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LEGISLATIVE ASSEMBLY DEBATES

19 MAY 1947

MONDAY, 3rd FEBRUARY, 1947

Vol. I—No. 1

OFFICIAL REPORT

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PRINTED BY THE MANAGER GOVERNMENT OF INDIA PRESS, NEW DELHI, INDIA,
PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, INDIA
1947

Price Five Annas

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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE THIRD SESSION OF THE SIXTH LEGISLATIVE ASSEMBLY

VOLUME I—1947

LEGISLATIVE ASSEMBLY

Monday, 3rd February, 1947

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Eleven of the Clock, being the First Day of the Third Session of the Sixth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935

MEMBERS SWORN

The Honourable Maulana Abul Kalam Azad (Member for Education and Arts);

Pandit Lakshmi Kanta Maitra, M L A (Calcutta Non-Muhammadan Urban),

Sir Pheroze Merwan Kharegat, C I E, M L A (Government of India, Nominated official),

Mr Kevalram Lalchand Panjabi, M L A (Government of India Nominated Official),

Mr Shavax Ardeshir Lal, C I E, M L A (Government of India Nominated Official), and

Mr. William Milles Martin, M L A (Bombay European).

STARRED QUESTIONS AND ANSWERS

(A) ORAL ANSWERS.

TOP HEAVY RAILWAY ADMINISTRATION

1. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Railway Member be pleased to state

(a) the steps Government have taken or propose to take to remove the top heaviness of the Railway Administration, and

(b) the number of Railway officials drawing rupees two thousand and more per month and the total amount spent on their pay per annum?

The Honourable Dr. John Matthai: (a) Having regard to the proportion of expenditure on gazetted officers, Government do not regard the Administration of Railways as "top-heavy" As the Honourable Member is aware, Government appointed a Central Pay Commission last year to examine, *inter alia*, the Scales of pay and the standards of remuneration of Central Government servants Further, at the instance of the Railway Standing Finance Committee, Government have set up the "Indian Railway Enquiry Committee, 1947" to go into the question of improving net earnings by economies in all branches of Railway Administration or by any other means Any recommendations made as a result of these investigations will receive Government's careful consideration.

(b) The number of railway officers drawing Rs 2,000 and more is 120 and the total pay drawn by such officers per annum is Rs. 36,16,164. The latter figure represents 13 per cent of the total expenditure on account of gazetted officers, and only 0·9 per cent of the total bill for railway establishments

Seth Govind Das: With reference to part (b) of the question, may I know how many out of the 120 officers who are getting Rs 2,000 and above are Europeans and how many Indians?

The Honourable Dr. John Matthai: I should like to have notice of that question

Mr. Manu Subedar: Will the Honourable Member examine the question whether the expensive Selection Boards, attached to each Railway system, with officers drawing heavy salaries are quite necessary?

The Honourable Dr. John Matthai: That is a matter which would necessarily come within the purview of the Inquiry Committee over which my Honourable friend Mr Neogy is presiding

Sardar Mangal Singh: The Honourable Member said that in the view of Government the railway administration is not top heavy Will he give facts to support his statement?

The Honourable Dr. John Matthai: I do not know how top-heaviness is to be precisely measured Supposing it is measured with reference to the total number of gazetted officers is compared with the rest of the staff then the figures show that the expenditure on gazetted officers is under seven per cent. of the total railway expenditure on establishments If, on the other hand, top-heaviness is to be measured with reference to the people who are drawing salaries above the limit of Rs 2,000, which my Honourable friend has suggested, then the expenditure on these officers is less than one per cent of the total expenditure on railway establishments I suggest that on these figures it is not possible to maintain the charge of top-heaviness

Mr. Sasanka Sekhar Sanyal: With reference to answer to part (b) of the question, will the Honourable Member be pleased to state how many of these 120 officers possess technical qualifications?

The Honourable Dr. John Matthai: I want notice of that question

Dr Zia Uddin Ahmad: Is the Honourable Member in a position to reveal today what salary did the Pay Commission recommend for these officers?

The Honourable Dr. John Matthai. I can explain the position more clearly after examining the recommendations of the Pay Commission

Pandit Balkrishna Sharma. May I know if the Government have made a comparative study of the scales of pay in higher salaries in this country and abroad? If so, how do they compare?

The Honourable Dr. John Matthai: I will examine the question

SAFE CUSTODY AND HANDLING OF GOODS AT RAILWAY STATIONS

2. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Railway Member be pleased to state

(a) the steps Government have taken or propose to take to ensure the safe custody and safe handling of goods at the railway stations, and

(b) the approximate amount of loss suffered by the country every year due to (i) pilfering of goods, (ii) breaking of articles due to careless handling, and (iii) the payment in kind to the railways station staff?

The Honourable Dr. John Matthai: (a) Government have adopted various measures to ensure safety of goods at railway stations and during transit The following are some of the more important steps taken by railway administrations in this connection

(i) Appointment of additional staff at stations for the handling, marking and labelling of packages

(ii) Appointment of additional supervisory staff

(iii) Insistence on strict adherence to standing instructions regarding careful loading of goods

(iv) Reorganisation and strengthening of staff responsible for vigilance arrangements inside railway premises, and on running trains

(v) Carrying on propaganda amongst railway staff for more careful handling and safe custody of goods

(b), (i) and (ii) Information on the amount of loss sustained by the country due to pilferage of goods and breakage of articles due to careless handling is not available In the year 1945-46, an amount of Rs 103 lacs was paid by all Class I Railways on account of claims arising from non-delivery of goods, including loss and theft In the same year the amount of claims paid on account of damages caused by breakage was about Rs 68,300, the proportion of this total attributable to careless handling cannot however, be separated

(iii) This question presumably relates to the loss sustained by railways in providing their staff with grain and other commodities at concession rates For the year 1945-46 this amounts to Rs 14,20,91,000 This relates to railway staff as a whole, figures for station staff separately are not available

Mr. Ahmed E. H. Jaffer: In view of the fact that a cut motion was brought forward last session by Mr Lawson on the subject, may I ask what action has been taken ever since then to improve matters? Or do the Government welcome a similar cut motion this year also?

The Honourable Dr. John Matthai: This matter is constantly under examination and is receiving anxious consideration at our hands

Shri Sri Prakasa: Is it a fact that railway administrations take no responsibility for loss of goods entrusted to their charge and that they repudiate all claims for compensation when such goods are destroyed?

The Honourable Dr. John Matthai: No Sir

Shri Sri Prakasa: Will the Honourable Member kindly enquire into the case of two boxes of books sent by Dr Bhagavan Das from Benares to Madras, which after persistent correspondence, were discovered to have been lost by fire for which the railway concerned takes no responsibility and is the Honourable Member aware that the Railway Board is actually supporting the administration in its depradations?

The Honourable Dr. John Matthai: If the Honourable Member would give me more details, I should like to go into this very interesting case

Shri Sri Prakasa: It may be only an interesting case to the Honourable Member, but the person who lost his books values them much more than his own property

Mr. President: Order, order, what is the question?

Shri Sri Prakasa: Will the Honourable Member kindly look into his files where he will find a sheaf of letters from me bearing on the subject?

Pandit Balkrishna Sharma: Is it a fact that goods in transit are handled by labour supplied by private contractors and that the railway administration as such have no responsibility?

The Honourable Dr John Matthai: This question of contract labour as distinct from departmental labour is a matter which has received a good deal of attention at the hands of the Railway Department It will be considered further at a meeting which we are shortly having with the General Managers, Railways

Shri Sri Prakasa: Is it not the duty of the railway administration to inform persons concerned when there is loss of goods of the sort I have mentioned in my supplementary question? If so, why was not proper information sent to the person concerned in this case? Why did the railway administration wait for a long correspondence before they gave any information on the subject?

The Honourable Dr. John Matthai: I have already said that I am looking forward to studying this case

Pandit Sri Krishna Dutt Paliwal: May I know if pilfering and breakage has decreased as a result of steps taken by Government?

The Honourable Dr. John Matthai: I think the position is improving

Shri Sri Prakasa What is the general position? Is it not the duty of the railway administration to inform persons concerned about loss of their goods?

The Honourable Dr. John Matthai: That is a difficult matter

Sri M Ananthasayanam Ayyangar Will the Honourable Member consider the desirability of imposing collective fines on all persons who handle goods inasmuch as

Mr President. Order Order the Honourable Member is making a suggestion

Sri M Ananthasayanam Ayyangar. Will the Honourable Member consider the desirability of imposing collective fines as one of the measures to be taken with a view to avoid this increasing loss of goods in transit?

Mr President. Order order In substance it is a suggestion, though in form it is a question

DETERIORATION OF EFFICIENCY OF POSTS, TELEGRAPHS AND TELEPHONE SERVICES

3. *Pandit Sri Krishna Dutt Paliwal. Will the Secretary of the Communications Department please state

(a) whether Government are aware that the efficiency of the posts, telegraph and telephone services has deteriorated, and

(b) whether Government are aware that letters not only do not reach their destination at times, but are delivered days and weeks after their despatch?

Sir Harold Shoobert: (a) Government admit with regret that the efficiency of the Posts and Telegraphs Department is not as high as they would like it to be

(b) Instances do occasionally occur of individual letters going astray or taking unduly long in transmission When such cases are brought to notice, steps are taken to prevent their recurrence and to fix responsibility for the defect in service

Shri D. P. Karmarkar: Is it not a fact that sometimes a letter posted by air mail from Bombay reaches Delhi later than ordinary rail post?

Sir Harold Shoobert: I have already admitted that the efficiency of postal administration is not such as we would like it to be There have been cases in which letters coming by air mail have arrived after letters sent by the rail route When we receive complaints they are always investigated and steps are being taken to remove those defects

Miss Maniben Kara: Will the Honourable Member inform the House if the delay in receipt of letters is not due to censorship of letters?

Sir Harold Shoobert: I think, no, Sir

Pandit Balkrishna Sharma: Is it a fact that sometimes we have to wait for ten hours and more to get a trunk telephone call?

Mr. President: That does not arise out of this question

Lala Deshbandhu Gupta: Is it a fact that unauthorised censorship is still going on in the post offices and that the Government of India have been paying heavy rewards to postal employees ever since 1942?

Sir Harold Shoobert: No, Sir

Shri Sri Prakasa: Will the Honourable Member enquire how it is that the letters I post in Post Box No 202 at the crossing of Curzon road and Keeling Road often get lost?

Sir Harold Shoobert: As always, in regard to my Honourable friend Shri Sri Prakasa's complaints, I should be very happy to make the closest investigation

Shri Sri Prakasa: If the Honourable Member would look into the files of his predecessor, Sir Gurunath Bewoor he will find a sheaf of letters from me on the subject

PROVISION OF TELEPRINTER LINES

4. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) whether Government are aware that many daily newspapers in important towns are not provided with teleprinters, although they have been applying for the same, for about a year, and

(b) the steps Government have taken or propose to take to get the lines already existing released or to provide new lines in order to remove this handicap?

Sir Harold Shoobert. (a) Yes

(b) The whole question is under the active consideration of Government

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member please direct his attention to the question which I put at the last session namely how matters stand in respect of the United Press agency and will he tell the House how the matter stands at present?

Sir Harold Shoobert. I have already said that the matter is under active consideration of the Government That applies also to the ancillary matter of application made by the United Press

Mr. Sasanka Sekhar Sanyal. Has there been any change ever since the question was put on the last occasion?

Sir Harold Shoobert: There have been changes, and one of these changes is multiplication in the number of applications for teleprinters lines, another is that we hope that within a comparatively short time, we will be in a position to put some of these lines at the disposal of the applicants

Seth Govind Das: Does the Honourable Member remember that when I put a question in this respect at the last session, he told us that as far as Nagpur and Jubbulpore, which are two most important cities in C P are concerned, they will be able to get teleprinter lines by March next?

Sir Harold Shoobert: I recall that on that occasion I answered so and I still have hopes that we may be able to do something But I am unable to commit the Government at this stage because as already stated the matter is under active consideration and more than one department is concerned

Mr. Sasanka Sekhar Sanyal: May I know if this question of grant of teleprinter line connections to several news agencies has come up before the Standing Committee of the Department of Communications?

Sir Harold Shoobert As yet no, Sir

Mr. Sasanka Sekhar Sanyal Will the Honourable Member enlighten the House whether this matter will be placed before the Standing Committee of this House?

Sir Harold Shoobert. I should be very glad to give that suggestion the consideration of the Government

Shri Sri Prakasa May I know if Reuters have any voice in the grant of teleprinters to newspapers?

Sir Harold Shoobert No, Sir

REDUCTION OF HIGH AIR MAIL LETTER RATE FROM INDIA TO U S A.

5 *Mr **Ahmed E H Jaffer.** Will the Secretary of the Communications Department be pleased to state

(a) the rate of an airmail letter (weighing ½ oz) from India to New York and the rate from New York to India,

(b) if it is a fact that the rate charged by the Government of India is much higher than what is charged by the Government of U S A , if so, the reasons for charging such heavy rate , and

(c) if Government will consider the question of reducing the airmail letter charges and bring it in uniformity with the rates charged by the Government of U S A from there to India?

Sir Harold Shoobert (a) The air mail fee for a letter from India to New York weighing half an ounce is Rs 1 10 6 inclusive of ordinary postage The corresponding rate from New York to India is 25 cents, which is equivalent approximately to 1½ as

(b) No reciprocity is prescribed in the matter of air mail rates which in the case of India, are based on the payments required to be made to transport agencies for the conveyance of air mails

(c) The air mail rate from India to U S A has already been reduced by six annas with effect from the 1st January, 1947 Government are considering the possibility of a further reduction

Mr. Ahmed E H Jaffer In view of the transport charges being higher in America than in India and also in view of the fact that the Government in America charges 13½ annas for sending a letter from America to India, what is the justification for this Government charging such an excessive rate for a letter to be sent from India to New York? Is it not profiteering?

Mr President. Order, order

Sir Harold Shoobert I may explain to the Honourable Member that as the charges now stand the Government of India are making two annas per air mail letter just to cover our charges within India itself I am unaware whether the statement made by the Honourable Member about transport charges in America being higher than elsewhere is correct, but, if it is correct, the answer would be that the U S A are working the service at a loss at present

Shri Sri Prakasa: Will the Honourable Member refuse to accept air mail letters in India unless the American Government raise their rates?

Sir Harold Shoobert. No, Sir

Shri Sri Prakasa Why not?

(No answer was given)

Mr. Ahmed E. H. Jaffer: On what basis was this reduction of six annas made with effect from 1st January last?

Sir Harold Shoobert: It was calculated on a basis (1) of the fact that the charges from America to India had been reduced, (2) that the charges between the United Kingdom and America had been slightly reduced, and (3) on a calculation of the transit charges which we had to meet I have already informed the Honourable Member that we are trying to effect further reductions, and I hope that fairly shortly it will be possible to do something in that matter

Dr. Zia Uddin Ahmad: Is it not a fact that the same company brings letters from New York to India and *vice versa* and charges different rates?

Sir Harold Shoobert: I shall require notice of that question because there are various air lines affected

AIR MAIL RATES BETWEEN INDIA AND FOREIGN COUNTRIES

6. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Communications Department be pleased to state the rates charged for airmail letters (weighing ½ oz) from India to England, South Africa, East Africa, West Africa, South America, Burma, Japan, China, France, Italy, Switzerland, Spain, Portugal, Persia and Iraq?

(b) What are the rates charged by the Governments of these countries for similar letters despatched from there to India?

(c) Is it a fact that the rates charged by the Government of India are much higher than those charged by those countries, if so, what are the reasons?

(d) Do Government propose to consider the desirability of reducing the rates of airmail letters to all those countries and bring it in uniformity with the rates charged by those countries?

Sir Harold Shoobert: (a) and (b) A statement is laid on the table of the House giving the information required in part (a) of the question and as much information for part (b) as is immediately available

(c) No The rates charged by the Government of India are in some cases higher and in some cases lower than those charged by other countries, while in some cases they are equal to those charged by other countries The differences are generally due to variations in the cost of the service to each administration, the chief item in which is the air transport charge

(d) The question of reducing air mail rates from India to foreign countries is receiving the active consideration of Government

Statement showing a ail charges on letters from India to England, South Africa etc and fro countries to India

Name of country	Rate from India per half Oz	Rates from foreign country to India	
		Actual rate	Equivalent of the charge shown in col (3) for a ½ Oz letter in Indian currency
(1)	(2)	(3)	(4)
	Rs A P		Rs A. P
1. England . . .	0 14 0*	1sh per ½ Oz	0 11 0
2. South Africa . . .	0 14 0*	1sh. 3 d * per half Oz	0 13 6

*Inclusive of postage

of country	Rate from India per half Oz	Rates from foreign country to India: Actual rate	Equivalent of the charge shown in col. (3) for a ½ Oz. letter in Indian currency.
	(2)	(3)	
	Rs A. P.		Rs A. P
3 Kenya, Uganda and Tanganika (East Africa)	0 14 0*	1sh 30 cents* per ½ Oz	0 14 0
4 Nigeria (West Africa)	0 14 0*	1sh 3d* to Karachi and 1sh 8d to other places in India	13½ annas and Re 1 2 0 respectively
5. Portuguese East and West Africa	1 2 0	Not available	
6 South America			
(a) British Guiana, Dutch Guiana, French Guiana, Panama Republic and Panama Canal Zone	1 13 0	Do	
(b) Bolivia, Colombia, Ecuador Peru, and Venzuela	1 15 0	Do	
(c) Argentine, Brazil, Chile, Paraguay and Uruguay	1 9 0	Do	
7. Burma	1½ annas per tola	1½ annas per tola	
8 Japan	(There is no airmail service to Japan)		
9 China	1 7 0	300 Chinese dollars per 5 gms	0 14 0
10 France	1 4 0		
11 Italy	1 2 0	25 liras per 5 gms	1 2 0
12 Switzerland	1 4 0	80 centimes for 5 gms	1 12 0
13. Spain	1 4 0	Not available	
14 Portugal	1 4 0	Do	
15. Persia	1 2 0	Do	
16. Iraq	1 0 0	30 fils per 5 gms	1 3 0

* Inclusive of postage

Shri Sri Prakasa: Is there no international convention that t should be equal in the various countries?

Sir Harold Shoobert. No, Sir, not for air mails

INCOME FROM SALE OF COMMEMORATION STAMPS

7. *Mr. Ahmed E. H. Jaffer. Will the Secretary of the Communications Department be pleased to state

(a) the number of occasions when commemoration stamps were issued during the last five years by the Government of India,

(b) the dates on which they were issued and the dates when they were discontinued,

(d) if it is a fact that new stamps issued by the Government of India are greatly in demand by philatelists all the world over, and

(e) whether Government propose to issue new stamps frequently and thus increase the revenue?

Sir Harold Shoobert: (a) Commemorative stamps were issued on two occasions only during the past five years (1) the AL BU SAID stamps issued in connection with the bi-centenary celebration of the AL BU SAID in Muscat, and (2) the victory stamps

(b) The AL BU SAID stamps were issued on the 20th November 1944 and withdrawn on the 31st December 1944 The victory stamps were issued in four denomination, two on the 2nd January 1946 and the other two on the 3rd February 1946 Their sale was discontinued with effect from the 31st January 1947

(c) A sum of Rs 392, 916-3-3 was realized by the sale of AL BU SAID stamps As regards Victory stamps, the information is not yet available

(d) Yes

(e) It is not the policy of Government to issue commemorative stamps in order merely to raise revenue Such stamps have been issued and will be issued to celebrate occasions of special importance

Mr. Ahmed E H. Jaffer. Why were commemorative stamps not issued to mark the taking over of the administration by the Interim Government?

Sir Harold Shoobert. Will the Honourable Member kindly repeat his question?

Mr. President: Order, order, no repetition is necessary

Shri Sri Prakasa: In view of the Honourable Member's statement that the sale of the so-called victory stamps has been discontinued, why is it that they are still sold in Benares?

Sir Harold Shoobert: I said that their sale was discontinued with effect from 31st January last I am not aware whether my Honourable friend left Benares today by air, but there has not been time for him to judge whether they have been discontinued or not

Shri Sri Prakasa. I regret I heard January 1 May I know if those who has the misfortune to buy these stamps before 31st January last will be permitted to use them on envelopes after that date?

Sir Harold Shoobert: Of course, Sir

Reservation of National Traffic to India's Internal Air-Lines

†8. ***Maharajkumar Dr. Sir Vijaya Ananda.** Will the Honourable Member for Communications be pleased to state the steps, if any, that Government have taken to reserve the national traffic to India's own internal air-lines?

Sir Harold Shoobert: The principle of reservation of cabotage traffic, that is, traffic generating and terminating within one country to the nationals of that country has been internationally recognised and re affirmed at the International Civil Aviation Conference held at Chicago in 1944 The Government of India have also reserved such traffic for their own internal air lines

Reduction of Cost of Air Mail Envelope to U S A

9 ***Seth Govind Das:** Will the Secretary of the Communications Department be pleased to state

(a) whether Government are aware that an ordinary air-mail envelope from India to the United States of America costs Rs 2-0-6 while the same letter to Canada costs only Annas 6, and that an air-mail envelope from the United States of America to India costs 25 cents, and

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

(b) whether Government are aware that it is causing much expense to Indian business-men and relatives of so many students in the United States of America, if so, whether Government propose to take steps to reduce the cost of an air-mail envelope to the United States of America?

Sir Harold Shoobert: (a) and (b) The Honourable member has confused the ordinary air mail postage rates with the special rate for the light air letter service available for Canada and certain other countries of the British Commonwealth The two services are entirely distinct With effect from 1st January 1947, the air mail postage for letters to the United States of America has been reduced to Rs 1-10-6 per half ounce The question of further reduction is under examination

Shri Sri Prakasa: Do students in America cost their parents the same as in India? If not, why cannot they pay an additional postage?

Sir Harold Shoobert: If that is a question for me to answer, I should say that it must cost the parents considerably more in America than in India

RUNNING OF OVERSEAS COMMUNICATION SERVICE INDEPENDENTLY OF POSTS AND TELEGRAPHS DEPARTMENT

10. *Seth Govind Das: (a) Will the Secretary of the Communications Department be pleased to state the estimated cost of the purchase of the Overseas Communication Service from Cable Communication Ltd ?

(b) What are the reasons for running this service independent of Post and Telegraph Department by the Government of India?

(c) How much more money is estimated to be spent on this service for its independent existence?

(d) Is it a fact that the employees of that service decided not to agree to the transfer of the Company to the Government unless their demands were conceded?

(e) If so, what does the Government of India propose to do in this matter?

Sir Harold Shoobert: (a) The valuation has not yet been completed and Government are therefore unable to give any figures

(b) and (c) The final form in which the Service will be run is yet to be decided and the whole question is under examination

(d) The employees have decided to accept service under Government

(e) Does not arise

Seth Govind Das: By what time do Government expect to make a decision in this matter?

Sir Harold Shoobert: I am afraid, Sir, I cannot commit Government in this matter The valuation has to be completed which will take some little while, in the meantime the service is being satisfactorily run as a separate Government department, pending a decision as to its future running

ORDERS FOR TEXTILE MACHINERY

11. *Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether orders for textile machinery have been placed by all those to whom licences to establish textile mills were recently granted;

(b) the number of fine count and course count looms and spindles for which orders have already been placed;

(c) the number of such orders that have been placed in the United Kingdom and the number of orders in other countries with the names of such countries, and

(d) whether adequate facilities to collect necessary information were given and are being given to the licencees regarding the availability of second machinery in all countries which manufacture such machinery?

The Honourable Sri C. Rajagopalachari: (a), (b) and (c) Provincial Governments were requested on the 5th of September to supply us with information in regard to these matters We have had only two replies so far, both of which are incomplete

(d) All facilities are given by the Government of India to l
relevant information The Government of India have [illegible] applications from England and America of the supply possibilities of textile machinery, which they pass on to industrialists in India As regards countries other than England and America, the Government of India have not yet made arrangements for collecting such information and disseminating it in India

Seth Govind Das: Is it a fact that the Madras Government have decided not to have any textile mills? Are the Government of India forcing them to retain the licenses of persons who have already got licenses for textile mills in that province?

The Honourable Mr. C Rajagopalachari: There is no question of forcing, but the Government of India have decided that they will not cancel permits already issued

Prof N G. Ranga. Were these permits given over the heads of the provincial Governments or were they given in consultation with the new provincial Governments?

The Honourable Mr. C Rajagopalachari: Permits were given on the recommendations of the provincial Governments who were then functioning

Sri M Ananthasayanam Ayyangar: May I know if in pursuance of these permits the licencees have already progressed in the matter of construction of buildings?

The Honourable Sri C. Rajagopalachari: That is the complaint which the licencees are making with reference to the Provincial Governments attitude, and that is also the reason why the Government of India on account of the commitments involved have refused to cancel licences already issued

Prof. N. G Ranga: Has the Government of Madras accepted the decision of the Government of India that these licencees should be given freedom to exercise their so called rights obtained from the licences?

The Honourable Sri C. Rajagopalachari. There is no question of acceptance The fact that the Central Government says that it will not cancel the licences already issued must be enough There is no question of acceptance involved

Prof. N. G. Ranga: Is it not a fact that the Government of Madras has written to the Government of India that it does not recognize any of these claims that are being made by these various businessmen?

The Honourable Sri C. Rajagopalachari: No communication on the subject as far as I know has been received after the decision of the Government of India not to revoke the licences already issued

Prof. N. G. Ranga: But after these licences were issued and since the advent of this new Government has any effort been made by the new Government to see what effect these licences that have been given are likely to have upon the cottage industry, *i e*, the handloom weaving industry, in our country?

The Honourable Sri C. Rajagopalachari: We can gather something from what appears in the press, but no communication has been received from the Provincial Government on the subject

Seth Govind Das: How many licences have been given to Madras people?

The Honourable Sri C. Rajagopalachari: If accurate information is wanted, notice is required

Prof. N. G. Ranga: Sir, my question has been misunderstood a little Has this new Government made any effort to ascertain or to assess the possible effects of giving these licences to these various businessmen upon the cottage industry in our country, *i e*, handloom weaving industry?

The Honourable Sri C. Rajagopalachari: When you say 'new Government' I take it you mean the Provincial Government of Madras

Prof N G. Ranga: No, the Interim Government here

The Honourable Sri C. Rajagopalachari: It is an argument, Sir

Prof N. G Ranga: I am only asking for information—whether any effort has been made by the Interim Government to assess the possible effects of the granting of these licences upon the cottage industry in our country, *i e*, the handloom weaving industry?

The Honourable Sri C Rajagopalachari: In Madras to which the question relates mainly the bulk of the handloom industry depends upon the supply of yarn from the mills that is to say from the textile industry which we are discussing

Prof N. G Ranga: But is it or is it not a fact that licences have been issued

Mr President The Honourable Member is now entering into an argument

Prof N G Ranga It is only for the sake of information Is it or is it not a fact that fresh licences have been issued for the installation of new power looms in this country?

The Honourable Sri C Rajagopalachari. The spindlage that has been sanctioned, as the Honourable Member is aware is mostly with reference to spindles

Prof. N. G Ranga: I am talking about looms

Dr Zia Uddin Ahmad: How many licences for spinning factories have been given by the Government of India?

The Honourable Sri C. Rajagopalachari If figures are wanted notice must be given

STRIKE IN THE OFFICE OF DIRECTOR OF INDUSTRIES AND SUPPLIES, CALCUTTA

12. ***Seth Govind Das** (a) Will the Honourable Member for Industries and Supplies be pleased to state whether Government are aware of the strike by the employees of the office of the Director of Industries and Supplies, Calcutta?

(b) If so, what are the causes that led to the strike and what are the demands of the strikers?

(c) What action do the Government of India propose to take to stop recurrences of such strikes in their Departments?

The Honourable Sri C. Rajagopalachari: (a) Yes The strike lasted from 16th December 1946 to 15th January 1947

(b) The strikers demands have varied from time to time Their main demands have been that there should be no retrenchment unless Government is able to provide alternative employment for those retrenched and that the approval of the Employees Unions should be obtained before any retrenchment is carried out by Government

(c) Every endeavour has been and will be made to find alternative employment for the staff to be retrenched But retrenchment and demotions of war-expanded departments are inevitable

Shri Sri Prakasa: What was the nature of the work of these employees who went on strike and what was the nature of the harm that the public suffered from their going on strike, and in view of the fact that there are too many offices, would not Government welcome such strikes?

The Honourable Sri C. Rajagopalachari: The strikes on the part of people who are paid for their employment cannot be welcome by the Government

Shri Sri Prakasa: But what is the nature of the work, is it clerical work or is it manual work?

The Honourable Sri C. Rajagopalachari: In this particular case it is mostly clerical

PRIORITY FOR THE SUPPLY OF SCIENTIFIC AND MEDICAL EQUIPMENT AND MACHINE TOOLS TO UNIVERSITY LABORATORIES

13. *Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether adequate care was taken and is now being taken to give priority to scientific technical and medical laboratories in the disposal of surplus scientific and medical equipment and machine tool especially in view of the fact that these laboratories have been starved of such things for many years,

(b) whether Government are aware that majority of university laboratories in India are poor in their scientific equipment and suffer from absence of proper workshop facilities and tools, and

(c) whether any scientific and medical equipment has been supplied to university laboratories, if so, the names of the universities and the value of the equipment supplied?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir Educational Institutions have been placed in priority No 3 (i e after Central Government and Provincial and State Governments, but before the general public) for purposes of making bids for surplus stores If in any particular case the Education Department of the Government of India consider it necessary to obtain any particular stores for educational institutions, that Department can sponsor the demand which will then be accorded first priority

(b) Yes, Sir The position cannot be said to be satisfactory

(c) Scientific and medical equipment has been supplied to several educational institutions and a statement giving the required details is placed on the table

Statement showing names of educational institutions and the value of equipment supplied to them from surplus stores

Name of Institution	Approximate value in Rupees
University of Travancore	39,155
Indian Institute of Science, Bangalore	4,975
Annamalai University,	62,851
Hindu University, Benares	24
Indian School of Mines	1,578
Andhra University	2,768
Muslim University	11,945
Delhi Polytechnic.	10,387
Other institutions.	1,053
	Rs. 1,35,136

Seth Govind Das: With reference to part (b) of the question, the Honourable Member has admitted that the position is not satisfactory What steps Government are taking immediately to make the position more satisfactory than it is at present?

The Honourable Sri C. Rajagopalachari: Every step is taken, but I believe the question is with reference to supply of surplus stores, and I said I am placing the required details on the table so that the time of the House may not be taken up in reading the whole list

Dr. Zia Uddin Ahmad: Is it not a fact that the present Disposals Directorate is charging about twice and even three times the price of the American goods at which the Americans themselves sold to the educational institutions?

The Honourable Sri C. Rajagopalachari: I cannot accept the charge

Dr. Zia Uddin Ahmad: I sent a note to this effect, and I would like to know whether the Honourable Member has seen the note?

The Honourable Sri C. Rajagopalachari: I cannot remember to have seen it, but it will be looked into if the Honourable Member will give me the particulars of the note

Lala Deshbandhu Gupta: May I know if instances have come to the notice of the Honourable Member that priority No 2 given to Indian States is being abused in many cases and the goods sold to the States are actually sold in British India through their agents at a higher rate?

The Honourable Sri C. Rajagopalachari: It is possible, but I venture to submit that it does not arise on this question

Dr. Zia Uddin Ahmad: May I tell the Honourable Member that you give priority to educational institutions but charge prices which they cannot afford to pay, and therefore this priority has got no value

The Honourable Sri C. Rajagopalachari: No complaints about the price have so far been received to my knowledge, but if the Honourable Member has anything to say with reference to them the matter will be looked into

Dr. Zia Uddin Ahmad: I sent a notice to the Honourable Member's predecessor

Shri Mohan Lal Saksena: May I suggest that the educational institutions and Universities should be placed before the State Governments in priority?

The Honourable Sri C. Rajagopalachari: That is a suggestion which I think cannot be easily disposed of, because the State priority refers to very many essential services also

PROGRESS IN THE SCHEME FOR MANUFACTURE OF LOCOMOTIVES IN INDIA

14. *Mr. Manu Subedar: (a) Will the Honourable Member for Railways please state the progress made in the scheme for the manufacture of locomotives in this country?

(b) Has the machinery arrived?

(c) If not, when is it arriving?

(d) When will it be possible to choose the personnel for the manufacture?

(e) When do Government propose to manufacture locomotive boilers in India and how many?

(f) By which date are different constituents of the locomotive expected to be made in this country?

(g) Is it proposed to import some parts in the meanwhile?

The Honourable Dr. John Matthai: (a) Government have recently sanctioned with the concurrence of the Standing Finance Committee for Railways the provision of an entirely new locomotive manufacturing workshop at Kanchrapara

(North) at an estimated cost of Rs 11 40 crores The cost is made up of Rs 2 69 crores for Workshops and ancillary equipment, Rs 3 10 crores for plant and machinery and Rs 5 61 crores for the colony for housing staff The proposed workshops is planned to manufacture annually 120 locos and 50 spare boilers on single shift and 150 locos and 50 spare boilers by double shift working Indents for the machinery and plant are being placed on the Industries and Supplies Department and negotiations are in progress for the construction of the Workshops, ancillary plant and services

Government have also sold their Singhbum Workshops at Tatanagar to the Tata Locomotive and Engineering Company for development as a locomotive and boiler manufacturing shops In accordance with the terms of the agreement entered into between the Government and Messrs Tata Sons Ltd , the Company have recently submitted their final scheme for the manufacture of locomotives at Singhbum Shops for the approval of Government, and this is at present under examination

(b) and (c) Fourteen heavy machines were ordered *ex* U K for the Kanchrapara project in March 1945, out of which ten have been received An indent for the remaining machinery and plant required for the Kanchrapara project is being placed on the Industries and Supplies Department The bulk of the machinery required will probably take not less than 24 months to be delivered

(d) Certain grades of staff can be engaged as the plant and machinery is installed but the major portion of the personnel will have to be trained as there is a scarcity of trained staff capable of manning the industry efficiently at the outset

(e) Tata Locomotive and Engineering Company is at present engaged on the first order for the manufacture of 100 locomotive boilers When fully developed, this Company will be manufacturing 50 locomotive boilers annually, in addition to those for 50 locomotives The building of the new Kanchrapara Workshops and colony and the installation of machinery and plant is expected to be completed by August/September 1949 Thereafter manufacture could begin but the production of complete locomotives and boilers is not expected to commence in any appreciable numbers until 15 months from September 1949, *i e* , by December 1950

(f) and (g) When Kanchrapara and Singhbhum shops commence building locomotives, the majority of the assemblies required will be manufactured, but it may be found necessary when difficulties are met during the early stages of development to purchase a few items to maintain a balance of outturn, and certain proprietary fittings

Mr. Manu Subedar: In view of the fact that a British newspaper had said that orders had been placed with a particular firm—the North British Locomotive Company I believe—which would last for 12 years, may I know from which date the Government expect that the locomotive requirements of this country will be met by local production, and after which date no foreign imports will take place?

The Honourable Dr. John Matthai: The answer to that question would really depend on an examination of our requirements and of the possibilities of local manufacture I am not in a position to give a final reply to my Honourable friend, but the relevant figures would be something like this, I have already mentioned that the capacity of the Kanchrapara workshops when they are completed would be 150 locomotives and 50 spare boilers on double shift working The Tata Workshops, when they are completed, would be in a position to turn out 50 locomotives and 50 spare boilers As against that, our requirements would amount to about 250 locomotives per year up to about 1960 for purely replacement purposes After 1960 for replacement

purposes our requirements would be about 150 locomotives So that to a large extent you might say that the local productive capacity would more or less *match replacement requirements But if there were any further requirements in connection with our expansion projects, then the matter would have* to be examined

Mr. Manu Subedar: May I know whether Government have examined that excessive orders for very late deliveries have not been placed—and that the prices which I have heard about £20,000,—which are very heavy compared to the pre-war prices—for late deliveries later than 1950 at these prices which are not likely to last?

The Honourable Dr John Matthai: We have placed orders for 400 locomotives and our expectation is that the deliveries will be completed by the end of 1950

Mr Tamizuddin Khan: Have all the orders for the machinery been placed with the United Kingdom?

The Honourable Dr. John Matthai: The majority of the orders have been placed in the United Kingdom but a certain number have been placed in the United States of America

Mr Tamizuddin Khan: How do the prices in the two countries compare?

The Honourable Dr John Matthai: If the Honourable Member desires I could furnish the information

Mr Manu Subedar: Have Government examined whether the equipment and machinery of the Ordnance Factories could be diverted and used for this purpose and if so will they cancel the orders if it is found that this can be done?

The Honourable Dr John Matthai: I do not think the Ordnance factories are in a position to handle locomotive manufacture As the Honourable Member is aware we are making the very best use of the equipment available in Ordnance Factories for other purposes

Dr J C. Chatterjee: Is it a fact that complete locomotives were manufactured in the Ajmere Workshops, and if that is correct, is it the intention of Government to develop the Ajmere Workshops for the manufacture of locomotives in India?

The Honourable Dr. John Matthai: The Ajmere Workshops have been manufacturing locomotives, but our examination has led us to the conclusion that on account of the congested lay-out of the Ajmere Workshops, it is not possible to develop them further

Hafiz M. Ghazanfarulla: Is it a fact that orders have been placed without any further tenders being called for?

The Honourable Dr John Matthai: I want notice of that question As a matter of general principle, I would say this, that as regards highly specialized equipment it is much better to get into consultation with manufacturing firms who have the necessary equipment and who have a reputation instead of calling for tenders

Dr. Zia Uddin Ahmad: Is it a fact that the Ajmere Workshops are fitted to manufacture only metre-gauge engines and not broad gauge engines which should be prepared somewhere else?

(At this stage Lala Deshbandhu rose in his seat)

Mr. President: Order, order This question has not yet been answered Is it a fact that the Ajmere Workshops manufacture only metre gauge engines?

The Honourable Dr. John Matthai: Yes, Sir only metre gauge locos

Lala Deshbandhu Gupta: Did Government make enquiries before placing the orders in the United Kingdom that the prices were in no way higher than those offered by the United States of America or other countries Quality for quality?

The Honourable Dr. John Matthai: Design and quality being the same, that is generally the position

Mr. President: Order, order I am calling the next question Mr Subedar

SUPPLY OF TIMBER PRODUCED IN ANDAMANS AND GIVEN TO SWEDISH MATCH COMPANY

15. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies please state the quantity of timber that has been produced in Andamans?

(b) How much of this timber has been brought to India?

(c) Through which agency and in what manner has the timber brought to India been sold to the consuming public?

(d) Has any licence, monopoly, or lease or exclusive quota, been given to the Swedish Match Company?

(e) If so, what are the terms of such lease?

The Honourable Sri C. Rajagopalachari: (a) Total timber produced from the date of reoccupation of Andamans upto 31st December 1946 amounted to 18,625 tons

(b) 10,086 tons

(c) Timber has been sold through numerous firms in Calcutta and Madras by direct negotiations between the Chief Forest Officer, Andamans and purchasers in India

(d) No licence, monopoly, lease or exclusive quota has been given to the Swedish Match Company

(e) Does not arise

Mr. Manu Subedar: Will the Honourable Member say what steps Government are taking in order to produce timber of a quality suitable for housing purposes in the Andamans and what steps have been taken in order to have the timber brought to this country as early as possible?

The Honourable Sri C. Rajagopalachari: Sir, the main concern of the Chief Forest Officer, Andamans, is to produce the maximum financial return from the forests and the Railway Board has recently appealed to the Home Department, which administers the Andamans, to consider the desirability of the Andamans producing the maximum number of creasoted sleepers No special steps have been taken with reference to the building industry, as the Directorate General of Industries and Supplies have no control over either allocation or other matters

Mr. Manu Subedar: Will the Honourable Member assure this House that this timber which can be used in this country will not be permitted to be exported from the Andamans to the United Kingdom or any other country?

The Honourable Sri C. Rajagopalachari: The Information I have given must be enough to satisfy the Honourable Member that there is no question of export to foreign countries

Prof. N. G. Ranga: How much of this timber was sold to the Swedish Match Company?

The Honourable Sri C. Rajagopalachari: I have already answered the question There has been no monopoly lease or exclusive profits to the Swedish

Match Manufacturing Company and the rest of the information also I have given As to sales, if particulars as to particular parties to whom sales have been made are wanted, I must ask for notice

Mr. Manu Subedar: In view of the very high price of timber of all sorts now prevailing in this country and in view of the fact that this seriously interferes with the progress of the building trade in this country, which the Government of India have announced is their policy to encourage, may I know whether special efforts could not be made to produce more timber in the Andamans and brought here as early as possible?

The Honourable Sri C. Rajagopalachari: Without conceding that the building industry should be given the first priority, I may say to the Honourable Member that steps will be taken for development in any direction that is considered desirable

Mr. Tamiruddin Khan: What are the varieties of timber produced in the Andamans?

Mr. President: That does not arise out of this question The Honourable Member can get the information by other means

SHORTAGE OF MATCHES AND PROFITEERING BY VENDORS AND MIDDLEMEN

16. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies please state if Government are aware of the shortage of matches in many parts of the country and of the profiteering indulged in by petty vendors and middlemen?

(b) What steps are Government taking to prevent the recurrence of this phenomenon?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir But it is believed that the position is improving

(b) Control over distribution and prices of matches is the concern of Provincial Governments So far as the Central Government are concerned, they have no statutory control over the distribution and prices of this commodity Government have removed all restrictions on the importation of matches and have included this item in the Open General Licence No VIII published with the Commerce Department Notification No 19-I T C /1946 so that matches may be freely imported from all sources without individual licences

Mr. Manu Subedar: Government have recently lowered the price of matches after the last Budget and has it come to their notice that the quality of matches has considerably deteriorated and broken match sticks or sticks which have no chemical ingredients stuck on them are being put into the boxes and that the public is being penalised in the matter of quality of the matches?

The Honourable Sri C. Rajagopalachari: It is very likely but steps have to be taken in numerous ways to prevent it

Khan Abdul Ghani Khan: Have Government considered the desirability of manufacturing cheap utility lighters in view of the shortage of timber and the difficulty of securing matches?

The Honourable Sri C Rajagopalachari: It is an interesting question not arising out of this question

Sri M Ananthasayanam Ayyangar. In view of the shortage of matches in this country—matches manufactured by mills or machines—may I know whether any help will be given by Government to the production of matches as a cottage industry?

The Honourable Sri C. Rajagopalachari: I would like a scheme to be furnished by the Honourable Member, to which due consideration will be given, to make it a cottage industry

Sri M. Ananthasayanam Ayyangar: May I submit to the Honourable Member that before such restrictions as have been imposed matches were being manufactured in this country as a cottage industry in villages after villages and on account of the restrictions

Mr. President: The Honourable Member is arguing

Sri M. Ananthasayanam Ayyangar: Then I shall put a question, Sir Is not the Honourable Member aware that before restrictions were placed on the number of matches a box should contain and other things, the match industry was a flourishing cottage industry in this country and on account of these restrictions the industry disappeared and will the Honourable Member take steps to revive this cottage industry?

The Honourable Sri C. Rajagopalachari: That will be considered

Shri D P. Karmarkar: The shortage of matches at the present moment is not so much due to shortage of supply as to blackmarketing Is the Honourable Member prepared to advise the Provincial Governments to tighten up the organisation for the distribution and sale of matches?

The Honourable Sri C. Rajagopalachari: Malpractices on the part of the trade are one of the causes but there is also a certain amount of difficulty arising on account of movement Advice to the Provincial Government will be given as desired but I do not know how effective it will be

Lala Deshbandhu Gupta: So far as Delhi is concerned, it is directly under the Government of India, may I know what steps the Government propose to take to safeguard the interests of the consumer against the profiteering on matches that is going on in Delhi?

The Honourable Sri C. Rajagopalachari: As I have said already the shortage of matches in Delhi was due to several causes one of which is malpractices on the part of the trade but I think every attention is being given to removing these difficulties and at present I may say that since the transport difficulties have been met and certain export has been banned, the situation has eased

Mr. Vadilal Lallubhai: Have the Government of India not given any instructions to the Provincial Governments regarding the control and sale of matches?

The Honourable Sri C. Rajagopalachari: We have but I think it is hardly right to call the advice 'instructions'

Seth Govind Das: Are the Government aware that the *bidi* merchants take matches directly from the manufacturers and they sell them only if *bidies* are purchased from them and that is also one of the reason of shortage of matches in the country?

The Honourable Sri C. Rajagopalachari: It may be a possible reason but I think if the Honourable Member will give me more information the matter can be inquired into

PAYMENT OF SALARIES TO POSTAL EMPLOYEES FOR THE PERIOD OF THE LAST GENERAL POSTAL STRIKE

17. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Communications Department be pleased to state whether it is a fact that the salaries of postal employees who joined in the last general postal strike have been withheld in respect of the period of strike, if so have Government decided not to pay those salaries, or is the question of payment under examination?

Sir Harold Shoobert: Government have decided that the postal employees who joined the last Posts and Telegraphs strike should be treated as being absent on leave without pay The strikers are, therefore, not entatled to any salary for the period of absence but they have been allowed to draw grain

compensation and other allowances under the rules applicable to employees on leave without pay.

UNION OF POSTAL, TELEGRAPH AND RAILWAY MAIL SERVICE EMPLOYEES.

18. *Mr. Sasanka Sekhar Sanyal Will the Secretary of the Communications Department please state

(a) whether it is a fact that the Union of Postal, Telegraph and Railway Mail Service employees which is registered within the meaning of the Trade Union Act is not recognised by Government, if so the reasons thereof,

(b) if the answer to part (*a*) above is in the negative, whether Government are aware that in many cases, at least in Bengal, the secretaries of such unions have not been allowed interviews and discussions with departmental heads in the matter of grievances of the employees served by such unions, and

(c) the policy of Government in regard to this matter?

Sir Harold Shoobert: (a) No such Union as "the Union of Postal, Telegraph and Railway Mail Service employees" is recognised by Government The All India Postal & R M S Union, which is a recognised Union had communicated to Government a wish to change its designation to "Union of Posts, Telegraphs & R M S (India)", by which name it has, according to its statement, been registered under the Trade Union Act This change would enable it to enlist employees of the Telegraph, Telephone and Wireless branches of the Department as its members The Government of India have refused to recognise the change of designation as it would involve an encroachment upon the rights and privileges of other recognised Unions, of which such classes of employees are members

(b) Does not arise

(c) The Government's policy is not to allow the existing Unions to throw open their membership to additional classes of officials for whom other Unions or Associations exist

Mr. Sasanka Sekhar Sanyal: What are the rights and privileges of the other recognised Unions which would be encroached upon if this particular union was recognised by the Government?

Sir Harold Shoobert: I should perhaps explain the point to the Honourable Member and the best way I can explain it is by reading one of the rules about the recognition of Unions by Government The rule which is relevant says that "an association must ordinarily consist of a distinct class of Government employees and all Government employees of the same class must be eligible for membership of the association" We already have an Indian Telegraph Association, an All India Telegraphs Union and an All India Posts and Telegraphs Union, all of whom include in their membership employees of the telegraph, telephone and wireless branches of the Posts and Telegraphs services If the original recognition given to the All India Postal and R M S Union were changed in its terms these other Unions would have a distinct grievance in that, members might be taken away from them

(*b*) WRITTEN ANSWERS

INDUSTRIAL ALLIANCES BETWEEN INDIANS AND FOREIGNERS.

19. *Mr. Vadilal Lallubhai: Will the Honourable Member for Industries and Supplies please state

(a) the steps that Government have taken to check the growth of foreign interests in the form of alliances between Indians and foreigners,

(b) whether Government have received any representations and protests from Indian business and commercial community expressing their concern over this issue in the method of India's industrialisation,

(c) if so, what have they done to allay these fears in the minds of Indian business community,

(d) the policy of Government in this respect if they have any,

(e) whether Government propose to enunciate a long term policy in this respect and publish it for the benefit of Indian business community and the public in general and

(f) whether Government propose to assure the Indian business community that no such alliances between Indian and foreign capital will be allowed to be entered into hereafter and that Indian Industrialisation will be achieved on the basis of development and expansion of industries owned, controlled and managed by Indians?

The Honourable Sri C. Rajagopalachari: (a) The terms on which foreign interests should be permitted to associate with Indian enterprise for the development of Indian industries is a question which was considered by the Government of India in 1945 Certain proposals were discussed by Sir Ardeshir Dalal, during his visit to the United Kingdom that year, with His Majesty's Government No final decisions could be arrived at pending constitutional changes The question is now under the consideration of Government

(b) The Government have seen discussions on this subject in the Press, but have received in the recent past only one representation on the question, objecting to the participation of British capital in a company about to be floated for the manufacture of textile machinery

(c), (d), (e) and (f) These questions will come up for consideration in connection with the report of the Advisory Planning Board ,which has been recently represented to Government

REGISTRATION OF NEW FIRMS IN INDIA IN PARTNERSHIP WITH FOREIGN INTERESTS AFTER CONTROL OF CAPITAL ISSUES

20. *Mr. Vadilal Lallubhai. (a) Will the Honourable Member for Industries and Supplies please state how many new firms have been registered in India after Capital Issues were controlled?

(b) How many and which of them have been registered in partnerships with foreign interests?

(c) Is it a fact that some of these partnerships have a share in capital, control and management?

(d) If so, what are the names of such concerns?

(e) Is it a fact that arrangements are being negotiated or are completed for starting Textile machinery manufacturing undertaking in this country on the basis of foreign partnership in capital and management?

(f) If so, what are the reasons for allowing foreign vested interests to be created in the new sphere of manufacture of textile machinery?

The Honourable Sri C. Rajagopalachari: (a) to (d). The Honourable Member was advised by the Honourable the Finance Member on 16th November 1946 in reply to his question that questions regarding firms registered under the Indian Partnership Act should be addressed to Honourable the Law Member and as regards firms registered under the Indian Companies Act, the Honourable the Commerce Member should be asked to furnish the required information

(e) It is a fact that certain industrialists have entered into an agreement with some British industrialists for starting the manufacture of textile machinery in India and the agreement provides that, while the majority of the shares and the controlling interest will be held by Indians, the British industrialists will have a minor financial interest in the company and will be represented on the Board in that proportion.

(f) The Indian industrialists entered into this agreement in order to obtain necessary assistance in the shape of patent rights, technical knowledge etc

WAGES AND SALARIES OF EMPLOYEES IN COMPANY RAILWAYS AND STATE RAILWAYS

21. *Miss Maniben Kara: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the employees in Company Railways doing work comparable with those in the State Railways are given much lower salaries and other benefits?

(b) If so, do Government propose to bring the wages and other benefits given to Company Railways' employees at par with those in the State Railways?

The Honourable Dr. John Matthai: (a) Presumably the Honourable Member is referring to railways owned and worked by companies If so, Government have no information regarding the salaries and other benefits received by the employees of those companies

(b) No In the matter of scales of pay and conditions of service of their employees, these companies exercise full discretion and are not subject to the control of Government

INTERIM RELIEF TO RAILWAY EMPLOYEES

22. *Miss Maniben Kara: (a) Will the Honourable Member for Railways please state whether it is a fact that an assurance was given to railway employees at the time of the threatened strike in June last for grant of interim relief?

(b) If so, is it a fact that the relief has been given only to the State Railways employees?

(c) If so, are Government aware that a substantial section of railwaymen employed by Company Railways, who were also parties to the dispute, have not been given such relief?

(d) If so, do Government propose to move in the matter so as to ensure employees working in the Company Railways of an equivalent benefit?

The Honourable Dr. John Matthai. (a) and (b) The reply is in the affirmative, though the assurance only concerned employees of Indian Government Railways whose pay and other conditions of service are controlled by Government and the expenditure on whom is directly chargeable to Railway revenues

(c) and (d) Government have no details regarding the extent to which Company Railways have on the lines of the action taken by Government, granted their employees any cash relief, nor can Government interfere in matters of detailed administration of these railways In this connection, I would invite the Honourable Member's attention to my reply to part (b) of the preceding question

ABOLITION OF CONCESSION AND THE RAILWAY FOOD DEPARTMENT

23. *Seth Sukhdev: Will the Honourable Member for Railways be pleased to state whether in view of the proposed revision of railwaymen's scales of pay with effect from 1st January 1947, and consolidation of dearness allowance and grain concessions in the wages Government propose to abolish the railway Food department? If not, do Government propose to make a statement on the policy to be pursued in regard to continuance of food concessions to railwaymen and for how long?

The Honourable Dr. John Matthai: As the Honourable Member is aware, the Central Pay Commission are at present examining the future structure of the scales of pay and standards of remuneration for Central Government

servants, and Government are not in a position to anticipate what the recommendations of the Commission are likely to be and also the decision of Government on those recommendations Government have recently examined the question of the continuance of Railway Gram Shops and, in view of the fact that the food position is likely to be difficult throughout 1947 it has been decided to continue the organisation for the present, the question being further examined on receipt of the recommendations of the Central Pay Commission

DEMANDS OF THE ALL INDIA ORDNANCE EMPLOYEES FEDERATION

24. *Sjt. Seth Damodar Swroop: (a) Will the Honourable Member for Industries and Supplies please state if a memorandum from the All India Ordnance Employees Federation was received by Government some time back If so, what action, if any, has been taken by Government to meet the demands of the Association?

(b) Is it a fact that during the year 1945-46 garments worth Rs 4,00,000 in labour value were made up in the Clothing factory, Shahjehanpur for the United Provinces Police alone If so do Government propose to approach the other provincial governments also to have the Police and Jail Uniforms made up in the Clothing factory at Shahjehanpur and Madras as also in the Parachute factory at Cawnpore, thus enabling the employees of the Ordnance department to easily have a load of more than 40 Lacs units or 2 15 00,000 man hours per year for Ordnance Clothing factories alone?

(c) Is it a fact that the Government of India are at present getting most of the uniforms of postal officials and Railway-men made by private contractors who swallow most of the cost of labour, and not in their own Ordnance factories which are running at the cost of the Defence Department?

(d) Is it a fact that India is required to supply cloth to the neighbouring countries as a measure of reciprocal-aid in return for food-grains If so, will Government please consider the desirability of supplying half of the Cloth quota in the form of the ready-made garments to keep the Ordnance clothing labour employed?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir The Memorandum is under consideration

(b) Garments worth Rs 5,190 only were made in 1945-46 in the Clothing Factory, Shahjahanpur, for the U P Police *The question of production of* civil items of clothing required by *Central Government Departments and* Provincial Governments has already been discussed in detail by the Technical Sub-Committee appointed by Government, and their recommendations are under consideration The Central Government will certainly invite Provincial Governments to have their employees clothing made in the Ordnance Factories

(c) Annual contracts for fabrication of garments required by the State Railways, with the exception of those who have their own clothing factories, are placed by the Textile Directorate of the Directorate-General of Industries and Supplies It is the policy of Government to get such garments made in Ordnance Factories as far as possible

The Posts and Telegraph Department at present get their uniforms made by private contractors from material supplied through the Directorate-General of Industries and Supplies The question of getting these uniforms made in Ordnance Factories is also being considered

(d) Yes, India supplies cloth to countries such as Nepal, Siam, Burma, Australia, New Zealand, Iraq but not solely in return for food-grains Export quotas for these countries are fixed partly as a measure of reciprocity for supply of food-grains, but there are other important considerations also With regard to the latter part of the question, the practice has so far been to supply textiles in the form of cloth The possibility of pressing any country to accept garments instead of cloth will be explored

DIRTY CONDITIONS ON THE OUDH AND TIRHUT RAILWAY

25. *Sjt. Seth Damodar Swroop: Will the Honourable Member for Railways please state

(a) whether Government are aware of the dirty conditions prevailing on the Oudh and Tirhut Railway,

(b) whether Government are aware that cattle are generally seen on the platforms, and that human beings are packed like pigs in sites on this Railway and

(c) whether Government are aware that coaches in a large number of trains are dirty, matresses in the upper class are torn, and doors and windows need repairs If so, what are the causes and what steps if any are Government taking to remove such complaints on this Railway?

The Honourable Dr. John Matthai: (a) Government are aware that, due to war conditions, deterioration has taken place in the standard of cleanliness of coaching stock and station premises, but efforts are constantly being made to improve matters A drive to restore coaching stock to its pre-war standard of cleanliness is in operation as also a scheme for encouraging the staff to keep station premises clean Under this scheme prizes are to be awarded to the staff of the best kept stations

(b) Government have seen reports to this effect and are enquiring into the matter Meanwhile they are instructing the Oudh Tirhut Railway Administration to carry out more strictly the provision regarding impounding of cattle straying on to the railway premises

Regarding overcrowding in passenger trains the O T Railway, due to an acute shortage of rolling stock, are unable to meet in full the greatly increased public demand for passenger accommodation The most recent statistics reveal an increase of over 70 per cent in passenger traffic compared with 1938 39 The Railway is, however utilising to their fullest, all available resources and had re-introduced or extended a total of 86 trains up to 1st October 1946 The present passenger train mileage amounts to 86 per cent of the pre-war Every effort is being made to obtain more coaching stock, and as this becomes available, passenger services will be progressively increased Some relief is also expected in the near future from the Provincial Government's scheme for co-ordinated rail-road services

(c) A considerable number of coaches are in a bad state of repair as a result of maintenance difficulties during the war These are being withdrawn gradually from traffic for extensive overhaul Much upholstery in upper and inter-class carriages has suffered by wanton destruction or theft A spirit of destruction is unfortunately still prevalent and wanton damage and loss of equipment continues in spite of the adoption of preventive measures This, together with depleted stocks of canvas and leather, adds to the difficulties of replacement, but improvement is gradually being effected as supplies become available A programme for reconditioning has been drawn up and is being worked to as closely as possible

RAILWAY RUNNING TIME BETWEEN PILIBHIT AND TANAKPUR ON O T RAILWAY

26 *Sjt. Seth Damodar Swroop: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that the distance between Pilibhit and Tanakpur on the Oudh and Tirhut Railway is only 38 miles and that it takes the Railway train 6 hours or more to cover this distance If so, the reason thereof, and what action Government propose to take to relieve the travelling public of the waste of their valuable time, and

(b) whether Government are aware that Tanakpur is a big trading centre where thousands of people gather for trade purpose and that there is no waiting room or waiting shed on this Railway Station If so, do Government propose to consider the desirability of constructing a shed immediately?

