I am very glad that this has become such an occasion. My Honourable friend Sir Muhammad Yamin Khan still maintains that he was right and I was wrong. I do not want to share in this contest. I leave all the honours to him

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because the ultimate result is quite satisfactory. Hence it is that I commend this restoration of the Grant to the House. I will not call it a condition, but I would call it an honourable understanding. As very often happens, an argument that is worn out, I should like to avoid. For the last few years, I have heard of the expression 'Gentleman's agreement', but my difficulty is to find out which of the two would remain one, because there is no means of enforcing its fulfilment. But I believe an 'honourable understanding' may take a little better place than a 'gentleman's agreement', not because the word 'gentleman' is bad, it is the best word in the English language, but because if you can find a gentleman still among them.

Therefore, Sir, in the confident belief that whoever has the duty of implementing this agreement will fulfil it, in the same spirit of understanding with which we have arrived at, I support the motion and commend it for the acceptance of the House.

The Honourable Sir Edward Benthall: Sir, I have listened with the greatest interest and, if I may say so, with unusual appreciation to the speeches made on this debate and I have taken a very careful note of all the points made. Criticism has been made by at least one Honourable Member that the Government should not have allowed the emergency grant and the post-war co-ordination policy to be linked together in the way they have been. Well, Sir, the situation arose out of the first debate, and my Honourable friend Nawabzada Muhammad Liaquat Ali Khan has fully explained what happened. The kick in the pants to which the Honourable the Leader of the Opposition just referred had its effect. It raised a rather ambiguous position and it seemed to me to be both the most constitutional method of dealing with the supplementary grant for emergency purposes and also likely to lead to the largest measure of common agreement, on a subject of very great interest and importance which needed clarification, to put forward a supplementary demand in this form. I should like forthwith to express my warmest appreciation of the Leaders of the Parties for the manner in which they approached this subject. I also express my agreement with the view of my Honourable friend the Deputy Leader of the Muslim League Party who said that an agreement by the two largest Parties in this House with Government's policy should go far to bring about what he desired, a uniform policy on road-rail co-ordination throughout the different provinces of India. There are some others like my Honourable friend. Dr. Banerjea and his Party, who feel that they cannot accept the Government's post-war, road-rail co-ordination policy without further consideration. I quite appreciate and understand the position which he has made very clear, although I did observe that on one or two points when other Members were speaking, he gave a hearty, 'hear, hear' to points of Government policy. There were some Honourable Members in his Party who felt that as provincial Ministries in the near future may wish to revise their provincial policy in this respect they did not wish to commit themselves at this stage. I can quite appreciate that point of view also. But if this opportunity of clarifying the position had not been taken, we could not have discussed this matter in the House until the next Session and we cannot well leave the provinces in a state of ambiguity. A policy of shelving the responsibility for coming to a decision would have been a policy of negation and it would not have been the right thing in a matter of such great national importance for us to allow the matter merely to slide. So, having taken the Legislature into confidence, I am satisfied with the policy which has been arrived at and which I have outlined and which, if the House wishes I am prepared to amplify yet more in one or two respects, represents the largest possible measure of agreement which is attainable at this time and that being so, the Government will proceed on these lines and will continue to keep the House and its Committees informed of progress.

An examination of the points raised in the debate concerning post-war road-rail co-ordination policy tends to show that most of them still arise out of a lack of appreciation of what the Government's policy really is. I think the position is now a good deal clearer and I think that Honourable Members will find, if they will study the various speeches that have been made, that most of the points are now clearly set forth. I would particularly recommend a study to my Honourable friend Mr. Lalchand Navalrai! But in so far as the anxiety of speakers arises out of the fear that Government will not effectively carry out what they say they will do, I can only ask Honourable Members to trust to the good faith of Government, which is evidenced by our desire to give ample publicity to this subject and by our action in inviting comment a second time in this session by making a second opportunity for debate.

Sir, the Leader of the Congress Party, the Deputy Leader of the Muslim League Party, Sardar Sant Singh and others have stressed the necessity of carrying out this policy in the same spirit in which the discussions have taken place. I cordially agree. Actions speak louder than words, and I hope that when this House meets again they will not find that our actions fall short of our professions.

Several speakers have urged us to take the operators into confidence, and Sardar Sant Singh asked me to give further assurances to them. I will look into those points, but I must remind him that it takes two to beget confidence. For confidence to be born there must be a father and a mother. I have shown my willingness to play my part on more than one occasion, but I must remind my Honourable friend Sardar Sant Singh that on the last occasion when I met him and his friends of the A.I.M.U.C. (All-India Motor Union Congress) last November, it was I who, to use the Nawabzada's phrase, was pushed to the edge of the carpet. However, we all regret that and I hope on the next occasion we shall get close together. Once again I promise the operators a square deal so far as it is in my power; but I must emphasise also once again that it must be a square deal for Government. I think the Honourable Leader of the Opposition has put the position very clearly and his contribution will prove very helpful. I agree that if we can carry out this policy on the level of today's debate it should augur well for the satisfaction of all parties.

Several speakers have suggested that what has been done in some instances up and down India does not square with the policy which I have outlined on the floor of the House. That may well be so for two reasons. Firstly, Provincial Governments and the public generally have been in some doubt regarding the precise nature of Government's proposals. That was no fault of theirs, because for the last two or three months and until this debate Government's policy was still in the process of evolution. I would, for instance, quote the point about managing agencies which has only been clarified definitely in the last few days. Furthermore, it is of course the Provincial Governments who under the Motor Vehicles Act, whether they are ministerial Governments or under section 93, determine their own provincial policy; and therefore it is not unnatural that there should be divergences in the different provinces. We in the Central Government cannot dictate to them; we can only use influence, backed by the powerful weight of this House, to try to persuade them to travel in the direction of a uniform policy which we have now laid down. This we shall do. Secondly, it would not have been possible to explain our policy to the Provincial Governments until we had finalised it, and indeed it must have been irritating to Provincial Governments in the last two or three months to note the various slight gradations of our policy as it has been under discussion in this House. But now that we have reached precision I can assure the House that we will do our utmost faithfully to carry out what has been determined upon.

I do not think the House would wish me to deal in any detail with the very large number of points which have been raised. I feel, however, that I must try and deal concisely and categorically with just three or four of them. The first that I would like to touch upon is the question of employment for the staff of existing operators. My Honourable friend Mr. Krishnamachari, I think rather deliberately, said that in his view our policy was designed to reduce them to the status of coolies. That, as I think the House recognises, is most unfair. I do not think I need dwell long on that; but I will say once again that we

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will not hesitate to try and arrange employment for efficient and reliable operators in the most responsible positions. It is indeed to existing operators that we should look for the technical knowledge and experience which will result in this plan being brought to a successful conclusion. He also expressed the fear that it was Government's intention to introduce ex-soldiers into the road transport business at the expense of existing road operators, and I think the Honourable Leader of the Opposition felt rather on the same lines. The resettlement of soldiers trained in motor vehicle operation and of civilians of various kinds in different organisations who have been engaged in war work is a matter which will become insistent and will be a matter of very great importance both to the Central and to Provincial Governments the moment the war ends. In our schemes of post-war resettlement and development we have made provision for a large expansion of roads and of road transport. It is not by displacing existing operators but by expanding the roads and expanding road transport substantially that we hope to provide new employment for a proportion of the soldiers and civilians who have contributed to winning the war. We have got to do justice both to the existing operators on the roads and to the man who has driven the lorry on the road to Mandalay and we can only do this by expanding the industry. The war is rapidly, we hope, coming to a close and if this avenue of employment is to be developed, we can brook no delay. That is another reason why Government is determined to proceed as rapidly as possible with the reconsideration of the road-transport plan, and we hope to settle the position of the existing road operating staff satisfactorily before the problem of the resettlement of the ex-soldiers is upon us.