The Honourable Dr. John Matthai: (a) The Pilibhit-Tanakpur Branch on the O T Railway is a short branch line 38¼ miles in length It is laid with light rails and the track is unballasted The maximum permissible speed of trains on this Branch is 20 miles per hour and the Passenger traffic being comparatively light, it is served by two mixed trains daily in each direction, the speeds of which are booked at 15 miles per hour These trains carry both passenger and goods vehicles and shunting is performed at stations *en route*

According to the Time Table at present in force the trains are scheduled to complete the journey between Pilibhit and Tanakpur in periods varying from 3 hours 14 minutes to 4 hours 5 minutes

(b) No Waiting Room is provided at Tanakpur at present but provision has been made in the Post-war programme for the construction of a Third Class Waiting Shed and a combined Upper and Inter Class Waiting Room

DELAYS IN AIR MAIL LETTERS FROM DELHI TO LUCKNOW

27. *Sjt. Seth Damodar Swroop: Will the Secretary of the Communications Department be pleased to state

(a) if he has seen the Editorial of the '*Pioneer*' dated the 27th December 1946 under the caption 'Postal Delays', and

(b) if it is a fact that an Air Mail letter which left Delhi on 20th December 1946 reached Lucknow on 25th December while Delhi to Lucknow is only 12 hours run by rail? If so, why?

Sir Harold Shoobert: (a) Yes

(b) Attempts were made to obtain the cover of the letter in question with a view to tracing the cause of delay, but unfortunately it had not been preserved Letters occasionally go astray due to mis-sorting and steps have been and are being, taken to prevent this

INEFFICIENCY OF THE TELEPHONE AND TELEGRAPHS DEPARTMENT

28. *Sjt. Seth Damodar Swroop: Will the Secretary of the Communications Department please state

(a) whether Government are aware that there is general complaint that not only letters, including air mail letters are delivered late but telegrams are also delivered, much after time and sometimes later than letters, and

(b) whether Government are aware that in case of an urgent trunk call one might consider oneself lucky in getting it between 24 to 48 hours after booking, while for a local call one has first to wake up the operator and then to humour him or her to get the right number If so, what is the reason for this state of affairs and what steps are Government taking to increase the efficiency?

Sir Harold Shoobert: (a) A number of complaints regarding delays to letters including air mail letters and to telegrams have been brought to the notice of Government, but these complaints cannot be described as of a general nature.

(b) Government are aware that delays to trunk calls do frequently occur but not to the extent suggested by the Honourable Member The present regrettable state of affairs is due to increase in traffic and to the accumulated difficulties of the war years arising from shortage of equipment, lack of trained staff and the disorganisation produced by abnormal conditions Energetic steps

are being taken to correct the present deficiencies and improve the standard of service They include —

(i) establishment of telephone operators training classes at suitable centres,
(ii) the addition of approximately 400 trunk circuits to the P & T system,
(iii) opening of new trunk exchanges at a number of stations,
(iv) provision of direct trunk outlets between the principal cities of India,
(v) installation of additional switchboards in local exchanges,
(vi) provision of automatic equipment to replace manual exchanges as early as possible

AMALGAMATION OF THE FOOD AND AGRICULTURE DEPARTMENTS.

29. *Prof. N. G. Ranga: Will the Secretary of the Food Department be pleased to state

(a) if there is any proposal to amalgamate the Food and the Agricultural Departments,

(b) whether Government are aware that when there was no separate Department for Agriculture and agriculture was cared for by the former Department of Education, Health, and Lands, agriculture, its research and development suffered very much,

(c) whether Government are also aware of the fact that in England too the former Agriculture and Food Department has been split into two independent departments of Food and Agriculture

(d) whether it is a fact that the Food Department generally pays special attention to the interests of consumers, and the Agriculture Department pays attention particularly to the interests of agriculturists and

(e) whether Government propose to give an assurance to the House that the Department of Agriculture, as a separate entity will not be abolished?

Mr. K. L. Panjabi. (a) to (e) Under the orders of the Honourable Member in charge of the Food and Agriculture Departments, an Inter Departmental Committee has been appointed to examine the present working of the Departments of Food and Agriculture, and to make recommendations for their reorganisation keeping in view considerations of economy and efficiency in relation to the functions which the Departments now perform, and are expected to perform in the near future The considerations put forward by the Honourable Member in his question will be borne in mind when decisions come to be taken on the Committee's Report

ANALYSIS OF PROPERTIES OF HYDROGENATED OIL AND FRESH OIL

30 *Shri D P. Karmarkar. Will the Secretary of the Food Department be pleased to state

(a) whether Government have made any laboratory analysis in regard to the properties of hydrogenated oil as compared with fresh oil, and

(b) if so, whether Government propose to place a copy of such analysis on the table of the House?

Mr K L Panjabi: (a) Yes sir

(b) A copy of the analysis report is placed on the table of the House

Characteristics	Hydrogenated ground nut oil melting point 37 2° C	Groundnut
Saponification value	191	190 196
Iodine value	68 0	83 100
Acid value	0 21	19 50
B R Index at 40° C	50 6	57 5

HYDROGENATED OIL FACTORIES IN INDIA AND ITS IMPORT AND EXPORT.

31. *Shri D. P. Karmarkar: Will the Secretary of the Food Department be pleased to state

(a) the names, location, production capacity, the dates of establishment, of hydrogenated oil factories in India,

(b) the total quantity of hydrogenated oil produced at these factories for each year since 1939 to 31st December 1946,

(c) the quantity of hydrogenated oil imported into India and exported out of India during each of the years after 1939, and

(d) the quantity of hydrogenated oil purchased by Government during and after the war for purpose of supply to the Army?

Mr. K. L. Panjabi: (a) to (d) Statements containing the required information are laid on the table of the House.

I—*List of Vanaspati Factories in production in India*

	Name of Factory	Location	Date of commencement production	Capacity
				Tons
1	Hindustan Vanaspati Mfg Company Limited	Bombay	August, 1932	57,000
2	Indian Veg Products	Do	July, 1930	9,600
3	Swastik Oil Mills Ltd	Do	September, 1939	10,200
4	Amrit Banaspati Co	Do	August, 1943	5,000
5	Veg Vitamin Foods Co Ltd	Do	April, 1942	6,600
6	Amrut Oil Mills Ltd	Do	January, 1945	2,000
7	Bharat Vanaspati Products	Pachora	February, 1941	9,000
8	Ganesh Flour Mills Co Ltd	Layallpur	July, 1930	5,000
9	Ganesh Flour Mills Co Ltd	Cawnpore	December, 1935	10,000
10	Ganesh Flour Mills Co Ltd	Delhi	October, 1939	5,000
11	Snow White Food Products Co	Calcutta	October, 1940	8,000
12	Rohtas Industries Ltd	Dalmianagar	September, 1944	3,000
13	Amrit Banaspati Co	Ghaziabad	August 1941	8,000
14	Mettur Chemical & Industries Corporation Limited	Mettur Dam	September 1943	3,400
15	Mysore Veg Oil Products Co	Madras	March, 1944	1,500
16	Mysore Veg Oil Products Co	Bangalore	June, 1939	1,800
17	Tata Oil Mills Co Ltd Cochin	Tatapuram (Ernakulam)	March, 1932	1,200
18	Modi Vanaspati Mfg Co	Begamabad	June, 1939	12,000
19	Jagdish Industries	Porbunder	September, 1945	6,000
20	Aswin Industries	Baroda		6,000
21	Lily Oil Industries	Baroda	November, 1945	6,000
22	Vanaspati Industries	Ghaziabad	December, 1945	7,500

'B'—Total quantity of Vegetable Oil Products (Hydrogenated) produced at the factories in India

1939-1946

Year	Quantity
January-December	*Tons*
1939	52,251
1940	62,163
1941	85,346
1942	77,306
1943	1,05,073
1944	1,17,244
1945	1,32,392
1946	1,45,000 (Approx)

'C'—Quantity of Hydrogenated Oil imported in India and exported out of India

1939—1946

Year	Imports	Exports	Remarks
1938-39	less than 1000 tons	Not available	
1939-40	No imports	Do	
1940-41	Do	Do	
1941-42	Do	Do	
1942-43	Do	Do	
1943-44	Do	Do	
1944-45	Do	290 tons	
1945-46	Do	233 Tons	

'D'—Quantities of Hydrogenated Oil products purchased by Government for Defence services.

VEGETABLE OIL PRODUCTS
(Hydrogenated)

	Tons
1939-40	Nil
1940-41	15
1941-42	170
1942-43	3,780
1943-44	8,848
1944-45	31,505
1945-46	26,498
1946-47	11,666

RECONSIDERATION OF THE ALIGNMENT OF THE PROPOSED PATNA-GAYA-SHERGHATI RANCHI RAILWAY LINE SO AS TO INCLUDE CHATRA

32. *Babu Ram Narayan Singh: Will the Honourable Member for Railways be pleased to state

(a) whether it is a fact that before constructing new Railway lines local needs of the people are consulted, and if so, through what agency or agencies;

(b) whether it is a fact that the survey of the proposed Patna-Gaya-Sherghati-Ranchi line is complete and that the alignment is finally approved;

(c) whether it is a fact that the proposed Patna-Gaya-Sherghati-Ranchi line is not going to touch the historic town of Chatra and whether the people of Chatra have protested against it and if so, with what result, and

(d) whether Government propose to reconsider the position and alter the alignment as to include Chatra as one of the stations on this railway line?

The Honourable Dr. John Matthai: (a) Yes Sir, Standing instructions to the Officers in charge of survey operations provide that they should visit all trade centres in the area, consult the Local Civil Authorities and prominent citizens freely, as regards trade and industry, and give due weight to their opinion in determining the most suitable route to be followed

(b) Presumably, Gaya-Sherghati-Ranchi project is meant, since Patna-Gaya is an existing section of the East Indian Railway It is not a fact that the survey of this proposed line is complete or that the alignment has been finally approved

(c) It is not, at the moment, possible to say if the final alignment will pass through Chatra or not, as no decision has yet been taken on the question of the final alignment, but among the four alternative alignments under reconnaissance survey, Gaya-Sherghati-Chatra-Ranchi route is one A public representation requesting that the proposed line should pass through Chatra was received Government cannot, however, at this stage, bind itself to the adoption of this alignment, but must wait for the final reports on the alternative routes and also take into consideration the considered views of the Provincial Government in the matter

(d) In view of the replies given to parts (b) and (c) the question of reconsideration does not arise at this stage

FOOD SITUATION IN INDIA

33. *Babu Ram Narayan Singh: Will the Secretary of the Food Department be pleased to state

(a) the present food situation in the country

(b) the situation as affected by the last paddy harvest,

(c) the prospect of the next Rabi Crop,

(d) the change, if any, in the food policy of Government, and

(e) the prospect of supply of imported food grain?

Mr. K. L. Panjabi: (a) to (e) The Honourable Member is referred to the Memorandum on Food Position and policy of Government which has been circulated to the Members of the House

GROW MORE FOOD CAMPAIGN.

34. *Babu Ram Narayan Singh: Will the Secretary of the Department of Agriculture be pleased to state in detail the steps proposed to be taken by Government in the immediate future towards "Grow more food campaign"?

Sir Pheroze Kharegat: The Grow More Food Campaign has to be carried out by the Provinces The Centre only gives help and guidance The Government of India have decided to continue financial assistance for grow more food schemes on the existing basis for five years from 1947-48 to 1951-52, the amount of such expenditure will however affect the amount available for central development grants to Provinces The main items of the campaign are (1) Increasing the acreage under foodgrains, partly by bringing fresh land under cultivation and

partly by diversion from non-food to food crops, (2) The construction of tube wells, surface wells, tanks and channels, pumping installations, dams minor irrigation and drainage works, and the carrying out of land reclamation, anti-erosion and land development works, (3) The supply of manures and fertilisers, (4) The multiplication and distribution of improved seed, (5) The supply of machinery and implements, (6) The protection of crops from pests and diseases, (7) Increasing the production of fruits and vegetables, (8) Increasing milk production, (9) Developing the fish resources, and (10) Imparting training to the staff for carrying out the programme Provinces are being helped to fix targets for increased production as also targets for works and supplies Steps are being taken to make available the materials required for the construction of the necessary works such as coal for bricks, iron and steel, cement, pumps, etc Suitable organisations are also being set up by provinces for carrying out the Grow More Food Campaign in closer collaboration with the Agriculturists

PADDY LEVY ORDER

35. *Babu Ram Narayan Singh. (a) Will the Secretary of the Food Department be pleased to state whether principles of Paddy levy Order have been decided upon by the Central or by the different Provincial Governments and if so what are those principles?

(b) In making the Levy Order, are the local officials required to consider the cultivator's necessities for seeds for the next year, wages to labourers purchase of cattle and implements, payment of rent and the maintenance of his family for the year?

Mr. K. L. Panjabi: (a) Levy Orders, whether for paddy or for other foodgrains, are issued by Provincial Governments in consultation with the Government of India At present paddy Levy Orders are in force in the provinces of Bihar and Bombay only In Bihar levy is imposed on cultivators who hold individually or jointly more than 25 acres of land or have a gross income of more than 200 maunds of paddy The scale of levy is a moderate one and sufficient grain is allowed to be retained by the cultivator In Bombay the amount of levy to be delivered by each holder is graded according to the average land assessment on the holding and the estimated gross yield

(b) To determine the extent upto which the producer should be allowed to retain grain grown by him, our policy is that the following requirements should be taken into consideration

(i) Seed

(ii) The consumption needs of the producer and his dependents

(iii) Payment of rent in kind

(iv) Payment of agricultural wages in kind

(v) Repayment of loans and payment of interest in kind

(vi) Payment in kind against services rendered

(vii) Purposes of barter in village shops

EXTENSION OF THE PUSA COLLEGE, DELHI, AREA.

36. *Babu Ram Narayan Singh: Will the Secretary of the Department of Agriculture be pleased to state whether the area of the Pusa College, Delhi, is to be further extended, and if so, whether people of 25 neighbouring villages have been asked to quit those villages intended to be included in the said area?

Sir Pheroze Kharegat: There is a proposal to acquire more land for the Agricultural Research Institute There is also a proposal to establish an Agricultural College, an Animal Husbandry College and a Dairy Institute for which a large area of land is likely to be required So far none have been asked to quit their villages.

GOOD CONDUCT ALLOWANCE TO THE CLERKS OF THE GOVERNMENT TELEGRAPHS WORKSHOP, JUBBULPORE

1. Seth Govind Das: Will the Secretary of the Communications Department, please state

(a) whether it is a fact that Good Conduct Allowance was granted by Government in all sections of the Posts and Telegraphs Department,

(b) whether it is a fact that this allowance was paid to the clerks of the Government Telegraph Workshops, Jubbulpore from the 1st January, 1945, and that the same was paid to the workers from the 1st March, 1946, *i e*, after fifteen months, and

(c) whether Government now propose to take steps to pay the Good Conduct Allowance to these workers from 1st January, 1945, to 1st March, 1946, if not why not?

Sir Harold Shoobert. (a) No

(b) Yes

(c) No Good Conduct Pay as originally sanctioned was admissible only to whole-time Government servants of the P & T Department and to members of the work-charged establishment in the P & T Department paid on a monthly basis The daily-rated labour of the Government Telegraph Workshops Jubbulpore, were not entitled to it Later, in March 1946, the daily-rated labour were also admitted to the concession with effect from the first of that month

PROVISION OF A DISPENSARY NEAR THE WORKERS COLONY OF THE GOVERNMENT TELEGRAPHS WORKSHOP, JUBBULPORE

2. Seth Govind Das: Will the Secretary of the Communications Department, please state

(a) whether Government are aware that a large number of workers live in the workers colony near the Government Telegraph Workshops at Jubbulpore,

(b) whether Government are aware that in these workshops several accidents occur every day causing slight as well as grevious injuries to the workers,

(c) whether Government are aware that there is neither any dispensary nor any qualified doctor in this colony to attend to these persons,

(d) whether Government are aware that the local Victoria Hospital of the Provincial Government at Jubbulpore is not in a position to provide medical help to these workers in view of a very large increase in the population of Jubbulpore town, and

(e) whether Government propose to take steps to appoint a qualified doctor and attach a fully equipped dispensary to the said colony of workers as has been done by the Great Indian Peninsula Railway for its employees?

Sir Harold Shoobert: (a) Yes, there are about 234 workers who reside in the colony

(b) and (c) The number of accidents occurring in the workshops is very small and there is a departmental dispensary under a qualified compounder to attend to them

(d) First aid is provided in the departmental dispensary and serious cases are sent to the Victoria Hospital, so far as is known, there has been no occasion on which the Hospital was unable to give the necessary treatment when it was needed

(e) A proposal is already under consideration of Government to expand and equip the dispensary further and to place it under the charge of a qualified doctor

RETRENCHMENT IN TELEGRAPHS WORKSHOPS

3. Seth Govind Das: Will the Secretary of the Communications Department, please state

(a) the policy that Government are following as regards the retrenchment in various telegraph workshops, and

(b) whether Government will consider the possibility of manufacturing in these workshops the articles required for telegraphic and telephonic use in the country which are not being manufactured in these workshops hitherto?

Sir Harold Shoobert: (a) The policy being followed is contained in "Rules for discharge of workers in Central Undertakings surplus to requirements" issued under Department of Labour U O No LR-11(15), dated the 2nd February, 1946 (as amended up to June 1946), a copy of which is placed on the table of the House

(b) Possibilities in this direction are being explored

Rules for discharge of workers in Central Undertakings surplus to requirements

The following rules should be observed in discharging workers in the Central Undertakings who are surplus to requirements —

1 In the first instance the following steps should be taken wherever possible to minimise reduction of personnel —

(1) Overtime should be avoided and extra staff employed *in lieu*, provided this does not involve increased overall expenditure

(2) Facilities should be provided to enable workers to enjoy leave due to them

(3) Workers who are at or above the age of superannuation should be made to retire and those nearing such age should be encouraged to retire

2 As a rule, discharge of personnel who are still surplus to requirements should be in accordance with the principle of short service, *i e* last man engaged should be the first man to discharged Due notice, or wages in lieu thereof, should be given

NOTE —(1) In the case of a job requiring high skill, a highly skilled worker with shorter service may be retained in preference to a less skilled worker with longer service

(2) In cases where the key nature of a man's employment warrants his retention, he may be retained in preference to a man of longer service

(2-A) Discharge on grounds of inefficiency and irregularity is already permissible under the normal rules But the application of such criteria in times of block retrenchment calls for strict justice and moderation and should be subject to Rule 2 Proper safeguards should be instituted towards achieving this end

3 A committee should be set up in each undertaking, wherever possible, to prepare orders for discharge in accordance with these principles The Committee should consist of not less than three members from among the officers of the undertaking It will be desirable to nominate in addition a representative of the workers on the Committee, preferably from the recognised union, if any, of the workers concerned

4 Each workman affected shall have a right of appeal to the Committee and Committee's decision thereon shall be final

5 Each individual proposed to be discharged should be served with due notice in writing In the notice of discharge, the name of the Employment Exchange nearest to his house or place of residence should be given and he should be advised to seek the assistance of that Exchange for finding alternative employment

6 A list of discharged workers should be maintained and in filling future vacancies preference should be given to the discharged personnel, the selection being made by the local authorities with due regard to the local conditions

ORDER OF PRIORITY OF TELEPHONE CONNECTIONS GIVEN SINCE 27TH APRIL, 1946, IN CENTRAL PROVINCES

4. Seth Govind Das: Will the Secretary of the Communications Department, please state

(a) the order of priority on the basis of which telephone connections have been given since the 27th April, 1946, and are being given at present, particularly in the Central Provinces,

(b) whether it is a fact that telephone connections have not been given to certain members of the Central Provinces and Berar Legislative Assembly in spite of their applications made through the said Assembly Department,

(c) the number and names of the members of the Central Provinces Legislative Assembly to whom connections have been granted or refused, and

(d) whether Government propose, to give priority to the applications of the Provincial M L A 's for telephone connections in view of the responsible nature of their work requiring their urgent attention?

Sir Harold Shoobert: (a) The order of priority followed by all Heads of Circles in giving new telephone connections is as follows

(i) Restoration of telephones disconnected to provide essential telephones during the war

(ii) Important Government connections

(iii) Doctors and Nurses

(iv) Banks

(v) Important public institutions such as Hospitals, Schools, Colleges, Political organisations

(vi) Accredited Press Correspondents

(b) Yes

(c) Telephones were installed for Messrs Abdulla Bhai Taherali, M L A and Bhagat Laxmi Narayan, M L A but unfortunately could not be provided for Mr Narayandas Gupta, M L A and Captain K D Paranjpe, M L A

(d) Instructions have since been issued to all Heads of Circles to give priority to requests made by Members of the Provincial Legislature for telephone connections for the period of the session of the Legislature

SURVEY OF THE SAINTHIA-BHERAMARA RAILWAY PROJECT

5. Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Railways be pleased to state with reference to the answer to unstarred question No 39, dated the 6th November, 1946

(a) what progress has been made in the survey of the Saintbia-Bheramara Railway project since the aforesaid question was answered,

(b) what are the alternative routes that are before the Survey authorities and what are the local authorities and prominent citizens, referred to in answer to part (d) of the above question, that have been consulted and are proposed to be consulted, and

(c) whether Government propose to consult the local members of the provincial and central legislatures?

The Honourable Dr. John Matthai: (a) The Traffic survey of the project Saintbia-Bheramara Railway, which was commenced on 15th October, 1946, is expected to be completed by the middle of April 1947 The Engineering Survey of this project will be taken in hand if the Traffic report reveals that the project is likely to prove commercially remunerative

(b) The following alternative routes are being considered

(i) Saintbia-Kandi-Berhampore Court-Bhagirathpur-Jamsherpur Pragpur-Taragonia-Bheramara

(ii) Saintbia-Kandi-Berhampur Court-Bhagirathpur-Dhoradah-Jamsherpur-Shikarpur-Kulberia-Amla Sadarpur-Halsa

(iii) Saintbia-Kandi-Berhampore Court-Amtala-Patkabari-Meherpur Hat Boalia-Halsa

Local authorities and prominent citizens already consulted include District Magistrates of Nadia, Murshidabad and Birbhum, District Engineers, Chairmen of District Boards, Municipal Committees and Union Boards, Irrigation Engineers, Proprietor, Chuadanga-Meherpur Bus Service, Chairman, Merchant Association, Meherpur, General Manager, Midnapore Zamindari Co Ltd, and a large number of zamindars and businessmen Field work is still proceeding and all the remaining interests will be duly consulted

(c) Yes Sir Standing rules already provide that the Survey Officer-in-Charge should consult local authorities and prominent citizens both as regards trade and industry in determining the most suitable route for the projected railway, Local members of the Provincial and Central Legislatures by virtue of their being elected to represent their areas come under the category of prominent citizens who are to be consulted

MANUFACTURE OF CIGARETTES IN INDIA

6. Mr Sasanka Sekhar Sanyal: Will the Honourable Member for Industries and Supplies, be pleased to state

(a) whether Government of India have taken steps for increasing and improving the manufacture of cigarettes in this country,

(b) the quantity of foreign cigarettes consumed in India, and its value during the years 1945, and 1946, and

(c) whether Government have taken into consideration the question of improving the manufacture of *bidis* in the matter of their quality, and hygienic conditions for manufacture?

The Honourable Sri C. Rajagopalachari: (a) Proposals for the establishment of new factories or for expansion of the capacity of existing factories have been examined, and the issue of capital and the import of machinery have been sanctioned in a number of cases Government are also collecting technical literature on the subject of cigarette manufacture The question of setting up an organisation to bring to the notice of the Directorate General difficulties, technical or otherwise, which the industry might be experiencing and also to keep it generally in touch with developments and problems within the industry, is also engaging Government's attention

(b) Imports of cigarettes during the financial years 1944-45 and 1945-46 for which figures are available were—

	1944-45	1945-46
(1) Quantity—		
(a) Weight	7,657 lb.	1,15,239 lb.
(b) Numbers . .	31,68,733	4,49,49,930
(2) Value	Rs 1,35,384	Rs. 8,96,794

(c) The question of improving the manufacture of *Bidis* in the matter of quality and hygiene conditions of manufacture is covered by the functions of the Central Tobacco Committee The Committee expects to take up this question shortly when suitable Technical Officers become available

FAIR PRICE OF SILK

7 Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Industries and Supplies be pleased to state, with reference to the answer to starred question No 10 of the 28th October, 1946

(a) how far Government have collected data for ascertaining the fair price [illegible] mentioned in answer to part (b) of the said question

(b) how far action referred to in answer to part (d) of the said question has been taken towards co-ordination between provinces and States in the matter of grading of silk and standardisation of quality and price,

(c) how the proposal for the setting up of a Central Advisory Planning Board stands,

(d) whether Government are aware that the price of silk has gone down during the last six months, if so, the reasons thereof, and the steps that Government are taking to counteract this fall in price, and

(e) the quantity of foreign silk, if any, which has come to this country during the last six months, and the steps taken by Government for controlling price of such silk with a view to protecting Indian silk from competitive price?

The Honourable Sri C. Rajagopalachari: (a) Madras, Bengal Mysore and Kashmir, which are the producing areas, were asked to furnish their costs of production They furnished some figures which the Government of India did not consider satisfactory, and they have been approached again

(b) Preliminary steps have been taken in this direction **A Raw** Silk Warehouse Bill and a Silk-worm Diseases Control Bill have been drafted and circulated to various Provincial and State Governments for their opinion

(c) The Central Advisory Planning Board has been formed and has transacted business

(d) When control was removed the Bengal and Mysore prices shot up to about Rs 80 or even Rs 90 a pound They have now come down to about Rs 45 per pound which *prima facie* is a good price The ceiling price before control was removed was Rs 11 per pound There is therefore no need for concern or any necessity to take any steps such as are suggested by the Honourable Member

(e) A total quantity of 11 lakhs pounds has been imported under licences during the last six months India's annual requirements are about 45 lakh pounds as against an annual production of about 20 lakh pounds There seems to be no necessity for taking action in the direction suggested by the Honourable Member If and when there is a larger import to make up for the total requirements the questions of restricting imports and the fixing of selling price for both indigenious and imported silk will be taken up

Restoration of Train Service between Calcutta and Berhampur

8. Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that till the latter part of the war period a pair of up and down trains used to serve the Ranaghat-Lalgola line upto Krishnapur in Murshidabad covering on the way the headquarters and other important places of the district of Murshidabad and some important places of the district of Nadia,

(b) whether Government are aware that the down train used to leave Berhampur (the headquarters of Murshidabad) early in the morning before or about daybreak and used to reach Calcutta at the office time, and similarly the up train used to leave Calcutta after office hours reaching Berhampur about ten in the night,

(c) whether Government have considered the question of restoration of these trains in view of the continued demand of the travelling public for such restoration, and

(d) whether as an alternative to restoration of such trains Government have considered the extension of a pair (Up and Down) of Krishnagar local trains upto Krishnapur, making such trains as fast trains stopping at and serving comparatively important stations between Calcutta and Krishnapur?

The Honourable Dr. John Matthai: (a) Yes. The trains concerned, namely Krishnapur local trains were cancelled between Krishnagar City and Krishnapur as a war emergency measure from the 1st April, 1942

(b) Yes The Up local train used to leave Calcutta at 16-56 hrs and arrive at Krishnapur at 22-55 hrs The Down local train used to leave Krishnapur at 03-23 hrs and arrive at Calcutta at 09-25 hrs

(c) and (d) The Bengal Assam Railway administration have considered both these proposals, but to adopt them would involve the use of additional coaching stock and engines which unfortunately are not available at present

DEMAND OF POSTAL STRIKERS AT THE LAST POSTAL STRIKE *re* THE DISMISSED I N A. MEN

9. Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Communications Department please state the demands that were put forward by the postal strikers at the last general postal strike?

(b) Which of the demands have been referred to the Central Pay Commission, and what is the attitude of Government with regard to the other demands?

(c) Whether it is a fact that the demands set forth included a demand for the restoration to service of the Indian National Army men and of the postal employees (now popularly known as the Dumpore staff) who were dismissed for having refused to proceed to the war zones on the ground that adequate protection was not provided, if so how have Government dealt with those demands?

Sir Harold Shoobert: (a) and (b) A statement is placed on the table of the House

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

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Statement

The demands contained in the Notice of strike served by the All India Postmen and Lower Grade (including R M S) Staff Union before it called the strike

[Covering reply to part (a)]

1 The scales of pay of all the officials in the P & T Department below the clerical cadre should be revised as shown below —

		Rs
I	Clerks promoted from postmen	100—5—200
II	Overseers, Readers, Sorting postmen and mail guards	93—5—130
III	Postmen and Linemen	40—2—80
IV	RMS and Hall Jamadars	45—2—55
V	Packers, Porters and Van peons and Telegraph messengers, and runners	30—1—45
VI	Boy peons	20—1—25
VII	Mail drivers	100—10—15
VIII	Telegraph Sub-Inspectors	85—5—140
IX	Telegraph Line Inspectors	150—10—200

2 The existing leave rules for the postmen and lower grade staff should be abolished and substituted by those in existence prior to 1931

3 All distinction in the matter of leave and pension rules between the superior and inferior servants of the P & T Department should be abolished and the term (Inferior) servants should be abolished

4 Officials of the P & T Department, who have acted in higher grades satisfactorily for a year or more should be confirmed in those higher grades without any examination

5 The percentage of posts in the clerical cadre reserved for candidates from postmen obtaining qualifying marks in the test should be raised from 20 per cent to 50 per cent as before, and the posts be reserved for the departmental candidates in the same way as for the minority candidates

6 There should be no retrenchment of any employee and those who have already been retrenched should be reinstated on the same terms

7 The number of holidays in the P & T Department should be the same as in the other Departments of the Central Government

8 All work done on Sundays and Postal Holidays should be compensated by the grant of overtime allowance

9 A Gratuity calculated at the rate of one month's pay for one year of service, should be granted to the family of an employee who dies before earning pension

10 All the distinction in the matter of pay, leave, dearness and other allowances and privileges between A, B & C areas should be abolished and all areas should be treated as A areas

11 The practice recently introduced of compelling employees in permanent service of many years' standing to undergo medical examination at the time of their confirmation in the higher grades in which they have been officiating be immediately stopped, and all those who have suffered on account of this requirement should be confirmed without this examination

12 Adequate leave reserved should be provided so as to ensure that departmental candidates who have served satisfactorily for one year or more should be confirmed and their temporary service should be counted towards pension

[Covering reply to part (b)]

Demands 1, 2, 3 (as far as it concerns leave rules) 7, 9 and 10 are within the purview of the Central Pay Commission With regard to the other demands the attitude of the Government is as shown below

Demand 3—The distinction in the matter of pensions has been removed Government have also agreed that the term 'Inferior Servants' shall be abolished

Demand 4—Orders have issued that postmen, etc who have acted in the clerical grades for 12 months consecutively and have earned fully satisfactory reportes may be confirmed in those grades, and that packers, etc, who have acted in the cadre of postmen or in similar cadres satisfactorily for a period of three years consecutively may be confirmed

Demand 5—Orders have issued that 50 per cent vacant posts may be filled in any one year by candidates from among postmen and lower grade staff who quality in the prescribed test Posts within this 50 per cent reservation, for which sufficient Postmen etc, do not quality in any year, will be filled permanently by outside candidates, vacancies will not be carried over to the next year

Demand 6—If any fully qualified temporary employee recruited before the 15th September, 1945, is displaced for any reason such as reduction of the number of posts, return of a permanent incumbent from held service or deputation, etc he shall be offered an appointment in any unit of recruitment in the same Circle in which there are vacancies

Demand 8—Any postmen or packer who is required to work on Sunday, or postal holiday without being allowed a compensatory holiday shall be paid an additional Re 1 for that day

Demand 11—Government are willing to cancel such orders, if any actually exist

Demand 12—Leave reserves for postmen and for lower grade staff has been sanctioned

ACREAGE OF LONG STAPLE AND SHORT STAPLE COTTON IN INDIA

10. Mr. Vadilal Lallubhai: Will the Secretary of the Department of Agriculture please state

(a) the acreage under different varieties of cotton both long staple and short staple in India since 1939 onwards,

(b) the respective yield per acre of these varieties since 1939 onward,

(c) the use of these varieties in cotton textile factories since 1939 onwards, and

(d) the total stocks of each variety at the end of each season?

Sir Pheroze Kharegat: A statement showing the available information based on the figures given in the Statistical leaflets published by the Indian Central Cotton Committee is laid on the table

Acreage and yield per acre of cotton in India

Years	Acreage (Thousand acres)			Yield per acre (lbs.)		
	7/8" and above	Below 7/8"	Total	7/8" and above	Below 7/8"	Total
1939-40	6,805	14,775	21,580	109	83	91
1940-41	7,374	15,937	23,311	122	96	104
1941-42	8,957	15,194	24,151	127	89	103
1942-43	10,704	8,499	19,203	108	86	98
1943-44	11,531	9,555	21,086	115	81	100
1944-45	8,754	6,089	14,843	109	79	96
1945-46	Not available		14,478	Not available		95

Consumption and stocks of Indian Cotton

(Thousand bales of net weight of 392 lbs each)

Year ending 31st August	Consumption of Indian Cotton in Indian Mills			Stocks of Indian Cotton held in India by the Mills and the trade		
	7/8 and above	Below 7/8"	Total	7/8" and above	Below 7/8"	Total
1939-40	1,711	1,401	3,112	854	1,117	1,971
1940-41	2,027	1,664	3,691	1,064	1,638	2,701
1941-42	2,380	1,827	4,107	1,359	1,891	3,250
1942-43	2,895	1,499	4,394	1,859	1,849	3,708
1943-44	2,863	1,341	4,203	2,612	2,099	4,711
1944-45	3,083	1,161	4,244	2,668	2,128	4,796
1945-46	Not available		3,950	Not Available		

SURVEY ESTIMATES *re* THE PROPOSED ALNAVAR-HALIYAL-YELLAPUR-KARWAR LINE ON THE M & S M RAILWAY

11. Shri D P. Karmarkar: Will the Honourable Member for Railways be pleased to state

(a) the progress made in respect of the proposed Alnavar-Haliyal-Yellapur-Karwar line on the M & S M Railway, and

(b) whether survey estimates have been sanctioned for the said project and if not, the probable date by which they will be sanctioned?

The Honourable Dr John Matthai: (a) The survey investigations of the Alnavar-Haliyal-Yellapur-Karwar project have been postponed for the present, since preliminary investigations reveal that (i) the passenger traffic over the line, if constructed is expected to be negligible and (ii) the prospects of goods traffic, which depend entirely on traffic from forest industries, are not expected to be very bright, since the Forest Department schemes are unlikely to develop for another five or ten years

(b) No survey estimates have been sanctioned for the said project in view of the reasons given in part (a) above

CONSTITUTION OF OILSEEDS COMMITTEE

12. Prof. N. G. Ranga: (a) Will the Secretary of the Department of Agriculture be pleased to state if the Oilseeds Committee, to be appointed in accordance with the provision contained in the Oilseeds Act of 1946 has been constituted?

(b) If so, when is it going to meet?

(c) In view of the new controls over the prices of oil-seeds, cake and oil, do Government propose to convene a meeting of the Committee at an early date to discuss these controls?

Sir Pheroze Kharegat: (a) The Committee will be constituted as soon as the representatives thereon of the Legislative Assembly and the Council of State have been elected

(b) It will meet soon after it is constituted

(c) The item will be included in the agenda of the first meeting of the Committee

STATEMENTS LAID ON THE TABLE

[INFORMATION PROMISED IN REPLY TO CERTAIN QUESTIONS DURING THE PREVIOUS SESSIONS OF THE LEGISLATIVE ASSEMBLY—LAID ON THE TABLE OF THE HOUSE TO DAY]

Mr Manu Subedar's Starred Question No 102 (d) of 8th February, 1946

PREFERENCE FOR GOODS MADE IN INDIA

Statement of orders placed outside India by the Industries and Supplies Department, since 1st January, 1945, for the requirements of (i) Railways (ii) War Department, (iii) Other Departments of the Government of India and (iv) Provincial Governments, etc., and which relate to materials and products which were secured in India during the period of the War

Store	Approximate value	Indentor	Remarks
Paper Toilet Tissue	Rs 1,48,525	Other Departments of the Government of India, clause (iii) above	Although this variety of paper is manufactured in India, the supplies available in India were short of the total demand The import therefore represents the gap between the demand and availability from indigenous sources

Shri Mohan Lal Saksena's Unstarred Question No. 34 of 12th February, 1946

EXPENDITURE ON PUBLICITY FILMS

Part (i) —

Provincial Year	No of films produced	Cost	Remarks
		Rs.	
1942-43 . . .	28	4,80,000	
1943-44 . . .	62	5,25,000	Figures in these years include Indian
1944-45 . . .	97	10,64,000	News Parade started in September, 1943
1945-46 . . .	92	13,21,320	These figures include Cartoon Film Unit as well as Indian News Parade
	279	33,90,320	

Part (ii) —During the period to which the question relates external publicity was conducted through the Ministry of Films, Press, Magazines and Radio The table below shows the expenditure incurred on external publicity during the last four years—

Financial year	Amount Rs
1942-43	9,65,382
1943-44	13,05,631
1944-45	19,30,588
1945 46	30,05,817
Total	72,07,418

Appx.

These figures do not include expenditure on copies of 'Indian Information' (three editions), photographs, press release, etc supplied to foreign centres These items are produced primarily for consumption in India and it is difficult to apportion the cost between the copies distributed in India and those sent abroad Nor do the above figures include the expenditure on 'News From India' (distributed to foreign centres) which has not been printed so far, copies being cyclostyled in the Press Information Bureau on paper supplied free by the Controller of Printing & Stationery. Postage charges are also not included in the above figures as no separate account has been maintained in respect of external services Similarly it is not possible to calculate the nditure on the staff employed on external services as before December 1945 a No of Section were engaged part time on external services

Part (iii)—

Financial year	Amount Rs
1942 43	6,09,828 5 0
1943 44	10,03,288 5 0
1944 45	7,57,362 2 0
1945 46	12,57,499 8 0
Total	36,27,978 5 0
	36,27,978

The remaining information is not readily available and the time and labour in l in its collection should be incommensurate with the value of the results

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Sri V Gangaraju's Starred Question No 759 (a) of 6th March, 1946

REFUSAL OF FACILITIES TO DETAINED INDIANS IN BURMA TO RETURN TO INDIA

There were no Indian convicts serving sentences in any way connected with the war at the end of February, 1946

Mr Manu Subedar's Starred Question No 769 (a) of 6th March, 1946

RELEASE OF PERSONNEL FROM GOVERNMENT DEPARTMENTS

Statement showing the total No of men, temporary and permanent who are to be released in 1946 from (i) the Defence Department, including Army, Navy and Air Force, (ii) Railways and (iii) other Departments of the Government

Departments, etc	Number due to be released
(i) Defence Department including Army, Navy and Air Force	10,31,020
(ii) Railways (excluding Indian State Railways)	3,540
(iii) Other Department of Government	30,447
Total	10,65,007

Supplementaries to Babu Ram Narayan Singh's Starred Question No 1596 of 5th April, 1947.

GOVERNMENT MONOPOLY OF PURCHASE AND SALE OF LAC

Mr Manu Subedar's supplementaries

(i) Prices of Shellac at Calcutta, the Chief marketing place for shellac during the pre-war period ranged between Rs 13 to 17 2 0 per maund as indicated below —

Year	End of June	End of December
	Rs a p	Rs a p
1938	13 12 0	17 8 0
1939	13 0 0	38 0 0

Price of shellac were brought under Government control in 1942, and ranged between Rs 51 and 64 per maund according to the kind and quality of lac These prices were revised in 1943, and ranged similarly between Rs 53 to 71 per maund The 1943 price were in force till May, 1946, when the control was withdrawn A copy of the late Industries and Civil Supplies Department Notification No CS-62/43, dated the 23rd July, 1943, containing the schedule of maximum prices is attached (Statement I)

(ii) Yes Prices of shellac (T N) from August, 1939, increased much more than the general price level of other manufactured articles After the revision of prices of Shellac in the end of July, 1943, the Shellac price index stood at 507 against 251 8 for manufactured articles in August, 1943 Thereafter the shellac price Index continued at 507 while that for manufactured articles did not rise beyond 262 4 After cancellation of the Control Order in May, 1946, the price index for Shellac short up to 1,074 in July 1946, while that for manufactured articles went down to 250 5 in that month A statement of Index numbers of wholesale prices in India since August, 1939, compiled by the Economic Adviser is attached (Statement II)

Babu Ram Narayan Singh's supplementary

The Control over Shallac was withdrawn in May, 1946

Mr Manu Subedar's supplementary

Does not arise

Sreejut Rohini Kumar Chaudhuri's supplementary

Shallac is not collected but manufactured from Lac No monopoly right for collecting lac has ever been sold by His Excellency the Governor of Assam in the excluded areas of

STATEMENT I

(*Gazette of India Extraordinary*)

DEPARTMENT OF INDUSTRIES & CIVIL SUPPLIES

NOTIFICATION

PRICES AND SUPPLIES

New Delhi, the 23rd July 1943

No C S 62/43 --In exercise of the powers conferred by clause (b) of sub-rule (2) of Rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Department of Commerce No P & S, C 230/42, dated the 14th July 1942 as amended by their Notification No P & S C 230/42 dated the 17th December 1942, namely —

For the Table annexed to the said notification, the following Table shall be substituted namely —

TABLE

Serial No	Kind and quality of lac	Place	Maximum price per maund of 82 2/7 lbs
(1)	(2)	(3)	(4)
1	Shellac T N . . .	Calcutta	Rs 71.
2	Shellac T N	Any other place	Such price as the Provincial Government may determine having regard to the normal relation between the prices at such place and at Calcutta
3	Any quality of button lac, garnet lac or Shellac other than Shellac T N	Calcutta and any other place	Such prices as the Provincial Government may determine having regard to the normal relation between the prices of such kind or quality of lac and Shellac T N

Serial No	Kind and quality of lac	Place	Maximum price per maund of 82 2/7 lbs
(1)	(2)	(3)	(4)
4	Genuine Kusmi Seedlac 3% No 1 Quality	Calcutta	Rs 66
5	Genuine Kusmi Seedlac 3% No 2 Quality	Calcutta	Rs 64
6	Fine Baisakhi Seedlac 3/4%	Calcutta	Rs 58
7	Good Baisakhi Seedlac under 5%	Calcutta	Rs 55
8	Ordinary Baisakhi Seedlac 5/7%	Calcutta	Rs 53
9	Any of the kinds of qualities specified in Serial Nos 4 to 8	Any place other than Calcutta	Such price as the Provincial Government may determine, having regard to the normal relation between the prices of the kind or quality of Seedlac concerned at such place and at Calcutta

M S A HYDARI,
Secretary to the Government of India.

STATEMENT II

Statement showing Economic Adviser's Index Numbers of Wholesale Prices in India
(Base : 19th August 1939 = 100)

Months	Shellac T N	Manufactured articles
August, 1939	100	100 0
September	134	110 4
October	134	119 1
November	170	136 0
December	241	144 5
January, 1940	230	140·4
February	180	136 6
March	198	133 9
April	185	132 1
May	179	130 2
June	161	120 0
July	145	114 6
August	169	112 4
September	157	111 6
October	160	112 4
November	194	117 4
December	218	119 7
January, 1941	210	121 4
February	176	121 0
March	197	127 2
April	217	132 3
May	210	135 4
June	290	142 9
July	414	151 8
August	412	160 1
September	406	166 3
October	432	164 1
November	446	165 1
December	404	157 8

Months	Shellac T N	Manufactured articles.
January, 1942	485	161 4
February	482	162 3
March	457	162 5
April	461	162·5
May	356	160 0
June	472	160 5
July	442	172 7
August	457	174 6
September	457	179 2
October	457	188 5
November	457	203 6
December	457	221 5
January 1943	457	224 1
February	457	225 5
March	457	227 0
April	457	235 6
May	457	246 8
June	457	257 5
July	457	259 5
August	507	251 8
September	507	251 3
October	507	255 8
November	507	256 9
December	507	251 8
January, 1944	507	251 2
February	507	251 0
March	507	252 3
April	507	261 2
May	507	262 5
June	507	259 3
July	507	260 7
August	507	262 4
September	507	259 0
October	507	256 8
November	507	255 7
December	507	256 8
January, 1945	507	257 1
February	507	255 7
March	507	254·7
April	507	239 6
May	507	239 0
June	507	240 7
July	507	242 5
August	507	243 9
September	507	242 9
October	507	242 8
November	507	236 0
December	507	235 8
January, 1946	507	237 3
February	507	239 2
March	507	242 8
April	507	240 6
May	507	239 2
June	929	240 0
July	1074	250 5

Seth Govind Das's Starred Question No. 42 (c) *of 28th October, 1946.*

PROMOTIONS IN BENGAL NAGPUR RAILWAY.

Outsiders are not appointed direct to the posts of Claims Inspectors and there are no posts of Labour Inspectors under the administrative control of the General Manager, Bengal

Nagpur Railway The Honourable Member is presumably referring to posts of Labour Inspectors under the Labour Department, appointment to which is not an avenue of promotion to railway employees Government understand that, in 1941, when the B N Railway was under company management, a scheme was introduced in order to meet difficulties which the Railway Administration were experiencing in finding suitable persons to fill the posts of Assistant Yard Masters, and Yard Masters, which consisted in recruiting apprentices up to a maximum of six at a time from outside the Railway and giving them a training to fit them for filling Assistant Yard Masters and Yard Masters' posts These apprentices were given no guarantee of employment on completion of their apprenticeship Due consideration was also given to suitable Yard Foremen and Assistant Yard Masters, who had reached their respective ranks by promotion from lower grades, for promotion as Assistant Yard Masters and Yard Masters respectively Direct recruitment to intermediate grades, such as those of Yard Master and Assistant Yard Master on Indian Government Railways is governed by the provisions of rule 1 (a) of Appendix II to the State Railway Establishment Code, Volume I, a copy of which is in the Library of the House, and by the instructions of the Railway Board to the effect that such recruitment should be resorted to up to a limit of 20 per cent of the vacancies occurring in any particular year in certain specified categories The B N Railway, which is now a Government Railway, is required to conform nature from the the Railway

Supplementaries to Seth Yusuf Abdoola Haroon's and Sardar Mangal Singh's Starred Question No 51 of 29th October, 1946.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO BURMA

Indians do not require passports for entry into Burma and the External Affairs Department is not therefore concerned The only form of control exercised in the matter of passages is that shipping companies are under instructions to issue tickets for Burma only to (i) evacuees holding identity certificates issued by the prescribed local authority (who is normally the District Magistrate) and (b) persons holding sponsoring certificates issued by the Commonwealth Relations Department

Indian businessmen are under no special disability as compared with British businessmen because those who make out a case can readily get a sponsoring certificate In present circumstances, however, the Burma Government are reluctant to admit businessmen having intry

Seth Sukhdeo's Starred Question No 12 (c) of 31st October, 1946

HOLIDAYS TO ADMINISTRATION CLERKS IN THE SIND AREA OF N W RAILWAY

Government are now informed that the number of holidays shown against the Karachi Division of the North Western Railway in the reply to part (b) of the question was exclusive of two holidays which fell on Sundays, whereas they two holidays, though falling on Sundays, were included in the total number of holidays enjoyed on the other Divisions The total number of holidays shown against Karachi Division should, therefore, be 25 against 27 allowed on other Divisions Further, the 10th January 1946, which was Guru Gobind Singh Birthday, was declared as a holiday under the Negotiable Instruments Act in the Punjab whereas it was treated as a sectional holiday by the Sind Government and also by the Divisional Superintendent, Karachi The small difference between the total number of holidays in 1946, granted on the Karachi Division and those allowed on other Divisions of the North Western Railway is due to the difference in local conditions obtaining in the respective areas

Seth Yusuf Abdoola Haroon's Starred Question No 367 (b) of 11th November 1946

TEA ROOMS AT TANDO ADAM STATION ON N W RAILWAY.

Further information received from the Railway Administration reveals that the contract was transferred following a census of passengers taken at Tando Adam which showed that Hindus predominated in the traffic passing through the station The present contract is due to expire on the 13th July 1947, but it can be terminated by the Railway Administration at any time by giving one month's notice It is considered advisable, however, having regard to the assurance given by the General Manager, North Western Railway, as quoted in my reply to part (c) of the question, to allow the present contract to run its course

Captain Syed Abid Hussain's Starred Questions Nos. 396 and 397 of 11th November, 1946

SHORTAGE OF THIRD CLASS TICKETS ON MALAKWAL-SHORKOT ROAD LINE OF N W RAILWAY

No 396—(a) Yes There was shortage of printed third class card tickets at a few stations on the Malakwal Shorkot Road section of the North Western Railway

(b) In some instances third class paper tickets are reported to have been issued to batches of passengers and it is possible that this caused some inconvenience to the travelling public No complaints, have, however, been received by the North Western Railway Administration

(c) Yes In actual practice, however, if at the destination station the holder of a paper ticket is not traceable, the ticket checking staff, in levying fares and penalty, would take into account the evidence of fellow passengers, especially when it is known that a shortage printed tickets exists

(d) The staff have been warned that they must strictly comply with the standing orders that indents for tickets are to be placed sufficiently in advance Printed tickets are being supplied to stations who have run short thereof

RIVAZ BRIDGE ON N W RAILWAY

No 397—(a) Yes

(b) Yes, but the road is kutcha

(c) Information about an alternative road crossing in a radius of 30 miles is not available, but it is probably true that there is none The amount of road traffic passing over the bridge has not been ascertained by taking a census

(d) Yes, the bridge is closed from sunset to sunrise It is open during the following hours of day light—

Summer—6 A M to 12 NOON & 2 P M to 7 P M

Winter—7 A M to 6 P M

(e) The question of throwing open the bridge to road traffic at night has not so far arisen, but if the Punjab Government agree to accept the additional recurring and initial expenditure on account of extra staff, quarters and lighting, the proposal would be considered

Pandit Shri Krishna Dutt Paliwal's Unstarred Question No 58 of 11th November, 1946

ACTION OF GOODS INSPECTOR, BELANGANJ STATION AGRA, IN THE MATTER OF SHORT SUPPLY OF FUEL AND COAL

(a) No Restrictions were placed on the booking of goods traffic to Belanganj on the following occasions—

(i) from 19th August, 1946, for four days,

(ii) from 27th September, 1946, to 23rd October, 1946

The restriction imposed in August, was due to a sudden increase in the traffic received at Belanganj, especially of timber from the Central Provinces, and to the difficulty experienced by merchants in arranging for labour and carts for removing the goods already received The restrictions in September, and October, 1946, were due to communal disturbances in Agra and were imposed on the advice of the Civil authorities At present the position is normal and traffic can be booked freely to Belanganj

(b) There is normally no shortage of space at Belganganj In August, 1946, difficulty was experienced for four days in regard to accommodation on account of goods lying underlivered in the depot, which included 44 wagons of timber, these have been removed and the position is now normal.

(c) No further action is necessary

Mr Manu Subedar's Starred Question No. 471 (d) of 13th November, 1946.

EMPLOYMENT IN PRIVATE FIRMAS OF HIGH GOVERNMENT OFFICERS

As far as Government are aware, 21 officers of the status of Deputy Secretary and above have, during the last five years, left Government service, or retired, and have taken up employment with private firms Their names are given in attached statement

Statement showing the number of officers of the Government of India of the status of Deputy Secretary and above, who have during the last five years left Government service or retired and taken up employment with private firms

Department of the Government of India in which employed	Number and names of officers	
Political Department	1	Lt Col Sir Geoffroy Betham, C I E , M C
Finance Department	3	Mr V S Sundaram, Mr S P Verma, C I E Mr P C Shaudhury, C I E
Railway Department	13	Mr L N Flatt Sir L P Misra Mr R Bonar Mr R Leon Mr V N Rowsell Mr H Hinton Cooper Mr W A Anderson Mr W R Oaten Mr W R Maunder R B N K Mitra Mr H J Mulleneux Mr P S Clarke Mr P D Low
Communications Department	3	Sir Gurunath V Bewoor, K C I E Mr J H Owens, C I E , M B E Col Diwan Bhadur G N Naidu O B E,
Transport Department and Industries and Supplies Department	1	Sir S N Roy, C I E , I C S
TOTAL	21	

Lala Deshbandhu Gupta's, Starred Question No 486, [parts (a) and (b)] of 13th November, 1946

CANCELLATION OF FIRE ARMS LICENCES IN DELHI PROVINCE

Statement I —List of cancelled licenses from 9th August 1941 upto 7th December, 1946

Serial No	Name of the licensee	Date of cancellation	Reason for cancellation
1	L Maha Shanker Dayal, House No 5700, Daryaganj, Delhi	30-9-42	Surrendered the licence at his own accord
2	O S Perera Area Rationing Authority, Delhi	29-10-42	Weapon sold to Pioneer Arms Co
3	2/Lt D A Fox C/o Messrs Mantons	17-11-42	Weapon sold
4	Col A A Phillips 2, Rajpur Road, Delhi	3-12-42	Weapon sold
5	Dr Dawarka Pershad	22-12-42	Weapon sold and license surrendered
6	J N Ghosh Esquire	18-11-42	Weapon sold
7	B Ganga Bishan	1-2-43	Licensee died
8	Dr Charan Dass H M B 111, Baird Road, New Delhi	1-2-43	This license was for the first time submitted for renewal at Delhi in November, 1942 prior to which it was renewed from Simla year after year A reference to the D M Simla was made who suggested the cancellation of the license saying that Dr Dass does not seem well qualified for the possession of an arms license.
9	Capt P A K Wardropor, C/o Messrs Mantons	29-1-43	Weapon sold
10	Major H P E Waters, G H Q , New Delhi	18-1-43	Do
11	Lt Col J F R Forman, Hotel Cecil, Delhi	13-1-43	Do
12	W R Fennant, Esquire, C I E , I C S	10-2-43	Weapon sold to his nephew
13	S/Ldr P M Wigg, C/o Mantons	19-2-43	Weapon sold.
14	Mr Henery Richards Darya Ganj, Delhi	22-2-43	Do

Serial No.	Name of the licensees	Date of cancellation	Reason for cancellation
15	Mr J S Hardman, I C S, Chairman D I T, New Delhi	3-3-43	The S D O Patna issued a fresh license
16	Supati Nath Mittar	19-4-43	Weapon sold license surrendered
17	Mr Mehta Prashad C/o Mantons	10-5-43	Weapon sold
18	Mohr W Wittakar, I A S, The Fort, Delhi	9-5-43	Do
19	Jatendra Lall, Connaught Circus, New Delhi	3-7-43	Do
20	Mr H C Beckeston	25-9-43	Do
21	Lt Col H E C Smith, 2, Hastings Road, New Delhi	3-7-43	Do
22	Capt Kifayat Ali R A (a) G H Q, New Delhi	17-8 43	Do
23	Molvi Said Ahmed, Kucha Pandit, Delhi	9-5-43	The licensee submitted the license in November, 1942 for renewal for the first time A report whether there was any objection to the renewal was called for from the last renewing authority (i e, the D M Simla) He informed that he does not think it proper to let the license continue in the name of Molvi Sahib
24	Sher Khan, Dea Nagar, Qarol Bagh, Delhi	20-5 43	Gun lost license cancelled
25	K S S Dabir Ali 2145 Churawalan Street, Delhi	14-10-43	Licensee died
26	Hav Dayal Singh, Sanitory Patrol, N C A	24 9 43	Gun lost
27	D D Sahnis 221, Rouse Avenue, New Delhi	4-1-44	Weapon sold
28	Capt I Rawland, R A, Lytton Road, New Delhi	4-1 44	Do
29	Harish Chand Mittal, Esq, Sub Judge, Delhi	10 1 44	Do
30	S K Karpalani, Esq, C/o M/s Mantons	31-3-44	Do
31	S Jaswant Singh 17, Rohtak Road, Delhi	21-1 44	He was granted a revolver license in his capacity as Manager of a bank which appointment he resigned later on The licensee then became a contractor and the license was withdrawn on the suggestion of the S S P
32	Lt Col S S Gibbs, 80/1, The Mall, Delhi	1-5-44	Weapon sold
33	Chail Behari Lall Mathur, 1283 Chalpuri Street, Delhi	9-5-44	Gun sold license surrendered
34	Mr H F Marrington, 65, Pandara Road, New Delhi	8-5-44	Weapon sold
35	L Mith Lall 877 Naiwara, Delhi	18-5-44	D M Refused renewal as the licensee was involved in a case
36	Col C L Bilderback, I M S, Civil Hotel, Delhi	11-5-44	Weapon sold
37	Mrs W M Smith, 32, Feroz Shah Road, New Delhi	19-2-44	Do
38	Miss M A Briant	7-3-44	A new license issued by the Resident in Mysore
39	Lt Col A H Crowther, C/o Mantons	17-2-44	Weapon sold
40	Abdul Gafur Khan	17-3-44	Licensee died
41	Col J F Fea, c/o Mantons	9-2-44	Weapon sold
42	M N A Hashmie, Esq	19-2-44	A new license issued in Mysore state
43	Dr W M Smith, 32, Ferozeshah Road, New Delhi	23-3-44	Do
44	Mr L V Kusy, Connaught Place, New Delhi	23-3-44	Weapon sold
45	Lt J A White Head, C/o Mantons Co	10-6-44	Do
46	Mr S N Bose, Gurdwara Road, Karol Bagh, Delhi	14-6-44	Licensee died.
47	N V H Symons, Esq, I.C S.	20-6-44	Weapon sold
48	Capt H E Gettey	27-6-44	Do
49	Major A. W Pringle C/o Mantons	27-6-44	Do

Serial No	Name of the licensee.	Date of cancellation	Reason for cancellation.
50	Capt F M Gilbertson, 17, Tuglak Road, New Delhi	22 9-44	Weapon sold
51	Malvi Ashaq Ali, C/o Elahoo Bux & Co	14 10-44	Licensee died
52	Major E J Wakefield	20-10-44	Licensee died
53	Mrs Twigg, 27 Narendra Place, New Delhi	3-7-44	Weapon sold
54	S Ahmed Said, 5/71 W E A Karol Bagh, Delhi	15-8-44	Do
55	Mr Lorell Ittadson, C/o Mantons	27-7-44	Do
56	Mr A N Anja . . .	7-9-44	Licensee died
57	Capt F M Gilbert-son 17, Tuglak Road, New Delhi	22-9-44	Weapon sold
58	Bhola Pershad, Subzimandi, Delhi	21-9-44	Licensee did not purchase a gun within the time allowed
59	Capt C H Water . .	22-11-44	Weapon sold.
60	Capt W C Robert, 24, Aurangzeb Road, New Delhi	22-7-44	Do
61	Lt Col I Revans	24-8-44	Do
62	H C Prior, Esq, I C S, C/o Mantons .	15-12-44	Do
63	Mr J C W Raid	8-12-44	Do
64	Mr W Gobbett	16-12-44	Do
65	Mrs S Smith	4-12-44	Do
66	Capt M L Gupta	14-12-44	Do
67	Hrishikesh Sur, Esq .	13-12-44	Do
68	Mr A D Shamshi, 8, Talkatora Road, New Delhi	12-1-45	Licensee died
69	H C Pennick, 7, Sri Ram Road, Delhi	19-2-45	Weapon sold.
70	K Ubaid Ullah, New Delhi .	27-1-45	Do
71	Dr R S Bemmi, Subzimandi, Delhi	25-4-45	The licensee did not renew his licence for three years
72	Col J R James . .	20-2-45	Weapon sold
73	S Mohd Hussain Sahib	29-2 45	Do
74	Dr R B Saxena	5 3-45	Do
75	Major W M N Haslam .	29-3-45	Do
76	Dr Zuallaha Qureshi	17-5-45	Do
77	W Whaltatakar	19-5-45	Do
78	M M H Noah	2 6 45	Licensee died
79	Major D B Ronald	23 6 45	Weapon sold
80	H J Jennings	23 6-45	Do
81	Mr S A Nizami	23 6-45	did not purchase a gun within the time allowed
82	Capt S H Gay	23-6-45	weapon sold
83	Mr G Ahmed	27-6-45	weapon sold
84	H Ahmed Esq	27 6 45	weapon sold
85	Lt Col C J Fox	10-6-45	Licensee died
86	Pt Mool Chand	11-7-45	Late submission for renewal over after warning
87	Capt W K Williams	17-7-45	weapon sold
88	S Sunder Singh	31-7-45	Licensee died
89	Abdul Majid Khan	31-7-45	Licensee died
90	Lt Col R H S England	3-8-45	weapon sold
91	Lt Col G C Richards	3-8-45	weapon sold
92	Brig J E Chattar Buck	11-8-45	weapon sold
93	Mohinder Singh	24-8-45	Gun sold
94	The Manager Punjab National Bank, New Delhi	25 8-45	did not purchase the weapon.
95	Mr V Vasugar	29-8-45	Weapon sold
96	S /Ldr J J G Snipler	29-8-45	Weapon sold
97	Mr D L Webb	28-8-45	Weapon sold
98	M M Ahmad, 34 Prem House, Connaught Place, New Delhi	3-8-45	He left the Gun to his brother Mustaq Ahmed a local agitator during his absence from Delhi
99	Mr Sis Ram, V Singola	16-8-45	Could not get a gun
100	Mr W H Rainbards	29-8-45	weapon sold
101	Shm Khur hid Begum .	22-8-45	Licensee died.
102	Mrs C H M Rose	4-9-45	weapon sold
103	Ch Yad Ram Zaildar, V Bajidpur Shakaran	27-9-45	weapon sold
104	Major Ch ni N Dass . . .	13-9-45	Weapon sold.

Serial No	Name of the licensee	Date of cancellation	Reason for cancellation
105	Major E Ferris	12 9 45	Weapon sold
106	Dr Sukh Dayal	25 9 45	Licencee died
107	Mohd Ali	27 9 45	Weapon sold
108	Daulat Ram	24 9 45	Weapon lost
109	Mr H Cormack	27 9 45	Licence cancelled gun sold
110	Sh Shamsul Haq	17-9-45	Licencee died
111	Manager Bharat Bank Ltd	25 9 45	Could not get a gun
112	B N Banerjee	2 10 45	Weapon sold
113	Mr H R E Ahmed	29 10 45	Weapon sold
114	Lt Nasir Ullah Khan	29 10 45	Weapon sold
115	Satya Pal Varma	9 10 45	Weapon sold
116	Mr Rup Lal	2 10 45	Surrendered
117	Mr N W Innes	4 10 45	Surrendered
118	S/L J J G Simpler	27 10 45	Gun sold
119	Condr E H Lawson	27 10 45	Gun sold
120	G C Mukerjee	27-10 45	Gun sold
121	S Hariam Singh	13 10 45	Period for acquiring the weapon expired
122	L N Hallin Ghirst	27 10 45	Surrendered
123	H C Dey Esq	27 10 45	Gun Sold
124	David Wilban Esq	7 11 45	Surrendered
125	L Jai Shakner	7 11 45	Licencee died
126	Dr Mazhar Ullah	22 11-45	Licencee died
127	Mr S K Bose	27-11 45	Gun sold
128	Abdul Aziz Khan	12-11-45	Gun sold
129	M M Farookhi	7-11 45	Left for America
130	J R T Booth Esq	7-11-45	Gun sold
131	Mr Lekshmi Naram	1 11-45	Licencee died

Statement II —List of licenses cancelled during the period from 8th December, 1945 to 15th October 1946 due to no purchase of ammunition

Serial No	Name of the licensee	Address
1	Mr Mool Chand	10 Central Lane, Babar Road, New Delhi
2	L Atma Ram Jain	Kothi Shora Subzimandi, Delhi
3	Mr Des Raj Dogra	29 Taylor Square, New Delhi
4	Mr Raghbir Singh	C/o Pearcy Lal and Sons, New Delhi
5	Mr Khushi Ram Sharma	Naya Bans, Delhi
6	Pt Ram Sarup	Ramjas College Darya Ganj, Delhi
7	S Bijai Singh	Sanitary Inspt, of Health Office, New Delhi
8	S Sohan Singh	17 Bradompura Karolbagh, Delhi
9	Mr Sharmander	25 Raja Kidar Nath Lane, Ghori Bazar, Delhi
10	Mr Mir Khan	Iqbal Manzil Qarolbagh, Delhi
11	S Rajinder Singh	2 Curzon Road, New Delhi
12	S Keera Singh	47 Darya Ganj, Delhi
13	Mr Marghub Ahmad	C/o B Rafiq Ahmad Gah Rohan, Delhi
14	M Iqrammullah	Gah Sucwalan, Morgate, Delhi
15	L Banwari Dass	Cloth Merchant Nai Sarak, Delhi
16	Mr Karam Ali	No 36 Raja Bazar Square, New Delhi
17	S M Maqbul Ali	Delhi Shahdara
18	B Ram Singh	2 B Rowe Lane, New Delhi
19	Ramchander Sharma	Chamanlal Bld, Connaught Circus, New Delhi
20	L Janki Das	Gah Daroga Kanhya Lal, Nai Sarak, Delhi.
21	L Sagar Chand	Kothi Shora Subzimandi, Delhi
22	Abdul Ghani	C/o M/s Pearcy Lal & Sons, Ajmeri Gate, Delhi
23	L Lachmi Naram Dass	C/o R S Gopal Dass IP
24	Shaghar Ahmad Jan	Commercial College, Delhi
25	Mr Madan Lal	90 Indian Jewellery Trading Co, Delhi
26	L. Rattan Lal	Tehwara, Gah Panhiaram, Delhi

Serial No	Name of the Licensee	Address.
27	L Munshi Lal	Kashmeri Gate, Delhi
28	L Reghbir Singh Banker	Kashmeri Gate, Delhi
29	Raghbar Daval	Delhi Shahdara
30	S Maula Bux	Skin Merchant, Subzimundi, Delhi
31	Mr P P Gupta	157 Cloth Merchant, Delhi
32	L Sham Ki han Kaiker	Gandi Gali, Delhi
33	Mr Abdul Ghani	Lace Merchant, Ch Chowk, Delhi
34	S Ali Raza Khan	Farash Khana, Gali Nawab Shah, Delhi.
35	Mr Sham Shuklin	Cap Merchant, Ch Ch Delhi
36	Mr Abdul Wahid	Gali Chandiwalan, Delhi
37	Mr Abdul Razaq	S Bar Khamba Road, New Delhi
38	Dr B C Gupta	Sadar Bazar, Delhi
39	Pt Ra n Ki han Jattley	Katra Nil, Delhi
40	J Hira Lal	Naya Bans, Khari Baoli, Delhi
41	Mr Shahabuddin	H No 9988 Naya Mohall , Pulbungash, Delhi
42	Abdul Hafiz Khan	Prop Universal Automobile Engr Daryaganj, Delhi
43	Mr Hari Ki han	Bazar Sita Ram, Delhi
44	S Mohd Ghous	Darawaza Chowri Bazar, Delhi
45	M Z Akhmal	Delhi Tobacco & Co , Sarai Rohilla, Delhi
46	Mr Om Parkash	Gocha House, Morigate, Delhi
47	Sh Sultan Ahmad	Japanwala Coronation Hotel, Fatehpuri, Delhi
48	Abdul Aziz Khan	C/o Sultan Ahmad Khan Assst Controller, N W R , New Delhi
49	L Amar Nath	Jhansi
50	L Shamsunder	C/o The Globe Radio and Eng Co , New Delhi
51	Ghulam Mohiuddin	H C No 1294 Parliament St New Delhi
52	Iqbal Ahmad Qureshi	19 Church Road, Kashmiri Gate, Delhi
53	Mohd Ishaq	S/o Hajr Abdul Aziz
54	Mr S P Sawhney	C/o Coltex India Ltd , Delhi
55	Allah Diya	Lambagali Subzimandi, Delhi
56	Abdul Gani Qureshi	66 Johnson Rd Qarolbagh, Delhi
57	Pt Mohn Chand	C/o S Bachuttar Singh L O , Delhi
58	Mr Gokal Prasad	Prop Delhi Tyre Service Co , Delhi Shahdara
59	Mohd Shafi Barry	Katra Phatak Habush Khan, Delhi
60	Mr Onkar Pershad	C/o Mr K L Bhatnagar, NewDelhi
61	Hamiduddin	27 Tughlak Road, New Delhi
62	Mr N Kanti	Jatogh View Sambar Delhi
63	B Raja Ram	C/o Dr N C Joshi Karol Bagh, Delhi
64	Mr Tawawar Hussain	H N 652 Gali Qasim Jan, Ballimaran, Delhi
65	B Brijdharup	4 Darya Ganj, Delhi
66	Mr Mohd Sadiq	Chandi Chowk, P O Box, 7 Delhi
67	L Partap Singh	L Partap singh Darbar Kalan, Delhi
68	A S Curedo	M Block Commought Circus, New Delhi
69	K Hussain Ahmad	C/o Mr Abbas Hussain, Civil Court, Delhi
70	M B Dabbar	19 Church Road, Kashmir Gate, Delhi
71	Mohd Bashir Khan	Shidipura Qarol Bagh, Delhi
72	Mr Mohd Usman	4 Talkatora Park, New Delhi
73	Mr Fahimuddin	C/o Modern Jewellery House, Darba Kalan, Delhi
74	Mr Achal Bihari Lal	Advocate, Delhi
75	L Sohan Lal	Legislative Assembly Notice Office, New Delhi
76	B Chand Bchadur	Secrtn & Co , Ch Ch , Delhi
77	Mohd Ahmad	Gali Hanga Beg Phatak, Habush Khan, Delhi
78	R L Malhotra	Manager Krishna Lal & Bros Ltd , Delhi.
79	S Kahan Singh	No 3 Sant Nagar Karolbagh, Delhi
80	Mr Ali Akhtar	C/o S M Yaqub Kabai Bazar, Delhi
81	Mr Shahabuddin	Similawala, Delhi
82	M Abdul Karima	Bara Tooti Sadar Bazar, Delhi
83	Mr Jagatpal Singh	8 Hanley Road, New Delhi
84	Din Daval	Shidipura Nai Basti, Qarol Bagh, Delhi

erial No	Name of the Licensee	Address
85	Mr Ghulam Mustafa	Prop Asiatic Carpet Store Kashmeri Gate, Delhi
86	Bawa Arjan Singh	381 E Govt Quarters, Karol Bagh, Delhi.
87	Mr H P Chatterji	Behind Imperial Bank, Delhi
88	Mr N D Mehra	Imperial Bank of India, Delhi
89	Mr Faqir Chand	1630 Dassan St , Delhi
90	L Vahan Lal Gupta	Prem Nagar, Subzimandi Delhi
91	Mr Jagdambe Sahai	1614 Thana Faiz Bazar Delhi
92	Mr Ram Kishan Dass	H No 445 & 447 Katra Nil, Delhi
93	S Mohiduddin	Mohalla Kishanganj, Delhi
94	M Asharf Khan	Sharif Manzil, Mohalla Rodgran, Delhi
95	Mr Mehar Elahee	Phatak Habash Khan, Rang Mehal, Delhi
96	M Madho Pd	Quarter No 88, Tagore Road, New Delhi
97	Mr Ghulam Mohiddun	Fatima Manzil, Karol bagh, Delhi
98	Mr Kerrar Hussain	Dargha Sabri Daryaganj Delhi
99	L Jagat Perkash	60 Thompson Road, New Delhi
100	Mr Brij Behari Lal	43 Darya Ganj Delhi
101	L Kahan Chand	C/o R S Bhola Ram & Sons Ltd ,Connought Place, New Delhi
102	S Abdul Hassan	Daud St Darya Ganj, Delhi
103	S Manohar Sing	41 Hanuman Road New Delhi
104	Khawaja Ghulam Jilani	C/o M/s Malik & Qureshi Milty Contractor, Idgah, Delhi
105	Mr Manohar Lal	Bara Dariba Gali Kunj Ram, Delhi
106	Mr Kishan Gopal	15 Allenby Road, New Delhi
107	Pt Man Mohan Nath	C/o Pt Rawi Dutt, E I , Delhi
108	Mian Hafizur Rahman	Punjabi Islamia School Sadar Bazar Delhi
109	Gopalji H Koya	25 Ram Nagar, Delhi
110	Mohd Badurul Hassan	Arabic School Lane, Faizganj, Delhi
111	Mr Abdul Ghani	Turakmangate, Delhi
112	S J S Bhagwan Singh	Bundala Amir Son
113	Attar Khan Sepoy	G H Q Army Police, New Delhi
114	L Gurdatta Ram Tailor	Paharganj, Delhi
115	S A Rahim	Rahim Manzil, Roshanara Road, Delhi
116	Inayatullah	Eastern Fur Carpet Co , New Delhi
117	L Darma Chand	C/o Instalment Supply Co , Kashmirigate, Delhi
118	Mr Amar Nath	Manager, Sun Light of India , Delhi.
119	L Nandkishore	Nai Sarak, Delhi
120	Rev P K Sircar	Ludlow Castle, Road, Delhi
121	Mr Marghoob Ahmad	Phatak Habash Khan, Delhi
122	B Tirlokchand	Faizbazar Delhi
123	B Balkishan Dass	C/o M s Bhanamul Gulzarumul, Delhi
124	Mr N R Sahney	3 Aggarwal Buildings, Connaught Lines, Delhi
125	Mirza Nuruddin	104 Ansari Road, Delhi
126	Mr Parshotam Dass	1 Chelmsford Road, New Delhi
127	Mr K K Bose	9 A Rajpur Road, Delhi
128	Mr Abdul Subhan Khan	Near P S Subzimandi, Delhi
129	Mr Kailash Nath	M/s Hari Chand Kapoor & Sons, Army Contractor, New Delhi
130	Mr Ramnath Anand	17 Babor Road, New Delhi
131	Mr Jai Dayal	Overseer D C Mills Delhi
132	Hashim Hussain	Kucha Rahman Clock Tower Delhi
133	Mr Mohd Jaffery	Kucha Cheelan,Delhi
134	Mr Charles B Singha	C/o M/s Kemp & Co New Delhi
135	Rev Samud Bernand	Baptist Mission Church, Chandni Chowk, Delhi
136	L Sant Ram	G H Q , Signals Talkotora Road, New Delhi
137	Mr Harbans Singh	98 Sham Bhawan Faizbazar, Delhi
138	Mr Ram Rattan	7 Santi Niwas Queens Lane, Delhi (New)
139	L Hansraj	15 Bara Khanba Road, New Delhi
140	S Balwant Singh	1 Queonsway, New Delhi
141	L Radhe Shiam	99 Phatak Habash Khan, Delhi
142	S Bhawan Singh	Inspt Provincial Ass Co , Nayabans, Delhi

Serial No	Name of the Licensee	Address
143	Sayed Nasar Abas	57 Aram Bagh Place, New Delhi
144	Mr Diwan Chand	Cannought Place, New Delhi
145	H Nizam Uddin	C/o S Mohd Yamin, Advocate, Delhi
146	Karam Chand	18/19 Cannought Circus, New Delhi
147	Mr Hamid Ali,	Katra Mehar Parwar, Kucha Chelan, Delhi
148	S Bela Singh	Contractor Karolbagh, Delhi
149	Mr Shamsuddin	Katra Nizamulmulk Jama Masjid, Delhi
150	Mr Abdul Rahim	Ex S D O, M I E, 1458 Turakman Gate, Delhi
151	Mr Amir Chand Khanna	17 Alipur Road, Delhi
152	Mr Hamid Ali	Katra Mehar Perwar, Delhi

Sreejut Rohini Kumar Chaudhri's Starred Questions Nos 518 (a) and 520 (a) of 13th November 1946

OFFICERS OF THE PROVINCIAL CIVIL SERVICE OR ON THE LIST POSTS SERVING IN GOVERNMENT OF INDIA

No 518 (a)—Statement showing the names and particulars of Provincial Civil Service officers or listed post holders employed as Assistant Secretaries in the Government of India Secretariat

Names of officers	Provinces to which they belong	Appointments held
	Nil	

The following addition should be made in the statement placed on the table of the House in reply to starred question No 518 on the 13th November 1946

12	Mr Iqbal Hussain	United Provinces	Pensions Officer and *ex-officio* Deputy Secretary in the Pensions Branch of the Defence Department

EXCISE DUTY IN BETELNUTS

No 520 (a) Betelnut's—Statement of revenue collections in the Provinces from April to September 1946

Province	Revenue Collection (In thousands of Rupees)
Bombay	3,42
Madras	8,20
Coorg	2
Bengal	20,16
Assam	3,01
All other provinces	*Nil.*

Mr. Manu Subedar's Starred Question No. 535 (b) of 14th November, 1946.

FACTORIES FOR RADIOS, FILMS, REFRIGERATORS AND TYPEWRITERS IN INDIA

Import licence has been issued to Messrs Mysore Airmecs Ltd, from the U K The question of grant of dollar facilities does not arise in this cases

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Maulvi Abdul Hamid Shah's Starred Question No 572 of 14th November, 1946

MUHAMMADAN APPLICANT FOR STALL IN MAHIMGANJ RAILWAY STATION ON BENGAL ASSAM RAILWAY

(a) Yes

(b) and (c) No application was received from the public for a Muslim stall at Mahimganj An application was received from the prospective vendor for the opening of a Muslim stall but it was not recommended by the Station Master

(d) Sanction to open the stall was refused as there was no demand from the public for such a stall

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

Pandit Mukut Behari Lal Bhargava's Starred Questions Nos 573 and 574 (c) of 14th November, 1946

WORKING HOURS FOR CLERKS IN STORES DEPARTMENT OF B B & C I. RAILWAY AJMER

No 573.—(a) Government understand that the clerks in the Stores Department of the B, B & C I Railway (Metre Gauge), Ajmer, do not work 10 to 12 hours daily, their normal hours per week being 39 to 42 Under the Hours of Employment Regulations which govern the working hours of this staff, no overtime is payable unless their working hours exceed 60 hours a week When, at times, they are called upon to work beyond the scheduled office hours in the interest of work, the statutory weekly limit is never exceeded As there is nothing irregular in the existing practice the question of stopping it does not arise

(b) The questions do not arise in view of the reply to part (a)

(c) The procedure in force in the Department referred to is that promotion from grade I to grade II in the old scales and corresponding grades in the revised scales is made strictly according to seniority unless the employee is definitely declared unsuitable Promotion from grade II in the old scale of pay to the grade of Rs 120—160 and their corresponding new scales, is made by selection Failure to achieve promotion beyond the maximum of a grade is due either to unsuitability or non-selection, as the case may be. The number of clerks of the Stores Department Ajmer who have received no increment on this account for 15 years or over is as follows —

Grade Rs	Number
40—80	6
80—120	6
120—160	*Nil*
160—200	1
200—250	*Nil*

The prescribed rules for promotion by selection and by seniority will be found in Appendix II A, to the State Railway Establishment Code, Volume I, as amended by Correction Slip No N 566, a copy of which is in the Library of the House As the promotion of clerks in the cadre referred to by the Honourable Member is in accordance with the rules mentioned above, Government do not propose to make an enquiry into the cases where promotion has been withheld or to grant increments otherwise than in accordance with the rules The Honourable Member is, however, reminded that the whole structure of pay scales for railway staff is under examination by the Central Pay Commission and their recommendations, which may affect the present system of distribution of grades, are awaited

UNCOVERED PLATFORMS AT BEAWAR AND INDORE

No 574 (c) —The existing arrangements for supply of water to the travelling public are as follows —

Indore Station —Four watermen have been provided to serve water to passengers from water huts There are also three water taps, one at each end of the passenger platform and one in the rear of the passenger shed

Beawar Station.—Potable well water is not available nor is the station connected with the city water supply Water is brought from Ajmer Junction and Sendra in two water tanks provided for the purpose, and is supplied to the travelling public by three men detailed for this duty at the station There are also two water huts from which water can be obtained by passengers Since March 1946, when an extra waterman was appointed to serve water to the travelling public, no complaints have been received regarding the water supply at this station

Pandit Sri Krishna Dutt Paliwal's Starred Question No 583 [parts (a) to (e), (g) and (h)] of 14th November, 1946.

STRIKE IN THE POSTS AND TELEGRAPHS DEPARTMENT

(a) 50,551

(b) Mostly lower grade staff, but some non-gazetted officials of the superior service were also involved

(c) Rs 16,90,338

(d) 21,338

(e) to follow

(g) Rs 3,17,108

(h) Yes, in most cases

Srijut Rohini Kumar Chaudhuri's Starred Question No 624-B of 15th November 1946

PERMISSION TO MEMBERS OF CONSTITUENT ASSEMBLY TO MOVE IN THE EXCLUDED AND TRIBAL AREAS OF ASSAM MANIPUR, KHASI AND JAINTIA HILL STATES

No permit is required to enter the Khasi States or parts thereof The permission of the Political Agent is normally required to enter any part of the Manipur State, but it has been decided to waive the requirement of permission in the case of Members of the Constituent Assembly provided that they give notice of their intention to visit Manipur

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MOTIONS FOR ADJOURNMENT

ATTACK BY TRIBESMEN ON CITIZENS OF HAZARA DISTRICT

Mr. President: I will now take up the adjournment motions of which notice
12 NOON Numbers 1-5 stand in the name of Mr Sanyal has been received up to 11 A M today They are nineteen in all

Mr. Sasanka Sekhar Sanyal (Presidency Division Non-Muhammadan Rural) All my motions may be considered as not pressed

Mr. President: Very good I won't read them This disposes of Nos 1-5 Nos 6 and 7 are from Sardar Mangal Singh What is the position about these?

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Could we know what they are about?

Mr. President: My idea was to save time as there is a large number of them Both the motions, Nos 6 and 7, practically raise the same subject and I believe there is one more, No 15, from Mr Siddiq Ali Khan which, though not identical, raises the same subject

Motion No 6 is

"That the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance namely the failure of the Government of India to take timely action to stop preparations made by the tribesmen in Tribal areas to attack the peaceful citizens of the Hazara district resulting in great loss of life and property"

The other is

Sardar Mangal Singh (East Punjab Sikh) The second may be ignored

Mr. President: Then I need not read it Mr Siddiq Ali Khan's motion reads as follows

"To discuss an urgent matter of public importance, namely, the punitive fine and the barbarous and mediaeval practice of taking hostages imposed on Nandihar tribes in January, 1947"

Of course, the objects of the two are different, but they relate to the same topic With reference to these motions I have to inform the House that His Excellency the Governor General in Council has been pleased to accord sanction to Sardar Mangal Singh's adjournment motion

The Honourable Pandit Jawaharlal Nehru (Member for External Affairs and Commonwealth Relations) Sir, the occurrences that took place in Hazara district last month were very unfortunate and I am sure the whole House will deplore these occurrences The motions for adjournment read out, look upon the affair from two different angles One seeks to condemn the Government for not taking action, the other seeks to condemn the Government for taking too much action As a matter of fact, I think this particular incident, deplorable as it is, shows the extreme efficiency of Government in this particular matter, and the extreme leniency of Government also in this particular matter It is very difficult for Government, for me, to say much about preventing such things happening, because all these things are due to many causes, and it is not an easy matter unless some long distance policy is aimed at. Unfortunately such things do take place Unfortunately even now people are kidnapped, raids take place on some scale and this House must accept the position that this sort of thing must be stopped In the present instance, what happened has already been publicly stated in a number of communiques issued by the Government We have tried to take the public fully into our confidence right from the beginning There was unfortunately, due to certain agitation largely conducted by people coming from outside the Tribal areas and the Frontier Province

Sardar Mangal Singh: On a point of order, Sir Is the Honourable Member making a speech on the motion or is the Government of India prepared to discuss the matter on the floor of the House?

Mr. President: I asked the Honourable Member to give a short statement of the facts to enable me to judge about the urgency of the matter The matter is no doubt of public importance That is all I think for the present I want to know as to how it is urgent I therefore wanted to have a short statement of facts

The Honourable Pandit Jawaharlal Nehru: Sir, I wanted to tell the House exactly where matters stand I want to oppose the motion, because there is no urgency about it There is no question of anything happening—something happend a month ago I should like to take the House into my confidence if you will permit me Otherwise, I merely oppose the motion

Diwan Chaman Lall (West Punjab Non-Muhammadan) Sir, the Leader of the House may be asked to give us the facts Many of us are very anxious to know the facts. Suppose we want to raise a point of order regarding the urgency or the admissibility of this particular motion, it will be very difficult for us to make our points unless we know the facts which the Leader of the House is prepared to tell us It is extraordinary that he should be interrupted

Sardar Mangal Singh: The only way is for Government to welcome this motion and then all the facts may be placed before the House I have not been able to understand why the Honourable the Leader of the House opposes the discussion of such a motion These unfortunate happenings have not taken place all of a sudden There were series of incidents which happened in the Tribal areas of which the Government of India ought to have taken notice After the communal riots at Calcutta there were repercussions on the Frontier

Mr. President: May I interrupt the Honourable Member? Will he just tell me as to how the matter is one of urgency now? If there is nothing now, and if the trouble is chronic, as I understand from the Honourable the Leader of the House, it requires a long time remedy Where is the special urgency of this motion being taken up today? The House will have ample opportunities during the session of criticising the administration of Government, when the Finance Bill comes up and on various other occasions The point to be gone into is not whether it is important or not but whether this subject should be taken today, outside the normal business of the House

Sardar Mangal Singh: The matter is important in this way

Mr. President: I am not disputing its importance I am applying myself to the urgency of the discussion to day

Sardar Mangal Singh: The matter is urgent in this sense that the previous raids to which the Leader of the House referred were of a different character This time the happenings were on a large scale and were entirely of a different character The previous raids were more or less by looting parties They were economic in character, but this time there was a regular plan behind it, and it was on a very large scale I am very anxious that such happenings should be stopped The Government of India should take some action so that these things may not occur again There are three or four incidents which took place in the Frontier of which the Government of India should have taken notice Above all, the most important was the visit of the Honourable the Leader of the House himself He had sufficient notice of the temper of the Frontier people and about two months before the incidents, the Hindus of Battal and Oghi villages took a deputation to the Assistant Commissioner Mansheia and they asked him to take some action to protect them No action was taken and they left their villages and went to Kashmir After the Bihar incidents, several public meetings were held in the Tribal areas They were addressed, I am told, I cannot vouchsafe for it, by some speakers from Bihar and some students of the Aligarh University In those meetings, leaves of the *Quran Sharif* and photos of wounded babies were exhibited and exciting speeches were made and reports of these meetings were sent to the Political Officers The Government of India should have known these things but obviously they did not take any action After that, the Hindus of Battal and Oghi again took a deputation to the Deputy Commissioner, Abbottabad

Shri Sri Prakasa: What will the Honourable Member speak about in the afternoon, if he finishes his speech now?

Sardar Mangal Singh: The Honourable the President wanted to know about the urgency of this motion at this time I think this seriously concerns the lives and property of the non-Muslim people living in the Frontier districts and therefore it should be taken up today and discussed The Government of India should be told definitely that they must take serious action to stop these things

The Honourable Pandit Jawaharlal Nehru: Many of the facts that the Honourable Member has stated are perfectly correct but I should like the Honourable Member to bear in mind that this kind of thing is not new, although certain new factors came in It is a very difficult matter to deal with these situations, more especially because a certain policy has been followed and it is not easy to change that policy completely and suddenly I do not think it is correct to say that the various incidents to which the Honourable Member has

referred necessarily indicated that there would be a raid Such incidents are continually happening There was this raid It was not on a very big scale but it had disastrous consequences undoubtedly, in that it resulted in killing, looting and burning of property It lasted for a fairly short time I cannot exactly state the period May be the whole thing was over in two or three days' time Immediately steps were taken I do not think it is possible to say that the steps subsequently taken were either delayed or inefficient It may be that if a different policy, a long term policy, had been acted upon, such things might not have happened but this might equally be said about many other things happening in India We are the inheritors of past policies, of past legacies and some of them are of such a nature that we cannot change them suddenly That is why we want independence for this country, so that we may be able to change them quickly and completely

Sardar Mangal Singh: Did you take any action at all?

The Honourable Pandit Jawaharlal Nehru: We had a choice in this matter as to whether we should immediately bomb these territories from the air or not After very grave consideration, naturally we were entirely opposed to bombing and we decided that we should not take this step Our decision was justified by subsequent events because in effect the other steps we took had the immediate effect of stopping the trouble We sent armed forces there and various terms were announced When the armed forces collected there, the tribes submitted to the terms imposed upon them The terms were more or less lenient, although one of the adjournment motions refers to them as barbarous terms The terms were a cash fine of Rs 75,000, a fine of 75 rifles and the surrender of 40 hostages Now this business of taking hostages and keeping them is certainly not a very desirable one (*An Honourable Member* It is barbarous) I may, however, draw the attention of the House to what is happening in the Tribal areas in regard to these raids That is also extremely barbarous and mediaeval and we have to meet that barbarousness somehow and it is for this House to decide No Government can tolerate raids, murder, kidnapping and the like We ought, no doubt, to root out the cause of these things but if such things occur, they have to be met with the greatest force necessary for the occasion It is for the House to decide whether it is better to meet them by air bombing or by armed force

Sardar Mangal Singh: Don't oppose the motion Let the House decide Don't shut out discussion

The Honourable Pandit Jawaharlal Nehru: I am perfectly prepared to discuss it if the subject comes up in the form of a Resolution or otherwise I do not see how it arises on a motion for adjournment Nothing is happening at the moment and nothing has happened in the last month

Mr. President: I do not think I can allow any further speeches on this motion I only wanted to know the facts, to decide the question of urgency From what has been stated by Sardar Mangal Singh and the Honourable the Leader of the House, I do not think any discussion is called for at the moment I do not give my consent to this motion

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan) There is a second motion on this That is different

Mr. President: I will come to that Has the Honourable Member received the Governor General's sanction? (*An Honourable Member* No) The consideration will stand over That disposes of No 7

SEARCHES AND ARRESTS OF MEMBERS OF COMMUNIST PARTY, KISAN SABHAS AND TRADE UNIONS ALL OVER INDIA

Mr. President: We now come to No 8 There are three motions on this subject One is from Sardar Mangal Singh and two from Mr Joshi one of which refers to all India and the other is restricted to the Delhi province, with

[Mr President]

a view to fix the Government of India's responsibility in the Centrally administered area They are practically the same They might be taken into consideration together

Sardar Mangal Singh's motion wants to discuss

'the police raids and searches (accompanied by arrests) of the offices of the Communist Party, the Kisan Sabhas, Trade Unions and the residences of individual Communist Leaders conducted simultaneously all over India"

Mr Joshi's motion wants to discuss

the simultaneous searches all over the country of the offices of the Communist Party and its branches, of the residences of many individual communists, of the offices of several Trade Unions and Kisan Sabhas, accompanied by some arrests and taking away of some documents

These are the two motions *Prima facie* they appear to be very important matters and I should like to know the position

The Honourable Sardar Vallabhbhai Patel (Member for Home and Information and Broadcasting) Sir, this is a matter which involves a complaint filed before the Presidency Magistrate in the Bombay Presidency Certain documents containing the top secrets of the Defence Department appear to have been stolen between the months of April and August and correspondence passed between the Government of Bombay and the Central Government about this matter Subsequently, it was suggested by us that if the Bombay Government was advised by its legal advisers that there was a proper case for prosecution under the Officials Secrets Act, they may take proper action The Bombay Government took legal advice and were advised that it is open to them to file a complaint and that they were entitled to do so under the Act Then, the Government of Bombay issued an order on the 18th December empowering the Commissioner of Police under section 13 of the Indian Officials Secrets Act to lodge a complaint against the editor in respect of 8 articles that had appeared in the issues of the *People's Age* dated variously between the 4th April 1946 and the 4th August 1946 On the 23rd December they issued a similar authority in respect of complaints against the author, printer and publisher of the pamphlet *Operation Asylum*, published sometime in September or October 1946 In connection with these cases the Bombay police had to make searches and they filed a complaint in the Chief Presidency Magistrate's Court on the 13th As these documents and several other secrets were alleged to have been stolen and other materials of a secret nature from other Departments of the Government were being pilfered, the police thought that if the searches were not made simultaneously, the materials and the persons concerned would go underground They proceeded under S 165 of the Criminal Procedure Code They were entitled to ask for the assistance of the Central Intelligence Bureau, and, in order to co-ordinate searches, steps were taken by the Bombay Government in co-operation with the Intelligence Department for simultaneous searches The Central Intelligence Department has done nothing more than assisting the Bombay police in the normal discharge of their lawful duties in the matter of investigation

I understand from the reports in the press also that an application for bail filed by the editor printer and publisher has been rejected and the Chief Presidency Magistrate is seized with the case Therefore, the matter is *sub-judice*. The Central Government has done nothing except giving the Government of Bombay advice to the effect that the Bombay Government if they think that within their province an act has taken place in which they are legally advised that they can proceed lawfully in a court of law, they may do so It is a proper advice which the Central Government can give to any province If in any province an offence has taken place, it is for them to take legal advice and act

according to law I think the Central Government was entitled to do so and it cannot be censured for that and no adjournment motion arises out of such a case If under section 165 of the Bombay Police Act the Bombay Government wants co-operation under the law, the Police Commissioner is entitled to ask for co-operation, and it is for the Central Government to give such co-operation to co-ordinate searches, so that the object of the prosecution may not be frustrated Therefore, on this matter which is *sub-judice* and is pending before the Magistrate's court, no adjournment motion could be allowed That is my case

Mr. N. M. Joshi (Nominated Non-Official) Sir, may I say a word or two about the statement made by the Honourable the Home Member He first appeared to say or hint that this is a matter which is *sub-judice* But I think the matter has not yet gone to the court The searches have been made and arrests have also been made, but the matter has not yet gone to the court They went to the Magistrate first in order to secure the order for searches Arrests were made and the matter went to the court only for bail application because the others were bailed and the application has been rejected But the matter has not yet reached the court at all I, therefore, feel that there would be no objection on the ground of the matter being *sub-judice*

Mr. President: How were the accused arrested?

Mr. N. M. Joshi: I think the accused were arrested under the Press Emergency Law

The Honourable Sardar Vallabhbhai Patel: May I submit for the information of the Honourable Member that the complaint had been regularly filed on the 13th and on the next day warrants were issued by the Magistrate on the strength of that complaint After that, the accused applied for bail and the application was rejected Certain documents which were not relevant have also been returned

Mr. President: Then, I do not think any further discussion will be necessary on this matter I must accept the statement of facts as given by the Honourable the Home Member If the proceedings have been taken in the ordinary course of law and the Magistrate is seized of the proceedings, I do not see how this motion can be permitted in this House So, both these adjournment motions fall through

That disposes of Nos 8, 12 and 13 Nos 9 and 10 have been withdrawn

STRIKE BY SCHOOL TEACHERS IN DELHI

Mr. President: I now come to adjournment motion No 11 regarding the strike of school teachers in Delhi

Haji Abdus Sattar Haji Ishaq Seth: I understand the strike has been called off Therefore I do not press my motion

RESTRICTIONS IMPOSED BY THE PRESS (SPECIAL POWERS) ORDINANCE

Mr. President: I now come to adjournment motion No 14 standing in the name of Miss Manben Kara She wants to adjourn the House to consider a matter of urgent public importance, namely

"Restriction on freedom of the Press and of expression of opinion imposed on Centrally administered areas by the Press (Special Powers) Ordinance, 1947 and the failure of the Government to consult this House before assuming such extraordinary powers "

As I understand the position, the Ordinance will not be in force for more than six months If the legislation is to be continued, Government will have to come to this House and the House will get an opportunity of discussing this

[Mr President]
matter then The point of the motion seems to be that the Government failed to consult the House before assuming such powers The Secretary tells me that he has received notice from Government that they are going to bring in legislation in a few days to turn this Ordinance into an ordinary piece of law

Haji Abdus Sattar Haji Ishaq Seth: But the objection still remains because the point is that the Ordinance was issued in the face of the Assembly

Mr. President: I should like to know the facts

The Honourable Sardar Vallabhbhai Patel: Sir, the facts of the case are that there is at the present moment considerable communal tension round about Delhi—a centrally administered area—and naturally Delhi also is not free from it I may also inform the House that there are Ordinances in the surrounding provinces already in force,—two in the Punjab of a much more wide and rigorous character and one in Bengal in full force, which is also of a much more rigorous character and much wider in scope There was also an Ordinance in the U P which, I understand, has now been replaced by legislation passed in the U P Assembly There is also an Ordinance in force in Bihar It is undesirable for the small province of Delhi to be a pocket disseminating objectionable material and thereby frustrating the good efforts that are being made in other provinces to prevent communal disorder, if not to secure communal harmony Therefore the situation was such that we had to take action by way of an Ordinance After full consideration we came to the conclusion that in the present atmosphere an Ordinance should be passed, but that the earliest opportunity should be taken to take the opinion of the House Therefore I propose to take this House into confidence by placing a proper Bill before it perhaps next week when there will be ample opportunity to consider the matter

Miss Maniben Kara (Nominated Non-Official) Sir, even after listening carefully to the Honourable the Home Member, I am afraid I have not been able to see his point

Mr. President: The point about merits need not be gone into at this stage

Miss Maniben Kara: I am on the point of urgency This Ordinance was promulgated on the 31st of last month and the Assembly was going to meet on the 3rd of this month The heavens were not going to fall in these three days and there is no reason why the Members of the Assembly should not have been taken into confidence I submit that this is a contempt of the Assembly that an Ordinance should have been issued like this

Mr. President: Order order The Honourable Member is now making a speech on the merits The only question is whether this matter is of an urgent nature because there has been an alleged failure on the part of Government From the facts explained it is clear to me that Government had to act promptly It is not a question of hours and days, sometimes the evil may not result even if people do not act for months, and sometimes it may result if people do not act within 24 hours But that is a matter of opinion I do not think I can give my consent to this motion

DISCRIMINATION AGAINST MUSLIM LEAGUE NEWS BY ALL-INDIA RADIO

Mr. President: The next motion of adjournment stands in the name of Syed Ghulam Bhik Nairang who wants to discuss "the discrimination practised by the All-India Radio against the Muslim League news and the special consideration shown to Congress news" Here again it is a question of urgency What is the urgency of this?

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) The urgency arises every minute that the misrepresentation is made This misrepresentation of public news is becoming worse every day and therefore the urgency is

enhanced Every time you listen to the broadcasts you find it is all one-sided news, and so the urgency is there all the time Of course when the matter is fully discussed we will give definite instances

The Honourable Sardar Vallabhbhai Patel: Sir, I deny the charge, but I oppose the motion because it does not state when the alleged discrimination started and whether it is of any immediate importance If this kind of discrimination has been going on for one or two months it would do no harm if it goes on for a few days more That itself shows that it has no urgency or importance If the Congress as a bigger organisation with wider and bigger activities gets a little more space in the news I cannot admit that there is any discrimination If at any time there are greater activities on the part of the League, the radio gives more news of the League If the Hindu Mahasabha holds a session or has any activities to its credit, the radio gives that Whatever news is received from the press or other agencies is broadcast by the radio But sometimes some listeners listen to one kind of news and they are not on the radio when their own side of the news is given, they think there is discrimination But I suggest that there is no urgency in this matter because if it has been going on for some time no harm will be done if it goes on for a few days more

Mr. President: I am not satisfied about the urgency of this matter and I therefore hold the motion out of order

LENDING OF TROOPS TO THE PUNJAB GOVERNMENT

Mr. President: The next motion stands in the name of Mr Ahmed E H Jaffer who proposes to discuss "the lending of troops by the Government of India to the Punjab Government for suppression of civil liberties of the people of the province of Punjab" This seems to be more or less a provincial matter

Mr. Ahmed E. H. Jaffer (Bombay Southern Division Muhammadan Rural) No, Sir, it is definitely a matter concerning the Defence Department of the Government of India, and it is definitely a matter of urgent public importance From the papers that we get every day it is clear that the troops are kept there in readiness in the different cities of the province It is a matter which concerns the Defence Member who only the other day was a part and parcel of the Unionist Government

Mr. President: Order, order It is not correct or proper to level charges personally But the point is whether troops were sent *suo moto* or at the request of the Punjab Government

Khan Mohammad Yamin Khan (Agra Division Muhammadan Rural) Sir, I may point out that in todays *Dawn* we find an account of British tommies threatening and making scratches on the bodies of schoolboys who were making a peaceful demonstration And these tommies are under the Government of India and not under the Punjab Government

Mr. President: The behaviour of tommies will be a different subject The only question now is about the lending of troops

Mr. G. S. Bhalja (Government of India Nominated Official) Sir, the suppression of civil disturbance is the primary responsibility of the Provincial Governments which they discharge through their civil police Occasions, however, do arise, when they have to seek military assistance to suppress civil disturbances But the necessity ,and the justification for the use of troops are matters within the judgment of the civil power, namely the Provincial Government in this case I should add, Sir that in this particular case, no request has been received by the Defence Department for the lending of troops to the Punjab Government What I understand has happened is that at the request of the Punjab Government, the local military commander stationed

[Mr G S Bhalja]

troops, as a precautionary measure, at Lahore and at another place in the Punjab I suggest that it is not the responsibility of the Defence Department to decide whether troops should be called out for suppression of civil disturbances

Mr. Ahmed E. H. Jaffer: My contention is that the local military commander is under the jurisdiction of the Government of India, Defence Department Those troops have been kept there simply to terrorise the people

Mr. President: Order, order, whatever it may be, the question raised would be that of the responsibility of the Punjab Government and it cannot be debated here

INTERFERENCE BY THE PUNJAB GOVERNMENT WITH THE PRIVILEGES OF THE ASSEMBLY BY DETAINING MEMBERS AND PREVENTING THEM FROM ATTENDING THE SESSIONS

Mr. President: The next motion for adjournment is from Mr Tamizuddin Khan He has given notice

"That the business of the Assembly be adjourned to discuss a definite matter of urgent public importance, namely, the serious interference by the Punjab Government with the privileges of this House by detaining several of its members and thus preventing them from attending the sessions of this Assembly to which they have been summoned by the Governor General"

Obviously, on the face of it, the motion says it is the responsibility of the Punjab Government I do not see how this motion can be debated here

Mr. Tamizuddin Khan (Dacca *cum* Mymensingh Muhammadan Rural) If the question of privilege of members of this House cannot be debated here, where else can it be done

Mr. President: Assuming it is a privilege, it is not on account of any executive action of the Government of India that the members have been detained.

Mr. Ahmed E. H. Jaffer: Our own Members have been detained and their freedom curtailed Where else can we debate except on an adjournment motion in this House?

Mr. President: It cannot be debated on this motion

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) The material point is whether the local military commander is under the provincial government or under the central government

Mr. President: Order, order We have now taken up the next adjournment motion The Honourable Member is raising a point with regard to a motion which has been disposed of

With regard to this motion, it is the responsibility of the Punjab Government which has been exercised in the ordinary course of law It is within the province of the provincial government Therefore the motion is out of order

The next motion is in the name of Mr Hafiz M Ghazanfarulla

Haji Abdus Sattar Haji Ishaq Seth: Before you take up the next motion, Sir, I wish to enquire whether there is no means for this House to express its opinion on the detention of members of this House As has been stated in the motion, the members have been summoned by the Governor General Some members, though they received the summons of the Governor General to attend this session, have been detained by the Punjab Government If they are detained after some sort of trial, it is a different matter If they are detained without trial, surely there must be some way for this House to take notice of that and debate the same

Mr. President: On that matter, I am not in a position to give any advice. That can be done later on at an appropriate moment

MASSACRE OF MUSLIM APPRENTICES IN THE JAMALPUR WORKSHOP OF THE EAST INDIAN RAILWAY

Mr. President: The next motion for adjournment is in the name of Hafiz M Ghazanfarulla He wants to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of public importance, namely, massacre of Muslim apprentices in the Jamalpur Workshop, East Indian Railway

On this matter there is also a question put down But, then, it appears to me *prima facie*, of course subject to what the Honourable Member for Government may have to say, that so far as the protection of life and property is concerned, even if the property is that of the Government of India if it is situated in a province, the responsibility is a provincial one It is not that wherever the Government of India owns property or factories, it must station its own police and protect its employees If that is the position, I do not see how this motion can be discussed, even assuming that there was massacre in the Jamalpur workshop of E I R Will the Honourable Mover of the Motion kindly enlighten me on this

Hafiz M. Ghazanfarulla (Rohilkund and Kumaon Divisions Muhammadan Rural) The Jamalpur workshops are under the control of the Government of India It is the duty of the Jamalpur workshop authorities or whoever it is to give protection to the apprentices undergoing training there Some apprentices have left the workshops and up to this time, they have not been taken back Letters have been sent to them to the effect that if they think that their lives are not safe, they could make their own arrangements

Khawaja Nazimuddin (Burdwan and Presidency Divisions Muhammadan Rural) The facts of the case seem to be these The local railway officials were informed beforehand that there was a likelihood of attack on the apprentices, that their lives were in danger, yet the railway officials took no steps to give protection to them or to remove them to places of safety So it is to condemn the action of the local railway officials for whom the Government of India are responsible that this motion is tabled in this House

Khan Mohammad Yamin Khan: May I submit, Sir, this motion involves a very vital principle Though it may be the responsibility of the provincial government to maintain law and order, it is for the Government of India who have some factories and whose management is entirely in the hands of the Government of India to give shelter to the people whom they employ and see that their lives are not in danger through any acts of violence If the provincial government do not enforce law and order, then is the Government of India going to sit idle and say that it would not give protection to its employees and that it is powerless to do anything else Should not the Government of India take proper precaution to see that their employees are not exposed to any kind of attacks from outside That is the real question which this House has to decide I admit it may not be such an easy matter as to be debated on an adjournment motion But the Government may come to some decision about the future policy to be laid down in regard to giving protection to their employees who are located in provinces on railway workshops and so on Are the Government of India going to leave their employees to the mercy of the provincial governments without affording them sufficient protection?

Mr. President: In the first place the adjournment motion is not very clear It does not speak of the responsibility or the failure of the workshop management to remove them to some place free from danger and so on It is vague enough Of course the other points may be important But I feel very clear that it will be the responsibility of the provincial government and the subject cannot be taken up here for discussion as an adjournment motion

[Mr President]

That disposes of all adjournment motions, except No 15 which is held over for the consent or otherwise of the Governor General

Sardar Mangal Singh: If the consent comes before lunch hour today, will it be taken up this evening or will it be taken up tomorrow

Mr. President: It will be taken up for consideration on the next working day Tomorrow is a holiday

STATEMENT OF BUSINESS

The Honourable Pandit Jawaharlal Nehru (Leader of the House) Sir, Id-i-Milad was to have been observed subject to the appearance of the Moon on Wednesday, the 5th February It is now to be observed tomorrow I therefore request you, Sir, to cancel the meeting fixed for tomorrow and direct the House to sit for the transaction of official business on Wednesday, the 5th The list of business issued for today and tomorrow will then operate as the list of business of today and Wednesday

Mr. President: I comply with the request made by the Honourable the Leader of the House The questions for tomorrow will also be transferred to day after tomorrow

Sardar Mangal Singh: Before you take up other business, Sir, may I know Sir, whether you have admitted my adjournment motion subject to the consent of the Governor General

Mr. President: Nothing of the kind If consent is received, the motion will be considered on its merits as regards admissibility

GOVERNOR GENERAL'S ASSENT TO BILLS

Secretary of the Assembly: Sir, I lay on the table a statement showing the Bills which were passed by both Chambers of the Indian Legislature during the Autumn Session 1946, and which have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935

Statement

1 The Reserve Bank of India (Amendment) Act, 1946
2 The Essential Supplies (Temporary Powers) Act, 1946
3 The Delhi Special Police Establishment Act, 1946
4 The Special Tribunals (Supplementary Provisions) Act, 1946
5 The Banking Companies (Restriction of Branches) Act, 1946
6 The Hindu Marriage Disabilities Removal Act, 1946
7 The Indian Tea Control (Amendment) Act, 1946
8 The Registration of Transferred Companies (Amendment) Act, 1946
9 The Foreigners Act, 1946.

PAPERS LAID ON THE TABLE

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I lay on the table a copy each of the following papers

1 Central Government Appropriation Accounts (Civil) 1944-45 and the Audit Report 1946

2 Commercial Appendix to the Appropriation Accounts (Civil) 1944-45 and the Audit Report 1946.

3 Finance Accounts 1944-45 and the Audit Report 1946.

4. Appropriation Accounts of Railways in India for 1944-45—Parts I & II.

5. Capital Statements, Balance Sheets and Profit and Loss Accounts of Indian Government Railways including the Balance Sheet and the Profit and Loss Account of Tatanagar Workshops, 1944-45

6 Balance Sheets of Railway Collieries and statements of all-in cost of coal, etc , for 1944-45

7 Railway Audit Report 1946

8 Appropriation Accounts of the Defence Services for the year 1944-45.

9 Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1944-45 and the Audit Report thereon

10 Audit Report, Defence Services 1946

11 Appropriation Accounts (Posts and Telegraphs) 1944-45 and the Audit Report 1945

INDUSTRIAL DISPUTES BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I beg to present the Report of the Select Committee on the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes

With your permission, Sir, I should like to point out that the motion which this House adopted on the 14th of November 1946 contained instructions to the Select Committee to report by the 1st February 1947 But through circumstances which could not be foreseen at that time this House was not in session on the 1st of February 1947, but I have taken this first opportunity to present the Select Committee's report

FOREIGN EXCHANGE REGULATION BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Mr. Liaquat Ali Khan (Finance Member) I present the Report of the Select Committee on the Bill to regulate certain payments, dealings in foreign exchange and securities and the import and export of currency and bullion

INDIAN NAVY (DISCIPLINE) (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

Mr. G. S. Bhalja (Government of India Nominated Official) I present the Report of the Select Committee on the Bill further to amend the Indian Navy (Discipline) Act, 1934

MOTOR VEHICLES (SECOND AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Dr. John Matthai (Member for Railways and Transport) I beg to present the Report of the Select Committee on the Bill further to amend the Motor Vehicles Act, 1939 (Second Amendment)

MOTOR VEHICLES (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Dr. John Matthai (Member for Railways and Transport) Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Motor Vehicles Act, 1939

RUBBER (PRODUCTION AND MARKETING) BILL

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies) Sir, I beg to introduce the Bill to make provision for assistance to the rubber plantation industry by regulating export from and import into British India of rubber and the sale of rubber therein and by other means

The Bill has been published and the objects have been stated, and I may add to what has been stated in the printed Statement of Objects and Reasons that there is a very urgent importance for this Bill on account of the difference between the prices prevailing in the world market and the prices at which we have to maintain the production of this important raw material in India in order that the rubber plantations may not be affected I need hardly say that this is very important and we should get through the Bill as quickly as possible

RAILWAYS (TRANSPORT OF GOODS) BILL

The Honourable Dr. John Matthai (Member for Railways and Transport) Sir, I beg to introduce the Bill to confer for a limited period special powers for regulating the transport of goods on railways

NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I move for leave to introduce a Bill further to amend the Negotiable Instruments Act, 1881

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Negotiable Instruments Act, 1881"

The motion was adopted

The Honourable Mr Liaquat Ali Khan: Sir, I introduce the Bill

EXPLOSIVES (TEMPORARY PROVISIONS) BILL

Mr. B. K. Gokhale (Government of India Nominated Official) Sir, I beg to move for leave to introduce a Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations

Mr. President: The question is

"That leave be granted to introduce a Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable sub-tances from certain restrictions, and to regulate those operations"

The motion was adopted

Mr B. K. Gokhale: Sir, I introduce the Bill

DELHI AND AJMER-MERWARA RENT CONTROL BILL

Mr. B. K. Gokhale (Government of India Nominated Official) Sir, I beg to move for leave to introduce Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara

Mr. President: The question is

That leave be granted to introduce a Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara"

The motion was adopted

Mr. B. K. Gokhale: Sir, I introduce the Bill

SUGAR (TEMPORARY EXCISE DUTY) BILL

to move for leave to introduce a Bill to provide for the completion of recovery

Mr. K. L. Panjabi (Government of India Nominated Official) Sir, I beg of the temporary excise duty on sugar

Mr. President: The question is

"That leave be granted to introduce a Bill to provide for the completion of recovery of the temporary excise duty on sugar"

The motion was adopted

Mr. K. L. Panjabi: Sir, I introduce the Bill

PREVENTION OF CORRUPTION BILL.

The Honourable Sardar Vallabhbhai Patel (Home Member) Sir, I move "That the Bill for the more effective prevention of bribery and corruption be taken into consideration"

This House has shown considerable consciousness in the past of the existence of widespread evil which it is the purpose of this Bill to attempt to check, and non-official opinion on this question has almost been unanimous There has been no difference of opinion about the existence of this evil nor in the desire to take some effective measures to control this evil The House will remember that in the last session I had the honour to introduce before this House a Bill for the special police establishment in the Centrally administered area in the Province of Delhi When the Bill was under discussion a view was expressed very strongly that the mere establishment of special police for the investigation of this kind of crimes was not enough and that adequate measures should be taken for tightening up the existing machinery to deal with offences of this kind If in the past there has been any criticism it has been to the effect that there has been laxity, that no rigorous action or measures have been taken to eradicate this evil which corrupts the public administration and that the crime more often goes unpunished Therefore this Bill was introduced in the last Session and I now move it for the consideration of this House

It will be remembered that on the last occasion the extent of the evil was described by me in this House, but I would like again to remind the House of the work done by the Special Police establishment in the matter of investigation of these offences, which will give the House some better idea, of the extent to which this evil exists

This establishment has investigated, by the end of last December, nearly 1,100 cases to be more accurate 1,084 cases have been enquired into before the end of last year, 700 Government officers and servants have been either departmentally or judicially dealt with of whom as many as 30 are gazetted officers and 16 are commissioned officers The total amount involved in cases investigated by the Special Police establishment comes to Rs 5,65,00,000 The number of Government servants convicted for offences of bribery is 203 Some of the typical instances are as follows

Conspiring to cheat Government by forging signatures on indents, favouring a contractor by accepting bribes, defrauding Government in the disposal of stores, criminal breach of trust, acceptance of illegal gratification, conspiracy to cheat Government

From the variety of the type of offences that have been committed and from the statistics of the number of offences and convictions in the cases investigated and departmentally dealt with, it will be clear to the House that there is a real need to take measures such as are contemplated in this Bill

Now it may be suggested that as the war has ended, probably these kinds of offences are, or this evil is, on the decline I regretfully confess that there is no substantial decline in this direction, and that so long as the after-effects of war continue and the controls and the licensing system continues there are

[Sardar Vallabhbhai Patel]

many opportunities and temptations which come in the way of weak-minded officers or servants, who get tempted and who corrupt the public administration. Therefore it is necessary for some time to come that some legislation to tighten up the existing machinery should be taken. Therefore, the present measure is proposed for a period of three years, during which time it is hoped that it will be possible for normal conditions to be restored

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural): How far has the existing law failed in this matter?