Some Honourable Members have enquired whether we propose to take an interest in all feeder services such as those running to the Himalayas. That in my view is by no means essential and our policy in that respect will have to dovetail in with the policy of the Provincial Governments. This question has been under discussion with all the Provincial Governments concerned and it must be confessed that there are certain loose ends lying about which we shall have to try to tie up, but now that we have settled the policy we shall be able to make a further approach and hope to tie up those ends. In many cases it may be possible to arrive at working arrangements, as indeed exist in some cases already I think, without taking a financial interest. It is not the policy of the Central Government to expropriate road transport concern but to negotiate with them and what I propose is that the Railways and the Provincial Governments shall sit down and talk the position over in each case with a view to arriving at the best solution.

Similarly, there is in my view room for the one-man bus in some places. That was a point raised by my Honourable friend, the Leader of the Opposition, and also by Sir Frederick James. Sir Frederick James asked what was our position in respect of investments in a one-man bus. I think what I have just said will partially meet his point, but as regards the larger question which he raised of "what is a substantial interest", I would define that, generally speaking, as an interest of not less than 25 per cent. or more than 45 per cent. of the capital.

Sir Frederick James also raised a point of considerable importance—he raised it in both the debates—and I feel that an answer is due. He enquired whether long distance goods traffic would be reserved to the Railways. The conclusions of the Post-war Policy Committee on this subject were generally:—

"(1) That short haul goods transport by road should be permitted without restriction; the extent of short haul, that is the size of the 'free zone,' being a matter for expert examination in different cases;

(2) That long-distance goods traffic by road should be restricted in the interest of overall transport economy, due regard being given by the controlling authorities to the special requirements of perishable and fragile goods for rapid transport by road over longer distances."

The executive controlling authority in all cases would be the Provincial authority, but it is hoped to lay down the general principles under which that authority would act, in the form of a Code which we hope to agree between the Centre and the Provincial Governments.

I think that covers the main points of detail upon which I wish to touch at this stage of the debate. That I have not covered a number of other points does not mean that I have not taken careful note of them, but I do not think that the House would really wish me to go into further details at this stage.

In conclusion, I may say that I have already stated in reply to a Short Notice Question that if there is a demand for it, I will endeavour to find time during the next Session for further discussion on post-war road rail co-ordination. If the House is not satisfied with what Government does in the meantime I confirm that I shall certainly try and do that and it was in response to this assurance that my Honourable friend, Mr. Neogy, did not move his amendment. I hope that in response to the same assurance he will not feel it necessary to divide the House upon the passing of the Grant and upon the policy which I feel commends itself to the rest of the House.

Sir, I have finished.

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

"That a supplementary sum not exceeding Rs. 82,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1946, in respect of 'Working Expenses—Miscellaneous Expenses'."

The Assembly divided:

AYES—49.

Abdul Ghani, Maulvi Muhammad.	Kharegat, Sir P. M.
Abdullah, Mr. H. M.	Kushal Pal Singh, Raja Bahadur.
Ahmad Nawaz Khan, Major Nawab Sir.	Lalljee, Mr. Hooseinbhoy A.
Ambedkar, The Honourable Dr. B. R.	Liaquat Ali Khan, Nawabzada Muhammad.
Anthony, Mr. Frank R.	Mackeown, Mr. J. A.
Benthall, The Honourable Sir Edward.	Muazzam Sahib Bahadur, Mr. Muhammad.
Bewoor, Sir Gurunath.	Nairang, Syed Ghulam Bhik.
Bhagchand Soni, Rai Bahadur Sir Seth.	Piare Lall Kureel, Mr.
Chapman-Mortimer, Mr. T.	Ram Chandra, Mr.
Chatterjee, Lt.-Col. Dr. J. C.	Ram Nath, Mr.
Daga, Seth Sunder Lall.	Richardson, Sir Henry.
Dalal, Dr. Sir Ratanji Dinshaw.	Rowlands, Sir Archibald.
Dalal, The Honourable Sir Ardeshir.	Roy, The Honourable Sir Asoka.
Dalpat Singh, Sardar Bahadur Captain.	Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Essak Sait, Mr. H. A. Sathar H.	Siddique Ali Khan, Nawab.
Ghiasuddin, Mr. M.	Siva Raj, Rao Bahadur N.
Gwilt, Mr. E. L. C.	Spence, Sir George.
Habibur Rahman, Khan Bahadur Sheikh.	Sultan Ahmed, The Honourable Sir.
Haidar, Khan Bahadur Shamsuddin.	Thakur Singh, Capt.
Imam, Mr. Saiyid Haidar.	Tottenham, Sir Richard.
Inskip, Mr. A. C.	Tyson, Mr. J. D.
Ismail Alikhan, Kunwer Hajee.	Yamin Khan, Sir Muhammad.
James, Sir F. E.	Zafar Ali Khan, Maulana.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Zahid Husain, Mr.
Kamaluddin Ahmad, Shams-ul-Ulema.	