The Honourable Sardar Vallabhbhai Patel: But for the energetic efforts of the Police Department, specially established for this purpose, these cases would not have come to light And if the law had not been over-weighted in favour of the accused, many more cases would have come to light The existing law creates many difficulties in the way of the investigation department In the first place there is a general prejudice amongst the people who have knowledge of facts to come forward to give information Apart from the prejudice, there is a general sense of fear of being involved (as naturally he is a weaker party to the case itself), and therefore he is not prepared to come forward There is another matter which you have to consider Owing to the necessities of life being controlled in several branches of the industry people want certain things which they cannot otherwise get than by influencing officers More responsibility, or greater responsibility rests on these officers Therefore, although it is suggested that the bribe-giver also should not be allowed to go free, if the more responsible culprit is to be tackled, we have to take the assistance of the bribe-giver We have also to shift the weight of the existing machinery of the Law to a balance—so as not to prejudice the accused, but at the same time to give a little more facility to the investigating officer, in order that the balance may work in such a way that the investigation may be facilitated and at the same time the interests of the accused may not be jeopardised With that end in view, although in this Bill it is proposed to tighten the machinery, we have provided, that although the offences would be made cognizable, these offences would not be investigated by the subordinate police except through an order obtained from a Magistrate Otherwise generally the offence will be investigated only by an officer of the grade of a Superintendent or Deputy Superintendent If any officer below that grade has to investigate this offence, he has to approach the Magistrate and obtain an order Sufficient protection is thus there, and I therefore hope there will be no hesitation in turning the scale a little more on the side of the investigating officer without doing any injury to the effectiveness of the defence We have also provided that the presumption that a Government servant who has accepted a gratification as a motive or reward is not conclusive and in trivial cases, or of a small gratification, or where the gratification is not very substantial, the inference need not be against him It is also provided that the Government servant who is to face his trial can give his own evidence without the risk of any adverse inference being drawn against him if he did not He can thus convince the court of his *bona fides* by his statement, This benefit is not given to him under the normal law Ordinarily an accused person is not called upon or is not even allowed to be administered the oath and he is not entitled to go into the witness box Probably it is a privilege given to him that he should not do it Here in this case that privilege or restriction, whichever you call it, is relaxed in favour of the accused in order to remedy the presumption that is often drawn against him in the absence of any satisfactory explanation Therefore he is being allowed to give evidence in his own case, so that he may be able to place before the trial court all the facts of which he has personal knowledge and which it may not be possible for the prosecution to get at Thus if he convinces the trial court of his *bona fides* by his statement or if his evidence discloses materials which would rebut the presumptions, then no presumption as laid down need be drawn

We have also prescribed in this Bill a new offence. It covers cases of those who are habitually corrupt or who dishonestly or fraudulently embezzle public property This new offence is called "criminal misconduct" But in that case also, although he might be a habitual criminal and have committed several offences of this nature, similar protection is given to him in the matter of investigation as in the other cases and an officer below the rank of a Superintendent or Deputy Superintendent of Police will not be authorised to investigate such cases Therefore he has enough protection so far as any prejudicial effect on his conduct and proceedings is concerned

Shri Sri Prakasa: What clause in the Bill exempts the bribe-giver? Could the Honourable Member indicate the clause?

The Honourable Sardar Vallabhbhai Patel: The bribe-giver is not exempt This Bill does not exempt him He is as much liable under the ordinary law as under this Bill There is no provision in this Bill to exempt him at all Even under the present law the bribe-giver is rarely prosecuted or is rarely caught, because the bribe-taker does not involve the bribe-giver for fear of his being himself involved in it If the bribe-giver makes a confession that he has given a bribe, surely this Bill will not prevent in any manner his prosecution Even if he does not make any confession and there is any evidence from which it can be proved that a certain person has attempted to give a bribe to any public servant or officer and a prosecution can be secured then certainly the bribe giver will also be prosecuted under the Bill There is ample provision for that There is no provision in this Bill to excuse him nor is any attempt made in this Bill even to minimise the moral responsibility of the bribe-giver It is as reprehensible under this Bill as it is under the old law

Shri Sri Prakasa: Sometimes he is compelled to give a bribe

The Honourable Sardar Vallabhbhai Patel: And to that extent he is less guilty

Shri Sri Prakasa: He should be exempted For instance he cannot get reservation in a train unless he gives a bribe

The Honourable Sardar Vallabhbhai Patel: Has the Honourable Member heard of any bribe-giver being prosecuted? He has suggested the case of railway reservation Even the necessities of life which ordinarily a man requires are sometimes not obtainable without some gratification being given

Shri Sri Prakasa: In that case the bribe-giver should be exempted

Mr. President: Is the Honourable Member likely to take long?

The Honourable Sardar Vallabhbhai Patel: Yes Sir

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 Mr G V Mavalankar) in the Chair

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The Honourable Sardar Vallabhbhai Patel: Sir, it was suggested that the bribe-giver acts under compulsion and therefore he should be excluded from the operations of the penal provision It has been said that such a provision has been made in the Central Provinces where, in order to facilitate the detection of the crimes of those who corrupt the administration, the bribe-giver is excluded But on the whole I think it is not wise to legalise a crime For the off-chance of getting some evidence of a tainted character, where that evidence would not be considered very reliable, it would be unwise to adopt such a provision in a legislation However, from experience we find that a bribe-giver is hardly prosecuted as in the detection of the crime the police takes the assistance of the bribe-giver in several cases Apart from that I think a bribe given under compulsion is no bribe It takes the shape of an extortion if it is compulsory But, when the bribe-giver also is influenced by other considerations than compulsion, or his motive is mixed, that is, when his motive is also to gain something which he would not otherwise be able to secure, and,

[Sardar Vallabhbhai Patel]

although we have every sympathy for a man who legitimately wishes to acquire a thing, and does not get it but has to give some gratification, even then it would be impolitic and improper to excuse him under the provisions of law. Therefore I would suggest that no such provision should be attempted to be introduced in a legislation of this character

Now, the extent of the evil has been amply demonstrated I may say for the information of the House that there is a feeling in some quarters that the provisions of the Bill do not go far enough In order to secure opinion from all quarters I had circulated the Bill to all the Provinces, and the opinion of the Provinces has also been circulated to all the Members The balance of Provincial opinion is in favour of the Bill I am not surprised because the Bill originated at the suggestion of a provincial government where this kind of crimes had taken such a form that they asked the Central Government to move in the matter

Now, Sir I do not think that much more argument is needed in favour of acceptance of the consideration of the Bill and I expect that there will be general unanimity I therefore beg leave to move that the Bill for the more effective prevention of bribery and corruption be taken into consideration

Mr. President: Motion moved

"That the Bill for the more effective prevention of bribery and corruption be taken into consideration"

Shri Sri Prakasa: Mr President, Sir, the subject matter of this Bill is of vital importance, and it has been exercising the thoughts of people for a very long time I should therefore like, if I may, to offer my respectful congratulations to our present Home Minister for having officially recognised this evil I remember that whenever any complaint used to be made in the past, it was always said on behalf of Government that specific instances must be given Very often it happened that Government instead of punishing a wrong, actually condoned it, with the result that the evil, as has been admitted, has been growing from day to day, and it is high time that it were now stopped

But, Sir, there are certain aspects of this question which I should like to bring before the notice of the House It is no use taking up an attitude of straight laced prudery or of being so self-righteous as almost to appear hypocritical We have to take human nature as it is into consideration The fact does remain that when a man has not sufficient to live on but has sufficient power to do evil and has plenty of temptation put before him, ten to one he is like to fall Therefore, this problem has not only to be tackled at one end but it has to be tackled on all fronts If you pay a man properly and if you see to it that all his needs are satisfied and that he should reasonably be above temptation, then it would be right and proper to punish him if he does not perform his duty properly It is from this consideration that I should like to draw the Honourable Member's attention to two or three aspects of the problem

The most important problem to my mind is that of the bribe-giver If the existing law has failed I think it has failed because it has put the bribe-taker and the bribe-giver on the same level Morally this conception of the existing law is correct, but practically it has resulted in bribe-takers escaping because bribe-givers would not come forward to expose the wrong done This matter did come up before a committee over which the Honourable Member's predecessor presided, and I brought up this aspect of the question at that time also. Very often—I am sure if Sir John Thorne did not know it, our present Home Member knows it very well—very often it does happen that a person is almost compelled to give what cannot but be called a bribe in order to get what otherwise would be his right to get The Honourable Member himself has said that

in these days when essential commodities and essential necessities of life are being controlled and rationed, the temptation to go wrong is quadrupled That is so, and as things are, we have to walk particularly warily

Very often it happens that you are anxious to catch a train and the train threatens to whistle off without you unless you paid a certain amount of consideration money in order to get a seat Now at that time and in these circumstances, the bribe-giver is not to blame He has a right to get into the train and get the berth which happens to have been reserved in a bogus name in the hope that some one will turn up at the last moment and pay some money to the official in charge in order that that berth may be given to this particular man and the bogus name removed In that case I believe the bribe-giver is not to blame There may be a death in a family At the present time you have to get a permit in order to get even a shroud and you may be asked to pay some extra legal money in order to get that shroud You may find that you are unable to get it unless you pay that money I think you should be blameless if you paid that money and got that particular piece of cloth A thousand one instances of this sort I can quote

On the very morning I arrived in Delhi to sit on the Home committee I have mentioned above, I boarded a tonga outside the Delhi Junction Railway Station I found the tongawalla giving an 8 anna bit to the policeman on duty I tried to protest but I learnt that the tongawalla would not be allowed within the station precincts unless he paid that money In a case like that the bribe-giver should be exempted and it is the bribe-taker alone who should be punished If the bribe-giver for personal profit is corrupting the official concerned, then both are of course, guilty and both are punishable I could multiply instances by the score but this should suffice to show what happens and I beg the Honourable the Home Minister to see to it that the law that he is framing is so framed that such cases would be eliminated, that bribe-givers in particular circumstances would be exempted That is one suggestion that I most respectfully make to him and the House

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) You are then torpedoing the Bill by these exemptions

Mr. President: I would ask the Honourable Member not to interrupt

Shri Sri Prakasa: I personally honestly think that I am trying to bring out facts as they are in order if possible to improve the Bill not to torpedo it

Secondly I should also like a gradation in punishment in accordance with the position and the salaries of the officials concerned If a man who is drawing Rs 5,000 a month takes a bribe, however heavy that might be—because I understand the bigger the person's salary the heavier the amount of the bribe that he condescends to accept—there should be condign punishment, but if a person concerned only draws about Rs 20 a month and he takes a 8 anna bit then the punishment should not be so heavy As it happens in this world, the bigwigs escape and the small ones always get it in the neck In the question hour this morning, our Honourable friend Mr Subedar suggested that black marketing in matches—I mean not matches in the matrimonial sense but matches in the sense of that instrument that helps us to light a fire—was due to petty vendors and that they alone were to blame I could not put in a supplementary because you passed on to the other question, but I wanted to ask whether only petty vendors were involved or bigwigs also were to blame Now, we do not want the bigwigs to escape, and I wish it were possible for the Honourable Member to see to it that the smaller fry were let off lightly but the bigger ones were severely punished If that took place things would improve considerably

Then, Sir, what is wanted is that we must get hold of the proper sort of people who would be in charge of a department like this It is not enough to say that a police officer below a particular rank would not be entrusted with the task I find it difficult to suggest practical methods of doing things because

[Shri Sri Prakasa]

I have never been in charge of any Government Department and I think I am lucky in that because it is always easier to be in the opposition than in the Government, but I know from a personal instance in the United Provinces how the Anti-Corruption Department, unable to catch the real culprits, foisted the crime on absolutely innocent men I should have given details but there have been apologies which I have accepted, and therefore I do not propose to give those details here but it was a most scandalous sort of proceeding, and I am anxious that the Central Government should have proper persons in order that they may feel that they are not there to catch the innocent but the persons that are really guilty I do not know how such men could be found or manufactured, but if Government has taken upon itself the responsibility of governing the country and governing it well then it is for them to find such persons if they are there, and if they cannot find such persons, then not only this law but all similar laws would remain mere scraps of paper

It was claimed by the Commissioners who drafted the Indian Penal Code that they had made it so perfect that if a man were to dip his pen in another man's ink, he could be found guilty Therefore, they had to add a section by which they said that any act which is so trifling that no reasonable man would take umbrage at it, would not be regarded as crime The Indian Penal Code is, in a way, a perfect piece of legislation, and all the punishments to which the Honourable Member referred this morning were under the sections of that Code Still the Government feel that further laws are necessary to check the wrongs that continue to be perpetrated The wrongs will continue to be perpetrated unless we are able to get proper men in proper places How that has got to be done, I cannot say I have my own suggestions, but this is not the place to mention them

Still I think that that aspect of the problem cannot be neglected, because the people who are appointed to tasks like this might feel that it is their duty to run in someone or other, otherwise they would be regarded as inefficient I understand that police officers get promotions on the basis of the number of arrests they make and the convictions they can get If I were in office, I should promote such policemen who kept the law so well that there was no need for anyone to be run in at all But that has not been the mentality of persons who have been in charge of the country for so long I do hope that that official mentality will rapidly and increasingly change with the coming in of our present Government

Then, Sir, there is another thing to which I should like to draw the Honourable Member's attention, and that is in clause 4 There he refers to any gratification "other than legal remuneration" Now, legal remuneration has got to be defined Where do tips come in? Now, tips are as important for speakers in this House as for persons who function outside They require all sorts of tips all the time I do not know whether the Honourable Member himself does it, but I will confess that I do it I always hand over a certain sum of money to the policeman on the beat in front of my house from time to time on festive occasions It is not that I am anxious to part with my money; it is not that I am particularly sympathetic with them because they are low paid; it is not that I love them very much I really do so because I do not want my house to be burgled at night Therefore, I give them money and I lay the soothing unction to my soul that I give them only tips on Diwali, Dasehra, Id and other festive occasions, and not bribes But the fact does remain if I looked into the innermost recesses of my heart I would find that I pay because I want my house to be safe Will that tip be a legal remuneration or will that be punishable? I think that that matter has to be taken into consideration because unless these things are properly defined, it may happen that if some one is in the bad books of some one else, even a small tip may get him into difficulty These are the few points that occured to me as I heard the

Honourable the Home Member make his exceedingly lucid and convincing speech this morning I am sure that if he is able to accept my suggestions and improve the Bill accordingly, we should have on the statute book a law that would bring relief and safety to all those who need them most

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, I wish to support this Bill, but, at the same time, I want to state that it does not go far enough In fact, it is a very cautious measure Now, Sir, it is not necessary to prove that corruption in the country has assumed enormous proportions In the province of Bengal a Committee was appointed especially to make an inquiry with respect to the prevalence of bribery That Committee made certain recommendations My only regret is that all the recommendations made by that Committee have not been followed That Committee was appointed in the year 1944 when the war was on, and the causes of the widespread corruption given by the Committee are even now prevalent although the war has come to an end The Committee in its report says:

"Not only corruption on the part of the minor officials appears to be endemic in Bengal as it is in most other parts of India, but in recent years the position has greatly deteriorated, especially since the war began, seriously to affect India The war here, as elsewhere, breeds conditions which makes many making easy"

Although the war is over, things that have come into existence while the war was on still continue to exist, although the war is officially over

Going through the other causes which are responsible for the widespread prevalence of corruption in this country, one cannot but criticise the economic policy that has been followed by the Government so far I am not against the policy of control as such, but the way in which it has been operated and continues to be operated is such that instead of making available the articles to everyone in the most equitable manner, it presents an equitable supply with the result that corruption still increases My Honourable friend Mr Sri Prakasa referred to the fact that there is the bribe-giver and the bribe-taker Now, bribery, like mercy, is a bilateral act It benefits both of them But I am prepared to make an exception in the case of those who give it not for any advantage for trade or commerce but who are compelled in the circumstances to which a reference was made by my Honourable friend Mr Sri Prakasa For example, if one is in a hurry and it is not possible to buy a ticket straightaway, a few annas or even a rupee here and there cannot come under the strict definition of bribery The point is this I draw a broad line between the act if it is meant to profit the person who gives the bribe for the purpose of increasing his earnings, and the act of a man who gives the thing for the purpose of meeting some urgent situation such as securing a ticket or a berth in a railway compartment Now, this Bill, in my opinion, is a cautious measure because it is merely procedural It does not, as a matter of fact, create any new offence although an offence, namely, criminal misconduct in discharge of official duty is to be seen in clause 5 But it is really an old offence What is there really contemplated is that if a public servant habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any person some illegal gratification A single act itself is an offence, but when you lay down a clause for a habitual offender, it really means that it defeats its own purpose In the opinions that have been circulated by the Government, Justice Cornelius of the Lahore High Court has clearly stated in his comment on clause 5:

"Since a single act of corruption on the part of a public servant is sufficient ground for terminating his tenure of public service, a section which provides for punishment of public servants who *habitually* take bribes is in itself a confession of defeat"

Even a provision of this character will not go far enough Although I know in the same clause, in sub-clause (3) a rule of evidence has been laid down whereby certain evidence is made relevant The fact that a man has acquired property for which he has no honest explanation,

3 P M.

[Sjt N V Gadgil]

can be taken into consideration under sub-clause (3) My humble submission is that a mere procedural change in the law is not enough Let us see what will be the effective remedy for this Either you must appeal to the conscience of the man, and we must confess that we have failed there It is a shame that such a legislation has become a necessity The great ideal for a public servant is honesty, integrity and anonymity We have failed there In fact wherever you go, you hear nothing but reports of corruption, whether it is a rationing office or whether it is a railway office or whether it is the office of some controller of something, either of export or import, we hear nothing but the sorry tale of corruption There must be something fundamentally wrong in the constitution of society itself If conscience can provide no appeal, it is really regretable, but having assumed that conscience does not provide, let us see what will be the effective remedy Will fear of punishment be effective? Now, Sir, what this legislation really provides is that a man may be punished more than he could have been punished under the ordinary criminal law But the man who has pocketted thousands of rupees will probably spend a couple of years in any jail, either as 'A' class or 'B' class prisoner and thereafter he will be happy The man comes back and he will have retained the gains of his bribery I therefore bring to the attention of the Honourable the Home Member whether forfeiture of property would not be a sufficient remedy In fact that was the suggestion made by the Bengal Enquiry committee I am not merely suggesting forfeiture of property merely by way of punishment Unless a man who gains unlawfully by acting illegally and in a corrupt manner is deprived of the property, there is no use saying that this legislation will be of help What I am suggesting is the creation of a new offence and it is this Just as in this legislation it has been provided that if a man has property for which he cannot account, the presumption may be raised that it has been illegally acquired, I am going a step further, I am going to say that if a man has property for which he cannot account, the very possession of that property or property of such character should constitute an offence If that is done, then I think those who have secured illegally lakhs of rupees in the course of the last six years will be deprived of that The consequences of bribery are not confined to the bribe-giver or the bribe-taker The consequences have been social What has been the consequence of corruption so far as we the common people are concerned? We have had to pay more for everything In many respects, we have to go without essentials and yet we see before our eyes, Collectors and Deputy Collectors and Controllers and Deputy Controllers who have purchased properties and invested lakhs of rupees in commercial concerns If you are not going to deprive them of all this ill-gotten wealth, well in course of time, this will become respectable and openly their own property, and all your efforts, whether you have a few more presumptions, whether you have a few more sections introduced in the Criminal Procedure Code or even if you increase the quantum of punishment will be in vain The real thing, the social consequences of bribery will still remain It is open to you to act quickly so that the ill-gotten property is not transferred to *bona fide* purchasers and more difficulties are not created If the Government acts promptly, I am sure lakhs of rupees will be available to the poor people from whom they were illegally acquired by the corrupt officials The recommendation of the Bengal enquiry committee is this

"That a new offence should be created providing that, if a public servant or his dependants are known to have become possessed of a sudden accretion of wealth, the public servant concerned would be deemed guilty of the offence unless he could prove that the accretion of wealth was innocently obtained"

This is of course a wide extension of the provisions of section 9(1) of Ordinance 29 of 1943 which was promulgated while the war was on

My humble suggestion to the Honourable the Home Member is that if it is not possible to incorporate this in the present legislation, he will give this suggestion his serious consideration so that in the near future he may bring a Bill whereby the possession of property of this character will become an offence

Now, Sir, I do not want to be irrelevant and refer to black marketeers because they have also earned property to which they have no title The Honourable the Home Member who is known to be a strong man holds strong views and if I can quote him in one of his public utterances, he said that the black marketeer should be whipped, but I do not go so far as that, I only suggest to him that if he can make a law under which those who have earned by suspicious manners and methods, they should also be held guilty till they are able to prove that the property they have got was honestly earned In that case only the public who has suffered so long and so much will be getting some justice

So far as the present legislation is concerned, I do not want to oppose it I welcome it The facts that the Honourable the Home Member gave certainly justify such a measure He has stated that many cases have been initiated and convictions secured All that is good But as I said and I again want to emphasise that man does not care so much for the loss of his liberty for a few months or even for a few years as he does for the loss of his property 'The wounds caused by injury to property' said a great Roman Philosopher 'are deeper than those caused to body'

By putting the man into prison surely you will have vindicated the majesty of law, surely you will have done justice to state as state But to do full justice to people something more is required You must restore the ill-gotten wealth to public treasury You must deprive the dishonest of his dishonest gains You cannot restore it to A, B, C for it is impossible to find out the bribe givers, therefore restore it to the Public Treasury That will be justice, that will be fair play Sir I support the motion

Mr. P. J. Griffiths (Assam European) Sir I rise on behalf of this group to offer our unqualified support to the present measure, a measure of which my only criticisms are, firstly, that it has been far too long delayed, and secondly, that it does not go nearly far enough We in this House and particularly we in this group must always be reluctant to consent to a measure which at first sight may seem to depart from the ordinary principles of criminal law as they are known to us and which may indeed in one sense be said to tip the scales of justice in favour of the prosecution But be those theoretical objections what they may, the hard practical experience of the last few years has forced upon us the conviction that the powers contained in this Bill are the very minimum with which any Government in this country today can hope to stem the tide of corruption There is nothing new about corruption nor is corruption particularly confined to this country Whenever and wherever human greed and human cupidity prevail there will corruption be found But it so happens that, thanks to the circumstances of the last few years, in this country what six years ago was a regrettable but petty social evil, has today become a monstrous growth, a growth which if unchecked threatens to choke the life of the whole body politic And in these circumstances, whatever may be the considerations of theory and whatever our dislike of departures from the principles of criminal law, no considerations of that kind can prevent us from giving Government those powers and that legislative authority which they, and all who are responsible for fighting corruption, know to be the minimum if they are to perform their duty in this matter I speak, Sir, with a good deal of personal interest and with not a small degree of personal experience of this particular problem For about one year,—thanks, I suppose, to my sins in a former life,—it fell to my lot to be Director General of Civil Supplies and responsible for the particular work of enforcement, in the province of Bengal, and amongst my duties it fell to me

[Mr P J Griffiths]

to try to deal with the evil of corruption in regard to civil supply matters. Let me say straightaway, frankly and without reserve, that I failed completely I caught the small people but, I never caught the big people, and I failed not for lack of trying, not for lack of support, I failed for the simple reason that the ordinary machinery of the law is not sufficient to deal with this particular class of case Let me particularise I found three main difficulties which made it practically impossible to bring home these offences of corruption to officials who really mattered First there was the fact of the time lag in investigation and arrest Many of the offences concerned are not cognisable. That meant that as soon as reasonable suspicion arose that an offence had been committed, it was not possible for investigation to start without delay, and more important still it was not possible for arrests to be made without delay What happened again or again was, that provided the person concerned was big enough and rich enough and clever enough, the evidence disappeared. Long before the investigation had gone far enough to yield any tangible result, the evidence had melted away There is only one way of dealing with that situation, and that is by making this class of offence cognisable and so making certain that, as soon as reasonable suspicion arises practical action can be taken before the powerful and influential officials concerned have time to make away with the evidence

The second difficulty was rather of a different kind and arose from the practical impossibility of proving motive If you charge an official with accepting an illegal gratification it is not sufficient to show that he has received a valuable thing, you have in normal circumstances to show that he received that valuable thing for a particular reason or for a particular motive In practice you cannot do so Again and again it could have been possible to prove that a particular official had received a valuable thing but it was impossible to produce any evidentiary connection between the receipt of that thing and the motive for which it was received And so it happened times without number that we knew of people who were committing these offences on a big scale—we knew them and the public knew them—their existence was a public scandal—but they could not be laid by the heels because of the lack of evidentiary connection The only way of dealing with this is to make it quite clear that, if a person holding an official position received a pecuniary gratification he does so at his own risk and the onus must lie on him to show why he got it and to justify his receipt of it I am therefore prepared to say without fear of contradiction—at any rate without fear of contradiction from anybody who has had to grapple with this problem—that in the absence of a clause of this kind—a clause which is, I admit, a departure from the general principles of criminal law—you will never lay by the heels the officials who are practising corruption on a big scale

Then I come to the third difficulty, of a kind not wholly dissimilar I should like to illustrate this difficulty by a personal experience, which does not relate to the Civil Supplies Department but goes back many years before it I think I have told this story once before in this House but it is worth telling again I had in one district serving under me an officer on a pay of Rs 450 a month He had no private income or private resources, but he kept six horses and two motor cars That is not an isolated case, everybody who has practical experience of life in the districts of this country knows only too well that this kind of thing is the rule rather than an exception Again and again there are officials in this country regarding whom it is public knowledge that they are living far beyond their means You cannot touch them because in ordinary circumstances the law very wisely provides that a man need not explain where he gets his wealth from

An Honourable Member: He may get it from his mother-in-law!

Mr. P. J. Griffiths: There are unlimited apparatuses of evasion with which my Honourable friend and I are equally familiar

That may be good enough for ordinary times, but faced as we are now with a situation in which corruption has become an unparalleled evil and in which some remedy has to be found for it, we must depart from the ordinary principle of the onus of proof We must lay down that an accretion of property must be explained by a Government servant, and if he cannot explain that sudden accretion he must be held guilty of some criminal offence As the law stands today, if I am a petty official on a few hundred rupees a month and if tomorrow I build a vast mansion at the cost of several lakhs of rupees, I get away with it That must not continue to be the case And it is because the Honourable Home Member in his wisdom and his knowledge of these things has realised that a change in this matter is essential if we are to fight this growing corruption, that he has brought in a measure which I regard as a courageous measure and a measure for which I believe posterity will bless him Let me say quite frankly that it has been my experience in Bengal and it has been the experience elsewhere, that under the ordinary law you can touch the small man but you cannot touch the big and influential corrupt official. This Bill seeks to some extent to put things right, but in my view it is somewhat half-hearted There are at least two directions in which I should have wished to see it very much strengthened In the first place I agree entirely with my Honourable friend Mr. Gadgil that in all cases where corruption has occurred and where large sums of money or property have been acquired dishonestly, the law should proceed to demand the restitution of those properties or those sums, even if the usual expedient has been followed of passing them on to another member of the guilty man's family It is a quite well-recognised thing that when a Government official takes money or takes property, he does not keep it in his own name but passes it on to his cousin or brother or somebody else In our view the Home Member should examine the problem as to whether it is possible in any way to chase up property which has been acquired illegally in this kind of way and which has been passed on to some other person It is not an easy problem, I do not pretend that I can suggest the formulae for doing it, I have thought much of this problem and I am still not clear as to how it is to be solved But I want to say this that if the Honourable Home Member can find a way of doing it, he will have our unstinted support.

And, finally, the other direction in which I wish this Bill had gone further is this It is all right to lay down punishments, it is all right to prescribe offences, but when these cases come to be tried in the courts in this country—I speak with no disrespect to the courts at all—it very often happens that the sentences are wholly inadequate And if the Honourable Home Member wants to make this Bill a really useful measure, he will add to it a clause laying down that in certain classes of offences minimum punishments shall be prescribed It may perhaps be that it would be difficult to do that in this particular Bill, but I suggest to the Home Member that he should consider the possibility of a separate Bill, which for certain classes of offences will prescribe that, unless the court for reasons to be recorded in writing thinks otherwise, the punishment shall not be less than a certain minimum I make these points not by way of criticism but by way of suggestion, for our view is that by this Bill the Home Member has taken a great step forward, a step for which future generations will have cause to bless him Sir, we support the Bill

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural) I am also whole heartedly in favour of this Bill and I also think that if it is carried out in its proper spirit it is bound to do a great deal of good to our people But, Sir, my complaint is that it does not go far enough My Honourable friend, Mr Griffiths, said that under the present law smaller people can be caught but the bigger people do manage to escape, but my fear is that even under this.

[Prof N G Ranga]

new Bill many of these bigger people are likely to escape because of one or two provisions in this Bill There is a provision made here for the Governor-General or the Governor alone to give the sanction for prosecution against any officer If you are to leave it to these Governors-General and Governors, I am rather afraid that these big officials will somehow manage to see that prosecutions are not launched against them at all As my Honourable friend, Mr Griffiths, has put it we have our huge ramifications of sons-in-law and mothers-in-law Somewhere or other the accused will find a big enough man to reach the Governor or the Governor-General, and manage to influence him And it is Governor-General, it is not even Governor-General-in-Council, it is Governor-General in his own personal and individual judgment We have come across some Governors and some Governors-General also in the course of our history who could be got at by certain means Therefore I want sufficient care to be taken by the Government to see that this *lacuna* is made good, and the Governors and Governors-General are not brought into this picture at all, and especially in their individual judgment

Secondly, the impression is sought to be created that this corruption is something new with us There was a good old Lord Clive, and there was his ancestors Warren Hastings, and their only justification was that they could have taken very much more, but they were so very self-restrained as to be content with only a few crores of rupees From that time onwards the tradition has come down to us Even before the war begun there was a widespread grievance by millions of our masses in regard to the P W D in its Irrigation Section, and it reached up to the Central P W D Everybody knows the scandals of corruption in the building up of this New Delhi And there is a Revenue Department Our peasants are not able to escape from the compulsory payments they are obliged to make collectively or individually to the Revenue Department and the P W D in its Irrigation Branch And there is also the Central Excise Department under the benign regime of the Central Board of Revenue People have had to pay and are paying even today their levies to the officers What appears to be a sort of tip to my Honourable friend, Mr Sri Prakasa, will certainly be a sort of compulsory imposition upon an ordinary peasant Two rupees from an ordinary peasant is a terrible exaction and that is how money has been exacted by these officials, and we have had no safeguard against this corruption It was only during the war that not only the ordinary postal official but many others and also people holding ministerial appointments pocketed lakhs and lakhs of rupees They have to be got at I do not know, my knowledge of law is not so much as to make me feel sure that under the definition of this phrase 'public servants', ministers and parliamentary secretaries would come in If they do come in, well and good, if they do not then I would like the Honourable the Home Member to bring forward a Bill in order to rope in these people also

Then there is the other set of people—the bribe givers I want a distinction to be made in favour of the ordinary peasants and workers who have no other course open to them than to give bribes They cannot be prosecuted because the officers are not being prosecuted It is only when an officer comes to be prosecuted that the State is able to know who are the people who have given bribes When it comes to know that such and such persons have given bribes they are also liable to be prosecuted, with the result that even when it is known that such and such persons have given bribes, not one of them would come forward openly lest he should be hauled up before the Court of Law It is open to my Honourable friend, the Home Member, to say that in justifiable cases the Courts will certainly excuse these people, but ordinary folks do not wish to be dragged to the Courts They have got no money to spend on such trials Therefore I want these ordinary folks who have no other way out but to give

the bribe and who are prepared to come forward and give evidence not to be punished It should be made publicly known to them all that they would not be liable to be punished, so that they would be encouraged to come forward and give them evidence But on the other hand there is another class of bribe-givers who have made it a profession, and who have been giving bribe after bribe to officer after officer, and these have developed themselves into a sort of public touts and have made millions of rupees The Civil Supplies Department became notorious as we all know, and various other departments also became notorious As the Joint Secretary of the Civil Supplies Department has recently admitted not only the Civil Supplies Department but every other department was corrupt One man gets a licence Now he has had nothing to do with the sale of cloth or yarn at all, but he becomes a licencee, he has not even seen the sight of yarn, he cannot distinguish between 50 or 100 or 150 counts, but he becomes a licencee Therefore he simply passes it on to another man and pockets some money Then it goes on like this five or six times, until it reaches the seventh man who does the job and like this any number of people have become regular traders in licences in the city of Delhi That is why many of us feel very unhappy whenever we have to go to the Industries and Supplies Department or to the Secretariat because some people may think that we are also out to fill our pockets This sort of bribe-givers must also be got at by this law If this law cannot get at them then I trust the Honourable the Home Member will come forward with another law Sir the Leader of the House, Pandit Jawaharlal Nehru, had called this new type of people 'dirt', and he rightly said that this dirt must be removed It is our duty to help this Government not only to destroy this dirt but to remove it entirely from our social life My Honourable friend Mr Gadgil, was wondering whether there was anything wrong in our social life I do not think so There is nothing wrong in our social conscience But what is it, but the product of our social institutions? We have created all these institutions and controls The result is that these things are being experienced Remove some of these controls and many other things and these things will be better But in the present circumstances, I may tell you, Sir that with the best possible intentions, even people like many of us will not be able to live an honest life He will have to say to ourselves that somehow or other we are doing a wrong thing in order to get the most essential supplies to carry on our own existence

Lastly, what are we to do with all the non-official public servants? We are getting hold of these poor people because they have signed a contract that they are going to be the servants of the State Therefore, we are quite willing to be justifiably harsh on them But what about all the other people like the black-marketeers, ministerial personages and so-called public servants and public workers, who make it also their business to go about these various Government offices and go on making money and using their influence with Honourable Members and Secretaries Unless we do something about them, our public life is likely to be poisoned and everyone of us is likely to be suspected that we are feathering our own nests Many of us who have come into public life, must keep our lives like an open book There must be a law for the police to get at those people who in 10 or 20 years time have amassed, by no ostensible means of livelihood Rs 20/40 lakhs These should be got at They pass as great public servants amongst us No, no public workers with titles given by the other *raj*, may be also to be given by the future *raj* These must be got at, otherwise there will be no honesty in our public life In America the word "politician" connotes something bad Are we also to degrade our population to such an extent as to make it impossible for decent people to come into public life and into politics? I want the Honourable the Home Member to keep these points in his mind and try to introduce a suitable legislation at the earliest possible moment in addition to the present Bill

I whole-heartedly support this Bill

Mr. Tamizuddin Khan (Dacca *cum* Mymensingh Muhammadan Rural): Everyone in this House, including even those who are bribe givers for securing railway reservations, is one with the Honourable Member in charge of the Bill to put down bribery and corruption The war has unbalanced human society and human minds all over the world, and bribery and corruption are rampant everywhere It is not confined to India alone If one can believe things that are written in newspapers, I think conditions in France are far worse than what they are in India But because conditions elsewhere may be worse that is no justification for bribery and corruption predominating in our country Therefore every effort must be made to put down bribery and corruption

So far as the provisions of the Bill are concerned, I find some of them are very salutary I am prone to give my whole-hearted support to them. But as you have seen, there is some difference of opinion in this House Mr Sri Prakasa thinks that in certain respects the Bill goes too far, whereas Mr Gadgil thinks that it does not go far enough and that some more drastic provisions should be put into the Bill I refer to this only for this reason that I entertain a regret that the Members are not getting a proper opportunity to give their mature consideration to this Bill I am definitely of opinion that important measures like this should go through Select Committees Unless such measures go through Select Committees, opportunities are not given for mature consideration of the r provisions So far as this Bill is concerned, I feel that many of the Members have not even got an opportunity to give notice of amendments It happened that the agenda paper containing the fact that the Bill will come up on the first day was sent by post to certain Honourable Members They had already left home and did not receive the agenda paper They come to know that this measure was coming on the first day only after their arrival at Delhi when it was too late to give amendments Therefore it is regretable that many Members have not been able to bestow mature consideration to the provisions of the Bill If the Honourable Member wants that the Members of this House should take responsibility for legislative measures, and if he wants to derive any benefit from the mature consideration of Honourable Members, it is only due to the Members that they should get a proper opportunity to give their consideration to them

I agree with Mr Gadgil that efforts ought to be made to make some of the provisions more drastic and to introduce some new provisions so that those guilty of bribery and corruption might be got at more easily But it must be admitted that in legislating, we must be careful that innocent persons may not be hauled up before courts of law by unscrupulous persons to satisfy a private grudge Therefore, if it is not very inconvenient for the Government to postpone consideration of the Bill for a few days, it should be done There are certain Bills of a less important character Those measures might have been taken up first and this important Bill ought to have been taken up a few days later Unfortunately, there is no motion in this House for reference of the Bill to a Select Committee I would then have given my whole-hearted support to such a motion While I support this Bill, so far as it goes, I have regretfully to remark that the Bill is being rushed through

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) I welcome the particular Bill as it is a good attempt to suppress corruption about which we have been discussing so much during the last four or five years I pointed out some three or four years ago that in my early days I had been hearing only of corruption in the Police Department When I grew older I then discovered there was another Department of Government, namely, the Railway Department, and the corruptions of the Police Department were entirely forgotten I pointed out to Sir Alan Parsons, when he was Chief Commissioner, that if on retirement, he accepted the post of Station Master of

Chauri Chaura station, one of the stations in my constituency, his income would be Rs 4,000 a month But when during the war the Supply Department came into the picture, then we forgot the Railways altogether I pointed out the other day that every Member in the Supply Department is a *Hakim Nabbo*. The story of *Hakim Nabbo* is that he was at one time a *hakim* in Bareilly who could not write a prescription unless the money was paid in silver in his hand. One day his mother fell ill He went to her in the morning and gave her four rupees He asked her to put the money into his hands when he comes again to feel her pulse and write out the prescription When the *hakim* later came to see his mother, she paid him the Rs 4 whereupon he wrote out the prescription and the lady was cured Every person in the Supply Department is a *Hakim Nabbo* His brain refuses to work unless his hands are greased

But we soon forgot the Supply Department when the Food Department came into the picture We then thought that the police were angles and the railway people were honest men and even the corruption in the Supply Department was forgotten when the Food Department came into existence I was told, and I have pointed this out on the floor of this House that one village alone paid the Food Department officials four crores of rupees in one particular year In spite of the fact that I said this on the floor of the House and though I was expecting some kind of an enquiry, nothing of the sort was forthcoming I have no hesitation in saying that we have never had corruption of the magnitude which we have seen during the last five years

We heard some story from our *ex-magistrate* Mr Griffiths, and a number of other people who have got experience will say the same thing We have been talking of the corruption in the P W D (Plunder Without Danger) but this is entirely forgotten when we come to the rationing and the Civil Supplies Departments Indeed you can consider a Civil Supplies Officer in a district honest if his income is Rs 3,000 a month on which no income-tax is paid. Those who are very corrupt carry with them bucks of gold and silver at the time of their retirement

As I pointed out before and as I am pointing out today punishment is not the chief deterrent factor We have created a situation in which it is impossible even for the angels to remain honest Even if an officer gets Rs 1,000 the purchasing power of his salary is only Rs 300, and he cannot possibly make both ends meet He has got such enormous resources before him that it is very difficult for him to resist the temptation to make money On account of bad administration we have created a situation in which as I said even the angels cannot remain honest They will have to be corrupt on account of the fact that their salary is reduced to one-third in terms of its purchasing power, and on account of the fact that there is a situation before them in which they can take as much money as they like without any danger of being caught. They are defended by the Defence of India Rules and nobody could say a word against them The protection of the Defence of India Rules gave enormous opportunities to take money and thus a situation is created in which it was impossible for any honest man to remain honest

We were expecting that when the National Government came into power at least we will not have the same magnitude of corruption about which we had a good deal of knowledge This measure, although it is a very good attempt to prevent corruption, as my friend Mr. Tamizuddin Khan pointed out, falls short in certain respects We would have welcomed an opportunity to move amendments My difficulty is the same as Mr Tamizuddin Khan's I did not get this thing in time and I could not study the opinions I could not dream even for a moment that it would come up for discussion as the first Bill on the first day I wish this notice had been given some days earlier Still it is a good step and I would not like to oppose it, though we would have welcomed an opportunity to improve this Bill

[Dr. Zia Uddin Ahmad.]

I would respectfully draw the attention of the Honourable the Home Member and his colleagues to the fact that it is not the punishment or its intensity that will stop corruption We ought to cerate a situation or an atmosphere in which corruption will not be possible In the days of control and rationing it is very difficult to cerate that situation No doubt this Bill is a good first step but it is not sufficient

Again I would say even if you have good laws you require good personnel to enforce the laws and it is very difficult to obtain them There is one gentleman in the Anti-Corruption Department about whom I have heard a good deal though I have never met him Mr Kurban Ali has a great reputation as being most earnest and firm in the matter of enforcing these laws We may have the best law but we require very good personnel to enforce it, who would not be carried away by communal or other considerations I would beseech the Honourable the Home Member to allow the discussion to go on till 5 P M. and then to admit some amendments day after tomorrow I would like to make one or two amendments and my friends would like to move some minor amendments At the same time I would request the entire Government to apply their mind and create a situation in which corruption may be impossible They must give a living wage to their officers otherwise

Sjt. N. V. Gadgil: They are getting more than that!

Dr. Zia Uddin Ahmad: But you will have to take into consideration the purchasing power of the rupee Increase the purchasing power of the rupee, so that Rs 1,000 will be worth Rs 1,000 and not Rs 300 as at present At the same time do not give them extraordinary powers which they have at present but give them just sufficient powers Unless you create a good atmosphere and improve the situation, unless you place your officers in a position so that they will not think of corruption and unless you entrust the enforcement of your laws in some incorruptible persons who will not be swayed by any communal or economical considerations the situation will not improve But if you do these things, then there is some chance of improvement in the general corruption that prevails in the country

Babu Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan) **Sir, I whole-heartedly support the measure. I wish this measure had been a** little more revolutionary

Dr. Zia Uddin Ahmad: You mean stringent.

Babu Ram Narayan Singh: Yes, more stringent This is a Bill in the passing of which I did not like to cast a silent vote When people recognise a Government in the country, by that recognition people surrender not only their property and other things to the Government but they surrender their very lives to the Government Unless the Government and its machinery are pure, justice is not possible and neither life nor property nor honour safe in their custody I agree with each and every word that has been said about this measure I feel that corruption has gone on all round It is difficult to say which Department is more corrupt In my mind it appears the whole machinery is corrupt from top to bottom, is rather rotten, and I feel that like a dilapidated house the whole machinery has to be demolished and rebuilt From the bottom of my heart I thank the Honourable the Home Member, our Sardar Saheb for his attempt to purify the administration, but I feel doubtful whether he will succeed in this

The machinery is rotten as I have said The thing is this The bribe has been taken something like a right As soon as a man enters government service he thinks he is a master of the public and has acquired a right to loot them in the manner he likes and can In ordinary talk when friends

meet the question is put "Where are you serving?" The person says he is serving in such and such a place. The next question is "What is your pay?" He mentions his pay The third question is "Then what is your *pahiri* (outside income)?" The thing is that nobody feels it to be a sin to take bribe This place is the seat of the Government and I have seen with my own eyes how things go on on Railway Station I have seen them several times though I have not taken part in it *viz.*,—I have not given anybody any bribe I can give several instances. First of all, when the passengers come to the railway station, the coolies will come and say "Today there is a great rush and it will therefore be very difficult for you to take your seat All right, the train is there and if I take you there you may get your seat" The coolies will realize whatever they can from the passengers and the passengers will get seats in the train Then the constable will come and ask "Well, why have you come here? Who brought you here?" Then the coolie will come forward and tell the people "Give something to the constable and you will be allowed to stay on here" In this way they will pay something to the constable and they will be allowed to remain there As regards reservation also, something has been said Sir, I think you might also have got a personal experience of this—in the courts in the districts we have got a bar library The bar library is the pick of our society All learned people collect there But I think—and everybody here in the House knows—that the Bar Library people are the agents of the people who take bribes These are the *paishkars* and other people When such people behave as agents for the bribe takers, where is the chance for purification? However, the measure is good so far as it goes But as there is a request from all sides of the House—and this is my request also—Sardar Saheb will do well to introduce a very revolutionary measure so that the administration may be wholly purified

I suggest here one thing Unless the bribe giver is induced to come forward and depose it is very difficult to catch the bribe taker As the law stands, to give bribe is also an offence as it is to take it The measure ought therefore to be in a manner in which, as soon as a charge is laid against anybody that he has taken bribe, it will be his duty to prove that he is innocent Unless there is some provision like this it is impossible to purify the existing machinery. If a time comes, if the opportunity allows and if there is a revolution in the country when the whole machinery is broken through and a new one is built, there is the only hope However, an attempt is being made and I congratulate and thank the Home Member for this attempt But something more has to be done And I say one thing I am a Congressman The Congress people are in the Treasury Benches also Unless they make all possible attempts and unless they succeed in purifying the administration, I think they will have to admit failure In order to achieve any success it is our duty to see that the Departments are purified With these words I again support the measure and again request Sardar Saheb to bring some other measure so that the administration is wholly purified and so that justice is possible And only in that case will justice be possible

Shri D. P. Karmarkar (Bombay Southern Division, Non-Muhammadan Rural) Sir, I had no intention of participating in this debate but some of the observations of Honourable Members who preceded me induced me to do so One of the aspects of the question appears to be what should be our attitude towards such Bills It is always desirable that there should be unanimous support from all sections of the House to such a measure, but in supporting this measure some of us appear to be missing one of the important aspects which surrounds this question Whenever we consider the question of bribery it looks as if we are viewing the question objectively, just as in a war one of the parties should draw swords and try to destroy his opponent It looks as if in judging of the principal offenders such of the offenders as are sought to be brought to

[Shri D. P. Karmarkar]

book by this very important and necessary piece of legislation, we appear to be forgetting for the moment that the evil which we are really trying to fight-out will be only partially fought out by measures like this I should respectfully urge that if corruption, at least the worst part of corruption, is to be wiped out from our midst, the first and the most important thing in my humble opinion would be to make it impossible for anyone to thrive on corruption Just at the moment, considering the fact that whether it is a small case of a reservation or whether it is a big case of getting a licence for thousands of rupees, if there were such a strong public opinion as to prevent both the giver and the taker of bribe from indulging in such acts which are very seriously prejudicial to the State and the public, I think this question of preventing corruption would be very easily solved

At the moment some of us appear to be getting very angry with the officials, most of whom are born and bred up in India, and appear to be a little lenient towards those people whom we come across every day in our life—may be big businessmen, may be small people—who corrupt the official for a favour to be granted to them

[At this stage Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

I had occasion recently to come across a person whom I could call my friend He was telling me what was happening round about the Centre at New Delhi in regard to many matters and then I asked him—what on earth prevents you from giving all this information out and getting the guilty persons punished He made a frank confession and said "My conscience also pricks me in this matter If all these persons were to be brought to book then I would also find myself as one of the persons who will be brought to book These are the hands that have shelled out lakhs of rupees like that" The remedy is of a two fold character

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In the first place you have to make it impossible for any official to receive any illegal gratification What is more salutary and necessary is that you will have to get into the towns and countryside and carry on propaganda in favour of a pure public life People should be taught not to stoop to corrupt methods We should invite our businessmen to consider whether after all they are not damaging the interests of the country as a whole in stooping so low as to give filthy lucre for the favour they may bestow I respectfully submit that that type of education would be first necessary.

Then so long as the controls are there and discretion is vested in an official or a few officials to do or undo a thing, to help a person or harm him, by being partial to one and not to the other, so long as these controls are necessary and have to be there, then I submit it would be a salutary thing to hedge round a person vested with discretion a small committee or something like that which would act as a wholesome check on bribery and corruption The province from which I come has taken steps during the last few months to stamp out corruption and those steps have proved partially effective Corruption on a small scale of the type mentioned by my Honourable friend Mr Sri Prakasa has not ceased That type of corruption has a large clientele, a larger clientele than could be judged by the measures taken by the Government A lawyer goes to a record-keeper, gives a rupee or two and gets a copy of a report That type of corruption is going on among lawyers and court officials and also the public The other type of corruption prevails among for instance the sub-registrars who take a fixed percentage A man may try to cheat the Government by putting down the value of the property but the Sub-Registrar gets his percentage of 8 per cent and therefore he could not allow himself to be cheated of a larger share of income This measure could be said to be a strong measure in that it throws the burden of proof on the accused person which normally is on the prosecution

but more necessary than this is a provision by which, wherever there is discretion vested in officials, that discretion should be hedged round by some sort of statutory body which would have an opportunity of looking into how things are being done

Apart from the general aspects of the measure, there are one or two little matters which in my opinion deserve the attention of the Honourable Member who has brought forward this measure I shall not deal with the details of the various sections but as regards sub-clause (3) of clause 5, I would suggest that there are certain types of cases where the wrong doers take good care to see that their ill gotten gains do not come to light The practice is for an officer to get a heavy policy in the name of his wife and to go on paying heavy premiums and no law could touch those policies I am not sure whether the provisions in the Bill would touch those policies In 1942 and 1943 a large amount of such ill gotten gains, I understand, were disposed of in this way If the provisions of the Bill do not cover such heavy insurance policies in the name of the wife and other relatives, I suggest that there should be a suitable amendment covering such things also

One of the Honourable speakers who preceded me said something about the givers of the bribe It may well be that the givers of the bribe in certain cases may be found and it may be considered advisable by the investigating authorities to turn them into Crown witnesses, because of the great difficulty of getting evidence in cases of bribery Under section 337 of the Criminal Procedure Code, only certain offences have been demarcated in which pardon could be extended to offenders and they could be brought before the Court as Crown witnesses This legislation touches sections 161 and 165 of the Indian Penal Code and I suggest that suitable amendments should be made to section 337 of the Criminal Procedure Code by which it would be possible to bring up these bribe givers as Crown witnesses The task of the Crown would be facilitated in the case of prosecutions like this Otherwise it would be very difficult to find proof I therefore suggest that suitable steps may be taken later on to amend section 337 so as to bring sections 161 and 165 also within the purview of that section, as this would greatly facilitate the work of the prosecution I support the Bill

Dr. P. G. Solanki (Nominated Non-Official) Sir, I welcome this Bill This was overdue People in all the provinces have been complaining bitterly against this habit of corruption In Bombay where I come from, in all the departments, whether it be for the benefit of the poor or suffering humanity or for people who are engaged in petty services in the Government departments, everywhere in all departments, Customs, Excise, hospitals, businesslike departments like the Civil Supplies where the controls come in, the big departments which are responsible for bringing into existence black-marketing, it has been the cry all over the country that if these controls are removed or a bit modified in their rigid execution, the public at large will be able to get certain necessary commodities which they require from the *bazar* and from the shop-keepers But whenever this question has been brought here and whenever there has been a request that the control should be removed, the reply has been that if the control is removed, the black-marketing would prosper and in this way all the petty dealers will be shut out from the market I do not believe in that myself If the control is removed and if people are allowed to buy things from wherever they can get them, they will be able to get the things they require though they may have to pay a little more for them At present what happens is this People do not get even after spending their money what they require for their daily necessities of life Take such articles as sugar, fuel, coal and such other things Government issued orders that certain articles will not be available and there will be a cut in the sale of those articles But I find in this city of Delhi parties of thousands of persons given in the Imperial Hotel

[Dr. P. G. Solanki.]

and other places where they entertain the guests to tea only. Now, where do they get this amount of sugar and other materials which are under control? The answer is obvious They obtain them by foul means Either they get them from the black-marketeers or they get them because of the position they hold and thus enjoy all the comforts of life

Sir, the Honourable the Home Member in his wisdom and experience of the world has brought this Bill Though it is not perfect or complete, I would request him to bring before this House certain other measures by means of which these guilty culprits can be caught The question has been put by some of the Honourable Members here that the man who takes bribes must be prosecuted and must be brought to book At the same time, there have been some sympathisers with those people who give bribe and who have been in the habit of giving bribe in order to gain their own object I will mention one or two instances when I myself had to undergo some inconvenience There is an order of the Railway Board that the M L As should send in a notice for the reservation of their berths 20 days before they perform their journey. I have been doing that since last year Whenever I come to Delhi on Government business, I send a letter to the railway authorities to reserve a comfortable berth for me in the railway coach But what do I find? Even though my letter is there, I find that a person who had not reserved his berth gets a more comfortable berth and I get my berth in the most dilapidated compartment What else can be the cause of this except that the man on the spot, whose palm is greased by this man, gives him a more comfortable berth? He cannot expect any such money from me I have never attempted to give them any such temptation, though I have heard that in certain cases even the highest men in this Assembly have failed to get their reservations officially The reply they generally received is that no berth is available or all the berths have been reserved The habit that has crept in with these railway servants is this They prepare a bogus list of passengers who are likely to travel by that train and they are always on the look-out to find a rich man or a merchant or a man who is in need of a berth They have their agents and through them they approach these passengers These persons who come to Delhi get big contracts and they do not mind giving Rs 10, 20 or even 50 to these railway employees as long as they get the best compartment Passengers who do not give money in this way are shut out. These railway officials who get money from these big corrupt men go scot-free and the low-paid man who may be just helping these people is caught hold of and taken to task But these big men escape I have heard from reliable sources that every man in the reservation department, from top to bottom, gets Rs 100 to Rs 200 per day simply by fleecing the public This corruption ought to be stopped I am glad that this Bill is going to do something to mitigate this evil

I now come to the Public Works Department here, and the same is the case in Bombay I find that people who started their life on a pittance of Rs 30 or 40 a month have somehow by their tact risen to high posts and they are now officers in charge of certain departments I know of certain cases where they have made lakhs and lakhs of rupees in a city like Delhi and no notice has been taken of that fact I do urge and request the Honourable the Home Member to take such men to task They have invested that money in property and they have deposited that money in the banks, but they have earned it by foul means I would expect that this Bill should get hold of these guilty men and try to find out the source from where they have made that money and hoarded that amount Even if the property or the money is transferred in the names of the relations, those relations should be held responsible for proving that the money was legitimately earned If they could not prove that, they should be asked to forfeit their property, the lands and the money Thus, those persons

who have gained this money by foul means should be reduced to the same position in life as when they joined the service

Sir, the offenders do escape and there has been a plea from one of the Honourable Members that the bribers should be shown sympathy. There are two sets of bribers One is a habitual briber and the other is a man who out of the force of circumstances has to give some money in order to attain certain important functions in the family Such men as are forced to pay should be dealt with mildly Those who are habitually doing this should be dealt with so strictly as the real culprit will be dealt with I support this Bill wholeheartedly At the same time I request the Honourable Minister to bring forward another Bill to bring to book those people who have been in possession of ill gotten wealth and who have been enjoying their wealth like princes In this city of Delhi there are instances where officials of the highest class got this money and they are enjoying like princes Nothing is done to them Such men should be dealt with strictly and severely not only by awarding imprisonment but by taking away their property so that a deterrent example may be set for others This will open the eyes of others and they will abstain from following such practices With these words, I do congratulate the Honourable Member for having brought forward such a Bill and I hope it will serve for the time being In the meantime further stringent measures should be brought forward to bring to book those people who have amassed lakhs of rupees With these words, I support the Bill.

Shri Satya Narayan Sinha (Darbhanga *cum* Saran Non-Muhammadan): Sir, I move·

"That the question be put"

Mr. Deputy President: The question is.

"That the question be now put"

The motion was adopted

Mr. Deputy President: The question is

"That the Bill for the more effective prevention of bribery and corruption be taken into consideration."

The motion was adopted

Mr. Deputy President: The question is

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill

Mr. Deputy President: Clause 3

Sri M. Ananthasayanam Ayyangar (Madras Coded Districts and Chittoor. Non-Muhammadan Rural) Sir I move

"That in the proviso to clause 3 of the Bill, for the word 'Magistrate', the words Magistrate of the first Class' be substituted"

Mr. Deputy President: Amendment moved

"That in the proviso to clause 3 of the Bill, for the word 'Magistrate', the words 'Magistrate of the first Class' be substituted"

The Honourable Sardar Vallabhbhai Patel: I accept the amendment

Mr. Deputy President: The question is

"That in the proviso to clause 3 of the Bill, for the word 'Magistrate', the words 'Magistrate of the first Class' be substituted"

The motion was adopted

Mr. Deputy President: 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

Mr. Deputy President: Clause 5

Pundit Thakur Das Bhargava (Ambala Division Non-Muhammadan) Sir, I move

"That in clause 5 of the Bill, for sub-clause (1) the following sub-clause be substituted, namely:

'(1) A public servant is said to commit the offence of criminal misconduct in the discharge of his duty—

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Indian Penal Code, or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do, or

(d) if he, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage"

Sir, this definition of criminal misconduct is sought to be enacted anew in this Bill and the provisions of sections 161 and 165 have been repeated in this definition *in extenso* is taken from the Indian Penal Code The two other parts which are already there have not been touched by me The only amendment which I seek to move is that the words in section 65 have been added to the present provisions of the Bill The amendment is quite clear I am glad that the Honourable Member has kindly agreed to accept the amendment I have nothing more to say Sir I move

Mr. Deputy President: Amendment moved

"That in clause 5 of the Bill, for sub clause (1) the following sub-clause be substituted, namely

"(1) A public servant is said to commit the offence of criminal misconduct in the discharge of his duty—

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Indian Penal Code, or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do, or

(d) if he, by corrupt or illegal means or by otherwise abusing his position as a public servant obtains for himself or for any other person any valuable thing or pecuniary advantage"

The Honourable Sardar Vallabhbhai Patel: I accept the amendment

Mr. Deputy President: The question is

"That in clause 5 of the Bill for sub-clause (1) the following sub clause be substituted, namely

'(1) A public servant is said to commit the offence of criminal misconduct in the discharge of his duty—

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Indian Penal Code, or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official function of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do, or

(d) if he, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage"

The motion was adopted

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I move

"That in sub-clause (4) of clause 5 of the Bill, for the word 'Magistrate', the words 'Magistrate of the first Class' be substituted"

Mr. Deputy President: Amendment moved

"That in sub clause (4) of clause 5 of the Bill, for the word 'Magistrate', the words 'Magistrate of the first Class' be substituted"

The Honourable Sardar Vallabhbhai Patel: I accept the amendment.

Mr. Deputy President: The question is

"That in sub-clause (4) of clause 5 of the Bill, for the word 'Magistrate', the words 'Magistrate of the first Class' be substituted"

The motion was adopted

Mr. Deputy President: The question is

"That clause 5 as amended stand part of the Bill"

The motion was adopted

Clause 5 as amended was added to the Bill

Sri M. Ananthasayanam Ayyangar: Sir, I move

"That in clause 6 of the Bill,

(i) in sub-clause (a) for the words 'of the Governor General exercising his individual judgment' the words 'Central Government' be substituted, and

(ii) in sub-clause (b) for the words 'of the Governor of the province exercising his individual judgment' the words 'Provincial Government' be substituted"

Mr. Deputy President: Amendment moved

"That in clause 6 of the Bill,

(i) in sub-clause (a) for the words 'of the Governor General exercising his individual judgment' the words 'Central Government' be substituted, and

(ii) in sub-clause (b) for the words 'of the Governor of the province exercising his individual judgment' the words 'Provincial Government' be substituted"

The Honourable Sardar Vallabhbhai Patel: Sir, I accept the amendment

Mr. Deputy President: The question is

"That in clause 6 of the Bill,

(i) in sub-clause (a) for the words 'of the Governor General exercising his individual judgment' the words 'Central Government' be substituted, and

(ii) in sub-clause (b) for the words 'of the Governor of the province exercising his individual judgment' the words 'Provincial Government' be substituted."

The motion was adopted.

Mr. Deputy President: The question is:

"That clause 6 as amended stand part of the Bill."

The motion was adopted.

Clause 6 as amended was added to the Bill.

Pundit Thakur Das Bhargava: Sir, I move:

"That to part (b) of the proviso to clause 7 of the Bill, the following words be added at the end, namely '—

'or give rise to any presumption against himself, or any person charged together with him at the same trial'."

This Clause is taken from the law in England but there it is the juries who decide questions of fact and so this provision is not necessary there But here it is the judges who are judges of fact as well as of law and therefore the question of presumption is necessary to be safeguarded against The amendment is in the interest of the accused and I hope the House will accept it

Mr. Deputy President: Amendment moved

"That to part (b) of the proviso to clause 7 of the Bill, the following words be added at the end, namely —

'or give rise to any presumption against himself, or any person charged together with him at the same trial'."

The Honourable Sardar Vallabhbhai Patel: Sir, I accept the amendment.

Mr. Deputy President: The question is·

"That to part (b) of the proviso to clause 7 of the Bill, the following words be added at the end, namely —

mption against himself, or any person charged together with

The motion was adopted

Mr. Deputy President: The question is

"That clause 7 as amended stand part of the Bill"

The motion was adopted

Clause 7 as amended was added to the Bill

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, I beg to move

"That in sub clause (1) of clause 1 of the Bill, for the figures '1946' the figures '1947' be substituted"

It is a purely formal amendment

Mr. Deputy President: The question is

"That in sub-clause (1) of clause 1 of the Bill, for the figures '1946' the figures '1947' be substituted"

The motion was adopted

Mr Deputy President: The question is

"That clause 1 as amended stand part of the Bill"

The motion was adopted

Clause 1 as amended was added to the Bill

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move·

"That the Bill as amended be passed"

I am grateful to the House for the warm support given to this Bill It was suggested by some that the question of confiscating property should be pursued That is an important suggestion, but I may point out that the Criminal Law Amendment Ordinance of 1946 contains a provision which meets that point and which runs as follows·

"Notwithstanding anything to the contrary contained in the Indian Panel Code or the Code of Criminal Procedure relating to sentences and powers of courts to impose sentences where any person is found guilty of an offence specified in the Schedule, the court convicting him, whether or not it imposes a sentence of imprisonment, can impose in addition to such sentence of fine, if any as it would otherwise have imposed, a further sentence of fine which shall be equivalent to the amount of money or the value of other property found by the court to have been procured by the convicted person by means of such offence"

Since there is ample provision in the existing law we have not included this in the Bill

The other suggestions made are that the Bill does not go far enough while some say that it may work as a hardship I do not think that we can go further at this stage, but the suggestions made by various speakers will be considered at a later stage if in the working of this legislation any defects are found, and if it is found that it can be improved by a further piece of legislation. The almost unanimous support that the Bill has received in the House shows that it was overdue Government would have been glad to see it passed in the last session, but there was a heavy programme then and it was crowded out So we have brought it up now at the earliest possible moment I once more thank the House for the unanimous support given to the Bill Sir, I move

Mr. Deputy President: The question is

"That the Bill as amended be passed"

The motion was adopted

INDIAN EXTRADITION (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Home Member) Sir, I move:

"That the Bill further to amend the Indian Extradition Act, 1903, be taken into consideration"

The measure is simple and should be non-controversial Section 8-A of the Act was introduced in 1913 empowering the District and Chief Presidency Magistrates to record the statement of an accused person produced before him in accordance with the provisions of section 7 and report, if he thinks fit, the case to the Central Government Pending the receipt of the orders on such report, the District Magistrate or the Chief Presidency Magistrate has discretion to detain a person in custody or release him on his executing a bond with sufficient sureties when his attendance is required At the time, however, no provision was made in the new Section 8-A for the execution of such bonds or with respect to the forfeiture of bonds and the discharge of sureties, similar to those contained in Section 8 of the Act In the absence of a specific provision applying the terms of Section 514 to the proceedings under Section 8-A of the Act, it would not be competent for the District Magistrate or the Chief Presidency Magistrate to act in accordance with the procedure prescribed in that Section Chapter XXXIX of the Criminal Procedure Code would not apply to these proceedings either, for the provisions of that Chapter apply only to persons accused of an offence, the latter term being defined as an act of omission made punishable by any law for the time being in force The reference is obviously to a law in force in British India and that Chapter would, therefore, not apply to an offence which has been committed in an Indian State Thus a *lacuna* exists in the existing Act and the amendment which we are suggesting removes that *lacuna* Sir, I move that the Bill be taken into consideration

Mr. Deputy President: Motion moved

"That the Bill further to amend the Indian Extradition Act, 1903, be taken into consideration."

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) May I know whether it will apply only to foreigners or it will also apply to the people of the Indian States?

The Honourable Sardar Vallabhbhai Patel: For foreigners there is a separate Act This applies to Indian States only

Diwan Chaman Lall (West Punjab Non-Muhammadan) But it would also apply to a foreigner in an Indian State

The Honourable Sardar Vallabhbhai Patel: Yes

Mr. Deputy President: The question is

"That the Bill further to amend the Indian Extradition Act, 1903 be taken into consideration"

The motion was adopted

Mr. Deputy President: The question is

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill

Mr. Shavax A. Lal (Government of India Nominated Official) I beg to move

"That in clause 1 of the Bill for the figures '1946', the figures '1947', be substituted"

The Honourable Sardar Vallabhbhai Patel: I accept the amendment

Mr. Deputy President: The question is

"That in clause 1 of the Bill for the figures '1946' the figures '1947' be substituted"

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sardar Vallabhbhai Patel: Sir, I beg to move

"That the Bill as amended be passed"

Mr. Deputy President: The question is

"That the Bill as amended be passed"

The motion was adopted

RUBBER (PRODUCTION AND MARKETING) BILL

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies) Sir, I beg to move

"That the Bill to make provision for assistance to the rubber plantation industry by regulating export from and import into British India of rubber and the sale of rubber therein and by other means be taken into consideration"

I wish Honourable Members to remember, Sir, that this Bill is the result of the opinion accepted by an overwhelming majority at a conference held of all interests connected with this subject, and I hope that the Bill will be favourably received by the House Sir, I move

Mr. Deputy President: Motion moved

"That the Bill to make provision for assistance to the rubber plantation industry by regulating export from and import into British India of rubber and the sale of rubber therein and by other means be taken into consideration"

Mr. Leslie Gwilt (Bombay European) I have a motion for reference to Select Committee

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) I have already given notice of an amendment and move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th April 1947"

The Honourable Sri C. Rajagopalachari: I am going to accept the motion for a Select Committee and I hope the Honourable Member who moves for circulation will kindly withdraw his motion

Dr. Zia Uddin Ahmad: That is rather premature to express an opinion We know that we are already a debating society but do not clearly label us as such

Mr. Deputy President: Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th April 1947"

Dr. Zia Uddin Ahmad: As has been the practice, all amendments be moved together and the House could then discuss them

Mr. Deputy President: There are really two amendments—one for circulation and one for reference to Select Committee If the amendments relate to the same class, they can be taken together But they do not If the Honourable Member wants to say something he can do so But I am afraid he has lost his chance

Dr. Zia Uddin Ahmad: The practice has been that the amendments for circulation and for reference to Select Committee are moved together and then there is a free debate on both I request that the same practice be followed

Mr. Deputy President: I am afraid the Honourable Member cannot perform the duties of the Chair

Dr. Zia Uddin Ahmad: I asked for the ruling of the Chair

Mr. Deputy President: The Honourable Member, when sitting down after moving the motion, asked the Chair whether the Chair agreed to that procedure It is not *laid down* as a procedure It is done by consent In this case I do not think this will be the proper procedure

Dr. Zia Uddin Ahmad: Then what is your ruling? I move my motion and then there will be a debate? I have moved nothing

Mr. Deputy President: If the Honourable Member wants to say something he can say it The Honourable Member has already moved and the Member of the Government has already asked him to withdraw The Honourable Member was too hasty Before I put it to the House, he ought to have waited. Of course there is a suggestion

Mr. P. J Griffiths (Assam European) May I suggest that in spite of the hastiness of the Honourable Member, it will save time and enable us to hasten if both these motions are put together That very often has been done and will save time

Diwan Chaman Lall (West Punjab Non-Muhammadan) May I ask when this amendment was received? It has not been circulated to this side of the House as far as I know What was the time of receipt of this particular amendment?

Mr. Deputy President: I understand from the Secretary that Dr Zia Uddin Ahmad's amendment was received only today and it has not been circulated.

Diwan Chaman Lall: Obviously it is out of order

Mr. Deputy President: Does the Honourable Member object to it being put to the House?

Then the objection prevails.

Mr. Leslie Gwilt: Sir, I beg to move

"That the Bill be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, the Honourable Sri C. Rajagopalachari, Rao Bahadur N S— Raj, Sri A K Menon, Shri D P Karmarkar, Sri M K Jinachandran, Haji Abdus Sattar Haji Ishaq Seth, Mr Muhammad Rahmat-ullah, Mr P J Griffiths and the Mover, with instructions to report by the 1st April, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, before dealing with the details of the Bill, there are one or two observations upon principle which I wish to make There is, Sir, in the opinion of the European Group very logical reasons why India should wish to encourage the production of rubber within her boundaries So on the face of it the Bill

[Mr. Leslie Gwilt.]

is a desirable measure. The main reasons are three Firstly, strategic. that she should be self-supporting in such an important commodity as rubber, particularly in times of war Secondly, that she should as far as possible conserve her financial resources and keep her wealth wherever she can within her dominions. Thirdly, for the employment of her people Moreover, if she can produce rubber at an economic price and export goods made largely or wholly from rubber, she has potentially a valuable source of foreign exchange. But I would like to enquire, Sir, as matters stand at the moment, whether the House is not being asked to bolster a fundamental uneconomic industry My own view is that it is not and that is the view of the European Group. At any rate, they hope not and if the House will bear with me I will enlarge upon this

Before the war, if my information is correct, America who is the largest consumer of rubber, imported some 1½ million tons She now imports two-thirds of that amount, that is one million tons, the short fall being made up by her manufactures, and I understand under Statute, of a proportion of the synthetic product America will no doubt for strategic reasons, if not for economic reasons, continue to encourage the use of synthetic rubber, and the corollary must surely be a diminution in the use of the natural product which must tend to depress the price of natural rubber in the world markets Competition then, Sir, will not only become keener in the direction of price, but must also in quality. Malaya with the largest output of rubber in the world produces some 90 per cent of her manufacture in standard sheets of high quality and the price of her produce in that quality is today something like 15 to 20 per cent below India's There is, I understand, a general belief that India is unlikely ever to be in a position to compete against the price of rubber of high quality in the world's markets, for not only is her climate, but also her soil unsuitable for the yields of the Malayan and Dutch East Indies plantations Yields from Indian plantations are 300 lbs per acre per annum whereas those of Malaya are more than double that and even with budded rubber she cannot show more than half the yield of the plantations farther East But I wonder, Mr Deputy President, whether it is entirely the factors of soil and climate that have restricted the output of rubber in this country, or whether it is due to the absence of the high degree of scientific research that is conducted both at Kuala Lumpur in Malaya and Buitenzorg in Java in the Dutch East Indies My information is that the scientific production of rubber in Malaya and in the Dutch East Indies is far and away ahead of anything to be found in this country So that we in this Group urge the establishment of a research station operating with the fullest support of Government and that it be established in this country at the earliest possible moment Today, Sir, the assistance that the industry is receiving from Government is practically nil and that which it is going to receive in the future is referred to in the most vague terms in clause 8 of the Bill and particularly clause 8(2)(a) which reads: "The Board may supply technical advice for the guidance of rubber growers"

What that means I do not know What they mean by that I do not know. There will be those, Sir, who will say that India cannot afford such an establishment. We would reply to them that India cannot possibly afford not to have such an establishment.

Mr. Deputy President: The Honourable Member can continue his speech on Wednesday, the 5th February

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th February, 1947.

LEGISLATIVE ASSEMBLY

Wednesday, 5th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

EXCLUSION OF INDIANS FROM FRANCHISE IN THE PROVINCE OF BRITISH COLUMBIA IN CANADA

37. *Seth Govind Das: Will the Honourable Member for Commonwealth Relations be pleased to state

(a) if Government are aware of the exclusion of Indians from municipal, provincial and federal franchise in the province of British Columbia in Canada, and

(b) the steps that the Government of India are taking in this connection and their result?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Government of India have made representations to the Government of Canada urging the desirability of conferring franchise on Indians in British Columbia The Government of Canada have referred the matter to the Government of British Columbia and it is understood that the question is under the consideration of the Elections Act Committee which has been set up in British Columbia to consider the provisions of the Provincial Elections Act It is understood the Committee has not yet submitted its recommendations

Sardar Mangal Singh: May I know from the Honourable Member what other disabilities are placed upon Indians in Canada?

The Honourable Pandit Jawaharlal Nehru: So far as I know, certain other disabilities which follow from this disqualifications are present That is, they cannot serve as trustees in any municipal, district or rural school or hold any municipal office or serve as jurors, they are debarred from employment by contracts for the Public Works Department and for the sale of Government timber They cannot be registered as pharmaceutical chemists, they are also debarred from holding foreshore leases or from holding Engineer's certificates under the Boiler Inspection Act In some occupations like the legal profession, medical profession, etc, it is understood that though the law may not specifically exclude Indians, the societies like the Bar Society manage to exclude Indians by administrative process

Sardar Mangal Singh: Practically the same reply was given to me two years back May I know if the Government of India is now moving directly in the matter or if they are still moving through H M G ?

The Honourable Pandit Jawaharlal Nehru: No, Sir, directly—directly in this sense We have not got at the present moment a diplomatic representative in Canada but we have got a Trade Commissioner We are exchanging diplomatic representatives and we hope that in the course of the next month or two the Canadian High Commissioner will be here and possibly an Indian High Commissioner will go there But we are actually in direct contact and I may say that during the United Nations General Assembly meeting our delegates raised this question with Canadian delegates directly also and discussed with them.

Prof. N. G. Ranga: Is the Honourable Member aware that the late Right Honourable Srinivasa Sastri made the same complaint in 1921-22 and ever since no progress has been made ?

The Honourable Pandit Jawaharlal Nehru: I am not personally aware of that complaint, but I have no doubt that this complaint has been made on many occasions The House must realize that in these matters it is not very easy to get things done In the past we have had to move through His Majesty's Government and all that we could do was to send representations It is no good, I think, to go on sending representations unless something further can be done I hope—in fact I understand—that they are in favour of removing all these disqualifications and that the matter is being considered by the Provincial Legislature there now

Babu Ram Narayan Singh: Will the Honourable Member assure the House that things will improve in the near future

Mr. President: Order, order

RESTRICTIONS ON INDIANS TO OWN OR LEASE LAND IN KENYA HIGHLANDS AND TO PURCHASE SITES IN NAIROBI AND MOMBASA

38. *Seth Govind Das: Will the Honourable Member for Commonwealth Relations please state the steps that the present Interim Government propose to take to remove the age-long restrictions on Indians to own or lease land in the Kenya Highlands for agricultural purposes and to purchase or occupy a number of residential sites in Nairobi and Mombasa?

The Honourable Pandit Jawaharlal Nehru: The Interim Government have taken no special steps in regard to the restrictions imposed on Indians in the Kenya Highlands and in Nairobi and Mombasa This is an old grievance which affects not only Indians but Africans also and many representations have been made Meanwhile, certain immigration bills have been initiated in East Africa which affect the entry of Indians An Indian delegation was sent to East Africa and their report is under consideration Government will take such steps as may be feasible and will continue to exert pressure for the removal of the various grievances from which Indians suffer It has been our past experience that representations do not help much The question of Indians abroad is intimately connected with the independence of India and when independence is achieved the status of Indians everywhere will inevitably improve

Seth Govind Das: Under these circumstances will the Government think it advisable to raise the question of East Africa also in the U N O Conference, as far as the Highlands of Kenya are concerned

The Honourable Pandit Jawaharlal Nehru: That will be a matter for consideration at the time of the United Nations Assembly or just before that

Prof N. G. Ranga: Will care be taken by the Government of India in pressing these claims that no misunderstanding is created in the minds of the Africans that we are trying to claim exclusive rights for ourselves—to the exclusion of Africans?

The Honourable Pandit Jawaharlal Nehru: Every care is being taken to see that Indians do not claim any rights which adversely affect Africans

REPLACING OF OLD EXPERIENCED EMPLOYEES BY YOUNGMEN FROM TECHNICAL SCHOOLS OF THE C P W D

39. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Works, Mines and Power Department please state

(a) if it is a fact that the Central Public Works Department is replacing or proposes to replace the old experienced hands by young men from various technical schools recognised by the Department,

(b) the number of persons who will be discharged as a result of this move, and

(c) if it is a fact that the Railway and the Post and Telegraph Departments are following a common policy which permits recruitment to the subordinate service from out of experienced technicians in the respective workshops?

Mr. B. K. Gokhale: (a) During the war extensive temporary recruitment of personnel not possessing academic qualifications from any recognized technical institution was necessary A proposal is now under consideration to hold Departmental tests with a view to the elimination of some of these unqualified persons The nature of these tests and the categories of subordinates who should be required to take them, are under examination If some men are eliminated as a result of these tests, the vacancies in the respective cadres will be filled up, if and when necessary, by recruitment of qualified persons

(b) It is not possible to give the figure of persons who may ultimately be discharged at this stage

(c) It is understood that in the Railway Department a certain proportion of vacancies in the subordinate Engineering cadres are filled by the promotion of staff already employed in the Department or those undergoing a course of apprenticeship in Railway workshops No engineering qualifications are insisted upon in the case of persons so promoted In the Posts and Telegraphs Department certain categories of staff employed on technical work receive promotion as a result of departmental examination, through passing which they can earn such promotion although they may lack any specified academic qualifications

Pandit Sri Krishna Dutt Paliwal: Will Government consider the desirability of following the same policy in the Central Public Works Department which is being followed in the Railway and Posts and Telegraphs Departments?

Mr. B. K. Gokhale: Sir, as I said in reply to (a), the whole question is now under consideration and the point which has been raised will be borne in mind

NATIONAL MINERAL POLICY

40. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Works, Mines and Power Department please state·

(a) the decisions arrived at in the conference on national mineral policy held recently in Delhi, and

(b) the scheme of co-ordination of policy among the various provinces in connection with production, conservation and utilization of minerals in the country?

Mr. B. K. Gokhale: (a) and (b) The conference on the national mineral policy was held on the 10th and 13th January 1947 in New Delhi in two sections —one consisting of representatives of trade, commerce, labour and other interests and the other of representatives of Provinces and States Copies of the agenda and notes prepared by the Department of Works, Mines and Power and of the proceedings of the conference are placed on the table † Government are now examining the views expressed and a Press Note is likely to be issued summarising the decision reached

Seth Govind Das: Are Government aware that as far as the Central Provinces is concerned, it is the province which is considered to be very rich in mineral resources but it is the most undeveloped province at present; and will Government consider the necessity of paying special attention to that province so as to have the mineral resources of the province developed immediately?

Mr. B. K. Gokhale: Sir, Government are considering the problem as a whole for the whole of India Mineral development in provinces is actually a matter for Provincial Governments I cannot say that any special attention will be paid to any particular province, but the whole problem in respect of the whole of India is under consideration.

† Not printed in these Debates. Copy placed in the Library of the House.—*Ed of D.*

Mr. K. C. Neogy: Does the Honourable Member hope to be able to introduce any legislative measure in connection with the recommendations made at this conference?

Mr. B. K. Gokhale: The matter is still under the consideration of the Government.

Mr. Sasanka Sekhar Sanyal: May I know whether any suggestion has been made to foreign companies who are entrusted with the operation of petroleum, asking them to take Indian personnel for training for future purposes?

Mr. B. K. Gokhale: This point was discussed at the Mineral Policy Conference and the Honourable Member might care to look at the proceedings As I said, the matter is still under consideration I cannot go any further

Mr. N. M. Joshi: May I ask whether Government have considered the question of the management of these mines by the State and not merely the question of the ownership of the mines being brought under the State?

Mr. B. K. Gokhale: Both these questions were placed before the Mineral Policy Conference and discussions took place, which will be found in the proceedings I cannot add anything more

Dr. Zia Uddin Ahmad: Will the Honourable Member make these proceedings available to the members of the Assembly?

Mr. B. K. Gokhale. They have been placed on the table † I have also got a copy here

Shri Mohan Lal Saksena: How long will Government take to arrive at decisions?

Mr. B. K. Gokhale: I am unable to answer that question

Shri Mohan Lal Saksena: Will it be before the end of this budget session?

Mr. B. K. Gokhale: The matter is being pursued as quickly as possible I cannot say when Government will take a decision

SALE OF INDIAN MEDICINES IN MAURITIUS AND PROTEST AGAINST MR RIDLEY'S STATEMENT *re* ADOPTION OF FRENCH NAMES BY INDIANS.

41. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Commonwealth Relations please state

(a) whether Government are aware that Indians in Mauritius desire to use Indian medicine because it suits their system,

(b) the steps Government propose to take to enable Indian medicines being sold in Mauritius in open market,

(c) whether Government are aware that Indians in Mauritius strongly protest against Mr Ridley's statement that it is a common custom among Indians there to adopt French name, take to European way of living and then cease to regard themselves as Indians;

(d) whether Government are aware that Indians are forced to change their names and dresses to get higher posts,

(e) whether Government are aware that there is not a single high ranking Indian Officer with an Indian name; and

(f) the steps Government propose to take to enable Doctors qualified from Indian Universities, to join services or start private practice in Mauritius as in East Africa?

The Honourable Pandit Jawaharlal Nehru: (a), (c), (d) and (e) Information is being collected and will be placed on the table of the House as soon as it is received.

(b) and (f) What steps, if any, can or should be taken can be decided only after the information is received

† Not printed in these Debates Copy placed in the Library of the House.—*Ed. of D.*

IMMIGRATION OF INDIAN LABOUR INTO MALAYA

42. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Commonwealth Relations please state.

(a) if the attention of Government has been drawn to the view expressed by Mr J V Thivy, President of the Malaya Indian Congress, who was one of the Ministers of the Azad Hind Government that the Government of India should ban the immigration of Indian labour into Malaya, and

(b) the steps Government have taken or propose to take to stop the immigration of Indian labour into Malaya in view of the bad labour conditions in that country?

The Honourable Pandit Jawaharlal Nehru: (a) Yes, Sir

(b) The emigration of unskilled labour to Malaya has been banned since 1938 and the question of stopping further emigration of unskilled Indian labour does not arise The emigration of skilled Indian labour to Malaya is governed by the provisions of the Indian Emigration Act, under which no such worker is allowed to emigrate unless the Protector of Emigrants is satisfied about the terms and conditions which are proposed to be offered to the emigrant by his employer Government of India do not, therefore, consider it necessary to stop the emigration of such labour for the present

Mr. N. M. Joshi: May I know whether skilled labourers are actually being taken to Malaya at this time?

The Honourable Pandit Jawaharlal Nehru: I cannot give the Honourable Member any figures So far as I know, very few are being taken I am not quite sure

INDIAN NATIONALS IN THE UNITED NATIONS SECRETARIAT

43 *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state how many Indian Nationals are there in the United Nations Secretariat?

(b) Is it a fact that out of 3,000 members of the Secretariat staff only 8 Indians have been appointed?

(c) Have Government expressed their resentment in any communication at this very unsatisfactory state of affairs that exists in connection with the recruitment to the United Nations Secretariat?

(d) How many applications had been submitted by Indians?

(e) What response, if any, has been received to such representation?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) Out of a total staff of 2,992 in October last, the number of Indians was five One more Indian has since been appointed

(c) The Government have made strong representations on this matter to the United Nations Secretariat direct and through their delegates to the General Assembly and have instructed their representative on the Administrative and Budgetary Committee of the United Nations and their Liaison Officer at United Nations Headquarters to press continually for the appointment of more Indian nationals in the United Nations

(d) Government have no information.

(e) Government understand that the candidature of a number of Indians is at present under consideration in the Bureau of Personnel in the United Nations Secretariat.

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member what steps will be taken to see that all communities including the Muslims get their proper share of the employment in the U.N O Secretariat?

The Honourable Pandit Jawaharlal Nehru: So far as Government are concerned, they are at present interested in the employment of competent, efficient

Indians In all such matters general care is taken that there should be a fair allotment in regard to communities and provinces and the like but the first matter for consideration is merit and merit alone

Sardar Mangal Singh: When was this representation sent?

The Honourable Pandit Jawaharlal Nehru: Quite a number of representations have been sent Recently, I believe in the course of the last month, I wrote a personal letter to the Secretary General of the United Nations Organisation

Sardar Mangal Singh: May I know whether Government have received any reply from them?

The Honourable Pandit Jawaharlal Nehru: We have received replies saying that they are doing their utmost Till November last, applications were sent direct to the United Nations Secretariat Since then they have to go through the Federal Public Service Commission here

EXISTENCE OF URANIUM IN INDIA FOR THE PRODUCTION OF ATOMIC ENERGY

44. *Seth Govind Das: (a) Will the Secretary of the Works, Mines and Power Department please state if Government have made any attempts with a view to estimate the extent of the existence of uranium in India for the production of atomic energy?

(b) If so, with what results?

Mr. B. K. Gokhale: (a) and (b) Attention is invited to the replies given in this House on the 1st November, 1946, to part (a) of Mr K C Neogy's Starred Question No 156 and to Mr Manu Subedar's first Supplementary question to question No 156 on the same date and the reply given in the Council of State to Flight Lieutenant Rup Chand's question No 133 on the 20th November 1946 Dr Krishnan has since gone to the United Kingdom Further developments await his return to India towards the end of February 1947

Dr. Zia Uddin Ahmad: Have Government received any estimate of the quantity of uranium in this country?

Mr. B. K. Gokhale: Dr Krishnan is at present in the United Kingdom and when he comes back he will set up an uranium unit In due course we may get an estimate of the quantity of uranium likely to be available in India

PURCHASE OF INDIAN GUNNY BAGS IN CEYLON BY THE SOUTH AFRICAN GOVERNMENT

45. *Seth Govind Das: (a) Will the Honourable Member for Commonwealth Relations please state if Government are aware that recently large quantities of gunny bags have been purchased in Ceylon on behalf of the South African Government and the representatives of the South African Government were in Ceylon to fix up the necessary export permission?

(b) Are Government aware that these gunny bags were of Indian origin?

(c) What steps have Government taken to represent the matter to the Ceylon authorities, with a view to check this 'sabotage' of the Government of India policy of imposing economic sanctions against South Africa?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). Yes, Sir

(c) Necessary representations were made by the Government of India through their Representative in Ceylon and although about 311,000 gunny bags were shipped from Ceylon to South Africa while the representations of the Government of India were under consideration of the Government of Ceylon, that Government subsequently cancelled all outstanding licences and prohibited the export of about 489,000 gunny bags to South Africa.

Seth Govind Das: Before cancelling these licences, when our representative Mr Aney was already present in Ceylon, may I know how those gunny bags could be exported from Ceylon to South Africa, in spite of his being there?

The Honourable Pandit Jawaharlal Nehru: How can Mr Aney be expected to sit at the docks, watching every item that is exported?

Seth Govind Das: Did he get any information when that material was being exported?

The Honourable Pandit Jawaharlal Nehru: As soon as he got information he took strong measures about it

APPOINTMENT OF A PERMANENT TARIFF BOARD

†**46. *Maharajakumar Dr. Sir Vijaya Ananda:** Will the Honourable the Commerce Member be pleased to state if Government propose to set up a permanent Tariff Enquiry Board in the place of the present "ad hoc" Tariff Enquiry Board? If not, why not?

The Honourable Mr. I. I. Chundrigar: The question is under the consideration of Government

ABOLITION OF CENTRAL ELECTRICITY POWER CONTROL BOARD

†**47. *Maharajakumar Dr. Sir Vijaya Ananda:** (a) Will the Secretary of the Works, Mines and Power Department please state, whether Government are aware that the Central Electricity Power Control Board has proved useful in coordinating schemes of power development as between neighbouring provinces and its helpful role in multilateral development of river valleys and the impending irrigation schemes designed to generate power for agriculture and industrialization?

(b) If so, do Government propose to reconsider their decision to abolish the Board?

Mr. B. K. Gokhale: (a) and (b) The Central Electric Power Control Board which administered some of the Electricity Control Orders passed under the Defence of India Rules became extinct on the 1st October 1946 on the expiry of the Defence of India Act The Honourable Member, however, appears to refer to the Central Technical Power Board which was constituted in 1944 for a period of five years This Board has been doing very useful work in connection with the Damodar Project and various electrification schemes and there is no proposal under consideration to abolish it

DUAL RESPONSIBILITY OF THE GOVERNOR OF N W F P AS GOVERNOR AS WELL AS AGENT TO GOVERNOR GENERAL FOR TRIBAL AREAS

†**48. *Maharajakumar Dr. Sir Vijaya Ananda:** Will the Honourable Member for External Affairs be pleased to state if Government propose to take the necessary steps to end the dual responsibility of the North-West Frontier Province Governor as Governor of the Province as well as Agent to the Governor General in matters relating to the tribal areas as the first necessary step to the inauguration of a new frontier policy?

The Honourable Pandit Jawaharlal Nehru: I am aware of criticisms having been made in regard to the dual responsibility of the Governor Any such arrangement inevitably raises difficulties A change in it will depend on the recommendations of the Advisory Committee and the decisions of the Constituent Assembly

DIVISION OF QUOTA BETWEEN SHIPPERS FOR THE EXPORT OF COTTON PALES

49. *Mr. Ahmed E H. Jaffer: Will the Honourable the Commerce Member be pleased to state

(a) the total number of cotton bales allowed to be exported from India to different parts of the world for the quarter ending December 1946 and for the quarter ending March 1947,

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

(b) the number of cotton bales to be exported from each port,

(c) the reasons for giving 75 per cent quota to shippers for basic period of 3 years ending March 1939 as compared to 25 per cent fixed for shippers for the basic period of 3 years ending November 1946, why this preference has been given to shippers of the former basic period compared to those of the latter,

(d) if it is a fact that at the last meeting of the Standing Advisory Committee of the Commerce Department held on 18th November 1946, it was unanimously decided that 50 per cent quota should be divided between shippers of both these periods; if so, the reason why the recommendations of the Standing Committee were overlooked, and

(e) whether Government propose to issue instructions to implement the recommendations of the Standing Committee and see that the total export of cotton is equally divided between the exporters of both the basic periods?

The Honourable Mr. I. I. Chundrigar: (a) and (b) I lay a statement on the table

(c) As a rule export of important commodities is allowed through established trade channels In most cases, the basic period for determining the status of established traders is either 1941-42 or the average of the three pre-war years Government, however, realises the necessity for giving a share in the export trade to more recent entrants in the trade also It was in order to provide for them that 25 per cent of the quota was reserved for exporters of the three yearly period ending November 1946

It has further been decided to allot quotas to shippers of the latter basic period out of the balances which might accrue on account of shippers of the period 1936-39, who are no longer in business

(d) It is not correct that it was unanimously decided by the Standing Advisory Committee that raw cotton exports should be apportioned equally between old and new shippers Only a suggestion to this effect was made by two members of the Committee and the matter was left for decision by the Department

I gave full consideration to the suggestion but came to the conclusion that it would be unfair to the established shippers to reduce their share to fifty per cent

(e) Does not arise

Statement regarding export of cotton

	Bombay		Karachi		Calcutta		Madras		Total		Remarks.
	October-December 1946	January-March 1947 1-1-47 upto 20-1-47	October-December 1946	January-March 1947 1-1-47 to 20-1-47	October-December 1946	January-March 1947 1-1-47 to 20-1-47	October-December 1946	January-March 1947 1-1-47 to 20-1-47	October-December 1946	January-March 1947 1-1-47 to 20-1-47	
	Bales	Bales	Bales	Bales	Bales	Bales	Bales	Bales	Bales	Bales	
(a) *Number of bales allowed to be exported (actual exports)	76,771	5,995	48,011	6,397	7,644†		260		32,686	12,392	*Figures include exports allowed against contracts entered into on or before 13th May 1946 †Separate figures for 2 period are not available
(b) Number of bales licensed for export against quota of 2 lakh bales. (Quantities licensed for export).	22,737	1,692	35,117	2,848	5,177†		313		63,344	4,540	

Mr. Manu Subedar: In the permission so far given, it is only the interests of the shippers, that is, the private interests of merchants, are considered May I know whether the Government will examine the issue whether the export of cotton in future to countries which need it badly may not be used as a counter for a barter agreement in order to get essential commodities needed by this country, such as, food, cloth, steel, timber and various other articles?

The Honourable Mr. I. I. Chundrigar: Government have considered the question, but there are so many other countries from which cotton can be procured by those who require it that it does not appear possible to use cotton exports for barter purposes But if there is any specific case in which raw cotton exports could be used for barter purposes, Government will certainly examine the question

Mr. Manu Subedar: Have Government examined the possibility of giving cotton to Japan only on condition that half of it was turned into cloth and brought back here?

The Honourable Mr. I. I. Chundrigar: So far as Japan is concerned, the Honourable Member may be aware that all the surplus production of Japan is taken over by the occupying Administration Government has taken up with the authorities concerned the question of allocation of a portion of surplus Japanese production to India, and the matter is being pressed by Government

Seth Sukhdev: As regards part (d) was it not unanimously decided by the Standing Committee that 50 per cent should be allowed to established shippers and 50 per cent to the non-established shippers?

The Honourable Mr. I. I. Chundrigar: The Honourable Member may be aware that the minutes of the proceedings show that the suggestion was made only by two Members, and the minutes also show that the matter would be considered by the Government As I have mentioned in the reply, I have fully considered the question and I find that it would be unfair to the established shippers to reduce their share to 50 per cent

Mr. Ahmed E. H. Jaffer: My suggestion in this Committee was supported even by the Members of the Council of State But assuming that this was not unanimously recommended, may I ask the Honourable Member that when we meet tomorrow morning and if this Committee unanimously decides

Mr. President: That is a hypothetical question

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member if the Government is prepared to accept the recommendation of the Committee, otherwise what is the use of having a Committee at all?

The Honourable Mr. I. I. Chundrigar: Government will only examine the recommendations of the Committee, but they cannot give an undertaking to accept them *in toto*

Prof. N. G. Ranga: What are the special reasons which have influenced the Government to give so much concession to the so-called established shippers in preference to the new people who have come in the trade?

The Honourable Mr. I. I. Chundrigar: The Honourable Member may be aware that those people who have been in the business for a long time and who were exporters in the basic period know the requirements of the countries to which exports take place They know the parties with whom they have got to deal and they know the particular varieties of cotton which find a market in a particular country If you want to bring in outsiders, you can only bring them in gradually It is not the policy of Government to make the established shippers the sole holders of a monopoly It is therefore that the Government would like to have new entrants, but they cannot claim a 50 per cent share.

Mr. Ahmed E. H. Jaffer: May I ask whether it is the policy of the Government not to accept the unanimous recommendations of the Committee?

Mr. President: It covers the same question again.

Mr. Sasanka Sekhar Sanyal: Is it not a fact that the Government is a party to the unanimous decisions of a Committee in which the Government is represented?

The Honourable Mr. I. I. Chundrigar: The meeting is held to ascertain the views of the Members After that, the Government has got to examine them and take their own decision

Sjt. N. V. Gadgil: In view of the fact that it is very difficult for the Government to patronise the established shipper on the one hand and to introduce new ones on the other, would it not be better for Government to take over the whole export trade?

The Honourable Mr. I. I. Chundrigar: There are obvious difficulties in the way, but with regard to particular items the question will be considered

DIVERSION OF GUNNY BAGS TO SOUTH AFRICA FROM CEYLON

50. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state if Government have enquired about the firms through which the gunny bags, which found their way to South Africa through Ceylon, were sold?

(b) When Ceylon was taking more than its quota, was not the attention of any authority in India drawn to the possibility of mischievous diversion to South Africa?

(c) Do Government propose to take any steps (i) to deal with the members of the jute trade concerned and (ii) to take an undertaking in future from every purchaser of jute or jute products, that the same shall be used in the country to which it is sent and not be diverted to South Africa?

The Honourable Mr. I. I. Chundrigar: (a) Yes, Sir The firms concerned are (1) Austin De Mel Limited, (2) Tillekeratna and Company, (3) Dodwell and Company Limited, (4) Hayley and Kenny Limited, (5) Aristonas, (6) A. P Appadurai

(b) The export of jute fabrics to all destinations, including Ceylon, is strictly regulated in accordance with destinational quotas and exports in excess of quotas fixed are not allowed Ceylon was not taking more than its allotted quota, and the Government of India had no reason to assume that a portion of the quota would be diverted to South Africa

(c) (i) The firms concerned are outside the jurisdiction of the Government of India The matter was taken up with the Ceylon Government and assurances obtained with regard to the future

(ii) It is not necessary to obtain and enforce such an undertaking from individual purchasers, but satisfactory assurances have been and are being obtained from Governments of the territories from which leakage of jute fabrics into South Africa is suspected

Mr. Manu Subedar: Has the attention of the Honourable the Commerce Member been drawn to a statement of the Ceylon Trade Commissioner to the effect that the exporting firms were Indians and has his attention also been drawn to a violent denial of such a charge by the Ceylon Indian Chamber of Commerce?

The Honourable Mr. I. I. Chundrigar: As has been mentioned, out of the six firms only one is an Indian firm

Mr. Manu Subedar: What steps do Government propose to take with jute shippers in Calcutta for getting first adequate information of the quantity sold, the destinations and the possible use, if not quite an assurance? The Honourable Member has said that assurance need not be taken, but other steps are being taken I want to know whether Government will have full information of the destinations and the use to which the lots which are sold by jute shippers of Calcutta will be put to?

The Honourable Mr. I. I. Chundrigar: The Honourable Member is aware that destinational quotas are fixed by Government after taking into consideration the requirements of each destination or country The destinational quota is fixed only if Government is satisfied that the importing country requires the jute or jute fabrics for which it makes a demand The shortage of jute products is so great that Government has practically been compelled to cut down the estimated demand of the various countries, and the ultimate destinational quota fixed is hardly sufficient to enable them to make any re-exports So far, in the case of countries from which leakage was suspected, we have insisted on taking an undertaking from Governments concerned, but not from the importers in those countries, that there would be no diversion to South Africa

Mr. Manu Subedar: Are Government collecting information as to the substitutes which are being suggested and devised in various countries for jute goods in which India has a predominant interest?

The Honourable Mr. I. I. Chundrigar: Government have examined the question and they do not apprehend any serious competition from substitute fabrics It would not be economic for those countries to do so

Seth Govind Das: May I take it that the jute which was being exported to South Africa was from the quota to Ceylon and under these circumstances, will the Government consider the desirabilty of re-examining the quota to Ceylon?

The Honourable Mr. I. I. Chundrigar: The exports from Ceylon were not of new gunnies sent there, but of certain used gunnies The representation made to the Government of Ceylon was that "if you allow any exports of new gunnies or used gunnies from your country to South Africa, the Government of India will presume that you have got more stocks than is necessary and that your quota can be cut down" It was after this representation was made that the Government of Ceylon gave the requisite undertaking

EXTENSION OF THE LIFE OF TARIFF BOARD

51. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state the decision that the Government have reached about extending the life of the Tariff Board?

(b) When is the enquiry on textile, sugar and steel due, and what arrangements do Government propose for such enquiry?

The Honourable Mr. I. I. Chundrigar: (a) The Tariff Board was set up for a period of two years with effect from November 1945 and the question of continuing it for a further period is under consideration

(b) Attention of the Honourable Member is invited to the Commerce Department Resolution No 28-T(6)/46, dated the 20th January 1947, a copy of which is laid on the table

DEPARTMENT OF COMMERCE

RESOLUTION

TARIFFS

New Delhi, the 20th January, 1947

No 28-*T* (6)/46.—In their Resolution in the Department of Commerce No 218-T (55)/45, dated the 3rd November 1945, the Government of India announced the setting up of a Tariff Board to investigate claims for assistance or protection received from industries which have been started or developed in war time

2 Government have also under consideration the question of continuance of protection to certain industries which were established before the war and were granted tariff protection on the basis of recommendations made by previous Tariff Boards They have decided to request the Tariff Board, set up under the Resolution referred to in the preceding paragraph, to investigate and advise them with regard to the claims of such industries

3 Government recognise that, in the present abnormal conditions, it would not be possible to formulate a long term tariff policy in respect of the well established industries.

The Tariff is accordingly requested to hold summary inquiries and advise Government whether, in present circumstances, protection at the existing or at a different scale should be granted for a further year after the 31st March 1947 to the following industries :—

(i) Sugar;
(ii) paper and wood pulp;
(iii) cotton textile;
(iv) iron and steel

ORDER

ORDERED that a copy of this Resolution be communicated to All Provincial Governments, all Chief Commissioners, the several Departments of the Government of India, the Political Department, the Private and Military Secretaries to His Excellency the Viceroy, the Central Board of Revenue, the Auditor General, the Director General of Employment and Resettlement, the Director General, Industries & Supplies, the High Commissioner for India in London, the Economic Adviser to the Government of India, the Director of Commercial Intelligence, Calcutta, the Indian Trade Commissioner, London, the Indian Trade Commissioners at New York, Buenos Aires, Toronto, Alexandria, Colombo, Paris, Mombasa, Tehran and Sydney, the Trade Agent, Kabul, His Majesty's Senior Trade Commissioner in India, the American Consulate General, Calcutta, the Canadian Trade Commissioner in India, the Australian Trade Commissioner in India, the Secretary, Tariff Board, Bombay, and all recognised Chambers of Commerce and Associations

ORDERED that a copy be communicated to the Government of Burma

ORDERED also that it be published in the *Gazette of India*

N. R PILLAI, Secy

Mr. Manu Subedar: Will the Honourable Member repeat in this House what he said in Calcutta that Government contemplated the expansion of the Tariff Board with a view to expedite the enormous work which it has got in front of it? Will the Honourable Member like to make a statement on that subject?

The Honourable Mr. I. I. Chundrigar: I have already made the statement referred to by the Honourable Member at Calcutta that Government are considering the question of the expansion of the Tariff Board and the decision of the Government will be announced soon

Dr. Zia Uddin Ahmad: Has the question of protection for rubber been referred to the Tariff Board?

The Honourable Mr. I. I. Chundrigar: I want notice I think the question of rubber is being dealt with by the Department of Industries and Supplies

APPOINTMENT OF TRADE COMMISSIONERS

52. ***Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state the number of Trade Commissioners who are now functioning abroad?

(b) How many were in Europe before the war?

(c) What arrangements are made for the appointment of more Trade Commissioners, and whether such appointments will take place according to the existing or possible trade?

The Honourable Mr. I. I. Chundrigar: (a) Ten

(b) Three

(c) The question of the opening of new offices in other important trade centres in the world is under active consideration, and in this connection the existing as well as the potential trade with those areas will be taken into consideration

Mr. K. C. Neogy: Are Trade Commissionerships likely to be amalgamated with Consular appointments as and when they are made on behalf of India?

The Honourable Mr. I. I. Chundrigar: No, Sir Appointments of Trade Commissioners will be kept separate from consular appointments because they have got to discharge entirely different functions

Mr. Manu Subedar: In view of the fact that India is very much short of steel, not to speak of capital equipments of different kinds, has the Honourable the Commerce Member considered the desirability of having somebody already on the spot in places like Belgium, Czecho-Slovakia who would be able to supply these goods to us?

The Honourable Mr. I. I. Chundrigar: The question of importing steel from these various countries is under the consideration of Government The difficulties experienced are that the prices demanded by other countries for steel are much higher than the prices prevailing in India. Government allows imports from countries where we can get them at economic prices The matter has been taken up with the representatives of Government of Belgium and other countries here when they come in to demand jute quotas and we are trying to ensure that India gets the maximum possible quantity of steel from those countries

Mr. Manu Subedar: May I again press this point a little? Have the Government considered the desirability of having, if not permanent Trade Commissioners, but having travelling representatives who will not only make enquiries of all the available surplus in these goods, but also on Government behalf, not through private trade channels, make bargains or barter agreements for given quantities of steel and other goods which we badly need and offer in their place such surplus commodities as India can give and as those countries require?

The Honourable Mr. I. I. Chundrigar: Government is considering the appointment of a Trade Commissioner in Belgium and after receiving his report, the question will be considered.

Seth Govind Das: Are Government aware that even if steel is purchased at higher price from abroad, still it would be less than what the consumer has to pay for the article in the black market in this country?

The Honourable Mr. I. I. Chundrigar: We are of course allowing imports which as you put it, are at slightly higher prices But in many cases the prices demanded are very high The matter concerns the Industries Department who are at present responsible for imports of iron and steel

Mr. Manu Subedar: Which are the three countries which have got trade representatives now and which had trade representatives before the war and which have not got now?

The Honourable Mr. I. I. Chundrigar: So far as Europe is concerned, we have got trade representatives in London and in Paris and the question of opening trade commissioners' offices in some other countries of Europe is under consideration

Diwan Chaman Lall: Has the Honourable Member received any report from the Trade Commissioner in Paris ever since his appointment six months ago?

The Honourable Mr. I. I. Chundrigar: Some reports have been received

Diwan Chaman Lall: Has the Honourable Member received any report regarding his activities since his appointment six months ago?

The Honourable Mr. I. I. Chundrigar: Several enquiries were made of the Trade Commissioner in Paris and he sent reports on the questions referred to him

Diwan Chaman Lall: Is the Honourable Member aware that this matter was raised in the Standing Finance Committee and it was stated by the Honourable Member's representative that since his appointment six months ago, this Trade Commissioner has not submitted a single report about his activities

The Honourable Mr. I. I. Chundrigar: Probably he did not send a report of his own But on the questions which were referred to him, we received reports

Prof. N. G. Ranga: Is it not the duty of the Trade Commissioner to send periodical reports, apart from the answers to various questions referred to him by the Government of India?

The Honourable Mr. I. I. Chundrigar: It is a matter of opinion. Perhaps he had nothing of particular importance to report about

(1972)

Prof. N. G. Ranga: I am not asking for any opinion at all. Is it or is it not one of the duties of the Trade Commissioner to send periodical reports in regard to his appreciation of the trade conditions in countries where he is appointed?

Mr. President: The Honourable Member wants to know whether such duties are assigned to him?

The Honourable Mr. I. I. Chundrigar: I do not know whether this has been specifically provided for But I assume it is his duty to send reports

BALANCE OF TRADE BETWEEN, AUSTRALIA, U K, CANADA, U S A, AND INDIA AND THE NUMBER OF IMPORT LICENCES FROM THE DOLLAR AREAS

53. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member be pleased to state the balance of trade between India and Australia, India and United Kingdom, India and Canada, and India and United States of America for and upto the last month for which information is available, for the year 1946-47?

(b) How many import licences for purchase from the Dollar area have been given during the year 1946/47 upto the last date for which figures are available, and what is the total value thereof?

The Honourable Mr. I. I. Chundrigar: (a) A statement showing the balance of trade in merchandise (private) and treasure (private) between British India and (1) Australia, (2) the United Kingdom, (3) Canada and (4) the United States of America in the month of September, 1946 and the six months ending September, 1946 is placed on the table The figures given in the statement relate only to private trade and do not therefore give an accurate picture of the *real* balance of trade, which is bound to be substantially affected by State trading activities, especially in regard to import of foodgrains from abroad In particular, in view of large scale imports of foodgrains on State account from the United States, the balance of trade with that country will not be so heavily in our favour as has been shown in the statement

(b) The required information is being collected and will be placed on the table of the House in due course

Statement showing the balance of trade in merchandise (private) and treasure (private) between British India and (1) Australia, (2) the United Kingdom, (3) Canada and (4) the United States of America in the month of September, 1946 and the six months ending September, 1946

(In lakhs of rupees).

Countries and month	Exports and re-exports from British India	Imports into British India	Balance of trade in merchandise	Balance of transactions in treasure India	Total visible balance of trade
1. *Australia*—					
September, 1946	94	1,23	—29		—29
Six months ending September, 1946	5,57	4,40	+1,17		+1,17
2. *United Kingdom*—					
September, 1946	5,48	11,06	—5,58		—5,58
Six months ending September, 1946	28,23	48,64	—20,41	—15	—20,56
3. *Canada*—					
September, 1946	87	51	+36		+36
Six months ending September, 1946	3,17	3,70	—53		—53
4. *United States of America*—					
September, 1946	5,91	3,18	+2,73	—16	+2,57
Six months ending September, 1946	38,83	21,23	—17,60	—16	+17,44

Mr. Manu Subedar: Have Government seen complaints and comments in newspapers, particularly the *Times of India*, Bombay that from America it is ties, lipsticks, creams and various other things that are coming galore to this country and that the exchange available in the hands of the State is being wasted in directions in which it ought not to be wasted?

The Honourable Mr. I. I. Chundrigar: Permission for import is given only after fully considering the exchange available and the requirements of consumer goods in the country

TREATY OF COMMERCE AND NAVIGATION BETWEEN U S A AND INDIA.

54. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state if a treaty of commerce and navigation is being negotiated between United States of America and India?

(b) At what stage are these negotiations?

(c) Is it proposed to send a deputation from India to United States of America?

(d) Will there be any non-official on this deputation?

The Honourable Mr. I. I. Chundrigar: (a) No, Sir.

(b) Does not arise.

(c) No, Sir

(d) Does not arise

Mr. Manu Subedar: Is it a fact that the U S A Government offered a trade treaty with this country in 1939 and this country did not accept the offer?

The Honourable Mr. I. I. Chundrigar: The question was fully discussed when this very question was put by the Honourable Member in the last session, and I have nothing to add to what I then stated

Mr. Manu Subedar: Has the Honourable Member's attention been drawn to the statement of the Secretary to the United States Government that so long as the safeguarding clauses exist in the Government of India Act the U S A Government which wants a treaty with the most favoured nation clause cannot have it and that that is the principal obstacle in the way? If so, what steps are Government going to take to reach a definite treaty with the U S A ?

The Honourable Mr. I. I. Chundrigar: I have seen a newspaper report of the statement referred to The question raised therein is governed by the Government of India Act, 1935, and it is not possible to do anything in the matter at this stage

Mr. Manu Subedar: May I know if Government have foresworn the assurances given on the floor of this House by Sir Ardeshir Dalal and their predecessor Government that they will as early as possible take every step in order to remove these safeguards from the Government of India Act?

The Honourable Mr. I. I. Chundrigar: I shall require notice of that question, because I do not know what reply was given by Sir Ardeshir Dalal on the subject

CONGRESS DELEGATION TO THE TRIBAL AREAS OF THE N W F P.

55. *Mr Sasanka Sekhar Sanyal: Will the Honourable Member for External Affairs be pleased to state

(a) whether his attention has been drawn to the newspaper reports that a congress delegation to the tribal areas of the North West Frontier Province was prevented from proceeding to their destination by the authorities of the Khyber Agency;

(b) whether his attention has further been drawn to the statement of Badshah Khan (Khan Abdul Gaffar Khan) in this matter; and

(c) whether any enquiry has been made by Government, and if so, the results of such enquiry and the action taken or proposed to be taken by the Government of India?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Yes.

(c) Yes A report was called for and the local administration stated that a party of *Khudai Khidmutgars* sought to enter the Khyber Agency by the

Mullagori Road without previously informing the Political Agent. It was further stated that there is no official at this point of entry The members of the party were, it is said, informed by the local khassadars (tribal police) that they might meet with opposition in villages, if they proceeded, and thereupon, the party decided to return There was nothing to prevent them from entering the tribal territory on their own responsibility, had they so decided In these circumstances, no further action was called for in this particular case General instructions have, however, been issued to the Political Agents by the Frontier Administration that Political workers of any party are free to enter tribal territory on the understanding that no responsibility for their safety can be undertaken, unless they inform the Political Agent concerned and keep to the protected roads These instructions have been issued because of complaints received that there was some discrimination about allowing some people to enter while others were not allowed to do so.

Mr. Sasanka Sekhar Sanyal: May I know what kind of control is exercised by the Government of India over the Political Department connected with these tribal areas?

The Honourable Pandit Jawaharlal Nehru: I do not quite understand this question The tribal areas are under the control more or less of the Agent to the Governor General who happens to be the Governor of the province. The Governor of the province in some vague sense is responsible to the External Affairs Department I cannot definitely define where the line comes in, but in a sense the responsibility is that of the External Affairs Department, but it is exercised through the Agent to the Governor General who presumably is responsible to both the Governor General and the External Affairs Department.

Mr. Sasanka Sekhar Sanyal: In view of the fact that from time to time the Governor of the province as Agent to the Governor General has taken steps and passed orders which were not liked by the Government of India, have the Government of India considered the question of appointing somebody else as Agent to the Governor General, other than the Governor himself?

The Honourable Pandit Jawaharlal Nehru: The Government of India are considering the replacement of large numbers of officers in India by more suitable persons.

Composition of U. N. O. Secretariat

†**56. *Mr. Vadilal Lallubhai:** Will the Honourable Member for External Affairs please state

(a) the country-wise composition of the U N O Secretariat and as to how many Indians are there and in what positions,

(b) whether Government are aware that the Indians at present appointed there are only on lower positions and that there is not a single Indian on any higher position in the whole of the U. N O Secretariat,

(c) whether Government are aware that the authorities that are responsible for such appointments are unsympathetic towards many delegations in this respect; and

(d) if so, whether the Government of India propose to demand from the U N O increased representation for India in view of India's growing importance in the international affairs?

The Honourable Pandit Jawaharlal Nehru: (a) A statement has been laid on the table One appointment of an Indian in a higher grade has since been made and a second is under consideration.

(b) There is one Indian in a higher position

(c) Government have no reason to think that the authorities concerned are unsympathetic, although unfortunately very few Indians have so far been appointed

(d) Government are continually pressing for the increased representation of India on the United Nations Secretariat

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

APPENDIX I (corrected)

Nationality by Salary Groups of United Nations Secretariat Personnel Including London and Geneva Offices and appointments Pending (Less Consultants) as of 15 October 1946.

Nation.	Under $3500	$3500 5499	$5500 7499	$7500 9999	Over $10,000	Total	London.	Geneva.	Grand Total
Argentina	1	.	1	.		2			2
Australia	2	1	3	2	1	9	2		9
*Austria			1			1	.	1	2
Belgium	41	13	4	1	1	60	2	3	63
Bolivia	..		2			2			2
Brazil	4	1	2	1		8			8
Canada	81	24	12	3	1	121	3		121
Chile	6	5	1	1	1	14	1		14
China	28	25	10	2	3	68			68
Colombia	1	.				1			1
Cuba	1	2		1		4			4
Czechoslovakia	10	7	7	2	1	27	4	1	28
Denmark	6	2	4		1	13			13
Dom. Republic	2	2		.		4			4
Ecuador	6	1	1		..	8	..		8
Egypt	1	2	1			4			4
El Salvador	1				..	1			1
France	137	77	34	13	5	266	30	31	297
Greece	2	1	3			6			6
Haiti	7	...				7			7
India	1	1	1	.	..	3	.	2	5

Iran	3	2	..	...	...	5	.	..		5		
Iraq	..	1		.	.	1		.		1		
Liberia	1	...	...	..	...	1				1		
Mexico	1	...	...	..	1	2				2		
Netherlands	11	3	7	1	1	23	5	2		25		
New Zealand	.	1	1	...	...	2		.		2		
Nicaragua	..	1	...	...		1				1		
Norway	7	4	4	..	3	18	1	1		19		
Panama	3	...	..	...	...	3				3		
Philippines		..	1	...	...	1				1		
Poland	9	5	3	3	1	21	...	3		2		
*Sweden	1	...	..	...	.	1		2		3		
*Switzerland	1	3	3	1	..	8	.	113		121		
Syria	.	1	..	.	...	1				1		
Turkey	.	...	...			..		1		1		
Ukranian S. S. R.	...	1	1	2	...	4				4		
Union of South Africa	1	1	1	...	...	3	1			3		
United Kingdom	332	61	33	7	6	439	248	19		448		
U S. A.	1,355	146	72	25	13	1,611	2			1,611		
Uruguay	1	3		1		4				4		
U. S S. R.	3	5	3	.	1	12	1			12		
Venezuela	...	1	...	...	1	2		.		2		
Yugoslavia	5	1	1	1	2	10	..	.		10		
State less	5	7	2	1		15	1	6		21		
TOTALS	2,078	410	208	68	43	† 2,807	301	185		‡2,992		

* Non-Member Nation. † Total includes London Staff (30) but does not include Geneva Staff. ‡ Total less consultants.