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Banerjea, Dr. P. N.	Krishnamachari, Mr. T. T.
Chattopadhyaya, Mr. Amarendra Nath.	Lalchand Navalrai, Mr.
Datta, Mr. Akhil Chandra.	Maitra, Pandit Lakshmi Kanta.
Deshmukh, Mr. Govind V.	Neogy, Mr. K. C.
Jehangir, Sir Cowasjee.	Parma Nand, Bhai.

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 16, 20, ETC.)

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920 (*Amendment of sections* 16, 20, *etc.*), be taken into consideration."

In moving my motion, Sir, I feel that it is not necessary to make a long speech in support of the motion but I will just briefly state what the Bill is intended to achieve.

[Syed Ghulam Bhik Nairang.]

The Aligarh Muslim University Act of 1920 has now been on the Statute Book for well nigh twenty-five years and the effect of the working of its provisions on the work of the University has been put to a sufficiently long test with the result that the existence of two authorities, such as the Vice-Chancellor and the Pro-Vice-Chancellor has been found in practice to be not conducive to the smooth working of the University. The facts which have led the Court to come to the conclusion that it would be more in the interests of good working to abolish the post of Pro-Vice-Chancellor are too many to state on this occasion Suffice it to say that in 1934 the Court moved the Government to abolish the office of Pro-Vice-Chancellor but at that time Government could not see its way to abolish the office altogether and contented itself with introducing an official Bill and getting it passed in the two Houses, adding Section 41 to the Act and making the appointment of the Pro-Vice-Chancellor optional for the Court so that whenever the Court thinks the services of a Pro-Vice-Chancellor are needed the Court may appoint one and whenever it thinks such an officer is not needed, one need not be appointed.

Further experience made it clear that the abolition of that office was necessary and the Court passed a resolution by an overwhelming majority deciding that steps be taken to get the office of the Pro-Vice-Chancellor abolished and it is in pursuance of that desire of the Court that I have brought forward this Bill.

I may also point out very briefly that the office of Pro-Vice-Chancellor has already become unnecessary, because important amendments have now been made in the constitution of the University by faculties being constituted over which the major portion of the work of the Pro-Vice-Chancellor has been distributed. There are faculties functioning and there are Deans of Faculties and the work of the Pro-Vice-Chancellor concerning matters of discipline is largely dealt with by the Proctor and for the rest of course by the Faculties. Under these circumstances I have sought in this Bill to amend all the sections which refer to the Pro-Vice-Chancellor and those sections are enumerated separately in the clauses of my Bill one by one. By amending those sections the position will be that the mention of the Pro-Vice-Chancellor, wherever it occurs will be eliminated and since the duties of the Pro-Vice-Chancellor are already distributed over the Proctor and the Faculties, the working of the University will be much smoother, in fact, I hope quite smooth as compared with the time when two parallel authorities the Vice-Chancellor and the Pro-Vice-Chancellor had been functioning.

I may also mention that this alteration in the law relating to the Aligarh Muslim University will bring the constitution of that body up to the latest approved pattern of a University constitution as evidenced by the Delhi University Amendment Act. We will have exactly the same officers and the same bodies governing the University. We have the Chancellor, the Pro-Chancellor and the Vice-Chancellor. We have the Faculties just as in the Delhi University and we have the Executive Council just as in the Delhi University. I need not refer to other University Acts of India but I may briefly say that the only other University in India which has a Pro-Vice-Chancellor is the Benares Hindu University but the functions of the Pro-Vice-Chancellor in that University are very different from the functions which the Pro-Vice-Chancellor performed in the Aligarh University. Really there is no parallel between the two Universities.

With these few words, Sir, I move.

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920 (*Amendment of sections* 16, 20, *etc.*), be taken into consideration."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I do not wish to move my motion for circulation of the Bill but I should like to say a few words at the consideration stage. As my Honourable friend Haji Syed Ghulam Bhik Nairang has said, this matter has a history. In 1934 when the University approached Government to amend the Aligarh Muslim

University Act in the same sense as is now proposed, Government did not go so far as that but inserted section 41 of the Act, under which the appointment of a Pro-Vice-Chancellor was made optional. I think, Sir, if we had been approached by the University on this occasion they might have had a similar reply. I think it is arguable that the optional power to have or not have a Pro-Vice-Chancellor might have met the case. What has caused us a little anxiety about this Bill is this. The post of Vice-Chancellor at Aligarh must be filled from among the members of the Court of the University and the field, therefore, for the selection of a Vice-Chancellor is somewhat restricted. Many of the members who might be academically qualified to discharge the responsibilities of the post are already probably fully engaged in Government service or in some profession. What may happen and what has often happened in the past is that a person has been appointed Vice-Chancellor who was an outstanding figure, shall we say, in the Muslim world but had neither the training nor sometimes the time to discharge the full-time duties and responsibilities of the executive and academic head of a great University. Furthermore, the Vice Chancellor of Aligarh, like his colleague in Benares, has to spend much of his time in touring India on behalf of the University's interests, particularly its financial interests, and we therefore felt that it was essential there should be somebody whole-time and academically qualified to run the university in the absence of the Vice-Chancellor and to assist the Vice-Chancellor, if the latter should happen not to be academically qualified. A Pro-Vice-Chancellor has been supposed to do this sort of thing in the past. No one will dispute that the present Vice Chancellor, though a mathematician and a Cambridge man, is academically qualified for the post, though he would, I think, be the first to admit that he does not and cannot devote the whole of his time to the Aligarh Muslim University. We cannot assume, though we may hope, that when, in fullness of time, a successor has to be found for him, the successor will be equally qualified from an academic point of view. And then if we could be sure of that, there is still the difficulty that the Vice Chancellor cannot always be present at Aligarh. For these reasons when this Bill first came before us we had some doubt about amending the Act in such a way as to deprive the Vice Chancellor and his successors of the help of a permanent official like the Pro-Vice-Chancellor.

Having said that, I wish to go on to say that we recognise that the University, which was somewhat evenly divided on this matter in 1934, is now overwhelmingly in favour of the abolition of this post and there is some reason to believe—and it has been indicated this afternoon on the floor of the House—that the existence of two posts of Vice-Chancellor and Pro-Vice-Chancellor in what I might call a parallel, rather than a subordinate relation, one to the other, has led to disunion and perhaps even to some element of dead-lock. I wish to say that we on this side certainly do not desire to perpetuate a situation in which such things can happen. In our opinion the Vice Chancellor of the day must be master of his own house. He must be supreme at the Vice Chancellor level.