INDIANS ON THE EXECUTIVE STAFF OF THE INTERNATIONAL CONFERENCE ON TRADE AND EMPLOYMENT.

†57. ***Mr. Vadilal Lallubhai:** Will the Honourable the Commerce Member please state:

(a) the present composition of the executive staff of the International Conference on Trade and Employment according to different countries,

(b) are Government aware that this executive is the real vital part of the entire Conference and that there is not a single Indian thereon, and

(c) if so, whether the Government of India have, and if so, with what result, impressed on the Conference the necessity of putting some competent Indians on the Executive staff of the conference in order to secure adequate representation of India and other under-developed countries in view of India's growing importance on the international plane and her peculiar and urgent needs at the present moment, if not, why not?

The Honourable Mr. I. I. Chundrigar: (a) A statement based on the Handbook published in October 1946 by the United Nations Secretariat is laid on the table

(b) Whether the Executive can be described as the real vital part of the entire conference is a debatable point but the fact remains that there is no Indian on it

(c) The Government of India have recently approached the U N O for the adequate representation of Indians on the U. N O Secretariat staff from which the Trade Conference staff is drawn No reply has yet been received from the U N O

A statement showing composition of the Conference Secretariat by Countries and Committees.

(Taken from the Handbook) published in October 1946.

Central Office—		
Executive Secretary	Mr. E. Wyndham-White	(U. K.).
Secretaries	Miss. E Johnston	(U K.).
	Miss. P Hibbert	(U. K.).
Administrative Assistant	Miss Mary Saunders	(U K.).
Secretaries	Miss D W Peaslee	(U S A.).
	Miss M Brody	(U. S. A.).
	Miss. Frances Parce	(U. S A.).
	Miss Anna Freifeld	(U. S A.).
Deputy Executive Secretary	Mr. J. A Lacarte	(Uruguay).
Special Assistant	Mr S E Rogers	(Chile).
Legal and Rules of Procedure Officer	Mr. A P Renouf	(Australia).
Committee Sections.		
Committee I—Employment, Economic Activity and Industrial Development—		
Secretary	Mr. J Stolz	(Czechoslovakia).
Assoc Secretary	Mr. S Johnsen	(Norway).
Assist Secretary	Miss Mary Greey	(Canada).
Secretary	Miss. D. Newport	(U. K.).
Committee II—General Commercial Policy—		
Secretaries	Mr F Hilgerdt	(Sweden).
	Miss G Goldbergerova	(Czechoslovakia).
Assoc Secretaries	Mr. G Stern	(Czechoslovakia).
	Mr A Loverdos	(Greece)
	Mr T Hutchins	(U. S. A.).
Assist. Secretary	Mr. T. Lin	(China).
Committee III—Restrictive Business Practices—		
Secretaries	Mr. C. H. Kotican	(U. S. A.).
	Miss Virginia Heller	(U. S. A.).
Assist Secretary	Miss. C. Wachenheimer	(U. S. A.).
Assoc Secretary	Mr. A. P. Renouf	(Australia).

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

Committee IV.—Inter-Governmental Commodity Arrangements—

Secretary	Mr D. R H. Judd	(Australia).
Assoc. Secretary	Mr A Gilpin	(U K).
Assist. Secretary	Miss C de Hedervary	(Belgium).
"	Miss J. La Richelière	(Canada).

Committee V —Administration and Organization—

Secretary	Mr Bruce Turner	(New Zealand).
Assist Secretary	Mr George Haung	(China)
Secretary	Miss S. Miller	(U. S. A).

Joint Committee on Industrial Development—

Secretary	Mr. A Dorfman	(Argentina).
Assoc. Secretary	Mrs. Margaret F Berger	(U. S).
Secretary	Miss G Crowe	(U. K).

CONFERENCE COORDINATION DIVISION.

Liaison Officer	Mr A. Greenwood	(Canada)

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PUBLICATION OF THE REPORT OF THE WORK DONEBY THE INDIAN DELIGATION TO THE PREPARATORY COMMITTEE OF THE INTERNATIONAL CONFERENCE ON TRADE AND EMPLOYMENT

†58. ***Mr. Vadilal Lullubhai:** Will the Honourable the Commerce Member please state

(a) whether Government propose to publish a Report of the work done by the Indian Delegation to the Preparatory Committee of the International Conference on Trade and Employment held recently in London, and if so, when,

(b) pending the publication of the Report of the said Delegation, whether government propose to make a statement in this Assembly regarding the nature of the work done by the Delegation and as to whether the Indian Delegates were able to stress the problems and needs of under-developed countries in the Committee and mould the International Charter on Trade and Employment accordingly;

(c) if so, in what respects and how the Charter now gives special consideration to the needs of undeveloped and under-developed countries, and

(d) whether Government are aware of some reports appearing in a section of the Press that there was a pronounced divergence of approach among the Delegates of the sixteen nations that met in London and that the Conference failed to narrow down these differences?

The Honourable Mr. I. I. Chundrigar: (a) Yes, Sir; as soon as possible after the conclusion of the second session of the Preparatory Conference which is due to commence in Geneva early in April 1947.

(b) and (c). As the work of the Preparatory Committee has not yet been completed and the Drafting Committee is now engaged in preparing a Draft Charter Government do not consider it desirable to make any statement on the work done by the Indian Delegation beyond saying that they did, along with other countries similarly situated, lay stress on the special needs of under-developed countries and they hope that a chapter on economic development will be added to the Charter

(d) As the work of the Preparatory Committee has not yet been completed Government feel that it would be unwise to make a statement on this subject.

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

SITUATION IN THE N. W. F. P. AND THE SPEECH BY THE PIR OF MANKI AT ALIGARH UNIVERSITY

59. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state if he has received reports of a dangerous state of affairs on the Frontier?

(b) Have Government received protests from Frontier Leaders in this connection?

(c) Do Government propose to take action to prevent a further deterioration of the situation?

(d) Have Government received full report of a speech by the Pir of Manki at Aligarh University in December last, giving a warning to Government in this connection?

The Honourable Pandit Jawaharlal Nehru: (a) Apart from the tribal raid in Hazara district which was effectively dealt with, no reports of the nature indicated have been received.

(b) No

(c) It is not clear to what the Honourable Member refers but Government are fully aware of their responsibility and propose to take such action as may be deemed necessary

(d) I have seen press reports of the speech

Mr. Ahmed E. H. Jaffer: In part (c) I refer to the further deterioration of the situation as a result of bombing and raids on the people of the tribal areas

The Honourable Pandit Jawaharlal Nehru: There has been no bombing, so far as I am aware, in the last few months. I do not know if the Honourable Member is referring to some previous period

Mr. Ahmed E. H. Jaffer: I refer to the bombing that took place when the Honourable Member assumed office.

The Honourable Pandit Jawaharlal Nehru: That took place in August last, I do not know if the Honourable Member is asking me to give a history of events on the frontier during the last few months in reply to a supplementary question

Mr. Ahmed E. H. Jaffer: I do not expect the Honourable Member to give me any history

IMPORT ON CONTRACT OF MR SCOTT TO DESIGN THE THIRD WING OF IMPERIAL SECRETARIAT

†60. *Maharajakumar Dr. Sir Vijaya Ananda: Will the Secretary of the Department of Works, Mines and Power be pleased to state

(a) if it is a fact that one Mr Scott has been imported on contract to design the third wing of the Imperial Secretariat on a high salary, and

(b) if it is a fact that in view of the constitutional uncertainties he has been demanding one-third per cent of the estimated cost of all his designs irrespective of the fact whether they are executed or not?

Mr. B. K. Gokhale: (a) Mr Scott of Messrs Baker & Scott, a well-known firm of Architects in England, who were responsible for the construction of the existing Secretariat buildings, was invited by the Government of India in June 1946 to advise them on the design of some new Central Government buildings proposed in New Delhi His terms included (i) Free airpassage to and from India, (ii) Re-imbursement of excess Life Insurance premium amounting to £85-9-4, (iii) An out fit allowance of £50, (iv) A subsistence allowance of £3 a day while in India, (v) A fee of 20 guineas a day while in India Mr Scott was in India for 31 days and a total of Rs 13,784 has already been paid to him.

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

(b) Mr Scott has claimed in addition a fee of £12,500 for the services rendered by him as Consulting Architect in India at one-third per cent. on the estimated cost of one building He has also stated that if, later on, his firm is appointed as architect for the work and authorised to proceed with all the necessary drawings, the fee paid to him would merge in the fees for the whole contract and become part of the total amount due on completion of the building. Mr Scott's claim has not been admitted and is still under consideration

APPOINTMENTS TO DIPLOMATIC SERVICE AND TO INDIAN EMBASSIES

61. *Prof. N. G. Ranga: Will the Honourable Member for External Affairs be pleased to state

(a) if it is contemplated to reserve appointments in the Indian Embassies abroad only or mostly to the England-returned or foreign-returned and educated people,

(b) if so, whether Government are aware that it would affect adversely the interests of the large number of our graduates and other educated in Indian Universities and well-versed in foreign languages, and

(c) if so, whether Government propose to provide special opportunities for Indian graduates and other experienced Indians to equip themselves suitably for diplomatic service?

The Honourable Pandit Jawaharlal Nehru: (a) to (c) The Answer to the first part of the question is in the negative. As for the rest it might be useful if I took this opportunity to give the House some information of the way our plans for the formation of the Indian Foreign Service are developing

Normal recruitment of young men both to the All-India Administrative Service and to the Foreign Service will be through a single competition conducted by the Federal Public Service Commission, though we shall seek to provide in this competition for certain special requirements for the Foreign Service

It must be recognised, however, that the new Service cannot be built up entirely by direct recruitment of young men from the Universities and that at the beginning at any rate it will be necessary to provide for an intake of candidates of higher age groups from different walks of life We have at our disposal a certain number of Indian Officers of the Indian Political Service and other existing services who have had experience of representing their country in foreign lands We have requested Provinces and Departments of the Central Government to invite and forward to us with their recommendations applications from Indian Officers of the I C.S. and Provincial Civil Services (and allied services at the Centre) who have the desire and can claim some suitability for employment in the Foreign Service We have recently seen some of the successful E C O candidates whom the Federal Public Service Commission had designated as suitable for the Indian Political Service and I hope that about 15 of them will now come into the Foreign Service We intend to call again for applications from E C O 's under the age of 30 (excluding those who have been unsuccessful in the earlier Federal Public Service Commission competition) And finally we shall invite applications from members of the general public between the ages of 25 and 45 who satisfy certain educational and other requirements

Save of course in the case of those members of existing Civil Services who have already been successful in competitions held by the Civil Service Commissioners in London or the Federal Public Service Commission in India, shall rely throughout on the Federal Public Service Commission for selection

though I hope to arrange for my own Department to be associated with the Federal Public Service Commission in the final stages of selection

Prof. N. G. Ranga: Will any special opportunities be given to some competent and qualified women also to be employed in these services, as is being done in other countries?

The Honourable Pandit Jawaharlal Nehru: I hope so

CONTROL OVER THE POLITICAL DEPARTMENT

62. *Prof. N G. Ranga: Will the Honourable the Leader of the House be pleased to state

(a) if any conclusion has been reached over the recent conversations regarding the control over the Political Department,

(b) what are the various points discussed, and

(c) what have been the conclusions?

The Honourable Pandit Jawaharlal Nehru: (a) to (c) There have been no conversations of the kind referred to. In view of the impending constitutional changes no attempt has been made thus far to deal with this subject separately.

Perhaps the Honourable Member has in mind the question of staffing of posts hitherto held by members of the Indian Political Service on the Frontier. Discussions on this subject took place recently with the Governor and the Premier of the North West Frontier Province and the Agent to the Governor General in Baluchistan This question is intimately connected with that of the future arrangements for the All-India Administrative Service, which is at present being considered in its wider aspects.

REGISTERED TRADE UNIONS IN BRITISH INDIA

†**63. *Mr Madandhari Singh:** Will the Honourable the Labour Member be pleased to state.

(a) the number of Trade Unions registered in British India in 1946,

(b) the total number of registered Trade Unions,

(c) the number of members of Trade Unions in 1946, and

(d) the list of Trade Unions in each Province and their locations?

The Honourable Shri Jagjivan Ram: (a) and (b) The number of registered trade unions in British India on 31st March 1946 was 1,267 Government is not aware of the number of trade unions registered in Indian States

(c) The particulars are available only for the year 1944-45 The returns for that year indicate that the total membership of 571 trade unions which submitted returns of membership was 8,88,879

(d) A few copies of province-wise list of registered trade unions as on the 31st March 1945 are being placed in the library of the House

INDIANS IN SOUTH AFRICA

64. *Babu Ram Narayan Singh: Will the Honourable Member for Commonwealth Relations be pleased to state the present position of the struggle of Indians in South Africa and also the steps taken by the Government of India to help those Indians?

The Honourable Pandit Jawaharlal Nehru: Government have taken no specific step in regard to the struggle of Indians in South Africa since the decision of the United Nations Assembly In accordance with that decision it is natural to expect that the South African Government will take some steps to remove the grievances of the Indians in South Africa Any such action will

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

be welcomed by the Government of India and will have their co-operation insofar as this is necessary.

It is understood that Indians in South Africa are continuing the passive resistance movement The Government of India are closely following developments and will take appropriate steps as soon they consider them necessary.

Seth Govind Das: Have the Government heard anything about the treatment of political prisoners in the jails of South Africa after the Honourable Member made a statement in this House in the last Session of the Assembly?

The Honourable Pandit Jawaharlal Nehru: I think, Sir, something in regard to the treatment has been referred to in the reports received by us, but I cannot give any details at the present moment

Seth Govind Das: Has the Honourable Member received any report showing whether the treatment in the jails of South Africa has improved after his last statement?

The Honourable Pandit Jawaharlal Nehru: I should not like to give an answer to that without reference

INDIANS IN BURMA

65. *Babu Ram Narayan Singh: Will the Honourable Member for Commonwealth Relations be pleased to state

(a) the number of Indians in Burma before the last War,

(b) the approximate wealth the Indians possessed in Burma before the last war,

(c) the number of Indians killed and the amount of loss incurred by Indians during the last war,

(d) the number of Indians now fully reinstated to their positions as before the war, and

(e) the steps the Government of India have taken or propose to take to restore Indians to their pre-war positions in Burma?

The Honourable Pandit Jawaharlal Nehru: (a) The number of Indians in Burma according to 1931 census was 10,17,825

(b) No estimate is possible of the various forms of wealth possessed by Indians in Burma before the war

(c) 12,367 Indians belonging to the armed forces were killed in Burma during the last war The number of Indian civilians killed during the same period is not known No estimate of the total financial loss suffered by Indians in Burma is available

(d) and (e) The question of reinstatement of Indians in their pre-war position is obviously an integral part of the wider question of the reconstruction and rehabilitation of Burma and of her recovery from war devastation The refugee Government of Burma at Simla prepared various schemes for the post-war reconstruction of the country and in connection with the preparation of these schemes both the leaders of Burma Indian interests as well as the Government of India maintained close contact with the Government of Burma The Government of India also accredited a Representative to the Government of Burma The civil Government returned to Burma in October 1945 and shortly after the headquarters of the Government of India's Representative were also moved from Simla to Rangoon Indians have been associated with the various measures taken since for the restoration of the economic life of Burma The Government of India have also maintained the utmost vigilance to ensure that Indians derive their legitimate share of benefit from the various reconstruction measures adopted by the Government of Burma. The Government of India have also taken all possible measures to facilitate the return of

evacuees to Burma and have helped in the restoration of export and import trade between India and Burma Considering the economic devastation caused by the last war Indians have made considerable progress towards rehabilitation of their position in Burma No statistics of such Indians can, however, be given at this stage

STRIKES IN COAL FIELDS.

66. *Babu Ram Narayan Singh: Will the Honourable the Labour Member be pleased to state the number of strikes in coal fields in the year 1946, the reasons for those strikes, and the steps taken by Government to put an end to them?

The Honourable Shri Jagjivan Ram: About 100 strikes were reported to have taken place in coalfields in 1946 A statement showing the number of days and the workers involved is placed on the table The main demands related to recognition of unions, increase in wages and allowances, liberalisation of schemes for provident fund and bonus, grant of weekly rest and holidays, security of service and complaints regarding supply of grains, cloth, etc The officers of the Central Industrial Relations Machinery have been taking all possible steps to mediate between the employers and the workmen The Central Government recently appointed a Wage Enquiry Committee to enquire into the question of wages in the coal industry. As the Honourable Member is aware, the Industrial Employment (Standing Orders) Act has recently come into force and is expected to have the effect of stabilising conditions of employment in the industry

Further, direct measures taken by Government for improving the conditions of colliery workers, *e g* housing, medical services, etc will also improve matters considerably.

Statement showing the number of strikes, their duration and the number of men involved—1946-47 (January).

	One day or less	2 days	3 days	4—7 days	For 2 weeks	For a month	For 2 months
Number of strikes	41	8	14	26	3	4	
Number of men involved	53,476	3,300	4,700	23,580	12,900	5,102	
January, 1946		–					
February, 1946							
March, 1946							
April, 1946							
May, 1946							
June, 1946							
July, 1946	3						
August, 1946	7						
September, 1946	46						
October, 1946	24						
November, 1946	15						
December, 1946	2						
January, 1947							
Total	97						

Seth Govind Das: Have the Government received any reports from the Parasia area of Chindwara district in the Central Provinces about certain strikes which have recently taken place there?

The Honourable Shri Jagjivan Ram: I want notice of this question.

SYMPATHY BY INDIANS FOR THE VIET-NAMESE PEOPLE.

66-A. *Prof. N. G. Ranga: Will the Honourable Member for External Affairs be pleased to state

(a) whether Government are aware of the feelings of sympathy felt by all sections of our people for the Viet Namese people in their fight for freedom;

(b) whether Government have made the French Government aware of the Indian trends of public opinion against the French offensive against the Viet Nam and

(c) whether Government have suggested to the French Government the advisibility of coming to an early amicable settlement with the Viet Nam?

The Honourable Pandit Jawaharlal Nehru: (a), (b) and (c) Government are fully alive to the feelings of sympathy for the Viet Namese among all sections of Indian public opinion, and themselves share those feelings There is no doubt that the French Government are aware both of these sentiments, which have frequently been expressed by members of the Government in public utterances, and otherwise, and of the universal desire in India that the fighting in Indo-China should be ended at the earliest possible moment

UNSTARRED QUESTIONS AND ANSWERS

REGISTERED TRADE UNIONS IN INDIA

13. Seth Govind Das: Will the Honourable the Labour Member be pleased to state

(a) the number of registered Trade Unions in India;

(b) how many of these are recognised by the Central Government

(c) how many are recognised by the various Provincial Governments, and private employers,

(d) whether Government are aware of any cases where the recognitions are being cancelled, and

(e) if so, what is their number giving reasons in each case?

The Honourable Shri Jagjivan Ram: (a) There were 1,267 registered trade unions in British India on the 31st March 1946

(b) 44

(c) Government have no information except for major ports 12 unions have been recognised by the statutory major port trusts at Bombay, Calcutta, Karachi, Madras and Chittagong.

(d) Not in the case of any Union recognised by the Central Government.

(e) Does not arise.

POSITION *re* UNEMPLOYMENT INSURANCE

14. Seth Govind Das: Will the Honourable the Labour Member be pleased to lay on the table of the House a statement showing the position with regard to unemployment Insurance in this country?

The Honourable Shri Jagjivan Ram: There is so far no scheme of unemployment insurance in India The possibility of evolving a scheme which could be applied to selected industrial areas or to specific industries is being examined by my Department

APPOINTMENT OF INDIAN AND EUROPEAN I.C.S. AS JUNIOR OFFICERS IN THE EXTERNAL AFFAIRS DEPARTMENT

15. Prof. N. G. Ranga: Will the Honourable Member for External Affairs be pleased to state:

(a) whether it is proposed to appoint a number of European and Indian I C S. Junior officers to the External Affairs Department in preference to superintendents and others in the Department, and

(b) whether Government propose to promote to higher posts those who are already in the Department?

The Honourable Pandit Jawaharlal Nehru: (a) No, Sir The posts to which I. C S and Indian Political Service officers are appointed belong to a different category from those to which Superintendents can normally be promoted

(b) Promotions in the Ministerial Establishment are recommended by a committee of departmental officers presided over by a Joint Secretary, and great care is taken in selection, the fullest weight being given to the claims of those who are already serving in the Department A number of promotions have been made recently from among officials serving in the Department

CONSTRUCTION OF PEONS' AND DAFTRIES' QUARTERS

16. Pandit Sri Krishna Dutt Paliwal: (a) With reference to the reply to clause (iii) of part (b) of Starred Question No 48, asked by Mr C P Lawson on the 29th October, 1946, will the Secretary of the Works, Mines and Power Department be pleased to state the location where the 250 Peon and Duftry quarters are proposed to be constructed by Government?

(b) Has the construction been taken in hand? If not, why not?

(c) If the work has been taken up when do Government expect these quarters to be ready?

(d) What is the design and shape of these quarters?

(e) Will arrangements of water, electricity, lavatory and bathroom be made in them? If not, why not?

Mr. B. K. Gokhale: (a) The quarters are proposed to be located at Timarpur in Old Delhi

(b) No The work has not yet been sanctioned.

(c) Does not arise.

(d) and (e) The design of these quarters and the other conveniences to be provided in them are now under the active consideration of Government.

MOTION FOR ADJOURNMENT.

IMPOSITION OF PUNITIVE FINE AND TAKING OF HOSTAGES FROM NANDIHAR TRIBES.

Mr. President: With reference to the adjournment motion of the Honourable Member, Mr Siddiq Ali Khan, I have received an intimation that His Excellency the Governor-General has been pleased to grant his consent to the moving of the motion.

The motion as I stated day before yesterday, is to discuss "an urgent matter of public importance, namely the punitive fine and the barbarious and medieval practice of taking hostages imposed on Nandihar tribes in January 1947."

Will the Honourable Member please state as to how the matter is urgent now?

Mr. Siddiq Ali Khan (Central Provinces and Berar: Muhammadan): The matter is urgent because the occurrence took place when the Assembly was not sitting and the adjournment motion was tabled on the very first day. The

[Mr Siddiq Ali Khan.]

importance and the urgency of the matter lies in the fact that I respectfully differ from my Honourable friend the Member in charge of the External Affairs Department when he said that it was every day occurrence in the North-West Frontier Province. For his information and for the information of the Honourable Members in this House, I beg to state that this is the first time that pumitive fine was imposed in Hazara District.

Khwaja Nazimuddin (Burdwan and Presidency Divisions. Muhammadan Rural) This matter is urgent because hostages are still being detained by the Government of India, and unless the policy is revised and action is taken they cannot be released So the matter is very urgent

The Honourable Pandit Jawaharlal Nehru (Member for External Affairs and Commonwealth Relations). I fail to see the urgency of this matter or the appropriateness of raising it here But in view, if I may say so, of the insinuation made in this motion which might mislead this House and the public, I shall welcome a discussion on this motion

Mr. President: If the House wants a discussion I should certainly allow the motion, and we will take it up at Four of the Clock today.

NOMINATION OF THE PANEL OF CHAIRMEN.

Mr. President: I have to inform the House that under sub-rule (1) of rule 8 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Mr. P. J. Griffiths, Sardar Mangal Singh and Shrimati Ammu Swaminadhan on the Panel of Chairmen

COMMITTEE ON PETITIONS.

Mr. President: I have to announce that under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions:

(1) Syed Ghulam Bhik Nairang.

(2) Shri Sri Prakasa.

(3) Mr C P. Lawson.

(4) Sardar Mangal Singh

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee

PRESS (SPECIAL POWERS) BILL

The Honourable Sardar Vallabhbhai Patel (Member for Home and Information and Broadcasting): Sir, I beg for leave to introduce a Bill to continue certain special powers conferred on the administration in the Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter.

12 NOON

Mr. President: The question is:

"That leave be granted to introduce a Bill to continue certain special powers conferred on the administration in the Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter"

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

Mr. President: The House will now take up further consideration of the motion moved by the Honourable Sri C. Rajagopalachari on the 3rd February of a Bill to make provision for assistance to the rubber plantation industry by regulating export from and import into British India of rubber and the sale of rubber therein and by other means.

Mr. Leslie Gwilt (Bombay: European): Sir, when the House rose on Monday I was speaking on the European Group's motion for the reference of this Bill to a Select Committee, and I said that we in this Group felt that the first step that Government should take to prevent the rubber industry from becoming a fundamentally uneconomic one should be to establish forthwith a research station comparable in efficiency and of the scientific level of those farther East I also drew attention to the fact that Malaya, with the largest output of rubber in the world, produced some 90 per cent of her manufacture in standard sheet and at a price some 15 to 20 per cent below India's Also, Sir, I drew attention to the fact that there is a general belief that India's rubber is never likely, to be in a position to compete against the price of rubber in the world's markets, for not only her climate but also her soil is unsuitable for the quality rubber from the Dutch East Indies and Malaya I also asked whether it is entirely the factors of soil and climate that have restricted the output of rubber in this country, or wheher it was not due to the absence of the high degree of scientific research that is to be found in Malaya and in the Dutch East Indies and for that reason I made the proposal that they did. I made mention of the fact that rubber should and can be a very important source of foreign exchange I believe for instance that today India produces the highest quality tyres in the world That possibly is largely fortuitous for she is producing tyres if not wholly, largely manufactured from natural rubber But there is no question but that she is doing so from a raw product substantially higher in cost than that prevailing in the world's markets, and if this state of affairs continues, she will not be able to compete—I mean of course in export markets It seems to us in this Group that if the rubber industry is to prove the asset that it should be to India, there will need to be the greatest measure of co-operation by everyone concerned not only between the reasearch institute we have recommended but also between the planters and manufacturers

Now, Sir, to turn to the details of the main provisions of the Bill The preamble explains that the Bill is designed to make provision for the assistance to the rubber plantation industry The Members of the Board which the Bill seeks to establish should therefore obviously be predominantly representative of the planting industry, but I shall deal with that question further later Out of a total of 22 individuals that it envisages to be Members of the Board, nine are representatives of the Planters' Association and but two representatives of so important users as the manufacturers And here, Sir, I would like to enquire why unlike members of the Planting Associations, who can nominate their representatives, the members of the Rubber Manufacturers are to be nominated by the Central Government Surely, the manufacturers are as much entitled to nominate those that are going to represent them on the Board? I take it for granted that the Government are satisfied that the Governments of the States of Travancore and Cochin are receptive of the provisions of the Bill and are going to assist in its smooth working Otherwise, the scheme envisaged by the enactment is in our opinion doomed to failure at its inception for not only is 80 per cent of the rubber produced in India, grown in Travancore, but in a Board of 22 Members 14 are directly or indirectly representatives of the States

Clauses 8, and particularly 8 (b) (1) and 17 provide the Board and the Provincial Government with very far-reaching powers in regard to permits and

[Mr. Leslie Gwilt]

approval, and as the Bill provides no principle by which these rules shall be administered, every planter, dealer and manufacturer will be at the mercy of the Board or of a Provincial Government and my Group must take the strongest possible exception to this lacuna I hope, Sir, that Government will be prepared to accept amendments in Select Committee I hope too they will enunciate certain principles by which the Board and the Provincial Governments will do justice to all concerned

In clause 15 *the Central Government, after consultation with the Board may, by notification in the official gazette,* fix the price at which rubber may be sold, this Group doubts the wisdom of price fixation being imported in this manner and that such powers should be given to the Board as at present constituted We emphasize that either price fixation should be outside the scope of this Bill or A separate machinery be set up for this purpose In any event, Sir, in view of the possible trent of the price of rubber and its effect upon the export trade of manufactured goods, it is surely only fair to the manufacturer that the price at which they purchase rubber produced internally shall bear a close relation to that prevailing in the world's markets, and I understand, Sir, that the manufacturers would be prepared to accept a formula whereby they would purchase rubber at world prices whatever be the relation between the internal cost of production and those prices But this of course would mean that if the internal prices rose above world prices, there would need to be a subsidy to bridge the gap

Clause 12 provides for the imposition of a rubber cess but as my honourable friend, the mover of the Bill will appreciate, this will merely tend to increase the price of rubber internally At the moment, Sir, I believe there is a shortfall of virtually some 3,000 to 4,000 tons of standard sheet rubber between that produced in the country and required by tyre manufacturers, and it is not I am sure the intention of Government that the motor car and transport industries—and I am glad to see that the Transport Member is in his seat—both of which are very heavily taxed, should be the more greatly taxed by enforcement upon tyre manufacturers, the production of a standard of tyre that will not stand up to average mileage

If a tyre is made of inferior rubber it must last for an appreciably shorter mileage than one made of standard sheet rubber Until such time, therefore, that India is in a position to produce the present short fall of standard sheet—and we hope that the time will prove a short one—Government should import or permit the manufacturers to import by a system of licensing the amount of the short fall

Before I close I would again emphasise the urgency of the problem of a scientific research station comparable with those in the Far East to assist the industry and more particularly the smaller growers who are in a majority and also to assist in conditions which are at present recognised as handicapping the Indian planter in the production of not only the yields, but also a quality, comparable with rubber produced in Malaya and the Dutch East Indies Unless this is done and unless all concerned, and particularly the Indian States, are prepared to cooperate in the achievement of the objects of the Bill, then, Sir, we contend that the House is being asked to pass a fundamentally uneconomic piece of legislation which in the course of years will cost India dearly. Sir, I move.

Mr. President: Amendment moved:

"That the Bill be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, the Honourable Sri C Rajagopalachari, Rao Bahadur N Siva Raj, Sri A K Menon, Shri D P Karmarkar, Sri M K Jinachandran, Haji Abdus Sattar Haji Ishaq Seth, Mr Muhammad Rahmatullah, Mr P J Griffiths and the Mover, with instructions to report by the 1st April, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce) Sir, after the father faint praise given to this Bill by the Honourable Mr Gwilt I would like to take this opportunity of giving the moral justification for this Bill which, unfortunately, does not find a place in the official statement of Objects and Reasons.

The House may remember that Indian rubber was produced for a long time as a raw material and exported It went from India to the Mincing Lane in London, where it was auctioned and the price which was thus realised was given to the producers in this country minus such advances as they had received from the managing agents, mostly British firms and generally the position of India in regard to rubber was that she was a producer of the raw material Since those days manufacturing activity on a large scale has started here and the two most important firms manufacturing are the Dunlop Rubber Co (a British concern) and the Firestone Rubber Co (an American concern) As Mr Gwilt has rightly said there is a short fall, that is India does not produce in certan qualities, at all events, all that India requires

I want to draw the attention of the House to the plight of these poor rubber growers during the war period It was an exclusive monopoly purchase by Government for Government and war purposes and the price given to these people was in the neighbourhood of eight to fourteen annas, when the world price would easily be Rs 5 to Rs 7 or even Rs 10 per pound In other words, these unfortunate plantationwallahs and the growers of rubber were prevented by Government intervention from realising the full world value of their output I do not wish to refer to what would have happened had they been permitted to receive a full and free price One of the consequences would have been that the sterling balances would have increased so much and those who are now arguing in other directions ought to remember that amongst the unfortunate producers in this country who were penalised or compelled arbitrarily to accept lower prices were the rubber growers of this country These unfortunates who were prevented from collecting a reserve of any kind during the war period are now faced with a crisis in that trade, because foreign Governments no longer apprehending any immediate war are not collecting large reserves and large accumulations have remained in the Far East and tapping is going on very heavily Everybody wants exchange or something to give for which he can get something and prices in the world have fallen One of the factors which the Honourable the Minister for Industries and Supplies mentioned in the Statement of Objects and Reasons is undoubtedly the production of synthetic rubber which, as I understand, the U S A is not willing to give up, because it is a reserve on which they can fall back in the event of hostilities

Now, Sir, looking at the Bill this question to my mind raises a good many important and far-reaching issues, some of which it is my intention to draw the attention of the House to I would look at this matter in the light that Indian rubber production gets freed from London by this Bill and the final link is broken We shall fix our own prices, our own conditions and we shall determine how much we want from outside and on what terms Lest the British interests should be apprehensive as to what will happen to their manufacture I may assure them that manufacturing activities in India would be as much the care and concern of this Government as the interests of the producers of the raw materials, and doubtless some kind of equitable balance would be drawn between the requirement of the producers and the requirements of the manufacturers. But, Sir, the point which I wish to bring out is that it is nothing unusual for India to have to give protection to its agricultural commodities We have the standard case of the wheat duties which are still, I believe, on the Statute Book and the House may remember that we had to pass a Protective Duties Bill against the entry of broken rice

[Mr. Manu Subedar]

from Malaya into Madras in order to protect the rice producers We have a heavy cotton import duty to protect the cotton producer of this country We have duties for the protection of steel, cloth, cement, sugar and various other things which we produce This is an extraordinary phenomenon which is something that ought to make any Government sit up and take notice, if they were not working in the kind of departmental system in which I find unfortunately they are working Each person on the Treasury Bench, I am sorry to say, is thinking only in terms Does it concern my department? If it does not concern his department then he is not concerned with it But we as taxpayers and as consumers of goods are concerned and I do draw the most pointed attention to this phenomenon in which almost every kind of commodity has got to be protected The Indian textile industry could not have survived in this country had it not been protected to the extent of 75 per cent by a duty against Japanese imports I am mentioning these phenomena because most of them are again on the tapis The Tariff Board is conducting a kind of enquiry What kind of enquiry can take place in the course of a week or two I do not know These are very large questions But we are told that the Tariff Board is examining these questions Which set of men could examine these questions with that fullness and attention to all its aspects which is required in the course of a week or two It is not a phenomenon which covers only one industry We in this country are in a state of very high inflation with the result that the price of almost everything that we want is higher in this country than in outside countries Almost any outsider could undersell us In the case of rubber it was mentioned that India could be undersold to the extent of 10 to 20 cents I do not know This is a phenomenon which needs very careful investigation as to whether our whole basis of valuation in this country for most articles is not wrong, whether we are not exposing ourselves to aggressive attacks from outside, not only in the field of manufacture but also in the field of raw materials and whether a lopsided economy of this kind can survive for a very long time

Now, Sir, I am not worried about soil or climate or any other reasons which raise the cost of production in this country This is our soil and our climate We shall produce what we can and consume what we can We are not going, merely on the plea of cheapness, to permit an established industry or established activities to be brought down In this connection I would like to mention that there is a rather heavy bias in this House as well as outside in favour of organised labour and of the factory type of industry But if all the plans which have been made were carried out, the factory type is not likely to absorb a million or two million persons additional to what they are today What happened to about 98 million other age group men capable of doing work? I assume that about 40 to 50 million out of them are fully and properly engaged, but in my opinion there is a margin of about 40 million persons—males—capable of working who are on the margin, who are constantly in anxiety, who can be displaced into unemployment or into penury and death by every turn and twist of prices throughout the world and more particularly the price levels in this country It is this large section who, in my opinion, are covered to some extent by the operation of the Bill which the Honourable Member for Industries and Supplies has brought It is in support of this class who are deriving their livelihood from this that this Bill has been brought and that this Bill will be administered This section of rubber producers who were deprived of their just dues during the war, who were not permitted to earn a fair price but subjected to an arbitrary low control price, and that not in the interests of India, this section which deserves our moral help is going to receive help from this measure

Now, Sir, with regard to this world price I ought to say something If other countries in the world pay their men less, or if in Java and elsewhere they get

labour conditions which we would regard as semi-slavery, in other countries have got surpluses and are anxiously wanting rupees and are therefore trying to sell something to us at phenomenally cheap prices, if other countries intend to dump goods into our country for some economic or other purposes, are we going to be guided by this fiction, are we going to be racketed into unwise actions by merely the fiction that the world price of a particular article is lower than the price which can be established under Indian conditions? That is the question, Sir, which I ask and I say that sometimes the world price compels us to bring our price down at least in those markets where we have a common range, competition and contact and sometimes India compels the world to raise its price The last one is the case with gold and silver We are sick of hearing for the last twelve months that Indian gold and silver prices are out of all parity with world prices, that they will tumble down, that this, that and so many other things will happen. The world price has had to be raised in order to meet the situation in India as at least in this particular direction India has shown greater foresight and greater appreciation of world factors I was saying that except to suit our economy and our purpose we ought not to be deterred by the bogey of world prices in any particular article In India in particular, as I have said, the large series of productions, both agricultural and manufacturing operations are all protected But this is a very unhealthy state of affairs and is something which wants very close looking into

With regard to clause 15 in which power is being taken to fix prices I would say that when the prices were to be fixed at a lower figure for control purposes for the so-called "war objects" nobody from any quarter raised any voice, and now when prices are to be fixed in order that these producers may get a reasonable livelihood and may not be thrown out of their legitimate and proper activity I think it is very disappointing that any quarter should raise the question as to whether full powers should not be taken to fix prices as provided in clause 15. I trust that neither clause 36 nor clause 15 of this Bill will be modified, in the Select Committee discussions Clause 36 gives power to the Central Government to make rules on provisions hereunder and on such other matters as the Central Government may deem fit and proper I think these powers may be necessary They will be inevitably necessary if and when major changes occur in the world Sir, there are people in the United States who are anticipating a major economic downward tendency in 1947 There are others who put it at next year But should any such thing occur, certainly I want the Government of the country to be free overnight to say what it considers proper in the interests of the parties concerned in these measures

With regard to Indian States I do not know—and I hope the Honourable Minister for Industries and Supplies will make it clear in his closing remarks—to what extent co-operation has been definitely asked for and to what extent undertaking has been given by the two major States concerned with rubber production I entirely agree that if there is not the fullest co-operation an all-India control of rubber would not only miscarry but would probably have many mischievous and unforeseen consequences

The manufacturing interests in rubber which have grown up are welcome in this country because we would much prefer to export finished articles rather than the raw material. If we have a surplus I would much rather that India sent out cotton cloth than cotton at all times, I would much rather see this done in other fields also So in this field I feel that the manufacturing interests are welcome, but they must not expect any pampering at the expense of the very much larger number of persons concerned in the growing of rubber The improvement in quality, in tapping methods and in the selection of new seeds and so on, which are indicated and for which I believe this country has made substantial contributions to the United Kingdom for many years—to the rubber

[Mr Manu Subedar]

research which has been carried on in the United Kingdom—I do not know why those results for which we have already paid heavily have not been adopted They have not been made available They have not been enforced or subsidised and assisted in this country There was mention of new research in the field of rubber While the world is going on with new inventions of all types, new plastics and new substitutes for rubber, we have not yet made any serious advance in rubber technology I hope that the cess will not be nominal but that it will be substantial and that we shall make good the lost opportunities in the matter of rubber technology It has been now proved that rubber is one of the strategic requirements of the world and it is only just and fair that our Government should take care that rubber production is not only not discouraged but that it expands If a slight extra price gives a filip to the extension of rubber production it would be all to the good and for the purpose of rubber manufactures, may I say that both Ceylon and Burma are constitutionally different countries but they are within the economic ken of India and I trust that our Government will be in a position to have arrangements with those countries, tripartite arrangements, to share in the research and in the results of technological findings and also some kind of price relationship and pool Sir, I support this measure

Dr. Zia Uddin Ahmad (United Provinces, Southern Divisions, Muhammadan Rural) The issue before the House, from this side, is not whether rubber should or should not be protected Even the Fiscal Commission on page 60 of its report included the rubber industry explicitly as one of the objects to be studied by the Tariff Board I share the views expressed by Mr Manu Subedar that India has been very badly treated during war time The prices were fixed not by the producer but by the purchaser, not only in cases of rubber but also in tea, hides and skins, and a variety of other things I said repeatedly during war time there were two prices, one internal and the other external The former was fixed by the black-market and the latter by the Supply Department and difference between the two was enormous I agree with Mr Manu Subedar that this kind of thing which we had to face in war time must now disappear and every producer must have a fair value for the articles he sells

When we pass legislation in this House, whether silently or by the counting of votes, we also share the responsibility for those measures and therefore we have the full right to express our opinions and make suggestions to the Government members and if our suggestions are reasonable and good, they should have no hesitation in adopting them This legislature is still governed by the 1920 Act and during all these years we have evolved a code of procedure which it is desirable that the members of the Interim Government should follow Whatever the future may be, so far as the present Interim Government is concerned, they should honour the traditions that have been built up during the last 27 years (*An Honourable Member* What are they?) Study the literature and you will find them I have got very high respect for my distinguished friend the Honourable Mr Rajagopalachari I came into contact with him in that famous Unitary Conference in 1931 when he tried with some success to reconcile the irreconcilable opinions He has always been using his influence to achieve the objects he had in view but when we express our differences, it is not in his personal capacity but in the capacity of the representative of the Government We have criticised Government in the past and we will do so in the future, not with the object of cursing them but pointing out our own viewpoints and pressing upon them that they should not make up their mind beforehand by private discussions in their own party meetings of the measures coming up and making us only talk as school boys in a debating society I think we should all have equal privileges to offer our suggestions and they should be given due weight if they are good I always speak with diffidence but I say that our

suggestions should receive the careful consideration of members if they are reasonable

As regards protection, ever since the publication of the Fiscal Commission's report, the Assembly accepted the policy of protection and this legislature repeatedly endorsed the policy of protection This view was expressed in very forcible words by the Fiscal Commission itself They said Our conclusions **therefore are that in the interests of commerce generally and particularly of the** masses of the people, in the interests of agriculture and the necessity for steady industrial progress and for the maintenance of a favourable balance of trade, **the policy of protection should be recommended and should be applied with** discrimination and then in the next chapter they say that they expect as a postulate the existence of a thoroughly competent and impartial organisation **in the shape of a Tariff Board, which shall inquire into the condition of industries and recommend whether protection should or should not be extended to any** particular industry They recommended that protection ought to be accepted as policy of this legislature and we did accept it We have already given **protection to 12 major industries and a large number of minor industries in the famous Bill of Sir Joseph Bhore in 1932 As a condition precedent to the granting of protection, the Tariff Board mentioned certain points which ought** to be inquired into They say that the industry must be one possessing natural advantages such as an abundant supply of raw material The second thing **is that the industry must be one which will eventually be able to face world** competition without protection I think it is desirable that these things should be inquired into I wanted a report from my friends showing the method of **the protection of the rubber industry and its present condition I got no report** of any kind and the only information that I got was that some producers came **to the Honourable Member in charge of Industries and they pleaded their case.** The Honourable Member was satisfied that the case was just and right and **he accepted their demand, hence this Bill followed This kind of argument is of the same type as the one which Mr Balfour adopted at the time of making** his famous Declaration on Palestine I was told by the late Lord Lothian when he came to deliver the convocation address at Aligarh, that a deputation of the Jews came to Mr Balfour and pleaded for the award of a home where they may settle and govern themselves Mr Balfour was satisfied, and he issued his famous Declaration about the future Government of Palestine No inquiry **was made by any party in the United Kingdom. What the result was, we have** all seen I said to Late Lord Lothian that the British Government is not more powerful than God He looked hard at me I said, "God has said in the New Testament that the Jews will never have a government of their own'. When God has denied them government, how can the British Government give them a government in Palestine? The later history has shown that the step taken by Mr Balfour without considering all the facts were wrong. Therefore, it may be that a certain deputation come to the Honourable Member and he formed his judgment without recourse to the inquiry which has already been described in detail by the Fiscal Commission It may lead to the same type of conclusion as was adopted by Mr Balfour, who was misled by a deputation **of the Jews so far as the administration of Palestine is concerned I have** already said that I am not opposed to the protection of rubber In fact, it has already been recommended by the Fiscal Commission and this step ought to have been much earlier This matter ought to have been referred to the Tariff Board about 15 years ago and not allowed to wait for such a long time Still, it does require some kind of consideration

In the first place, I have got no knowledge and the Honourable the Mover of the Bill did not give any information as to what was the argument behind it My information is that there is a very narrow band of latitudes where rubber

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can grow It cannot grow on either lower or higher latitude outside the band So, there is a very small portion of land where rubber can grow.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): But the rubber can be expanded.

Dr. Zia Uddin Ahmad: Rubber can be expanded but the earth cannot be expanded That is the difficulty Somebody ought to have explained to us the whole thing so that we could vote with conscience

Shri Sri Prakasa: Who votes with a conscience!

Dr. Zia Uddin Ahmad: I am also told that the production of India is one-seventyfifth of the total production of the world No Tariff Board has given these figures and I want an authoritative statement on this particular point If the production is so small, then the Honourable Member ought to have mentioned this fact, so that we could make a definite suggestion about it

As regards rubber plantation, it ought to have been taken up much earlier by the Agriculture Department, without any Bill or the Committee of the kind he has mentioned We have got a Council of Agricultural Research They take interest in cotton and all kinds of other things and they could have also taken interest in the better protection of rubber This they could have done much earlier without any suggestion or legislation on our part

Then, Sir, there are one or two fundamental objections which I have to this particular Bill In the first place, I very strongly object to monopoly When you have a control on the sale of the articles, even their possession is a punishable offence That being the case, this measure will not be very pleasant and will not be attractive This idea has been taken practically from the opium industry But in the case of opium the Government has the monopoly of sale and they can restrict its sale. In the case of rubber, Government has not got the monopoly Therefore, I do not see any reason why the possession of rubber should be made a penal offence After all, you cannot have in this country a price for rubber which is higher than the world price It must be at the same level If our manufacturers of rubber will get the raw material at a price higher than that paid by the manufacturers in other countries, then they will be very much handicapped in the world market Therefore, it is desirable that the manufacturers of the rubber goods should get their raw material at the same price as the manufacturers get in other countries In other words, the value of the raw material or rubber should approximately be the same as the value in the world This is a point which ought to be considered If it is overlooked then it may affect our manufacturers adversely

Then, Sir, I do not see any reason for the enormous control which is envisaged in this Bill. There is at present all round control; control from A to Z A. control of this kind is not desirable in the case of any industry or trade In the first place, it raises the price-level, which is not very desirable Secondly, it really eliminates competition. Even capitalists like Dalmia, Birla and Tata welcomed the other day in the Air Conference that they must have competition, but it should be of a healthy type But in the present Bill competition has been eliminated altogether You have really licensed persons who will purchase and then you will probably have a permit for purchasing these things If this Bill becomes the law with all these controls at every stage, then it will be a very bad precedent and I must protest against it My protest is of the same type as that of a man who was crying and weeping that his fowl had died People asked him why he was weeping so profusely and they offered him several fowls so that he might not be very unhappy He replied that it was not because of the death of the fowl that he was weeping but because Angel Israil had seen the house Today he has killed my fowl, tomorrow it may be my wife and the

day after I myself So, it is not control on this particular commodity that I am afraid of, but the fact that the Honourable Member has now shown the way to his colleague My Honourable friend has directed Angel Israil to come to this country and he will influence every other Honourable Member If the control of the type that is envisaged in this Bill is adhered to, then this mal enthusiasm will spread to other articles also and then we will be living in a country of controls Everything will be controlled Tomorrow not only commodities will be controlled but also birth control will be introduced Life will become a complicated problem I warn the Honourable Member to take note that with every additional measure introducing controls, he is adding one more edifice for the swift onrush of communism in this country. What will be the result of over control over such things The natural consequence will be that there will be a demand from the communists that everything should be nationalised Why should anybody monopolise possession of any thing in the world. Let everything be state owned and state controlled *(An Honourable Member—what about self-control?)* May I just remind my Honourable friend who interrupts me of a story A man appointed a driver After some time, he said, 'I want a screw-driver' He said he could not appoint two drivers Then the driver was told to go away The self-control demanded by my friend is like the demands of screw-driver If you introduce controls, then they will naturally be for the advantage of the communists It is certainly not for the benefit of the consumers, not for the benefit of the common people The natural conclusion will be that if these controls are intended to benefit a few capitalists, then the communists will ask why not bring everything under state control so that the benefit may go to all the people This method of excessive control envisaged in the Bill is really laying out as it were cement road for the communists to come along and drive a coach and four That is the real danger of bringing Bills of this kind As far as the minorities are concerned, they stand to suffer the most I myself experienced great difficulty in the matter of purchase of iron and steel from the people who are licenced dealers These licensed dealers would always refuse to sell things to me even though they had stock In one case I had to approach Mr Waugh who was then Supply Member and pointed out to him that the merchants had stock with them but they would not sell it to me Compulsion of sale to everybody irrespective of his religion or political pursuation is not provided in the Bill. I am afraid this system of licensing has increased the difficulties of people who are not among the favoured class On this ground also this system of control envisaged in the Bill ought to be scrapped and it is not desirable to introduce it

Another point which I wish to bring to the notice of the House is this that this Bill should remain on the statute book only for a certain number of years I suggest ten years You must see how the Bill works in actual practice for a certain number of years and then you may extend it or modify it if necessity arises Do not have a permanent measure on the statue book If no time limit is placed for this measure, then the attention of the future Government may not be directed on the hardships caused by the measure and the future Government would not take any steps to remedy the defects There will be an opportunity for the future Government to review this measure, if a time limit is not fixed My reason for fixing this ten year limit is this I am told—I do not know how far it is correct—that if a rubber plant is planted, it takes seven to ten years to derive benefits therefrom You can actually get flowers from the rubber plants only after seven or eight years I think ten years would be a reasonable time to see the working of this Act

The next point which I wish to stress upon is this, that you must have an official Chairman for this body I do not like to have an elected Chairman to carry on this important executive work If the chairman is appointed by Government, he will be responsible to Government If he is elected by the

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committee, he will be responsible to the members of the committee. The members of the committee are drawn mostly from the class who would be benefitted by rubber control

Then as regards the rule making power of the Central Government mentioned in clause 36, I have got a very great apprehension I have sad experience about the rule making power embodied in the Defence of India Act The Defence of India Act was a two clause measure I myself was a party in enacting that measure into law It was a harmless Bill containing only two clauses But it contained a provision similar to the one continued in clause 36 of the present Rubber control Bill The rule making power vested in the Central Government under the Defence of India Act gave rise to a big volume, in fact the rules framed thereunder became more voluminous than the Indian Penal Code itself That is the danger against which I want to guard this House In my amendment, I have suggested that the rules framed under this clause 36 should be laid before the House, and the Members of the Legislature ought to have an opportunity of criticising the rules and suggesting amendments or alterations or modifications In other Bills where the Central Government had fortified themselves with such rule making powers, attention has been repeatedly drawn to the danger lurking therein and efforts were made to bring the rules within the powers of discussion in this House I agree with my Honourable friend Mr Manu Subedar that the rule making power should be there But a proviso should be put in on the same analogy that we had in the case of similar Bills where similar rule making powers were given to the Central Government My Honourable friends over there have got very unpleasant experience of the working of the Defence of India Act and the rules framed thereunder These rules were administered by the Government of the day in a manner which was not very pleasant to the people Whatever may be the form of Government of the future, I do not want that that Government should use their powers in a similar way The legislature ought to be given power to criticise the rules and modify them if they are not in the best interests of the people, because after all it is only the elected members of the legislature who are the legitimate guardians of the interest of the people of the country

Another point to which I should like to draw the attention of the House is this In matters of this kind we always have over representation of the interest of the industry and the poor consumers' interest always go by the board In this case we must take into consideration the interest of two classes of people, firstly consumers and secondly, those industrialists who will use this particular article as raw material These are the two most important factors which ought to be included and they should be fully represented Once when Sir Joseph Bhore was piloting a measure, I pointed out to him the absence of provision for representing consumers' interests when he turned back and said that he himself was representing consumers' interests Then I retorted him by saying that if so, then he was a bad specimen of consumers I pity the consumers whose interests are safeguarded by him The consumers will never be safeguarded by men of his class I do urge that this question of over protection and control at every stage should be minimised There should be some kind of freedom of trade The greatest enemy of trade is monopoly, here you have created a virtual monopoly for a particular class of people We are appointing commodity corporation recommended by Krishnamacharya Committee, why another corporation. It is impossible under these circumstances for honest trade to flourish and progress and it is impossible to safeguard the interest of common people These are the points which I should like the Select Committee to keep in mind when considering the Bill

Mr. N. M. Joshi (Nominated Non-Official) Sir, I shall occupy the attention of the House only for a couple of minutes My object in rising is to draw the

attention of the Government of India and of the Assembly to a defect in this measure which is of some importance This measure is likely to affect the interests of those people who are engaged in the production of rubber and also in the distribution of rubber and the articles made of rubber I therefore feel that in constituting the Board of Control, in the proposals made in this Bill, there should be adequate representation of those people who are working in this industry as workers I request the Government of India and also this legislature to provide sufficient representation for the working classes who are engaged in this industry in the constitution of the Board The Board as proposed by the Government of India consists of 20 Members I would like the Government of India to provide adequate representation to workers in this industry I had given notice of amendment proposing that the workers who are engaged in this industry should be given representation of three in a Board of 20 I am quite sure that the Government of India will consider this proposal made by me as very modest And I hope they will accept it If the Bill is considered in the course of the day I shall move my amendment, but if it is sent to the Select Committee I would ask the Government of India to propose an amendment providing for adequate representation of workers engaged in this industry and in this trade I hope the Honourable Member in charge will comply with my request

1 P. M.

Shri D. P. Karmarkar (Bombay Southern Division: Non-Muhammadan Rural) Sir, I rise to add an observation or two to what has fallen from previous speakers It is obvious that the measure before the House is of a rather unusual type What we are trying to do by this legislation is not to give protection to a manufacturer as is usually done That is justified on many grounds, one of them being that as protection is given to a particular industry it is likely to justify that protection by standing competition with outside manufacturers within a reasonable period of time Another element that is considered is that that particular industry has abundant raw material As it happens, through this legislation we are seeking to protect the production of the raw material itself, thus involving as a consequence necessary protection to the manufacturer, arising out of the raw material In the past, protection was given to the cotton textile industry and the iron and steel industry and other industries and the protection has been found to be proper and deserving In this matter I share the apprehension of some of my Honourable friends here as to the period of time in which fulfilment of the idea would come Our present production, I am told, is about 16,000 tons or thereabouts as against about 5,000 or 6,000 tons near about Malaya. We are going to give protection by about 20 p c. The world price is about Rs 60 to 65 per cwt and the protected price will be about Rs 75 per cwt To justify this 20 p c. protection given to the rubber producing industry the Honourable Member should in fairness to this House give us an exact idea as to the period of time in which he hopes this industry to be a self-sufficient industry in the sense that it will stand fair competition in the open market

Secondly, consequent upon this measure I am afraid rubber manufacture itself—not the raw material but the finished product—will have to be given equal protection as against finished things that may be imported from abroad That of course will be a separate subject by itself But in these days one of the principal evils is the rising spiral of prices, and experience shows that a rise in the price-level of one commodity affects the price-levels of other commodities In such times I think it behoves us to consider how far the passing of such a legislation would be fair to the present economic conditions of the country. Secondly, it has often been seen that whenever we think of such problems there is one party affected by the economic rise that is often forgotten We remember the rubber grower, we remember the manufacturer, but we do not seem to be exactly remembering the consumer In clause 4, for instance, we

[Shri D. P. Karmarkar]

find that out of 22 people in the Board, there will be ten members connected with the rubber growing industry in addition to any people nominated by the provincial Governments It is far more likely than not that this Board will be dominated by those interested in the rubber growers, and they naturally will have more particular care to take about their own interests rather than the interests of other people We had an example in the Cotton Textile Control Board where, as far as I could see, the consumers' interests were the last interests to be looked into Lest such a thing should happen I suggest that consumers' interests should also have adequate representation in the Board itself As to how that can be done I am not on sure ground because at the moment there is no rubber consumers' association I suppose this House is sufficiently interested to represent the consumers' interests also, but I find an anomaly that this House does not find any representation on this Board Of course it gets it through the Government of India, but, to be frank, we are not sure of the present position of the Government of India So I suggest that there should be an element of representation of this House also on the Board,—about two Members,—to represent the consumers' interests

Thirdly, I find that clauses 18 and 20 relating to restriction on possession of rubber and licences for planting and replanting are of a very serious character That observation applies also to clause 29 which deals with prosecutions Strangely enough, the Bill is not content to entrust that power to the Central Government but also gives it to the Board, which in my view is a very dangerous thing We know that the Board is to consist of persons who are directly interested in the rubber industry and it is not unlikely that they may develop a bias Certainly in the matter of prosecutions it is the State which is concerned and the State alone should have discretion in the matter of prosecutions I therefore strongly urge that an amendment should be made in that clause

At this stage, Sir, that is all that I have to say

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies): Sir, I am very grateful to Honourable Members who have contributed a great deal to the work of the Select Committee which I propose to accept in accordance with the motion of the Honourable Member who spoke at great length on the substance of the matter as well as on the need for improving the Bill I shall begin by giving an assurance to the House that this Bill has been taken up after full consultation with the States who are substantial partners in this concern In fact it is fairly well known that a certain State is the major producing concern in India But it is not possible to leave it entirely to the States to deal with the situation because the manufacturing concerns are outside and we are largely interlinked with the world-market with reference to the produce Therefore it is that coordinated legislation is necessary and the Government of India are proceeding on the assumption and on assurances already given that the States will by parallel legislation cooperate thoroughly in the matter of execution of this plan

Then with regard to research I wish to assure again that every effort will be made by the Government of India to help research and the Board is constituted for that purpose in order to initiate research and to look to its being carried out properly And the excise that is also provided for here is mainly intended for that purpose and not for any independent revenue purpose of the Government of India It is intended to improve the production and it is intended to be left entirely at the disposal of the Board which consists of all persons who have interest in the matter

Then there were general observations with regard to protection and many fundamental matters were taken up for discussion. But I would submit to Honourable Members to look at this proposal not as if it were a Defence of India

measure or anything of that nature I would ask rather the Honourable Members to remember that this is eminently a scheme for co-operation and not for any purposes of a totalitarian character, it is for co-operation, and in the particular position in which rubber growing in India is placed in the world it is very necessary

References were made to the interests of consumers Let it be remembered here that the first consumers in this present case are the rubber manufacturers and they can be counted on the fingers of ones hand The secondary consumers who purchase from the rubber manufacturers the goods made out of this raw material are scattered all over the world It should be remembered that it is very easy to control and protect a thing where all processes of distribution are within our own country, but where the produce of this raw material or the manufactured goods have to be exported abroad in large measures and has to face a world market, protection becomes rather a complicated matter I think, therefore, Honourable Members should not look upon this as merely one instance of an easily extendable proposition We had to deal with this matter in a particular way, and that is why we leave the matter in the hands of the Board which is constituted of persons who are in close touch with the matter in hand Here I want again to draw Honourable Members' attention to this that it is essentially a co-operative concern that we are proposing to establish The Board cannot really override the interests of the consumers as was feared by certain Honourable Members they cannot arbitrarily push up prices which cannot work Unless they fix reasonable prices which can be worked in the world market with which it is linked the prices will breakdown, and therefore no fear whatsoever need be entertained that there will be any oppression of the producers in the sense in which Honourable Members use the word 'producers' The main consumers are manufacturers and those manufacturers will look to their own difficulties and I am sure they will give suitable advice to the Board which will be constituted

I am very grateful to the Honourable Member who spoke in support of the Bill—Mr Munu Subedar He has explained what he rightly called the moral background of this proposal, and I endorse almost everything that he said, and I need not take up the time of the House repeating it We cannot undo what has been done in the past If people have made profits they are there, and we cannot exactly take measures to punish them for having made those profits We cannot confiscate those profits But what he has said is true that we should not tolerate any crocodile tears on the part of those who have made heavy profits But there are no such tears shed or attempted to be shed The manufacturers have as a matter of fact behaved very well in the matter of co-operation here I may mention for the information of the Honourable Members that we had a conference and they have agreed even before the passing of this Bill into law to a very reasonable interim arrangement about price It was a very promising event that they agreed in anticipation so fairly in the matter, so that the rubber growers are no longer in any anxiety Therefore, I submit we should work with confidence, and I think there is every ground for working with confidence In this Board that we are going to set up there will be no room for exploitation They will have to work within limits of reasonableness if they want their rules and their decrees to be actually worked out in practice

Mr. President: Is the Honourable Member likely to take some time?

The Honourable Sri C. Rajagopalachari: Just a few minutes

Mr. President: Then we had better adjourn now

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 Mr G V Mavalankar) in the Chair

The Honourable Sri C. Rajagopalachari: I am sorry that Dr. Zia Uddin Ahmad is not present in the House He appears to want it both ways He wants freedom of trade as well as a competitive system He wants protection It is rather difficult to protect the article in question with also freedom of trade which he seems to desire It is necessary, however, to do something and the best that is possible is conceived and put forward in this Bill I repudiate the suggestion that this is an insignificant thing which may be ignored The relative proportion of India's rubber production to world production is not the point. There is intrinsic and absolute importance attaching to the rubber production in any particular country, and it is necessary therefore that we should protect it whatever may be the proportions with reference to world production It is during times of crisis that this will be seen and when there is no crisis we should not ignore this fact Therefore we have to protect the rubber plantation even though it may be a difficult proposition The Board, I am confident, as now constituted, and it may be improved in Select Committee, will no doubt advise proper measures for meeting all the points involved I have confidence, because there is so much earnestness of purpose which one could see even in the course of the discussion

I do not wish to take up more time but I just wish to say a word about the Select Committee Again, it is a pity that Dr Zia Uddin Ahmad is not here He said we make up our decisions beforehand and in party meetings and we do not take the House into confidence and do not invite full discussion The very composition of the Select Committee which I propose to accept will show that that this charge is not true The composition of the committee is good The Select Committee will have the fullest opportunity to improve the Bill in every way, keeping in mind the interests of all parties, and I do not think the House will fail to accept the reasonable recommendations of that Committee

Sir, in commending the Bill, I accept the amendment for reference to a Select Committee, and the House, I hope, will accept the proposal.

Mr. President: The question is

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, the Honourable Sri C Rajagopalachari Rao Bahadur N Siva Raj, Sri A K Menon, Shri D P Karmarkar, Sri M K Jinachandran Haji Abdus Sattar Haji Ishaq Seth, Mr Muhammad Rahmatullah, Mr P J Griffiths and the Mover, with instructions to report by the 1st April, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

The motion was adopted

COFFEE MARKET EXPANSION (AMENDMENT) BILL

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies) I beg to move

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration"

This again, Sir, I might say, is a Bill to establish co-operation rather than for any purpose such as we were familiar with at the time of the war. The producers have to be protected The producers cannot be protected unless they combine and unless they get a statutory frame-work for carrying out their operations It is in that view, just as in the case of rubber, that the Coffee Market Bill has been put forward There is a law which has been in operation in almost the same terms but that will cease to have effect in the coming June.

It is necessary to make that measure permanent and at a recent meeting of all the coffee growers they unanimously resolved that this law should be made permanent and in order to do that the present amending Bill has been brought forward We propose to delete the clause limiting the period of the existing law The same conference which wanted the provisions to be continued has also requested changes in the constitution of the Board which are incorporated in this Bill This Bill is practically in the terms desired by the Conference which met recently in order to safeguard the position and without a statutory provision like this, the Coffee industry will not be able to stand up to the difficulties

With regard to the motions for amendments I shall deal with them later

Mr. President: Motion moved

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration"

There are two amendments in the name of Mr Jaffer But he is not present here Mr Menon

Sri A. K. Menon (West Coast and Nilgiris Non-Muhammadan Rural) What I propose to do is not to oppose the Bill but just bring into notice a disadvantage under which one section of coffee growers is suffering in India There are two kinds of coffee grown in India Robusta coffee and Arabica coffee Three-quarters is Arabica and one-quarter is Robusta On the Board that was existing all these years until this Expansion Act, there were only representatives of Arabica coffee There were no representatives of Robusta coffee Robusta coffee is grown extensively in South India, and the extent to which it is grown in one taluk of the Malabar District contained in my constituency will be clear from the fact that the area there grown with Robusta coffee is 15,000 acres, and the number of registered holders exceeds 3,000 The total production may be taken to be 1,000 tons covering 1/5th of the total Robusta coffee in India The Board was all the while being weighted with Arabica growers and Robusta coffee growers had no representative at all on the Coffee Board up to this time No doubt some of the Arabica growers were also growers of Robusta coffee, but their main interest was Arabica coffee Moreover Robusta coffee growers are small plantation growers, whereas Arabica coffee growers are large plantation growers In the Board the interests of Robusta coffee growers were always outweighed by the interests of the Arabica growers As illustrations of how Robusta growers suffer I may point out two instances In 1943-44 when the price of coffee was settled by the Board the price of Arabica coffee was reduced for some reason or other from Rs 100 to Rs 90 and the price of Robusta coffee was reduced from Rs 85 to Rs 69 for no reason All the same I might point out that even a fastidious coffee drinker cannot easily distinguish Robusta coffee from the Arabica coffee by its flavour, if the former is properly fried Nevertheless they reduced the price of Robusta coffee by about one-third, whereas they reduced only to the extent of Rs 10 in the case of Arabica coffee Therefore there is a large grievance in my district as far as Robusta coffee growers are concerned that they do not get proper representation on the Coffee Board As a result of their agitation, in the new Coffee Expansion Board no doubt one seat has been provided for these Robusta coffee growers Item (viii) says "One person nominated by the Malabar-Wynaad Coffee Growers' Association" That association consists entirely of Robusta coffee growers All the other thirteen seats given for the growers are all more or less represented by Arabica coffee growers

If you look at it from the point of view of production or from the point of the extent of cultivation that is being conducted, it will be seen that they will be entitled to at least one-third or 1/4th of the seats provided for the growers The total acreage of coffee cultivation is about two lakhs and odd and of these Robusta is grown on 45,000 acres and the rest is Arabica coffee Even on this basis it will be seen . . . . . .

Mr. N. M. Joshi (Nominated Non-Official) Will the Honourable Member kindly explain to us what is Robusta and what is Arabica coffee?

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Will the Honourable Member also explain what is Coffee?

Sri A. K. Menon: Robusta is a plant which can be easily grown. Arabica is a plant that has to be tended more carefully Moreover Robusta can be grown at lower altitudes, whereas Arabica can be grown on higher altitudes Wynaad and some other places are about 2,000 feet high and there only Robusta is grown If Robusta coffee is to be exterminated, because Arabica coffee is considered by some fastidious folks as the better coffee, then the extinction of a large body of growers will take place Notwithstanding that it is considered by some as inferior coffee, there is a large demand for it. About 1/4 or 1/5 of the whole quantity of coffee grown is Robusta and there is a great demand for it in Ceylon and other countries Even if it is considered to be an inferior coffee, there are many people who depend upon it and it can be grown in lower altitudes You may if you think proper, limit the acreage but as a matter of fact I may tell you that we have been using this coffee in Malabar and we do not find any difference in taste when this coffee is compared to the Arabica coffee This propoganda that Robusta is inferior is being done because a larger number of growers belong to the Arabica class

If you look at it from the point of view of production this Robusta coffee ought to get better representation The total quantity consumed in 1945-46 was about 24,000 tons and of these 6,000 tons was Robusta and 18,000 tons was Arabica Looked at from this point of view also, one-third or 1/4th of the number of seats allotted to growers ought to go to Robusta growers Only one seat is given to them They have suffered already so much in the previous Board that was constituted for lack of proper representation This is seen by one or two illustrations As I have already said they reduced the price in 1943-44 of Robusta from Rs 85 to Rs 69, whereas in the case of the Arabica coffee the price was reduced by only Rs 10, *viz*, from Rs 100 to Rs 90 Again in 1943-44 the points of Robusta were reduced There are certain points accorded to show superiority and inferiority The points of Robusta were reduced from 68 to 66 for no justifiable reason, whereas the points of Arabica Coffee were allowed to remain the same In all these ways the Robusta coffee growers are suffering unduly Therefore my request to the Government is that some means might be found whereby these Robusta coffee growers are given proper representation on the Board There are several ways of doing it and Government can easily do it One objection that is raised is that there can be no representation on the basis of classification of the coffee Representation can be given only on a regional basis No doubt that is a good argument Recently the Robusta Coffee Growers Association has been formed and representations have been made to the Government by means of petitions and there is no reason why this association should not be given a seat upon the Board Moreover, there is another way of doing it I find that the UPASI are given seven seats out of 14 in the Board There are several associations which are affiliated to the UPASI This UPASI are given three seats directly on the Board and its constituents are given four seats, altogether seven seats out of a total of 14 Why cannot they reduce one out of the seven and give it generously to the Robusta Coffee Growers Association of South India? This association has been formed no doubt only recently and it may be said that it is very difficult now to provide a seat for a new association that has been recently formed My request then to the Government will be that one more seat might be given for the time being to the Malabar Wynaad Coffee growers Subsequently it could be changed in favour of the Robusta Coffee Growers Association of South India There is nothing wrong in giving two seats instead of one as at present to this Wynaad Malabar Growers Association, because it will be seen that 1/5 of the Robusta coffee is grown in that taluk Therefore my submission to the Government is that the interests of the Robusta coffee growers might be properly taken care of

and one more seat be given to them I am quite prepared to go to the extent of accepting the position that the Madras Government, which have been provided with one seat to be nominated on the Board, may be asked to nominate two, and you can suggest that, of these, one seat is to be reserved for the Robusta coffee growers Then there will at least be a person to move and another person to second any proposal or proposition, as otherwise there is not even that chance on the Board, there being only one single representative of Robusta coffee growers on the Board under the Bill as framed at present Therefore, my request to the Government is to find out one more seat, either for the All-India Robusta Coffee Growers Association or for the Malabar-Wynaad Coffee Growers' Association, or one nominated seat reserved in favour of one full Robusta grower or planter

These are my suggestions I hope the Government will consider them because the Robusta growers are suffering very much They do not get fair dealing at the hands of the Board that existed so far I hope at least in the future Board some protection will be given to their interests

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan) Sir, I strongly support the plea made by my Honourable friend, Mr Karunakara Menon He has made out a very strong case He has proved how the non-Malayalee interests are over-represented on this Board and how the Malabar interests, or Robusta coffee growers' interests as my friend prefers to call them, are very much neglected He has suggested two ways of setting this thing right But the difficulty that I have to face is that there is no amendment on the Order Paper It is unfortunate that there is no amendment to carry out what my friend desires What I would like my Honourable friend the Member in charge to consider therefore is whether in clause 3, sub-section (2), clause (c), sub-clause (viii), instead of saying "one person nominated by the Malabar-Wynaad Coffee Growers' Association" he will agree to an amendment saying "two persons nominated by the Malabar-Wynaad Coffee Growers' Association" It will be for you, Sir, to suspend the rules and allow this amendment to be made That is possible Otherwise the only way out is for my Honourable friend to carry out the other suggestion of Mr Karunakara Menon, that is, to issue instructions to the Madras Government that in nominating their quota they should take care to nominate one person for the Malabar-Wynaad interests With regard to that the House may not feel very happy because there would be statutory obligation on the Madras Government to do so I would therefore request that the first suggestion should be carried out and that the Honourable Member should declare here in this House that he has no objection to this amendment, and I would request you, Sir, to suspend the rules and allow this amendment to be made In any case, I request that justice should be done to the very much neglected Malabar interests

The Honourable Sri C. Rajagopalachari: I will give the consideration that it deserves to what has been suggested in spite of the difficulties which also have been admitted I might mention lest I be misunderstood that this Bill has to cover matters of agreement between several Provinces and States. It would appear easy to the House to accept the suggestion that "one" may be made into "two" and it may appear rather stingy on my part to say "no" Honourable Members should keep in mind that if the balance is disturbed by increasing representation in one special case and two persons are to be nominated by an Association, there are so many associations some of which are perhaps bigger to which only one person each has been allotted That is the difficulty I may mention therefore that it may be easier to accept the other suggestion that an instruction may be given to give the due balance to the variety of coffee referred to, by way of executive instruction rather than by upsetting the balance between the various Associations and Provinces and States which are all involved here. I also submit that it was a unanimous conclusion of a

[Sri C Rajagopalachari]

conference at which these proportions have been fixed That makes it more difficulties The *Robusta* coffee representatives were also present there I therefore hope that I won't be misunderstood if I find difficulty in accepting the suggestion made As for the executive instruction there can be no difficulty I move that the Bill be taken into consideration

Mr. President: The question is

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration"

The motion was adopted

Mr. President: We shall now take the Bill clause by clause The question is

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill

Mr. President: Clause 3

Mr. N. M. Joshi: I move

'That in clause 3 of the Bill, in part (d) of the proposed sub-section (2) of section 4 of the Act, between the words 'nominated' and by wherever they occur, the words 'after consultation with the labour organisations concerned' be inserted"

Sir, you may have observed that I have modified my amendment slightly. For the words "in consultation" I have used the words 'after consultation" I have also added the wording "concerned" after "labour organisations" at the end of my amendment These small changes may be permitted by you, and by the House I have made the changes in order that my amendment should be made more acceptable to Government

Sir, the Government of India has very kindly given three representatives on this Board for labour interests I am suggesting that those Governments who will have the responsibility of nominating labour representatives on this Board will consult the labour organisations concerned in nominating those persons, I feel that the Government themselves may consult the labour organisations before nominating persons, but I thought it better to make a suggestion in this clause itself, that they will be well advised in consulting labour organisations before nominating labour representatives on this Board I hope, Sir, the Government of India will accept my amendment

Mr. President: Amendment moved

"That in clause 3 of the Bill, in part (d) of the proposed sub section (2) of section 4 of the Act, between the words 'nominated' and 'by' wherever they occur, the words 'after consultation with the labour organisations concerned' be inserted"

The Honourable Sri C. Rajagopalachari: I accept the amendmest, Sir, in view of the alteration in language, the words will be "after consultation with the labour organisations concerned" In accepting it let me say for the information of the House that after all probably less than 300 workmen are really concerned in this matter, but it is a matter of principle and I accept the suggestion

Mr. President: The question is

"That in clause 3 of the Bill, in part (d) of the proposed sub section (2) of section 4 of the Act, between the words 'nominated' and 'by' wherever they occur, the words 'after consultation with the labour organisations concerned' be inserted"

The motion was adopted

Shri D. P. Karmarkar (Bombay Southern Division Non-Muhammadan Rural). I move

"That in clause 3 of the Bill, to the proposed sub-section (2) of section 4 of the Act, the following new part be added, namely :—

'(e) two persons elected from amongst themselves by the members of the Legislative Assembly of the Central Legislature' "

Sir I do not want to be long on this I hope this amendment will be acceptable to the Honourable Member

Mr. President: Amendment moved

"That in clause 3 of the Bill, to the proposed sub-section (2) of section 4 of the Act, the following new part be added, namely —

'(e) two persons elected from amongst themselves by the members of the Legislative Assembly of the Central Legislature' "

The Honourable Sri C. Rajagopalachari: May I suggest that instead of upsetting the balance to such an extent, because other Governments too are concerned in the agreement upon which we are introducing this Bill, it may be reduced to one person and that may perhaps facilitate the representation of the Robusta coffee easily enough

3 P M

Haji Abdus Sattar Haji Ishaq Seth: It is difficult for me to understand how my Honourable friend can accept one person and, not two If it is a question of agreement, it is an agreement, whether it is one or two or more My Honourable friend is new to this House but in many of the other Bills which were introduced in this House for constituting such boards, we did in this House insist upon having our representative I am not happy over having only one member It is very difficult in this House to have complete representation for all interests concerned if we elect one member It has always been agreed by the Government that wherever an election is held the election should be for two or more Therefore I would request my Honourable friend to reconsider the matter If you agree to only one, it will be very difficult for us to choose our representative I would ask the Honourable Member to accept the amendment as it stands

Mr. N. M. Joshi: I have always opposed in this House any proposals that the Legislature should be represented on these subordinate boards I have taken the view that the Legislature is a supreme governing body and it should not accept a place either by election or by nomination on any bodies whose work the Legislature will have to supervise The Legislature can exercise its control through its own representatives, the Ministers and to elect or nominate two or three representatives on these boards weakens in my judgment the authority of the Legislature Experience shows that the members who go to these bodies put the case, not of the Legislature but of their particular bodies Therefore I would like the Legislature to seriously consider whether it should accept a position of subordination in this manner.

The Honourable Sri C. Rajagopalachari: I am much impressed by what Mr Joshi has said and I am sure other Honourable Members have been equally impressed I think it is not a wise thing, as he says, to provide for this kind of what may be called subordinate representation (*An Honourable Member* "What about Select Committees") Select Committees are not subordinate bodies They are advisory committees of the Assembly itself Here the important point is price fixation and the Board has not any statutory power finally to fix the thing It is Government that issues the necessary orders, so that the Legislature has always ample opportunities to check and control and regulate the operations in this matter I therefore commend to the House what Mr Joshi has just said and would ask the mover of the amendment to withdraw it also

Shri D. P. Karmarkar: I find myself in a position of difficulty to withdraw the amendment. We were insisting on five but have only asked for two, by consultation with the Honourable Member

Mr. President: Then I will put the amendment to the House

The question is

"That in clause 3 of the Bill, to the proposed sub-section (2) of section 4 of the Act, the following new part be added, namely —

'(c) two persons elected from amongst themselves by the members of the Legislative Assembly of the Central Legislature' "

The motion was negatived.

Clause 3 as amended was added to the Bill

Clauses 4 and 5 were added to the Bill

Mr. President: The question is

"That clause 1 stand part of the Bill"

Mr. Shayax A. Lal (Government of India Nominated Official). Sir, I move

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted"

Mr. President: The question is

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted"

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Sri C. Rajagopalachari: Sir, I move

"That the Bill, as amended, be passed"

Mr. President: The question is

"That the Bill, as amended, be passed"

The motion was adopted

FACTORIES (SECOND AMENDMENT) BILL

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I beg to move

"That the Bill further to amend the Factories Act, 1934 (Second Amendment), be taken into consideration"

The Bill is a very simple one It is an enabling measure calling upon the Provincial Governments to ask factories employing 250 or more workers to have canteens in their factories The usefulness of such canteens has been proved during the war time and many countries have taken to it In our country as well many of the factories have taken to it and it has been proved to be beneficial to the workers The measure is to enable the Provincial Governments to ask factories to have canteens for the benefit of the workers The other amendment in it is merely consequential When section 34 of the Act was last amended, the proviso was not amended accordingly The amendment seeks to bring it into line with the amendment that was last done With these words, I commend the Bill for consideration

Mr. President: Motion moved

"That the Bill further to amend the Factories Act, 1934 (Second Amendment), be taken into consideration"

Mr. N. M. Joshi (Nominated Non-Official). Sir, I would like to say a few words at this stage on this Bill The provision of canteens is a useful measure for the welfare of the working classes, but the provision of canteens is not necessary only to those people who go to factories There are other industries in which workers work and canteens are useful to them also A large number of people work in mines; some others work on plantations; and some others work in docks and canteens are necessary for all these workers. I therefore, thought that when the Government of India decided to take up this measure of labour welfare, they should have drafted a Bill which would make the provision applicable to all workers and not only to the workers in factories.

Unfortunately, the Government of India—I do not know why—have adopted a wrong method of proceeding with this matter Some time ago they passed a measure for providing holidays. It is a measure of useful labour welfare. But holidays are necessary not only for those people who work in factories, they are necessary for people who work in mines, in docks and on plantations Unfortunately, the Government of India—I do not know why—are proceeding by a wrong method It is not my general practice to attribute motives which may not be quite good motives to anybody I, therefore, find it difficult to understand what the motive of the Government is What appears to me is that this policy results in very slow progress I do not say that the object of the Government is to move slowly, although it is generally the way of the Governments to move slowly Government are now providing canteens for workers in factories and it will take another six months or a year for them to bring another Bill for providing canteens for workers in mines, another year for providing canteens for workers on plantations and yet another year for providing canteens for workers in docks That way, the Government generally like to spend time and make it appear to the public that they are passing progressive measures I think the Government of India should give up this practice. Whenever they take up any measure for labour welfare, they should first find out whether they could not bring forward a piece of legislation which will make the welfare measure applicable to all workers Unfortunately, I have to state this point and bring it to the notice of the Legislature because the habit is growing on the Government I had to point that out when Government introduced a Bill for providing holidays with pay Unfortunately, Government did not pay any heed to my suggestion, but this habit is again growing on them, as I said. They have brought forward legislation for dealing with health insurance Health insurance is a matter in which all workers are interested and not only factory workers Health insurance is necessary for mine workers, dock workers and plantation workers Therefore, I would like the Government of India to consider this matter very seriously whether they are not wasting the time of the Legislature by bringing forward these measures in parts If they want to show to the public that they are taking measures, I think the public is more discerning

The Honourable Shri Jagjivan Ram: Are you talking with that view?

Mr. N. M. Joshi: Even if they find that in one Bill you have covered a large ground, they will give you credit for it But if you frame ten Bills for a matter which could be done in one Bill, the public will find that out and will not understand your motives, for doing so, if they do not attribute wrong motives to you I, therefore, feel that the Government of India should give up this wrong practice That was the first point which I wanted to make on this Bill

The second point is that in this Bill the Government are taking a very hesitant and halting step They propose to give powers to the Provincial Governments to establish canteens in factories which employ 250 persons or more instead deciding that there shall be canteens established in all factories employing 250 persons or more This, again, is a wrong policy of empowering the Provincial Governments to do something The bad effect of this policy is that in a country where there should be uniformity, you destroy the chances of uniformity if you leave matters to Provincial Governments There are eleven provincial governments in this country If you merely authorise provincial governments to establish canteens in factories, then it will take a very long time to have canteens in all the provinces and consequently the good employers in those provinces where governments are slow are placed at a disadvantage I have always found the employers and representatives of employers insisting upon simultaneous labour legislation being introduced in all the provinces. But somehow the Government of India have again chosen the wrong method of

[Mr. N M Joshi]

procedure They authorise the provincial governments to take measures which they themselves should have provided for by their own legislation I do not know why the Government of India should do that Hereafter if Government of India have to take up any measure for labour welfare, they should introduce that measure themselves and not leave it to the provinces, because there are two disadvantages in the method of leaving these things to be done by provinces First is uniformity is destroyed, the rules framed are different in different provinces Some Governments act quick, some slow and therefore uniformity is destroyed.

Shri Sri Prakasa (Benares and Gorakhpur Division Non-Muhammadan Rural) Foodstuffs will be different

Mr. N. M. Joshi: Yes, foodstuffs also will be different In any case, I am only thinking that when these canteens are established in factories, they should be established in all the provinces I do not want to discriminate in favour of my province or against some other province I therefore suggest that when the Government of India undertake these measures, they should take the responsibility of introducing these measures themselves and not leave it to the provinces I propose to move an amendment and I hope that the Government of India would accept the amendment I have nothing more to say at this stage I shall reserve whatever I have to say at the time clauses are taken up.

Prof. N. G. Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) Sir, I am in agreement with my Honourable friend Mr Joshi on one point only that so far as the establishment of these canteens is concerned, it ought to be made an all India affair, so that there will be real uniformity between one province and another all over India After all it is not right that some provinces should establish canteens or should provide minimum convenience to workers while others should lag behind Therefore, I hope that suitable amendments will be made in this Bill before it is passed into law in this regard

Coming to the other point, namely factories which employ less than 250 workers, I do not know why this distinction has been thought necessarry Even those factories which employ less number of workers ought to be expected to establish canteens and maintain these canteens There are certain seasonal factories They escape from many of the duties, social and economic which the factory owners are expected to perform In regard to this at least, they should be expected to provide the minimum convenience for workers Take for instance rice mills, oil mills, sugarcane mills

The Honourable Shri Jagjivan Ram: Are they not factories?

Prof. N. G. Ranga: There are seasonal factories and they employ a large number of people for weeks in certain months These workers do need elementary conveniences

The Honourable Shri Jagjivan Ram: They will be included

Mr. S. C. Joshi (Government of India Nominated Official) They are included as a matter of fact

Prof. N. G. Ranga: I have nothing more to say

The Honourable Shri Jagjivan Ram: Sir, I do not propose to examine all the points raised, for if I do so at this stage, I am afraid, I shall have to repeat some of the arguments when the amendments are taken up I want to meet some of the points now with a view to see whether some of the amendments of which notice has been given are not moved Mr. Joshi has raised a number of points. As far as the present Government is concerned, it yields to none in its sympathy for labour As regards mining labour, plantation labour and other categories of labour, we want that they should also have welfare measures in the same way as industrial labour But there are obvious difficulties. In the

case of mining labour and plantation labour, we have not got even that much legislation as we have for industrial labour. We do not believe in the theory that either we bring in a comprehensive legislation or wait for that time We want to do what we can possibly do with the utmost speed and with that purpose, we have brought in this Bill Our intention is not that these amenities should not be given to labour in plantation or mines or dockyards As a matter of fact, we propose to bring in legislation for plantation labour and dockyard labour and others and we will cover all the labour as soon as we can Mr. Joshi talked of many things, health insurance, unemployment insurance, old age pensions and all other things In considering these things, we shall have to take into consideration the condition of the country as well How far can we go under the social set up in our country We have to proceed cautiously and to give the workers as much benefit as we can As regards making this measure compulsory for all factories, I do not agree with that view In the present abnormal conditions when there is scarcity of food grains and other things, many things ought to be taken into consideration The provincial governments are the proper authorities which will take all these factors into consideration before asking the factories to open canteens

About lowering the number of employees, as my Honourable friend Prof Ranga suggested, there are obvious difficulties While considering the establishment of canteens, we must bear in our mind the social difficulties as well, and the diffidence of workers to take advantage of the amenities If we are going to enforce this provision for all factories, for factories employing a smaller number of workers, there might be difficulty Even if factories run canteens, sufficient number of workers may not be forthcoming to take advantage of them In that case, the canteen will be a costly affair and it will not be beneficial to the workers themselves, if the things sold there are costly Taking all these things into consideration, the number fixed is quite reasonable With these words, I commend the Bill for the consideration of the House

Mr. President: The question is

"That the Bill further to amend the Factories Act, 1934 (Second Amendment), be taken into consideration"

The motion was adopted

Mr. N. M. Joshi: Sir, I move

"That after clause 1 of the Bill, the following new clause be inserted, namely —

'2 In Chapter III of the Factories Act, 1934, after section 19 the following section shall be inserted namely —

"19A In every factory wherein more than 250 workers are ordinarily employed, an adequate canteen shall be provided for the use of the workers"' "

What I am seeking by this amendment is that the Government of India lays down a law that in every factory where there are more than 250 persons employed, there shall be a canteen. There will be no further direction than this from the Government of India All the rest will be done by the provincial governments The provincial governments also are empowered to make rules regarding the sort of canteens that should be provided for by them and what should be the other details regarding the canteens

Sir, the Honourable Member in reply to my argument that a matter of this kind should not be left to the provincial Governments said that to apply the rule regarding the provision of canteens to all the factories will be very difficult I do not see the difficulty. We have provided that in every factory where more than 20 persons are employed drinking water should be provided The Honourable Member may say that there will be difficulty in providing drinking water

The Honourable Shri Jagjivan Ram: That is not the idea of a canteen

Mr. N. M. Joshi: I understand that the provision of water and the provision of tea are different things Tea requires hot water and drinking water is cold So when we make it compulsory for factories to provide pure drinking water for the employees and also other sanitary provisions, I do not see why tea should be difficult to provide in a factory where 250 persons are employed. We are not in this Bill defining what a canteen should be, we are leaving that to the provincial Governments A canteen may consist merely of the provision of tea or of the provision of meals, the provincial governments shall decide in what factories meals should be provided and in what factories tea only shall be provided Therefore what I propose is that there shall be some provision for giving refreshment to workers where more than 250 men are employed, just as we are providing in the Factory Act itself that the workers shall be provided with drinking water and also with some other facilities I really do not see why the Government of India should oppose this In my previous speech I pointed out the dangers of lack of uniformity in the legislation, the danger of some provinces going much further than other provinces And I have found that many good provisions in the Factories Act have remained practically a dead letter on account of labour welfare having been handed over to the whims of the provincial governments The difficulty of the provincial governments is this The Bombay Government say that unless the Bengal Government takes action they cannot, and the U P Government say that unless the Madras Government takes action they cannot

An Honourable Member: We do not take our cue from other Governments

Mr. N. M. Joshi: Unfortunately I do not belong to any province but to the whole of India and so I do not plead for any one particular province I will give you an example The present Factory Act enables the provincial governments to insist upon sheds being provided to the factory workers, to be used as a canteen or where the workers can take rest and take their food Very few of the provinces have acted upon that provision because the whole thing is left to the provincial governments I therefore again appeal to the Honourable Member that my amendment seeks nothing but to make a rule that there shall be a canteen in every factory where more than 250 workers are employed I am prepared to leave everything else to the provincial governments, you may leave it to the provincial governments to decide what constitutes a canteen,—whether it should be a tea shop or a regular hotel

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) I have not been able to understand one thing While speaking of canteens and the provision of refreshment for workers the Honourable Member said that drinking water shall be provided Are Government so inhuman that they do not provide even drinking water?

Mr. N. M. Joshi: Under the Factories Act it is compulsory upon all factory owners to provide water, that is all right

Sir, I hope the Government of India will accept my suggestion, I do not think there will be any inconvenience to any one The desire of the Government of India to have canteens for factory workers will be better satisfied and fulfilled by my proposal rather than by their own proposal

Mr. President: Amendment moved

"That after clause 1 of the Bill, the following new clause be inserted, namely —

'2 In Chapter III of the Factories Act, 1934, after section 19 the following section shall be inserted namely —

"19A. In every factory wherein more than 250 workers are ordinarily employed, an adequate canteen shall be provided for the use of the workers" ' "

The Honourable Shri Jagjivan Ram: Sir, I do not see my way to accept this amendment because, if accepted, it will defeat the very purpose of the

Bill My intention is that if a canteen is to be provided it should be a substantial canteen By a canteen we do not simply mean that some provision should be made to provide workers with tea, as Mr Joshi suggests

Mr. N. M. Joshi: Something is always better than nothing

The Honourable Shri Jagjivan Ram: If we make it compulsory from here it is just possible that many of the factories in order to evade the Act, will provide just for tea or some such simple thing, as Mr Joshi has suggested But if you leave it to the provincial governments they will see in which factories these are necessary and where these are practicable, and they will enforce this law on those factories alone So this discretion must be left to the provincial governments

Mr. President: The question is

"That after clause 1 of the Bill, the following new clause be inserted, namely —

'2 In Chapter III of the Factories Act, 1934, after section 19 the following section shall be inserted namely —

"19A In every factory wherein more than 250 workers are ordinarily employed, an adequate canteen shall be provided for the use of the workers" ' "

The motion was negatived.

Mr. N. M. Joshi: Sir, I move

"That in clause 2 of the Bill, in sub-section (1) of the proposed new section 33A for the word 'may' the word 'shall' be substituted "

Mr. President: I do not find any notice of this amendment

Mr. N. M. Joshi: Notice was given in the last session

Mr. President: I do not find it in the order, paper

Mr. N. M. Joshi: That is not my fault, Sir

Mr. President: Apart from that, the Honourable Member will see that his last amendment having been negatived this falls through as a consequence

Mr. N. M. Joshi: That I am prepared to accept

Mr. President: Then there can be no discussion on this point

Mr. N. M. Joshi: There is another amendment, and that is also from the last Session I gave notice when the Bill was brought forward There is no rule by which the amendment given notice of at the proper time can lapse It is the fault of the people who do not keep the records properly

Mr. President: That is not so I will refer the Honourable Member to the particular provision It is Standing Order No 4

"On the termination of a Session, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse, and fresh notice must be given for the next Session "

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) In fact the Honourable Member should not have been allowed to move his other amendment

Mr. President: Notice of the other amendment was given The Standing Order is there

Shri Sri Prakasa: The Standing Order may be waived for the sake of an old sitting member.

Mr. President: The question is

"That clause 2 stand part of the Bill "

The motion was adopted

Clause 2 was added to the Bill

Mr. President: Clause 3

Mr. President: The question is

"That clause 3 stand part of the Bill"

Mr. N. M. Joshi: Sir, I want to say something on this clause

Mr. President: It is too late I moved the motion and sat down but no one got up to speak I have already put the question, it is too late The question is

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill

Mr. President: Clause 1

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, I move

"That in clause 1 of the Bill, for the brackets, words and figures '(Second amendment) Act, 1946', the brackets, words and figures '(Amendment) Act, 1947' be substituted"

Mr. President: The question is

"That in clause 1 of the Bill, for the brackets, words and figures '(Second amendment) Act, 1946' the brackets, words and figures '(Amendment) Act, 1947' be substituted"

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Shri Jagjivan Ram: Sir, I move

"That the Bill, as amended, be passed"

Mr. President: Motion moved

"That the Bill, as amended, be passed"

Mr. N. M. Joshi: I would like to say a few words on this motion The Government of India in my judgment is not making a proper use of the time of the Legislature by not bringing forward more comprehensive Bills They have brought forward in this Bill a clause which on account of my own negligence I could not discuss much though I would like to have done so That is the proviso to section 34 in which they have sought to make a slight change which I would like to have seen amended, it is the proviso to Section 34 of the Indian Factories Act That proviso enables the factories which have to work continuously to work longer hours Generally the factories in India at present work 48 hours, but factories where the process has to be continuous throughout the day are allowed to work 56 hours in a week Ordinarily these factories are iron and steel factories in which the furnaces have to be kept burning throughout the day and throughout the week as they cannot be allowed to cool down The people who work near these furnaces are the most hardest worked people, their work is most difficult, they have to work near intensive heat If there are any people for whom shorter hours are necessary, they are for this class of people Unfortunately when the Factories Act was amended the Government of India did not make any change in the hours of work of these people In my judgment if hours of work are to be reduced first, they should be reduced in the case of people who have to work in these factories where furnaces have to be kept burning continuously I should have thought that when the Government of India were amending this section, they would amend this provision and would reduce the hours of work for these people But that has not been done I hope that the Government of India will not penalize those workers who have to do the hardest job Instead of extending the hours of work from 48 to 56, I would have reduced them from 48 to 40, but, unfortunately, the ways of the Government of India are strange I feel the Government failed in their duty in not amending this section sufficiently, and I hope they will take the earliest opportunity to bring about this reform Otherwise there is nothing in the Bill to which any one can take objection, it is a small measure The Honourable Member will admit that it is an extremely small measure, and a measure of extremely limited usefulness because they have left

the whole thing to the Provincial Government But, as I have said, there is nothing in the Bill to which one can take objection

Babu Ram Narayan Singh (Chota Nagpur Division Non-Muhammadan) I welcome this measure While doing so, I remind the Honourable Minister for Labour of the piteous plight of the millions of labourers who work in the coalfields of his own province and request him to bring a comprehensive measure extending the benefit of the measure to them

With these words I again support the Bill

The Honourable Shri Jagjivan Ram: I have nothing much to add A comprehensive amendment of the Factories Act is being prepared and it will be probably introduced in this Session of the House These small amendments were taken up during the last Session and the intention was that this measure would go through during that Session But unfortunately it was crowded out and we have to bring it again during this Session

As regards the hours of work of 56 hours in a week, that is a consequential amendment Well, Sir, I do not agree with Mr Joshi that it will work as a hardship to the worker when the provision is there for compensatory holidays and for giving them the double rate of their usual wages for the extra hours of work done in the factory That goes to the benefit of the worker For that reason I support that measure and commend the Bill for being passed

Mr. President: The question is

"That the Bill, as amended, be passed"

The motion was adopted

INDIAN RAILWAYS (AMENDMENT) BILL

The Honourable Dr. John Matthai (Member for Transport and Railways) Sir, I beg to move

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration"

The purpose of this Bill is a very simple one At present Honourable Members are aware that the liability of railways in respect of the safe return of goods entrusted to them is of the same character as that of a bailee under the Indian Contract Act That is to say the railways would be liable for compensation if goods are lost or destroyed or have deteriorated in the course of transit unless it can be shown that they have exercised the care which a person of ordinary prudence would That is the general position with regard to goods carried by railways There is however a class of excepted articles, in respect of which the liability of the railways is limited These articles are listed in the Second Schedule to the Indian Railways Act They are articles of special value, rare articles, works of art and so forth In respect of them, the provision in the Railways Act is that railways would be liable if the value of the article does not exceed Rs 100, but in respect of articles exceeding Rs 100 in value, the railways would not be liable unless they are declared and insured The point of this measure is to raise this minimum value of articles which require insurance from Rs 100 to Rs 300 The matter has been under discussion for quite a long while now between the Railway Department and the Chambers of Commerce, and this figure of Rs 300 has been arrived at as a result of these discussions So if this Bill is passed into law, the position will be that railways will be liable even in respect of excepted articles for compensation if the value does not exceed Rs 300 as against Rs 100 at present Beyond that, they will not be liable unless the articles are declared and insured I beg to move that the Bill be taken into consideration.

Mr. President: Motion moved

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration"

Shri Sri Prakasa (Banares and Gorakhpur Divisions Non-Muhammadan Rural) Sir, it seems to me that the Railway is trying to escape its liability The railway is a common carrier and as things are it has a monopoly of this business There are no other methods by which one could send one's goods from one place to another All the old methods have died out because of the competition of the railway The bullock carts have gone the camel carts have gone the horse carriages have gone and the railways have come The Honourable Member knows that is a fact, and so it seems to me at least that the railway should take full responsibility for the payment of any goods that are lost in transit whether they are worth less or more than Rs 300

It is a most amazing thing that they are willing to take responsibility for goods that are worth only upto Rs 300 and refuse to take responsibility for things that are worth Rs 1,000 Usually they might be allowed to neglect small things but they ought to take responsibility for the more valuable goods Here it is just the other way round The Honourable Member says that he would take responsibility for things that are worth less than Rs 300 but not for things worth more than Rs 300 I ask him and his colleagues in Government as to where else we are to go when we have to send our goods from one place to another, and if we entrust a certain thing to the railway, we have reason to expect that the things will be delivered properly at the other end, and if there should be an accident and consequent loss or damage, surely the railway should be responsible, if not for the loss and damage, at least for the payment of proper compensation to the person who has suffered that loss and damage

The thing that seems to me so reasonable does not evidently seem the same to my Honourable friend I understand that he had his grouse when he lost his goods before he became a Member of Government It seems that he carried on a long correspondence with his own predecessor when he himself was out of office and someone else was where he is now, for loss of goods of the Tata's to the extent of one lakh or so But when he comes up here, he seems to have changed his opinion completely It is said in my language that it is the Chair that makes a man speak It is not the man that speaks, but the Chair that makes him speak And whoever the incumbent may be, he who speaks from there seems to speak the same language

If that is so, we in the House can derive very little satisfaction from the change of the personnel of the Government of India But if the Government does come forward with a new ideal and is really considerate to the needs of the people, then of course we must welcome that Government I certainly expect my friend, the Honourable the Railway Member, to extend a more sympathetic consideration to this problem and not to forget the days when he used to lose his goods and had not to carry them

The Bill has been brought before the House is too limited in scope and does not go far enough I do think that the Honourable Member will so amend the Bill so that the responsibility of the railway should be recognised in all cases, and that every person who entrusts his goods to the railway for carriage from one place to another, is assured that the goods will either reach safely or will be fully compensated for if they are lost or damaged in transit The other day I gave the example to my Honourable friend of the loss of two very valuable parcels of books They certainly were worth more than Rs 300, and under this law the sender of those parcels cannot claim anything from the Honourable Member. That, if I may say so, without meaning any harm, is most unfair and unjust I do think the Honourable Member will recognise the justice of my claim and amend his Bill accordingly

Mr. President: It is four o'clock We have to take up the adjournment motion

IMPOSITION OF PUNITIVE FINE AND TAKING OF HOSTAGES FROM NANDIHAR TRIBES.

Mr. Siddiq Ali Khan (Central Provinces and Berar Muhammadan) Sir, I move

"That the House do now adjourn"

I thank you for giving me this opportunity of voicing on the floor of this House my feelings on a subject which has exercised the minds of a large number of people in the country I wish to make it clear at the outset that there is nothing communal about the motion which I am making The raids of the tribal people on certain villages in the settled districts of the N W F P resulted in losses of life and property to Muslims as well as Hindus Sir, in support of this I can quote the authority of Dr Khan Sahib, the Congress Premier of the N W F P, who has publicly stated that the victims of the raids made from across the border included Muslims as well as Hindus and that this was not a communal matter at all I wish further to make it clear that neither I nor the party to which I belong are in any way opposed to the idea of protecting the life and property of the people in the settled districts of British India from raids by independent tribes across our frontier We are willing to support reasonable actions and suitable policies for the prevention of such raids and for the protection of our fellow compatriots Nor do we in any way approve of or lend conniving sympathy to these depredations The life and property of our compatriots in the Frontier Province is as dear to us as to anyone else We are as much interested in maintaining peace in the N W F P as anyone can be I have sought this opportunity, however, to raise my voice of protest against two things (1) The utter ignorance which the External Affairs Department has shown in understanding and appraising the causes of these raids, and (2) the barbarous and revoltingly inhuman nature of the punishment which this Government claims to follow enlightened and civilised principles, has imposed on the tribes

[At this stage Mr President vacated the Chair, which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

I and some of my friends have made careful enquiries into the reasons which prompted the independent tribes to raid our villages Enquiries made on both sides of the border show that the main reason for the trouble was the refusal of the shopkeepers of these villages to sell certain necessities of life to the tribes except at exorbitant black-market prices The tribal people concerned have always depended on the markets of these villages for their purchases of cloth, sugar, kerosene oil and such other necessities of life I presume that the amounts of these commodities given by the controlling and rationing authorities to the shopkeepers of these villages are fixed on the basis of making certain allowance for the demand of the buyers from across the border The difficulties which the blackmarketeers of these villages created for the tribesmen were simply awful The Muslims consider it a sacred duty to their dead to shroud them in Kafan at the time of burying them You will be surprised to hear that the tribal people who came to buy a few yards of cloth for Kafan had to pay Rs 200 which at controlled price would not cost more than Rs 15 or 20 This was the condition about the essential commodities which the tribes needed and this was what eventually infuriated the tribal people and prompted them to use force

Sir, I have explained this real background of the trouble not as a justification of the reprisal on the part of the tribes My purpose is to emphasise that if the External Affairs Department had properly understood this background and the real cause of the trouble, it would have recommended and taken a different course of action for the purpose of dealing with the problem and preventing the recurrence of the trouble

Khan Abdul Ghani Khan (North West Frontier Province General) What other course would you suggest?

Several Honourable Members: Don't mind him Go on

Mr. Siddiq Ali Khan: I have got a lot of suggestions to make but there is no time You will have the right of reply

Khan Abdul Ghani Khan: You read on!

Mr. Siddiq Ali Khan: Because I do not want to make any irresponsible speech, I have taken particular care to write out my speech as the gravity of the occasion demanded

By overlooking this aspect of the question and blindly resorting to force and coercive methods, the Government may for the time being terrorise and impose its will on the tribes but it will not solve the real problem of ensuring peace on the frontier

The second point which it was my purpose to make relates to the punishment which has been imposed on the tribes concerned Sir, I can understand fines in cash or even in kind, although it will be folly to overlook the fact that if the fines are excessive so as to cripple the financial means of the tribes, you also indirectly force them to repeat the depredations on British Indian soil whenever they can and thus recoup themselves for their bare necessities of life

But, Sir, I concede the principle of fines and there can be two opinions about the question whether the fines imposed upon them this time were excessive or not One thing, however, which I cannot understand and I am sure no one in this House will be able to understand is the taking of hostages from the tribes Sir, what is the purpose of taking hostages? Is this House to understand that if the tribes concerned committed another raid on British Indian territory the External Affairs Department will behead these 40 or 50 persons who have done nothing If this is not the purpose then what is the meaning of taking these hostages? It was originally given out that the tribes had been required to surrender 40 hostages in the words of the External Affairs Department "as an earnest of good behaviour" The number has subsequently been increased to 53 Even if we had a legally declared war against these tribes, all these 53 persons would be our prisoners and it would shock the civilised world if we were to murder them as a vicarious punishment for the sins of others I hope that the External Affairs Department will not quote precedents in support of the barbarous practice The Government which occupied those treasury benches in previous days was not responsive or responsible to public opinion as the present Government claims to be The present Government swears by principles of freedom and enlightened democracy It claims to represent India's civilisation and culture Is the taking of hostages and torturing or killing them in order to impose good behaviour on others in conformity with these claims and professions?

Sir, let the present Government not behave in a way which will make us, the citizens of India, hang down our heads in shame We are fighting for equal status for Indians with other nations of the world and with the nationals of other countries Let not our Government indulge in mediaeval and barbaric practices which will militate against our claims which we were anxious that world opinion should accept

Sir, in conclusion I would beg of my colleagues in the House to consider this question on merits alone and not to let their party affiliations or sentiments influence their opinion Sir, I move

Mr. Deputy President: Motion moved

"That the House do now adjourn"

Khan Abdul Ghani Khan: If the Honourable the Leader of the House wishes to make a statement I would sit down

Mr. Deputy President: The Honourable Member must go on

Khan Abdul Ghani Khan: Sir, I am the only representative of the province whose barbarity, inhumanity and brutal and primitive actions are being discussed

on the floor of this House today. I take it that when the Nawab Sahib talks about these measures, the Provincial Government is as responsible as the Central Government because the action must have been taken with the consultation and on the advice of the Frontier Government So I am going to take the whole situation in Hazara as a whole with the action of the Central Government and the Provincial Government Day before yesterday Sardar Mangal Singh introduced another motion in this House when he drew large circles in the air and said it was an organised attempt on the part of a people to murder people of a d ifferent community. I understand Sardar Mangal Singh's exaggeration and I also understand his anxiety and anger because people of his community have been killed in Hazara unfortunately. He thought and he still thinks that the punishment given to the people was lenient May I point out to him that the sentence was given more as a protective cure than as a punishment? A reciprocal raid by Government troops into the Tribal territory would have undoubtedly pleased his Sikh heart, but it would have made it impossible for the Sikh to remain for a minute in Hazara and for ever The fine and hostages are reasonable because they have worked It therefore shows that the punishment was adequate The madness has subsided and people are going back to their homes and work The casualties have not been very many compared to the unarmed civilised provinces in India We in the Frontier succeeded where my friends of Bengal and Bihar failed We nipped this plague of self destruction in the bud, and whatever tools we used were good tools Only a fool would think of tying a horse with a chain which may be used for tying an elephant I said, Sir, that I can understand Sardar Mangal Singh's anger and his anxiety But I cannot understand the reasons behind the motion moved by my Honourable friend, Nawab Siddiq Ali Khan The law of his own religion, the law of Islam, the law of *Kisas*, if it had been in operation in the North West Frontier Province, would have awarded the sentence of death to fifty-five people because fifty-five people were killed, and burnt as many villages in the Tribal Territory as were burnt in Hazara Surely, a fine and a security of good behaviour is soft compared to them Yet my Honourable friend finds it hard, barbaric and uncivilised Therefore I cannot understand the reasons I cannot understand how any action taken for the protection of innocent women and children could be barbaric Murder of women and children and ordinary peaceful citizens is the greatest crime against man and all his institutions Any step taken towards abolition of murder is a great virtue Actions can be judged only by intentions When one man kills another for his own good, you call him a rogue and hang him When one man kills another for the good of the society, you call him a judge and honour him Hostages taken for the protection of the lives of human beings, of women and children, hostages taken in the name of home, peace and justice, that ordinary human justice which you owe to another because he too is a man— how could such hostages be called anything but good and wise? How can anyone resent the peace and tranquillity that that action has brought about? How can anyone call them barbaric inhuman unless one was so blinded by communal feelings as not to differentiate between virtue and crime Sir, I submit that the taking of hostages is neither good nor bad, it is neither primitive nor modern It all depends upon the intention and the result If a thing is done with a good intention and the result is good, it is good There is no other way of judging it I was rather surprised when day before yesterday the intellectual and thoughtful Leader of the House agreed that the system of taking hostages was primitive He was perhaps carried away by the label and did not have time to examine the action Justice looks at human beings only as men and not as Hindus, Muslims and Sikhs I wish somebody could drill that into the helpless and confused heads of the ministries of Bihar and Bengal May I remind my warm-blooded communal heroes that the Hindu who kills a Muslim kills an Indian, as surely as a Muslim who kills a Hindu? The Pathans are ashamed of the few accidents And the fact that my Honourable friend says that the acts were done because of black marketing rates, makes them more shameful But we are proud of the action that the public has taken, the Provincial and the Central Government have

[Khan Abdul Ghani Khan]

taken We are proud to tell India that at least in one province there are people who are big enough to stand up to the ideal of justice and humanity in spite of the most terrible provocation We, Pathans, pride ourselves that though you call us primitive and barbaric, we were the only people who protected, for the sake of humanity and kindness, a hopelessly small and unpopular minority and that the actions that we took to accomplish this are not barbaric but the very essence of culture Peace and security are the birth-rights of every subject, of every nation A government that cannot give security and peace to its subjects is as deserving of being called a government as a broken lamp is of being called the moon It is no use making arrangements for post offices and roads and trains and canals and prosperity for man if you cannot make arrangements for his safety and his home

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan) And also for taking hostages

Khan Abdul Ghani Khan: That is the first duty of Government I asked your spokesman to suggest a different thing and he could not do so Peace is a field in which you can sow culture and progress, those two words which you are so fond of using in India There can be no progress without peace either for the Hindus or for the Muslims Bihar and Bengal are both India Unfortunately for India and those of us who love India To see one countryman kill another, and to see a third one gloat over it and use the slaughter for political benefit, is something that shocks and disgusts the mind of a simple Pathan like me and hurts the very name of Indian culture and Indian chivalry I want to appeal to the manliness of Indian that if they must kill, let them kill men only and not helpless women and children Learn to fight

Mr. Ahmed E. H. Jaffer (Bombay Southern Division Muhammadan Rural) Preach these things in Bihar

Khan Abdul Ghani Khan: Let us not give the world the impression that we are hysterical cowards Let us not disgrace our manliness while we are disgracing our country Sir, the Nawab Sahib is a believer in Pakistan—so are you, Sir—whose whole idea of justice and security, both internal and external, is based on using as hostages millions of members, millions of their subjects, who will live in Pakistan as minority This idea has been spoken from every platform in India Yet my Honourable friend's cultured soul is shocked when we use the same medicines in microscopic doses for the protection of the Indian people against a people over whom we have no other hold I challenge him to suggest any remedy which will obviate the aerial bombardment of these areas I say, Sir, that this adjournment motion is an effort to back political murder in the name of political blindness and it is duty of every thinking man in this House to reject it Sir, I oppose it.

Sardar Mangal Singh: (East Punjab Sikh) I rise to oppose the motion The motion before the House seeks to condemn the Government for taking too much action against the tribes My complaint is just the other way about I gave notice of a similar motion to condemn the Government for not taking sufficient action My Honourable friend Mr Ghani Khan referred to my feelings and said that it would have gladdened my heart if the troops had marched into the tribal territory I wish to assure him that that is not my object My complaint was that the Government of India did not take any preventive action when the feelings of the tribes were being excited The Government of India was sleeping They did not take any sufficient preventive action to save the destruction of human lives and property in the settled districts I wish to assure my Muslim friends that Sikhs too desire very anxiously to have cordial and friendly relations with our Muslim brethren We wish to live in peace and friendship with them We know that we have to live together and in a friendly manner

Now, Sir, coming to the subject of the motion, the first incident took place on the 7th December 1946 when the village of Battal was attacked by the tribal people At that time 12 or 13 people were killed and an equal number was wounded and the bazaar was looted and burnt On the next day the village of Oghi was attacked and similarly some people were killed Some people were injured and the bazaar was looted and burnt

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) Those who were killed and injured were Muslims?

Sardar Mangal Singh: They were Muslims belonging to the tribes, those who came to attack They were killed by the constabulary, I am told They were not peaceful citizens of this side of the border Three days later a lorry load of more than 50 people was going to Manschra for safety It was attacked 14 people were killed, 27 were injured and the whole lot was looted This was on the 11th December 1946 I want to ask the Government of India—what did they do after that We do not hear anything till the 3rd January 1947 when the troops are said to have reached the village of Oghi and announced their terms next day and what are those terms which are considered barbarous The terms are a cash fine of Rs 75,000 May I ask the Government of India what was the amount of property looted and burnt? It is more than 2 lakhs The fine is only about 45 per cent commission out of the looted property Then they had to pay 75 rifles The population of the tribes is about a lakh and most of them are armed It is presumed that out of this one lakh 40 to 45 thousand are armed and only 75 rifles are taken Is this punishment barbarous? As regards the morality of the hostages I am sure the Honourable the Leader of the House's shoulders are broad enough to defend it

The point I wish to make is that the Government of India in the first place did not take any preventive action, although they were very well aware that meetings were being held in that part of the country and inflammatory speeches were made Torn leaves of the Quran Sharif and photos of wounded babies were being exhibited and the reports were sent to the Political Officers of the Government of India But the Government of India did not move In the second place when the incident had happened, the Government of India took more than 3 weeks to send any troops to the village of Oghi or to order the march of the troops into tribal territory If the Government of India would have ordered that march, there was nothing wrong in it Those people came and destroyed the lives and property of people in the settled districts and it was the duty of the Government of India to send troops to punish these people, so that similar occurrences may not happen again There is nothing wrong in it and yet the Government of India kept quiet for more than 3 weeks After three weeks' inaction the punishment that the Government of India gave was extremely lenient as the Honourable the Leader of the House himself said day before yesterday

At the conclusion of this communique dated the 12th January the Government of India itself admits that the fines imposed represent no more than a fraction of the annual income of the tribesmen in money and of their stock of rifles and are less in value than one half of the estimated damage to property alone caused by the raids I submit that the Government of India deserve condemnation not because they imposed these punishments and not because these punishments are barbarous, but the Government of India should be condemned for their inaction, in the first place, inordinate delay in taking action in the second place and for taking very inadequate action to meet a situation like this in the third place I will beg of the Government of India to take up this question and consider very seriously that this sort of thing should be stopped in the future

I am sorry my Honourable friend to my left did not make any concrete suggestion. I thank him for his good wishes that there should be peace and

[Sardar Mangal Singh.]

that life and property of everybody should be protected. I agree with him there, but he did not mention any concrete proposal. I think it is time that the Government of India should actively take up this matter. They should appoint a Committee of experts or do something else and take some concrete action This problem has been before our country for the last one century and we have not been able to solve it so far. We used to say before that the Government of India is deliberately keeping up this show in order to provide occasions for the exercise of their military or to terrorise the Indian people, particularly, the Hindus, to justify their alarmist military expenditure. We used to say that before But now that our own Government has come in power in Delhi, we should take up this question in right earnest and settle it once for all.

Sir, I will very strongly insist that a peaceful condition should be created in all these tribal areas, and one of the proposals which could be commended to the Government of India is that all these unsettled territories should be occupied by the Government of India. There is no other way. You are keeping a very powerful tract for the breeding of dacoits and there is no reason why we should not occupy those places Give them good education, improve their economic conditions by all means, but do not have a breeding ground for dacoits and robbers of our country.

An Honourable Member: Do you want to make them slaves?