I have had some talks with my Honourable friends of the Muslim League Party who are also members of the Executive Council and Court of the University and I think we are all agreed that if the post of Pro-Vice-Chancellor, as at present provided in the Act, is abolished, there is great need for some assistance to be given to the Vice Chancellor, at all events, to the extent of having some whole-time member of the University, designated beforehand and for a specified period, who would automatically act for the Vice Chancellor when the latter is away from Aligarh. Such a person might perhaps have other duties as well, though not such as to bring him into conflict with the Vice Chancellor. That, however, is a matter for consideration and discussion. My talks with Honourable Members have led me to believe that we shall have very little difficulty in arriving at a solution of this matter acceptable both to Government and to the university; and on that basis and in the belief that, not by itself but as part of such a scheme to give the Vice Chancellor the help to which he is entitled, I feel that this is a Bill which Government should not oppose, I may add that if

[Mr. J. D. Tyson.]

gives me personnally considerable pleasure to be able on this day to do something for my Honourable friends opposite, and especially for the Mover of this Bill.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the Honourable Education Secretary, I was noticing, was laying too much emphasis on the academic qualification necessary for the Vice Chancellor of the Aligarh University. I would like to know if there is any university in India where any academic qualification is laid down for the Vice Chancellor. Is he not aware that there are certain universities where the Vice Chancellors have no academic qualifications whatsoever? Was it necessary for the Government to consider that a Pro-Vice Chancellor should be appointed in those universities? Anyhow, because Aligarh has got a history behind it and in the past there have been Muslims of great eminence as Vice Chancellors who may, according to the Honourable Secretary, not have had academic qualifications—academic qualification according to him means that he must possess a degree of some British or Indian university and teaching experience. It is not necessary for a man to be Vice Chancellor that he must possess either the teaching experience or the degree of some university. In Delhi we have a Vice Chancellor today who was a judge, and had nothing to do with teaching as such for years and years. My Honourable friend, Sir Cowasjee Jehangir, says 'yes'; in that way we all have something to do with education; but he has proved to be a very successful Vice Chancellor. In other places we have the same type of people and I do not think I have any apprehension whatsoever in my mind that the Muslim community in the future would like to have an illiterate man as the Vice Chancellor of the Aligarh University; and therefore the court after very careful consideration and let me tell this Honourable House that this point which has been raised by the Honourable Secretary was raised in the meeting of the court also, and these apprehensions were expressed by certain members of the court when this matter came under consideration,—and the court practically unanimously decided that the existence of the Pro Vice Chancellor either of a status and with the powers as provided in the Muslim University Act or as provided in the Benares Hindu University Act, was not needed at Aligarh.

My Honourable friend has referred to certain talks that he had with some members of the Muslim League Party who are members of the executive council. I happen to be one of those who are members of the executive council of the Aligarh Muslim University and he did draw our attention to this fact that as the Vice Chancellor of Aligarh has to go out of Aligarh, specially for the collection of funds for the university, because not being a Government university it has to depend on public support and public finance, therefore it may be desirable to provide for some person who might act for him in his absence. We recognised the importance of this question and we did think that it would be desirable to have some one who would not act as assistant of the Vice Chancellor—I want to make this perfectly plain—but who would automatically act for the Vice Chancellor when he is not in Aligarh. We are dead opposed to again creating the office of an assistant Vice Chancellor or a deputy Vice Chancellor or Pro Vice Chancellor in the University under some other name. We feel that the Vice Chancellor or any one who accepts the office of Vice Chancellor must take the fullest responsibility for the affairs of the university, and therefore the court did not approve of having a Pro Vice Chancellor of the status and powers that are given to the one in the Benares University; and therefore I want to make it perfectly plain that if the Aligarh University authorities agree—and I think they would agree, to the creation of such an office, that person would only perform such duties as would be entrusted to him in the absence of the Vice Chancellor from Aligarh. I want to make this quite plain to the Honourable Secretary for Education so that the Government may not be under any misapprehension with regard to this matter

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): You want some statutory sanction?

Nawabzada Muhammad Liaquat Ali Khan: No, we will have statutes; these statutes can provide for that. I thought that it is necessary to clear up the position, because from what the Honourable Secretary said, it appeared that he seemed to have in his mind some person who would act not only in the absence of the Vice Chancellor but who would be there generally to assist the Vice Chancellor. That is not the intention and that is not the idea; and therefore I want to make this position perfectly clear. I think it would be desirable for the university to provide for some person to exercise authority in the absence of the Vice Chancellor from Aligarh, and not under any other circumstances. Otherwise we will be going back to the same position which the court of the university has rejected I thought that I would just intervene to make the position clear, so that the Government, if they want to oppose this Bill after hearing this, may do so. I do not want them to remain under any misapprehension with regard to this matter.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, there is some kind of misunderstanding. Nobody expects that the Vice Chancellor must have been a teacher; and it is not necessary that even an educationist must have been a teacher; but at the same time it is desirable, whether a person may or may not have been a teacher, he should be able to understand the academic problems: that is all that is necessary; and one thing more: when we are now decentralising the work of the Vice Chancellor in the university by creating the colleges at Aligarh, and the work which is now being done by the Pro-Vice Chancellor and the Vice Chancellor is now being done by the deans of the university, the provosts in the halls and also by the principals of the associated colleges, so that the work left for the Vice Chancellor will be very small; and it is a fact that when he is absent from Aligarh it will be necessary that there must be somebody who should do the work for him while he is away. At the present moment the work of the Vice Chancellor is more of a coordinating nature, so that he is the coordinating agency between the different officers who are entrusted with special duties and special powers. When we appoint special officers like the principals of the associated colleges and deans of the university, then we have really good academicians who have been teachers for a considerable time and all the academic experience comes from them and so the real change we have made is that the work which is now being done by one person, the Pro-Vice Chancellor will now be done by 7 or 8 persons, the deans and provosts and the principals of the associated colleges. That is really the important thing. With these words, I support the motion.

4 P. M.

Several Honourable Members: The question be now put.

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

"That the question be now put."

The motion was adopted

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

"That the Bill further to amend the Aligarh Muslim University Act, 1920 (*Amendment of sections* 16, 20, *etc.*) be taken into consideration."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, I move:

"That for clause 6 of the Bill the following be substituted:

'6. *Amendment of section* 38, *Act XL of* 1920.—In sub-section (1) of section 38 of the said Act,—

(a) For the words "shall appoint persons to fill casual vacancies in the offices of Vice-Chancellor and Pro-Vice-Chancellor" the words "shall appoint a person to fill a casual vacancy in the office of Vice-Chancellor" shall be substituted;

(b) for the word "Persons", where it occurs for the second time, the words "The person" shall be substituted'."

This is being moved in the interest of better drafting. If clause 6 were passed as it is worded, it would have left out the word 'a' and there would have been bad reading. Therefore I move.

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

"That for clause 6 of the Bill the following be substituted:

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860 (*Amendment of section* 302)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE LAND ACQUISITION (AMENDMENT) BILL

(AMENDMENT OF SECTION 3 AND INSERTION OF NEW SECTION 56.)

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894 (*Amendment of section* 3 *and insertion of new section* 56).

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

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894 (*Amendment of section* 3 *and insertion of new section* 56)."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTION 14.)

Lala Sham Lal (Ambala Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section* 14).

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

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section* 14)."

The motion was adopted.

Lala Sham Lal: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTION 103.)

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section* 103).

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

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section* 103)."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE DELHI RESTRICTION OF USES OF LAND (AMENDMENT) BILL

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend the Delhi Restriction of Uses of Land Act, 1941.

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

"That leave be granted to introduce a Bill to amend the Delhi Restriction of Uses of Land Act, 1941."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

MESSAGE FROM THE COUNCIL OF STATE

Secretary of the Assembly: Sir, a 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 12th April, 1945, agreed without any amendment to the Bill further to amend the Indian Patents and Designs Act, 1911, which was passed by the Legislative Assembly at its meeting held on the 2nd April, 1945."

Mr. President (The Honourable Sir Abdur Rahim): I now adjourn the Assembly *sine die*.

The Assembly then adjourned *sine die*.

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[Mr. President.]

"6. *Amendment of section* 38, *Act XL of* 1920.—In sub-section (1) of section 38 of the said Act,—

(a) For the words "shall appoint persons to fill casual vacancies in the offices of Vice-Chancellor and Pro-Vice-Chancellor" the words "shall appoint a person to fill a casual vacancy in the office of Vice-Chancellor" shall be substituted;

(b) for the word "Persons", where it occurs for the second time, the words "The person" shall be substituted'."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Syed Ghulam Bhik Nairang: Sir, I move:

"That the Bill, as amended, be passed."

In moving this motion I shall just say a few words. I must express my gratitude to my Honourable and good hearted friend Mr. Tyson who in the matter of this Bill has been very helpful. In fact, on all occasions, he has been helpful to every member of this House.

Nawabzada Muhammad Liaquat Ali Khan: Except in the Delhi University Bill.

Syed Ghulam Bhik Nairang: Even when I had to cross swords with him in the debates on the Delhi University Amendment Bill I found him good hearted and possessing the kindliest feelings for those whose grievances I represented but I knew all along and I said in the course of the speeches I made on that Bill that Mr. Tyson, could not be himself in those debates. His hands were forced and he was not a free agent.

This Bill when it passes into law will be a very important measure intended to reform the existing constitution of the Aligarh Muslim University, I think all the members of the Court and Members of the Executive Council of the University will consider it as the parting gift of our good hearted friend Mr. Tyson, as he is shortly going to leave us. We shall very much miss him in this House, but we shall have the consolation that while going away he gave us something very precious as a souvenir and keepsake. I must also very profusely thank the Honourable the Leader of the House for having given us an opportunity of moving for the consideration and passing of this Bill. Owing to some peculiar developments during the three non-official days, I had apparent cause for despair that my Bill is not going to be passed in the present session but the Leader of the House very kindly came to my rescue. I know that could not be done without the good offices of the Chair and therefore I offer my thanks to the Chair and to the entire House on behalf of the Court and the Executive Council of the University. With these words, 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 INDIAN DIVORCE BILL

Sir F. E. James (Madras: European): Sir, I move for leave to introduce a Bill to amend the law relating to the divorce of persons professing the Christian religion.

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

"That leave be granted to introduce a Bill to amend the law relating to the divorce of persons professing the Christian religion."

The motion was adopted.

Sir F. E. James: Sir, I introduce the Bill.

THE DELHI MUSLIM WAKFS (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 2, 7, ETC.)

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943 (*Amendment of sections* 2, 7, *etc.*)

THE DELHI MUSLIM WAKFS (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 2, 7, ETC.)

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943 (*Amendment of sections* 2, 7, *etc.*)

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

"That leave be granted to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943 (*Amendment of sections* 2, 7, *etc*)"

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, I introduce the Bill.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL

(AMENDMENT OF SECTION 5(3).)

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Aligarh Muslim University Act, 1920 (*Amendment of section* 5(3)).

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

"That leave be granted to introduce a Bill further to amend the Aligarh Muslim University Act, 1920 (*Amendment of section* 5(3)).

The motion was adopted

Dr. Sir Zia Uddin Ahmad: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 54, ETC.)

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section* 54, *etc.*).

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

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section* 54, *etc.*)"

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE DELHI SIKH GURDWARAS AND RELIGIOUS ENDOWMENTS BILL

Sardar Mangal Singh (East Punjab: Sikh): Sir, I beg to move for leave to introduce a Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate.

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

"That leave be granted to introduce a Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate."

The motion was adopted.

Sardar Mangal Singh: Sir, I introduce the Bill.

THE TECHNICAL PERSONNEL PROTECTION BILL

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to provide for the protection of technical personnel in industries.

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

"That leave be granted to introduce a Bill to provide for the protection of technical personnel in industries."

The motion was adopted.

Pandit Nilakantha Das: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL

(AMENDMENT OF SECTION 302.)

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860 (*Amendment of section* 302).

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