Sardar Mangal Singh: Are you slaves? Without creating peaceful conditions in those areas, these repeated attacks cannot be prevented. We are prepared to consider any other practical and concrete suggestion from my Honourable friends of the Muslim League The Mover has simply condemned the Government and has not suggested any concrete proposal as to what could be done in the matter With these remarks I oppose the motion

Mr. Deputy President: The Leader of the House

The Honourable Pandit Jawaharlal Nehru (Member for External Affairs and Commonwealth Relations) If you want me to speak, I will speak. I wanted to say something right at the commencement, but then other Members caught the eye of the Chair

Mr. Deputy President: The Chair is not compelling the Honourable Member to speak, but that seems to be the desire of the House.

Diwan Chaman Lall (West Punjab Non-Muhammadan): The point is that the Leader of the House may make a statement now and the debate goes on. It does not necessarily mean that the debate terminates with the speech of the Leader of the House.

The Honourable Pandit Jawaharlal Nehru: Sir, of the adjournment motions that come before the House from time to time I venture to say that there has been none with such little justification as this one. In fact, if I may confess it, it was the amazing lack of justification in this motion which made me ask the President to give the House time to listen to what can be put forward for a resolution which seems to me to lack substance of every kind. I was anxious also that this matter be debated in this House because there has been so much said and so much is being said directly or obliquely or by insinuation about various things happening in the Frontier that a debate here would probably not only enlighten the House, but the country. So far as I am concerned or so far as the Government is concerned inevitably we would have to follow the policy which was commendable to this House and the country. We have no other alternatives before us. If a policy suggested by us does not commend itself to the House, we have to change that policy or we have to resign. Therefore, I am glad of this opportunity because we will be able to know at least the temper of the House in regard to such matters. I have no doubt that on future

occasions we may have to come up before the House for more guidance and directives as to how we should proceed about the general policy, which we may pursue

I am glad that the Honourable Mover of this motion has said that there is nothing communal about this Unfortunately, there is on this subject, though not in this motion, a great deal of communal passion and communal criticism. There is, if I may say so, a great deal of misuse of language The subject is worthy of discussion, but I do submit to this House that the language of this motion itself and the language that the Honourable Mover used about barbarous inhumanities, etc , is a complete misuse of language or ignorance of language. Some of the facts have been stated and I shall state the facts still further, if necessary

Now, there are two or three points This motion is perhaps confined to one particular issue, which is inevitably mixed up with the larger issue of policy in the Frontier That is a big issue and I do not think I would be entitled to take up the time of the House over it even if I was prepared for it Nothing has been a greater burden on my mind during these last five months since I have been in charge of my Department than this question of the policy to the pursued on the Frontier I took an early opportunity to go to the Frontier Ever since then I have thought about it I have many ideas on the subject and some of them have been discussed among my colleagues Ultimately, we felt that in view of other developments elsewhere—in the Constituent Assembly and in the Advisory Council, which is particularly meant, among other things, to deal with tribal areas—it would perhaps not be desirable for a new policy to be initiated from the External Affairs Department So, for this reason as well as for other reasons we did not attempt to initiate that new policy, though at the same time inevitably we tried to give a new orientation to such policies as were being pursued. There were other difficulties, of course, because our problem, whether it is a Frontier problem or any other problem, is connected and is affected by various developments in India This very instance about which this motion has been brought was in a sense a reflection of something that happened elsewhere in India And we thought that because of this close connection with all-India events it could not be wholly isolated from them and it had to be taken together Perhaps an attempt to hasten a change there without due consideration of an all-India problem may not yield results or might yield wrong results In other matters undoubtedly, as Member in charge of the External Affairs Department, I am fully responsible for anything that may happen in the Frontier in regard to this Department I do not for an instant deny any responsibility or disclaim it Nevertheless, the House knows well that any head of the Department has got the machinery and apparatus which he inherits, he cannot function just as he wills unless that machinery and apparatus are changed Now, Sir, the frontier mahinery and apparatus have been trained in a particular way for over 100 years It is not so much the question of the present personnel The personnel there for years past have been trained in a particular way It is a way with which I have little sympathy and naturally because that policy was laid down long ago with different objectives and today, with an entirely different approach, few people can have sympathy with that policy I do not propose to argue whether that policy in the past succeeded or failed But I would certainly submit that it is totally out of keeping with the present day And so, it was a peculiar question, a big question before us, how far with this present machinery and apparatus of government in the Frontier province trained in this past policy, we can use them, how far we can initiate new policies without some other changes also. So, for these reasons we decided not to put forward any radically new policy for the moment, but wait rather for the Advisory Council and the Constituent Assembly to consider these matters But if, however, occasion arises and some day this policy is to be considered, the House

[Pandit Jawaharlal Nehru.]

may take it that it will be placed before it for consideration before any vital change is made.

Now, Sir, coming to this particular matter, it is obvious that no Government can tolerate wanton outrages, murder, raid, arson, etc. No Government can refuse protection to its people when they are attacked and no Government is worth the name if it is incapable of giving that protection. It is an obvious statement with which the Honourable Mover himself agreed. Yet, unfortunately for us, we see today in various parts of India that in spite of every effort outrages have been committed, are being committed. My Honourable friend Sardar Mangal Singh talked about preventive action. Quite rightly he is justified in drawing attention to that fact It is quite possible—I cannot definitely say—that something that might have been done might have prevented something that happened after We can always be wise after the event, but all over India some kind of preventive action is necessary. If we forget the yesterdays, we have the tomorrows to look after We are thinking of that, we are trying to do it, but owing to certain unfortunate happenings, a certain atmosphere has arisen which enables these things to happen and which encourages them. We have to face that. No doubt this House and the country will face it and put an end to it But for the moment I should like this Honourable House and the Honourable Member Sardar Mangal Singh to remember, when he asks us about this preventive action, this context in which this thing has occurred when such things or similar things have happened in many parts of India If we failed in other parts of India, if somebody failed in other parts of India, it is perhaps understandable why we failed in the Frontier province for a little while

Well, Sir, what happened there in so far as this border raid is concerned? On the 7th and 8th December, 1946, a large body of transborder tribesmen raided the villages of Battal and Oghi During that raid two market places were burnt down, 15 Hindus and two Muslims were killed, bazaars were burnt and looted There were other petty outrages in the district On the next day or two days after, a lorry load of Hindus, mainly women and children who were trying to escape were stopped and there was a general massacre of the occupants of that lorry Fourteen were killed, chiefly women and children, and 27 were wounded

Now, Sir, practically speaking these are the main incidents which happened in connection with this border raid. I have to meet two arguments, firstly that we were slow and lenient, and secondly that we were barbarous and mediaeval. The two really cancel each other I put it to the House, I will give the facts to the House and leave the House to judge them. Immediately this happened, within a day or two of it, we were seized of the facts, we gave very earnest consideration to various proposals that were put before us from those in authority in the frontier over this tribal area. The proposals were that we should bomb these territories from the air The House knows that we have been averse to bombing, we are averse to bombing Powerful arguments were adduced that this was the safest course, the humanest and the quickest way of putting an end to the problem We were told that there was danger that if we did not put an end to this, it might spread, it might affect other tribal territories round about. We were told that the settled areas also were in danger It was a very difficult proposition for us because we took the responsibility of the danger of this trouble spreading. On the other hand we were totally averse to this bombing business. I must confess that I spent a very difficult day and very difficult two nights thinking over this problem and consulting others. I came to the conclusion for a variety of reasons that we should not bomb. In the meanwhile we had been waiting for further news about the developments in the Hazara district and this further news confirmed us in our conclusion. It has been suggested by Sardar Mangal Singh that

we did not do anything for three weeks till January. Well, Sir, that is not correct. At that time we decided straightaway two things. First, of course that the Frontier constabulary should immediately go there and protect the citizens. Those who were easily available were there within a day or two and they did protect In fact in one or two places they came into conflict with the raiders. But the bigger operation necessitated troops being collected there. It was decided to send a brigade immediately But we were informed by the military that it would take some days, it would take about a fortnight before a full brigade could be gathered there Meanwhile, of course, the House will remember that the armed constabulary and others were protecting the people.

Mr. Deputy President: The Honourable Member has two minutes more

Some Honourable Members: But if the House so desires, he can be given some more time

Mr. Deputy President: Is it the pleasure of the House that the Honourable Member should be allowed some more time to finish his speech?

Several Honourable Members: Yes, yes

Mr. Deputy President: If the House so desires, I have no objection The rules are imperative that during the debate on an adjournment motion no speech shall exceed fifteen minutes That is so far as the Chair is concerned if the House agrees, as it has done now, I can give him more time The Honourable Member may go on

The Honourable Pandit Jawaharlal Nehru: So that while the frontier constabulary was holding the fort—if I may say so—protecting the people, the brigade was gathering there and it did gather there When the brigade was there early in January these terms were announced, because there was no point in terms being announced until there was nobody to enforce them The terms as the House has already heard, were a fine of Rs 75,000, 75 rifles and 40 hostages I need not say much about the money part or the rifles,—it was undoubtedly lenient So far as the question of hostages is concerned, it sounds awful and the Honourable Mover of this motion asked us if we are going to behead the hostages and the rest of it As a matter of fact the House will remember that many of these tribesmen are continually taking hostages from us It is a daily practice and a frequent practice Every person kidnapped is a hostage held up for ransom and sometimes comes to a worse end Now the real question before us is how we are to face this contingency and stop this, and I shall be very glad if any Honourable Member would help us in finding a solution This taking of hostages means keeping certain persons handed over more or less as detenus—not in prison but under some restraint—till the terms are fulfilled and till there is an assurance that no further trouble will occur It is unfortunately a custom which has been prevailing there for some time past in the frontier areas Whether I liked it or not, I did not myself feel justified in coming in the way of the local authorities who have been functioning in that way, and telling them that they must not do this, without being able to give them an alternative But I prevented them—not I of course but Government prevented them—from indulging in air operations

(At this stage Mr President resumed the Chair)

If I went on to tell them not to do this or that who was going to be responsible for the safety of the people or the prevention of any further disorder? It sounds awful but I do not think that keeping 40 or 50 or 60 men under restraint is so awful The House will remember that thousands have been kept under restraint in various parts of India, it is not a measure of barbarity or anything. I do not like it to happen, but it really means that certain persons who have misbehaved are kept in detention for a while So that I do submit that there is nothing in it We could not have done it previously, perhaps we might; I do not know; but what we did has in effect been justified by events and nothing

[Pandit Jawaharlal Nehru]

further has happened We have to find a balance between two factors; one is that we must make the evil-doers feel that they have done wrong and we must prevent them from continuing it and they must see that if they persist in it they will be punished The second is, not to go so far as to make them feel humiliated and revengeful so that they may revert to their evil-doing afterwards That balance is a difficult balance, but I think in this particular matter we did succeed in arriving at that balance and found some kind of middle way avoiding either extreme And you can judge that from this that since the first two or three days of these raids when a number of murders and looting occurred nothing further has occurred, we could keep them in check, whether with the constabulary or the armed forces Secondly, when these terms, which are supposed to be terrible were announced, they were accepted very soon It was not necessary for our armed forces to enter the tribal territory, before they entered it they were accepted and part payment was made immediately I do not know if complete payment has yet been made But about three-fourths of the payment was made rifles were given, most of the hostages were given, and the leading Maliks of that area accepted those terms and promised good behaviour So that such a terrible incident ended in relatively less ill-feeling than it might have done, and, as one Honourable Member said, the people who had run away from their homes are returning to their homes That too is a sign of how soon we are trying to go back to normal conditions

I do submit that in those conditions Government, whatever their many failings might be, have succeeded remarkably in dealing with this particular situation, and I do submit further that this motion which condemns Government for their barbarity has absolutely no justification whatever There is no question of barbarity, we dealt with the situation with extreme leniency and justice

Maulana Zafar Ali Khan: Sir I support the motion with all the emphasis at my command I am one of those who are strongly of the view that the deadlock in India cannot be solved unless the Hindus and Muslims join together and give up the attitude that they have taken up for some time past to the detriment of the country's interests After all, as my Honourable friend said, we have to live in this country willy-nilly like brothers and like friends and create conditions which would lead to a healthy atmosphere As regards the tragedy that occurred on a small scale in the frontier province when many people were killed and looted and a lot of harm done to them, it has been pointed out that the attack of the tribesmen was on villages where Muslims also live So Muslims and Hindus and Sikhs all suffered together Although the province happens to contain an overwhelming population of Muslims some of them also were killed So it is not a communal question at all In explaining the causes that led to these raids the Honourable Mover pointed out that the necessities of life were lacking These poor people who dwell in caves and mountain ridges went to the cloth market to buy a winding-sheet for one of their dead and they could not get one unless they paid two hundred rupees Then they could not get sugar or oil and they had to go to the black market That created in their minds a feeling of hostility towards the British Government whom they began to look upon as their dead enemy Then there were other causes In Bombay many Pathans were stabbed and murdered outright Those who escaped went back to their country and gave their kinsfolk the story of their sufferings This also created among these people a revulsion of feeling against the British Government Then there was another big cause Khan Abdul Ghaffar Khan and Dr Khan Saheb had run away with the idea that these tribesmen ought to be civilised and taught the lesson of European culture. These people, as we all know, from the time of Alexander and during Moghul rule also, have remained independent and would not sell their freedom for anything. So they began to think that the Government of India was their lead'er and ought to be punished, and so they came down and began

their raids, took away some booty, killed some people and went back My Honourable friend, Sardar Mangal Singh, is very much upset at the happenings in tribal areas He wants the Government of India to order its troops to march into the tribal territory and occupy it outright, and he asked us, the Muslim League Party to put forward a substantial proposal to bring about an end to these happenings I give him the reply; it is in one word—Pakistan. Partition India into two parts—Western Section and Eastern Section for Muslims, and the rest of India for Hindus. If they are sane enough, they will take my advice Pakistan is coming

5 P M.

Pandit Sri Krishna Dutt Paliwal (Agra Division Non-Muhammadan Rural) Not by these murders

Maulana Zafar Ali Khan: As regards Sardar Mangal Singh's threat that he would occupy the tribal territory, let him read his own history and let him read the fate of Hari Singh Nalwa

Sardar Mangal Singh: What did he do?

Maulana Zafar Ali Khan: My friend has regaled the House with a cock and bull story about children, babies and bones being brought into public meetings and shown to excited Pathans with torn leaves of Koran in order to excite them to violence, I am very glad he has given up one part of the story today The other day he told us that the Aligarh boys had gone to the Frontier Province and incited the people there to violence This is absolutely wrong Muslim University boys did go to the Frontier Province for helping in the election campaign, but to say that they incited people to violence is doing them grave injustice I think he ought not to take up the attitude that he has done I assure him that as Mussalmans we believe that it is our duty to protect the rights and interest and privileges of minorities Our Koran says "Let not the fact that a people happen to be hostile to you impel you to do injustice to those people, do justice because that is near to piety" This is what Koran has taught us and we cannot go beyond the teachings of Holy Koran

Sardar Mangal Singh has stultified himself, he says one thing here and another thing there, he should learn the art of consistency I think the days of his gratification are numbered

Sardar Mangal Singh: Let us see.

Maulana Zafar Ali Khan: With these words, Sir, I resume my seat

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) The issue s particular motion is not that we want to justify in any way the action of those persons who killed innocent people. Confiscation of guns and collection of a little money is not also the issue before us. The real issue is keeping the hostages which will not serve any useful purpose and which instead of improving the situation will make it worse

To start with I would like to tell the House some conversation which I once had with Sir James Grigg I was complaining against the institution called village *bania*, and told him that this institution was permitted by the British Government He replied that this is not the creation of the British Government, but the Mughals also had the same thing He added that in the Frontier every big landlord has got his own *bania* and very often there are family feuds over insulting one another's *banias*. My Honourable friend, Mr. Abdul Ghani Khan, who is unfortunately not here will certify this story. I replied that these *banias* in Frontier are more or less like banks. These landlords keep their money with them, and they do not care whether any *bahi khatas* are kept or not, and when a good deal of money is gathered by *bania* and they find that they cannot pay further, then the bank is liquidated—that is they kill that *bania* and bring someone else in his place That is how it goes on in the

[Dr Zia Uddin Ahmad]

Frontier That was the conversation I had with Sir James Grigg. The real cause at the bottom of all this trouble is that these people whose houses have been looted and who have been killed had been lending money on an unusually large scale. On this occasion the debtors thought that all the money that they paid was really deposited in the bank, and they wanted to liquidate the bank, and take the money back So really speaking it is an economic problem, and not the one which has been made out by my Honourable friend, Sardar Mangal Singh, namely that there is a big plot behind it Sardar Mangal Singh ought to be very careful about what he says, he should not indulge in this extravagence because he is living in a house of glass and if he begins to throw stones indiscriminately his own glass house may be broken I may remind him that all the trouble which we had in the United Provinces, Bihar and Bengal was led by Sikhs who had been employed there Some of them carry their swords in the name of *Kirpan* I remember the debate on the floor of this House about the *kirpan*. I raised this question and they said the length will be only 3 centimeters while in fact they are nowadays wearing *kirpans* which are 39 inches I never heard of any religious symbol which is used for killing purposes A man may have an emblem of sanctity

Lala Deshbhandu Gupta (Delhi General) Sir, is the Honourable Member relevant?

Dr. Zia Uddin Ahmad: I was only replying to Sardar Mangal Singh

Mr. President: Order order The Honourable Member may address the Chair

Sardar Mangal Singh: Can he give a single instance in Delhi during the communal tension that any Sikh attacked any Muslim with a *kirpan*, although every Sikh was carrying 3 feet long *kirpans* all the time

Mr. President: The Honourable Member will confine himself to the motion which is in respect of "punitive fine and the barbarous and medieval practice of taking hostages imposed on Nandibar tribes in January 1947 "

Dr. Zia Uddin Ahmad: I would be reluctant to bring this up again but he brought up the Aligarh Students before this House when he said

Sardar Mangal Singh: Will he deny that the students did not go there ?

Mr. President: Order order The Honourable Member Dr Zia Uddin Ahmad may speak

Dr. Zia Uddin Ahmad: No The point was irrelevant but because irrelevancy was used by my friend and irrelevancy can only be replied by another irrelevancy

Coming to the question of hostages the real point at issue was that by keeping the hostages with you you are not going to solve the problem I wish the example set by the Government of the North West Frontier Province may be followed by other provinces specially Bihar That is the way in which friendly relations are to be restored But by creating doubt in the minds of the tribesmen that their lives may not be safe and also the possibility of wrong rumours being spread among the frontier people that their hostages have been killed may lead to fresh troubles in future So it does not serve any useful purpose in keeping the hostages Our request is that these things should be removed They should be sent back in order to maintain good relations between the two parties and I am sure that if negotiations are started and these persons are returned and allowed to go home and work, probably better relations will prevail and these things will be forgotten It is our earnest desire that the Hindus and Muslims should live on peaceful terms It is the wish of the Government of the North

West Frontier Province that there should be no disturbances between the border tribes and the people in the Hazara District We on this side by no means desire that any bad relations should exist. I admit that keeping hostages will be a constant source of future trouble If you show generosity I am sure the Muslim mind specially Pathans will always appreciate generosity. Pathans will show it much more because he feels it much more than the people in other parts of the country. If you want to make them very friendly, the best way is to show them generosity. Treat them kindly and at the same time compensate those people who have suffered and then this problem will be solved more satisfactorily than by keeping hostages

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural): Sir, I move

"That the question be now put"

(Mr Tamizuddin Khan rose in his seat).

Mr. President: Will the Honourable Member resume his seat? As no one seemed eager to catch my eye, I wish to call upon the Honourable Member to reply I will now allow one more speaker.

Haji Abdus Sattar Haji Ishaq Seth: The motion has been moved by us here and we have a number of speakers As a matter of fact the Member in charge has spoken and we have to reply and it is for us to express the wish when to close The fact that nobody was standing is due to the fact that we did not realize that Dr Zia Uddin had finished As a matter of fact the Deputy Leader of the Party has not spoken

Mr. President: I am not going to help Members who are not keen In their conduct they must show that they are quite keen to catch the President's eye. Otherwise, I cannot help them But a reasonable debate has to be there. When the request for putting the question was made many Members had spoken

Haji Abdus Sattar Haji Ishaq Seth: Only one Member of the Party has spoken.

Mr. President: It is not a question of one Member of this or that party. A large number of speakers has spoken One more speaker may be allowed. Mr Nazimuddin may speak and then I shall put to the House the closure motion. I am very sorry that the considerations advanced by the Honourable Member cannot hold I am going to allow one more speaker

Khwaja Nazimuddin (Burdwan and Presidency Division. Muhammadan Rural) I would like to make it quite clear that the object of bringing forward this adjournment motion was for the purpose of fixing the attention of the public to the policy of taking hostages It is an admitted fact that as far as this House is concerned, there is no recognised opposition At the same time it is also recognised that without opposition and criticism Government Members are apt to become irresponsible Government becomes slack and inefficient Besides the Members of this House have a duty to their electorate and therefore it is necessary that important questions should be placed before the House and the public so that the Government may correct their attitude by the force of public opinion. Sir, the Leader of the House, although denying the justification for this motion took a considerable time in explaining the policy and stated that there were good grounds for the motion and it was necessary that the whole question should be explained and I think to a large extent he will agree that the explanation that he has given will be helpful in dealing with this question. But, Sir, what I would very much like to ask the Members of the Government is whether there is a change in their policy or not? Whether the present Interim Government, which is composed of representatives of two major parties is going

[Khwaja Nazimuddin]

to act differently to the previous Government, which was largely composed of Britishers and I C S officials? Is there going to be a change in their outlook, in their angle of vision, in the policy which they are pursuing? Or am I to accept the statement of my friend, Mr Sri Prakasa that it is the Chair that speaks and whoever sits there speaks the same language? Am I to understand that the present Leader of the House is going to pursue the same policy as has been pursued by his predecessors Is it not a fact that on the floor of this House from these very Benches where I stand now, representatives of his party have on numerous occasions condemned this policy of bombing and taking of hostages? Is it not a fact that the previous representatives of that party, when they were sitting here have criticised in the strongest terms this policy of taking hostages and what is more Pandit Nehru, the cultured civilised Indian spoke from his heart when he admitted that the policy of taking hostages is barbarous but Pandit Nehru, the Member for External Affairs, has to sing in a different tune when he stands up to defend the censure motion I maintain that you cannot cite a single instance of any civilised government at the present time going in for a policy of taking hostages

The Honourable the Leader of the House is trying to raise the status of India in the comity of nations I ask him can he look these civilised nations in the face when he here tries to defend the policy of taking hostages? He has said that these hostages are something in the nature of detenus or people detained without trial under the previous Government and even under the present Government I beg to differ from him In the cases of persons detained without trial there was generally a case made out that these people (it may not be correct) were taking part in some kind of subversive activity whereas the principle behind the system of hostages is that it is not necessary that the persons whom you have asked to be surrendered to you as hostages should be actually themselves participants in a hostile act Usually important men or relations of important men are asked to be surrendered as hostages, persons who have had nothing whatsoever to do with the commission of the crime And I feel that there is a vast difference between the policy behind detaining persons without trial and asking for hostages

There is another aspect of this question which I would also like to place before this House and that is this After all the representatives of a party are at the head of this Government and they want to pursue a certain policy, *viz*, if there had been outrages, if there had been acts of violence, drastic steps should be taken to see that there is no recrudescence or recurrence of the trouble As a policy one can understand it and there will be a great deal of support for it Every right-thinking man will support a policy like this but what surprises me most is why here the representatives of that party declare this as their policy, while the representatives of that party sitting as members of the Government in other provinces are not prepared to follow that policy While wholesale murder, arson, loot, outrages on women have been performed, we find that there is no question of imposing punitive fines or taxes or arrests or punishment of the offenders

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) Has it been done in Noakhali?

Khwaja Nazimuddin: Yes In Calcutta.

Mr. K. C. Neogy: Have punitive fines been imposed in Noakhali?

Khwaja Nazimuddin: In Calcutta there have been a very large number of arrests

Mr. K. C. Neogy: What about Noakhali? That is the question?

Khwaja Nazimuddin: There is no similarity . . . . . In Noakhali the number of arrests is very large.

Mr. K. C. Neogy: What!

Khwaja Nazimuddin: Yes. There has been a very large number of arrests in Noakhali.

Mr. K. C. Neogy: What about punitive fines?

Khwaja Nazimuddin: A large number of people have been arrested and they will be placed for trial. But I find a total absence of these conditions and these measures in Bihar and it is admitted that nothing compared to what has taken place in Bihar has taken place anywhere else.

Mr. K. C. Neogy: Have you been to Neokhali?

Khwaja Nazimuddin: I know the full facts.

Mr. K. C. Neogy: You know them from here!

Mr. President: Neither Noakhali nor Bihar is under discussion here While moving the adjournment motion the Mover said that it was absolutely non-communal and the question is whether certain measures are permissible for improving those who are supposed to be recalcitrant. Neither Noakhali nor Bihar need be brought into the discussion

Mr. K. C. Neogy: The Honourable Member himself is responsible for these interruptions

Khwaja Nazimuddin: Therefore I maintain that there can be no objection if the same policy is pursued all over India by the party in power. Sir, I maintain that under the present circumstances I would strongly urge upon the Honourable the Leader of the House that as far as hostages are concerned he should immediately take steps to see that the hostages are released, because it is not a thing which he himself admits he can justify or defend. He has admitted his inability to change this policy, because he says that this policy has been pursued for a long time and the officers concerned believe in this policy But, Sir, I maintain that this is a defeatist attitude and we expect from the Honourable the Leader of the House something more than that defeatist attitude I can quite see that perhaps at the time he was not in a position to take a different course but now that this question has been brought to his notice and he himself admits that these cases necessitate a change, I hope he will justify what he says by taking steps to get these hostages released

I am very glad to find that he is strong enough to resist the demand for bombing There is only one condition in which bombing can be justified, that is to prevent an immediate attack, to prevent outrages, to prevent the burning of houses, murder and slaughter. Bombing then comes under the same category as firing by police. But bombing as a punitive measure after events have taken place is not quite justifiable, and his predecessors in this House have always condemned it in the strongest terms and I hope that he will never yield to this temptation of bombing as a punitive measure

Mr. President: The question is

"That the question be now put"

The motion was adopted

Mr. Siddiq Ali Khan: Sir, I do not wish to exercise my right of reply in view of the fact that undue advantage has been taken of the brute majority to stifle the debate.

Several Honourable Members: Order, order.

Sardar Mangal Singh: May I ask the Honourable Member one question?

Mr. President: Order, order.

Mr. President: I am putting the motion before the House. The question is:

"That the House do now adjourn"

The Assembly divided;

AYES—16.

Abdul Hamid Shah, Maulvi.	Nairang, Syed Ghulam Bhik.
Abul Hussain, Chaudhury Md.	Nazimuddin, Khwaja.
Ghazanfarulla, Hafiz M.	Siddiq Ali Khan, Mr.
Habibur Rahman, Mr.	Siva Raj, Rao Bahadur N.
Ishaq Seth, Haji Abdus Sattar Haji.	Tamizuddin Khan, Mr
Ismail Khan, Hajee Chowdhury Mohammad	Yamin Khan, Khan Muhammad.
Jaffer, Mr. Ahmed E. H.	Zafar Ali Khan, Maulana.
Killedar, Mr. Mohammad M.	Zia Uddin Ahmad, Dr

NOES—64.

Abdul Ghani Khan, Khan.	Mangal Singh, Sardar.
Aditya, Sri S. T.	Manu Subedar, Mr
Ambegaokar, Mr K G	Masani, Mr M. R
Anthony, Mr. Frank R.	Matthai, The Honourable Dr. John.
Banerjee, Sree Satyapriya.	Menon, Sri A K.
Bhalja, Mr. G. S.	Mukhopadhyay, Mr. Nagendranath.
Bhattacharyya, Rai Bahadur Devendra Mohan	Mukut Bihari Lal Bhargava, Pandit.
Chaman Lall, Diwan	Narayanamurthi, Sri N.
Chatterjee, Dr. J C.	Nehru, The Honourable Pandit Jawaharlal.
Dani, Mr G B.	Neogy, Mr. K C
Deshmukh, Dr. G V.	Julanam, Mr S. H. Y
Gadgil, Sjt. N V	Paliwal, Pandit Sri Krishna Dutt.
Gangaraju, Sri V.	Patel, The Honourable Sardar Vallabhbhai.
Gokhale, Mr. B. K.	Panjabi, Mr. K. L.
Gole, Mr. P. B.	Rajagopalachari, The Honourable Sri C.
Gounder, Sri V. C Vellingiri.	Ram Narayan Singh, Babu.
Govind Das Seth.	Ramayan Prasad, Mr
Gupta, Lala Deshbandhu	Ranga, Prof. N. G.
Hans Raj, Raizada.	Reddiar, Sri R Venkatasubba.
Himmatsinhji, Col Kumar Shri.	Saksena, Shri Mohan Lal
Hiray, Sjt. B. S.	Salve, Mr. P. K.
Jagannathdas, Sri.	Sanyal, Mr Sasanka Sekhar.
Jagjivan Ram, The Honourable Shri.	Satakopachari, Sri T. V
Jhunjhunwala, Mr. B. P	Sharma, Mr. Krishna Chandra.
Jogendra Singh, Sardar.	Sharma, Pandit Balkrishna
Joshi, Mr. S C.	Sinha, Shri Satya Narayan
Karmarkar, Shri D. P.	Sri Prakasa, Shri
Kharegat, Sir Pheroze.	Sukhdev, Seth
Lahiri Choudhury, Srijut Dhirendra Kanta	Swaminadhan, Shrimati Ammu.
Lal, Mr. Shavax A.	Turner, Mr A. C
Mahapatra, Sri Bhagirathi.	Varma, Mr B. B
Maitra, Pandit Lakshmikanta.	Vinchoorkar, Sardar N G.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th February, 1947

LEGISLATIVE ASSEMBLY

Thursday, 6th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G. V. Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

LIABILITY OF THE CENTRAL GOVERNMENT FOR COMPENSATING VICTIMS OF COMMUN RIOTS IN PROVINCES

67. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Finance Member please state if it is a fact that the question of compensating victims of communal rioting is entirely for the Provincial Governments concerned and that no compensation will be paid by the Central Government?

(b) Have Government received any requests from the Provincial Governments for monetary aid from the Central Government for the purpose of paying compensation to riot victims and for rehabilitation and relief?

(c) What amount of financial assistance, if any, have the Central Government made upto the present to the Provincial Governments in this connection?

The Honourable Mr. Liaquat Ali Khan: (a) There is no legal liability on Government for payment of compensation to victims of communal riots. The question of *ex-gratia* compensation is one for the Provincial Government concerned.

(b) One Provincial Government has included expenditure on the rehabilitation of riot victims as one of the items in consideration of which it has applied for a subvention from the Central Government. The matter is under consideration.

(c) None, Sir.

Shri Mohan Lal Saksena: May I ask which Government has done so?

The Honourable Mr. Liaquat Ali Khan: Bengal Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether the Government of India have any independent machinery to go into the question of this rioting including the causes and circumstances leading to incidents and following the incidents?

The Honourable Mr. Liaquat Ali Khan: The Honourable Member is fully aware of the circumstances leading to these riots.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether, after the representations were made to the Government of India in connection with this communal rioting, the Government of India have set up any machinery for assessing the situation?

The Honourable Mr. Liaquat Ali Khan: That question hardly arises out of the question which is before the House. If the Honourable Member wants to put that question, he should send it through the proper Department.

Mr. Sasanka Sekhar Sanyal: A representation was made by the Bengal Government as stated by the Honourable Member. May I know from the Honourable Member whether the Government of India is making an independent inquiry into the situation or is merely going on the report of the Bengal Government?

The Honourable Mr. Liaquat Ali Khan: I do not know what the Honourable Member means by "situation"?

Mr. Sasanka Sekhar Sanyal: The situation arising out of the rioting which calls for the compensation referred to in the question

The Honourable Mr. Liaquat Ali Khan: The Government of India are asked for a certain contribution towards the compensation which the Bengal Government think they will have to pay to those who have suffered in these communal riots.

Shri Mohan Lal Saksena: In case the Government decided to grant the demand made by the Bengal Government, will the question come before the Standing Finance Committee for their approval?

The Honourable Mr. Liaquat Ali Khan: The question of subvention will certainly come up before the Standing Finance Committee.

DELAYS AT THE CURRENCY OFFICE AND THE RESERVE BANK OF INDIA IN MAKING PAYMENTS TO TENDERERS OF RS 1,000 CURRENCY NOTES

68. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Finance Member please state if Government have received in recent weeks complaints from individuals and public bodies from all parts of India in regard to the delay in accepting Rs 1,000 Government currency notes presented at the Currency Office or the Reserve Bank of India by legitimate tenders?

(b) Are Government aware that persons tendering Rs 1,000 notes for payment have had to wait for many months?

(c) Are Government aware that there is a grave dissatisfaction and unrest in the country as a result of the inconvenience?

(d) What is the reason for this delay and inconvenience to the public?

(e) Are Government aware that these sums are often the savings and permanent reserves of middle class families who cannot wait indefinitely?

The Honourable Mr. Liaquat Ali Khan: (a) No, Sir

(b) Yes Sir, but only in a few cases

(c) No, Sir

(d) It is only where the applicants have failed to furnish complete particulars or given indefinite, ambiguous or evasive replies that delays in meeting the claims have occurred owing to the necessity of obtaining further information and having it verified. In the case of applications made after the expiry of the prescribed time-limit it has also been necessary to examine whether the alleged reason for the delay in the submission of the claim was justified and whether the applicant was the *bona fide* owner of the notes and did not acquire them subsequent to the promulgation of the Ordinance.

(e) I doubt if this is so in the majority of cases, since the explanation given for belated claims is that the applicants were either not aware of the possession of the high denomination notes or had forgotten all about them.

Shri Sri Prakasa: Will the Honourable Member kindly give us an idea of the amount of money Government have made out of this transaction?

The Honourable Mr. Liaquat Ali Khan: There is no question of the Government making any money out of this transaction.

Shri Sri Prakasa: In view of the fact that a large number of notes were not cashed, surely the amount of money thus saved can be regarded as having been made by Government. Could the Honourable Member give an idea of that amount?

The Honourable Mr. Liaquat Ali Khan: I cannot give exact figures, but I think it is in the neighbourhood of 10 crores.

Dr. Zia Uddin Ahmad: Has the Government got any idea as to how much money they have lost in the shape of income-tax?

The Honourable Mr. Liaquat Ali Khan: The Government have got some idea, but I am afraid I cannot give any definite figures.

Mr. Manu Subedar: May I know whether the payment of these one thousand rupee notes has not been finally closed, as a previous statement in the House indicated that no more outstandings were being paid?

The Honourable Mr. Liaquat Ali Khan: No. More people are being allowed to make applications, and those applications which had been made before are under examination.

Shri Sri Prakasa: Has the Government been able to catch any person of the category to catch whom this Ordinance was promulgated?

The Honourable Mr. Liaquat Ali Khan: The statements that have been made by persons concerned are being scrutinised.

Shri Sri Prakasa: How much more time will Government take in the scrutiny of this matter? It is a very old game now

The Honourable Mr. Liaquat Ali Khan: It takes a little longer than what my Honourable friend thinks. After all, the Government would not like to launch any action unless they were certain about the consequences and the result of it

Shri Sri Prakasa: Has the Government prescribed any time-limit for itself for the purpose of this examination? They prescribed a very short time limit for the disposal of the notes.

The Honourable Mr. Liaquat Ali Khan: As soon as possible.

GOVERNMENT HELP TO THE AYURVEDIC AND UNANI SYSTEMS OF MEDICINE

69. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Health Department please state

(a) the steps Government have taken or propose to take to help the Ayurvedic and Unani systems of treatment, and

(b) if Government intend to open research departments and universities with up-to-date libraries and laboratories in the near future for the above purpose?

Mr. S. H. Y. Oulsnam: (a) and (b). The Government of India have decided to appint a Committee to consider and recommend steps to be taken to improve facilities for research and training in the indigenous systems of medicine and generally to increase their usefulness to the public. The further action to be taken will be decided after the report of the Committee is received.

Seth Govind Das: When was this Committee appointed? We have not heard anything about its activities.

Mr. S. H. Y. Oulsnam: It was appointed quite recently; actually it was appointed in January.

Mr. Manu Subedar: Will the Honourable Member make available to the Members of this House, who are interested, the report of Col. Chopra's Committee on indigenous drugs?

Mr. S. H. Y. Oulsnam: We have not got at the moment available a copy of the report, but we will try and get it from the Bengal Government.

Shri Mohan Lal Saksena: May I know what is the personnel of the Committee?

Mr. S. H. Y. Oulsnam: It consists of Sir P. N. Chopra as Chairman; three Ayurvedic practitioners; three hakims, and two Allopathic doctors

Prof. N. G. Ranga: Are Government aware that Ayurvedic medicines and drugs are being utilised for veterinary purposes also and in certain parts of the country, especially in Madras, there are already Ayurvedic veterinary colleges? Will Government consider the advisability of conducting an investigation in this matter also?

Mr. S. H. Y. Oulsnam: We will consider the matter, but it is really a matter for the Agriculture Department.

Shri Mohan Lal Saksena: Is it not a fact that the vaids who are on this Committee are also allopaths?

Mr. S. H. Y. Oulsnam: They are persons who have been trained in Western medical science also.

Shri Mohan Lal Saksena: Is it not a fact that no Ayurvedic practitioner of repute has been appointed on this Committee?

Mr. S. H. Y. Oulsnam: All the three persons who have been appointed are Ayurvedic practitioners. One is the Principal of the Benares Hindu University Ayurvedic College; another is the President of the Board of Indian systems of medicine in Bombay, and the third was formerly the Principal of the Madras Ayurvedic College and is at present member of the Board of Advisers on indigenous systems of medicine in Madras

Shri Sri Prakasa: Is he only the Principal of the Benares Hindu University Ayurvedic College or is he also an active practitioner?

Mr. S. H. Y. Oulsnam: I have no information whether this particular person is actively practising, but he is certainly a member of the Board of the Benares Hindu University.

Shri Mohan Lal Saksena: Is is not a fact that no Ayurvedic practitioner of repute has been appointed?

Mr. S. H. Y. Oulsnam: I have said that three Ayurvedic practitioners have been appointed.

Shri Mohan Lal Saksena: Will the Government consider the advisability of appointing one of the Ayurvedic practitioners as represented by the All-India Ayurvedic Conference?

Mr. S. H. Y. Oulsnam: As the Honourable Member has raised the matter, the Government will consider it.

Dr. Zia Uddin Ahmad: May I ask whether the Government are aware that both in Benares and Aligarh the students of Ayurvedic and Unani colleges are taught the basic sciences just as the same are taught for students studying Allopathy? Do Government contemplate that these Ayurvedic and Unani systems should be taught to those who have already taken M.B., B.S degree so that research work might be done?

Mr. S. H. Y. Oulsnam: That is a matter which this Committee will certainly consider.

RECOGNITION BY GOVERNMENT OF THE HOMOEOPATHIC SYSTEM OF TREATMENT

70. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Health Department please state:

(a) if Government intend to recognise the Homoeopathic system of treatment; and

(b) the steps Government have taken or propose to take to encourage this system?

Mr. S. H. Y. Oulsnam: (a) and (b). The Government will consider the matter.

Shri Mohan Lal Saksena: Was not the question regarding Homoeopathy raised at the recent Health Ministers' Conference?

Mr. S. H. Y. Oulsnam: I do not think so.

Shri Mohan Lal Saksena: Is it not a fact that this question was raised in the legislature about two or three years ago?

Mr. S. H. Y. Oulsnam: Yes, Sir, it was raised in 1936.

Shri Mohan Lal Saksena: What action was taken on that Resolution?

Mr. S. H. Y. Oulsnam: None.

Shri Sri Prakasa: In view of the fact that a large number of people without proper education are taking up to the practice of Homoeopathy will the Government see to it that the whole process is legalised and formalised in some way?

Mr. S. H. Y. Oulsnam: Government will consider the question.

Maulana Zafar Ali Khan: May I ask if Government propose to subsidise and help the Greek system which is very popular in this country? Are Government going to recognise the system officially?

Mr. S. H. Y. Oulsnam: A committee has been appointed to consider and recommend to Government what steps should be taken in the matter.

Lala Deshbandhu Gupta: Have Government received any representation from an association of qualified Homoeopaths of Delhi asking for recognition?

Mr. S. H. Y. Oulsnam: I want notice.

Shri Sri Prakasa: Will the Government actively consider the matter or simply consider it?

(No reply)

FEDERAL PUBLIC SERVICE COMMISSION TEST FOR RECRUITMENT TO PERMANENT VACANCIES IN THE CENTRAL SECRETARIAT

71. *Seth Govind Das: (a) Will the Honourable the Home Member please state whether Government are aware of the Home Department communique asking all Government servants to appear for a Federal Public Service Commission test to be held shortly for recruitment to permanent vacancies?

(b) Are Government aware that this communique has caused much dissatisfaction among the Central Government employees?

(c) How many of those who are eligible to sit for the ensuing examination have been nominated by the Home Department on the results of previous Federal Public Service Commission tests?

(d) Do Government propose to exempt such persons from the ensuing test, in view of the fact that they have already passed the Federal Public Service Commission test?

The Honourable Sardar Vallabhbhai Patel: (a) The Honourable Member is presumably referring to the Home Department Office Memorandum No. 64/8/45-Ests (S), dated the 26th July 1946. Only temporary ministerial Government servants are required to appear at the ensuing Federal Public Service Commission examination for recruitment to the permanent vacancies in the ministerial establishment.

(b) and (d). I would refer the Honourable Member to the replies which I gave on the 13th November 1946 to questions Nos. 79 and 500.

(c) The information is being collected and will be laid on the table of the House in due course.

DESPATCH BY AIR OF GOLD SOVEREIGNS FROM INDIA TO ATHENS

72. *Seth Govind Das: (a) Will the Honourable the Finance Member be pleased to state whether he has seen the Associated Press of India news item on December 12 that Rs 170 lakhs worth of gold sovereigns were flown to Athens?

(b) What action have Government taken to stop further consignments being sent out of India?

(c) Whether the Government of India have anything to say on this matter?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) and (c) No action by the Government is required as export of gold is prohibited except with the permission of the Reserve Bank and no such permission is granted The transaction referred to in part (a) consisted of exchange of sovereigns for gold and did not involve any export of gold

Seth Govind Das: May I take it that the gold for the sovereign exported has been received in India?

The Honourable Mr. Liaquat Ali Khan: Yes, Sir

Shri Sri Prakasa: May I know if Athens was in such dire need of India's gold that gold had actually to be flown and that it could not be sent by sea?

The Honourable Mr. Liaquat Ali Khan: The Government of India did not pay the freight charges of flying this gold

Seth Govind Das: Was this gold received from Athens or from some other country?

The Honourable Mr. Liaquat Ali Khan: There was gold with the Reserve Bank of India which belonged to the Bank of England, and against that gold these sovereigns were sold to the Bank of Athens at the request of the Bank of England.

Prof. N. G. Ranga: Is there any more English gold with the Reserve Bank?

The Honourable Mr. Liaquat Ali Khan: I think, Sir, that the Reserve Bank are still holding some gold, but I cannot say exactly how much.

ALLOCATION AND ADJUSTMENT OF DEFENCE EXPENDITURE DURING WAR BETWEEN INDIA AND U. K.

73. *Seth Govind Das: Will the Honourable the Finance Member be pleased to lay on the table of the House a statement regarding the broad principles underlying the allocation and adjustment of Defence Expenditure during the War years between His Majesty's Government and India?

The Honourable Mr. Liaquat Ali Khan: The Honourable Member will find such a statement of the broad principles underlying the allocation of Defence Expenditure between His Majesty's Government and the Government of India in the Budget Speech of the Finance Member for 1940-41. These have been further discussed and elucidated in subsequent Budget speeches and debates.

Seth Govind Das: Has there been no change since then in this respect?

The Honourable Mr. Liaquat Ali Khan: No, Sir

Mr. Manu Subedar: May I know whether the kind of committee which the Honourable the Finance Member when he was a Member of the Opposition suggested and which some of us asked for to examine the allocation of defence expenditure between India and England on joint measures, whether that kind of committee will now be appointed to go into this matter?

The Honourable Mr. Liaquat Ali Khan: Sir, this is a matter which will have to be examined

LOAN AGREEMENT WITH SIAM

74. *Seth Govind Das: Will the Honourable the Finance Member be pleased to lay on the table of the House a statement giving the main details of the loan agreement with Siam, the amount of loan advanced, the security and terms for its repayment, and the trade or other advantages, if any, accruing to India from the transaction?

The Honourable Mr. Liaquat Ali Khan: I place on the table of the House a copy of the financial agreement entered into between the Government of India and the Government of Siam which will give the details the Honourable member requires. The objects of this loan were (i) to provide the Government of Siam with the means of purchasing surplus goods which the Government of India had for disposal and which were required in Siam for the procurement of rice so urgently needed by India, (ii) to assist in the early rehabilitation of Siam, (iii) to establish closer trade relations between the two countries in the future, and (iv) to obviate the possibility of additions to our sterling balances on account of Siamese purchases in India

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FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM, DATED THE 4TH SEPTEMBER 1946

IT IS HEREBY AGREED BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF SIAM AS FOLLOWS —

1. *Credit* —The Government of India will extend to the Government of Siam a credit of Rs 5,00,00,000 which may be drawn upon at any time between 1st August, 1946, and 31st July, 1947, inclusive.

2. *Purpose of the credit* —The purpose of the credit is to facilitate purchases by Siam of goods and services in India and thereby to assist in the early rehabilitation of Siam.

3 *Drawing on the credit* —The Government of Siam will instruct its bankers' the Bank of Siam to open an account with the Reserve Bank of India, and the Government of India will arrange for payment into this account of such sums in blocks of Rs 5,00,000 as may be required under this credit from time to time by the Government of Siam in demands addressed to the Government of India in the Finance Department No such demand will be made after 31st July, 1947

4 *Amortization and interest* —The amount of the credit drawn by 31st July 1947 shall be repaid with interest at the rate of three per cent per annum in annual instalments of Rs. 34,00,000 beginning on 1st August, 1947

Each instalment shall consist of the full amount of the interest due, and the remainder of the instalment shall be the principal to be repaid in that year

Interest for the year ending July 31st, 1947, shall be computed on sums paid under Article 3 into the account of the Bank of Siam from the respective dates of such payments. For each subsequent year interest shall be computed on the principal sum outstanding on 1st August, of that year

The Government of Siam may after 1st August 1951 accelerate repayment of the amount drawn under this credit.

5. The annual instalments of principal repayments and interest shall be paid on the 1st August of each year by transfer from the account of the Bank of Siam with the Reserve Bank of India to the account of the Government of India with the said Reserve Bank.

6 The Government of Siam will, in consultation with the Government of India, establish a purchasing policy in respect of all purchases to be made by the Government of Siam under this credit from sources in India other than Government sources.

SIGNED in duplicate at New Delhi this Fourth day of September One Thousand Nine Hundred and Fortysix.

FOR THE GOVERNMENT OF INDIA (Sd) H M HOOD,

FOR THE GOVERNMENT OF SIAM (Sd) Th HALILAMIEN

Mr. N. M. Joshi: May I ask whether the Government of India will adopt the practice of placing all agreements with foreign Governments on the table of the House without being requested to do so?

The Honourable Mr. Liaquat Ali Khan: The Government will certainly consider the suggestion that has been made by my Honourable friend.

TRANSFERENCE OF POWERS OF AUDIT FROM INDIA OFFICE TO AUDITOR GENERAL IN INDIA

75. *Seth Govind Das: Will the Honourable the Finance Member be pleased to state

(a) whether Government are aware of the fact that the supreme audit exercised on the adjustment of Defence Expenditure is that of the India Office, and that this may indirectly involve transactions not wholly advantageous to the interests of India; and

(b) whether, in view of this Government propose to take necessary steps for the early transference of these powers of audit to the Auditor General of India?

The Honourable Mr. Liaquat Ali Khan: (a) No, Sir The Auditor General of India is responsible for the audit of the adjustment of Defence expenditure in accordance with the Financial Settlement

(b) Does not arise.

DOLLAR CREDIT FROM U. S A. FOR IMPORT OF CAPITAL GOODS

†**76. *Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member be pleased to state if Government propose to take immediate steps to negotiate a dollar credit from the United States of America for import of capital goods in view of the fact that the Dollar Pool covers only current earnings and not the proceeds of credits?

The Honourable Mr Liaquat Ali Khan: No, Sir A dollar credit at the present time is unnecessary as all the dollars required for the import of capital goods are available from the Post-War Dollar Fund and the Empire Dollar Pool.

TERMINATION OF DOLLAR POOL

77. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member be pleased to state if Government have taken any steps for the termination of the Dollar Pool and the utilisation by India of current dollars accruing to her?

(b) What is the balance to India's credit in the Dollar Pool and how much has been used by India during the years 1946-47 upto the last month, for which information is available?

(c) Did any conversation on this subject take place during the Honourable Member's visit to London recently?

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

The Honourable Mr. Liaquat Ali Khan. (a) This is one of the subjects now being discussed with the Sterling Balances Delegation from the United Kingdom

(b) As Honourable Members have been informed on previous occasions member countries do not have separate accounts with the Pool so that the question of having any particular sum as a credit balance does not arise.

If the Honourable Member however desires to know what the balance of payments of India has been with the hard currency countries since the beginning of the war, the answer is that between September 1939 and March 1946 the balance in the aggregate was favourable to the extent of Rs. 114 crores. Between April 1946 and September 1946 the balance has been unfavourable to the extent of Rs 21 crores

(c) No, Sir

Mr. Manu Subedar: Has the Honourable the Finance Member seen a reference in the British newspapers about an attempt to prolong the date from 1st July onwards when the Dollar Pool is scheduled to be abolished? If so, will he take up the issue from the point of view of India and refuse to accommodate the United Kingdom for any further prolongation beyond 1st July?

The Honourable Mr. Liaquat Ali Khan: Sir, even in these days of paper shortage, newspapers indulge in writing quite a lot for which there is no warrant.

MEMORANDUM BY MR G V. MARATHE TO THE CONTROLLER OF MILITARY ACCOUNTS, POONA, AND M A G, NEW DELHI

78. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state if Government have received a copy of the memorandum sent by Mr G V. Marathe, Advocate, in the last week of August, 1944, to the Controller of Military Accounts, Poona, and Military Accountant General, New Delhi?

(b) What steps have Government taken to enquire into this matter and to prevent the recurrence of the kind of leakages and losses and double payments and false records indicated in this memorandum with specific cases?

(c) What is the procedure for charging rents of hired places to British officers of the Indian Army and for the refund of overcharge?

(d) Has the Auditor of Military Accounts ever made any remarks on this subject before?

(e) Do Government propose to take steps to simplify the process and save the loss of public revenue?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir

(b) Mr. Marathe's letter was carefully investigated by a Superior Service Officer of the Department The flaws or irregularities of the type to which Mr. Marathe has drawn attention were already under investigation in the Department A revised procedure has now been laid down and it is unlikely that these irregularities will recur Under the audit procedure now laid down, cases of irregularities and defects in accounts including those of the nature referred to by Mr. Marathe are investigated by Officers of the Military Accounts Department and suitable action taken to rectify them

(c) and (e). Early in 1944, before the receipt of Mr. Marathe's memorandum the Government of India had already under consideration the whole position relating to recovery of rents etc. and a revised procedure was promulgated in Army Instruction (India) No. 505 of 1944. The Government of India have again reviewed the matter but do not consider that any further change in the procedure is necessary.

(d) Yes.

Mr. Manu Subedar: Has the Financial Adviser to the Defence Department gone into this matter, and may I know whether the system of refunds of overcharge which has led to the evil complained of could not be tightened?

The Honourable Mr. Liaquat Ali Khan: I must admit that in 1944 the control was rather loose but it has been tightened since.

PROPOSED TALKS ABOUT STERLING BALANCES BETWEEN THE FINANCE MEMBER AND BRITISH TREASURY OFFICIALS

79. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state whether it is a fact that he declared before leaving Karachi, that he would take the opportunity of his visit to London, to have informal talks about sterling balances with British Treasury officials?

(b) Did such talks take place?

(c) Under what circumstances was the original intention abandoned?

(d) How does he propose to implement the assurance to this House that negotiations will take place "as soon as possible"?

(e) What is the obstacle to the undertaking of these negotiations now?

The Honourable Mr. Liaquat Ali Khan: (a) and (b). No.

(c) Does not arise

(d) and (e) I would invite the attention of the Honourable Member to the Press Communiques issued by the Government of India on the 24th December 1946, and the 14th January 1947 on the subject The preliminary talks have already started

Mr. Manu Subedar: Has the Honourable Member's attention been drawn to the dialogue in the British Parliament between Mr Churchill and Mr. Dalton, the Chancellor of the Exchequer, and have the Government of India received a kind of mandatory instruction from the British Premier that against the sterling balances a claim will be made by the United Kingdom for having defended this country? May I know if the Government of India have accepted this position and whether in the conversations now going on any instructions have been given to our representatives on this point?

Mr. President: I believe a short notice question on this subject has been tabled and notice has been accepted for the 11th instant.

Mr. Manu Subedar: I am willing to wait till then, when the Honourable Finance Member may say something on this matter, but may I know now what progress has been made in these negotiations and the approximate period of time that will be taken over them?

The Honourable Mr. Liaquat Ali Khan: So far the United Kingdom delegation and the Indian delegation have had two meetings, and it is not possible for me to say how long it will take for these discussions to be concluded.

REQUEST FOR ASSISTANCE BY THE BANKS IN DISTRESS IN BENGAL TO THE RESERVE BANK OF INDIA

80. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if any approach was made by Banks in distress in Bengal to the Reserve Bank of India for assistance?

(b) Did the Reserve Bank on their own initiative attempt to look into the affairs of the small Banks in Bengal, which were in difficulties and some of which failed, and to help them?

(c) Is it a fact that the Reserve Bank of India is precluded by their Act from making advances except against certain securities only and from evaluating other assets of the Banks?

(d) If so, have Government asked the Reserve Bank of India to give such help, notwithstanding the restriction and to hold Government liable in case, on final adjustment, there is a deficit?

(e) What steps are Government taking to secure consolidation and healthy condition of banking in Bengal, or with reference to Banks, whose capital and resources are limited?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir, by two scheduled banks.

(b) Prior to the enactment of the Banking Companies (Inspection) Ordinance, the Reserve Bank had no powers to look into the affairs of banks. Since then some banks have been inspected under the Ordinance and others were programmed for inspection. Notwithstanding the absence of legal power, the Reserve Bank has been keeping in touch with the affairs of banks and offering them advice in regard to the conduct of their business. As early as 1938, the Reserve Bank issued a circular advising banks to maintain contact with the Reserve Bank and to furnish information as to their business so that the Reserve Bank might be able to come to their assistance if the need arose. This, however, failed to evoke any appreciable response and very few banks have availed themselves of the offer. The Reserve Bank has also been giving advice to banks from time to time in regard to their business and cautioning them against speculation in bullion, Government securities and shares In May 1946 the Reserve Bank specifically drew the attention of all banks to the abnormal rise in share values and the danger of a crisis on the stock exchange with its repurcussions on the banking system, and warned them of the necessity for discouraging speculative activities in shares This advice, however, was not heeded by many of the small banks in Bengal, who also indulged in other undesirable practices with the result that when prices slumped on the Calcutta Stock Exchange due to a combination of economic and political factors and labour troubles, these banks found themselves in difficulties.

When this situation arose the Reserve Bank took various measures to assist the banks Both the Reserve Bank and the Bengal Government issued communiques regarding the position of banks in Bengal which helped to restore confidence and to allay the panic which was causing a run on the banks The Reserve Bank also made a general offer to purchase Government securities from scheduled as well as non-scheduled banks in trouble and this offer was availed of by some banks. The Bank also invited small banks to consult it with regard to their difficulties.

(c) Yes, Sir, Section 17 of the Reserve Bank of India Act lays down the types of security against which the Reserve Bank of India can give financial assistance to banks.

(d) No, Sir

(e) As already stated, the difficulties of some of the smaller banks in Bengal are due primarily to their own unsound and unsatisfactory method of operation and will cease only if the banks themselves decide to remedy these defects. The Banking Companies Bill, which is now before the House, is designed to check some of these undesirable practices and certain other provisions added to the Bill by the Select Committee will enable the Reserve Bank to maintain a closer contact with these banks and to assist well-managed banks in an emergency. It must, however, be realised that in Bengal, as elsewhere, healthy conditions of banking cannot be secured merely by good laws but must depend primarily on good bankers managing the institutions under their control on sound lines.

Mr. Manu Subedar: In view of the reported continuance of the difficulties of some of these banks and the statutory disability of the Reserve Bank to

accept any kind of security— not merely Government security—will Government try and get the Reserve Bank as their agents and help some of these banks on Government account, if necessary, and enable them to tide over their temporary difficulties?

The Honourable Mr. Liaquat Ali Khan: The situation is easier now and I am afraid the Reserve Bank cannot do anything which is against the law.

Mr. Manu Subedar: Can they not do so on Government account at the instance of Government if by doing so some banks can be saved from going under?

The Honourable Mr. Liaquat Ali Khan: The action proposed by the Honourable Member would in fact mean subsidising these banks whose affairs are not in a very good state, and I am sure the Honourable Member will agree that Government cannot undertake the responsibility of subsidising unsound concerns

Mr. Manu Subedar: May I make the point clear? I do not recommend any subsidy. What I suggested was a loan against those securities which were not acceptable to the Reserve Bank but which were sound securities and had value, and which would not necessarily result in a loss but would momentarily help these banks in their present difficulty.

The Honourable Mr. Liaquat Ali Khan: Without committing myself, I shall examine the proposal but I cannot assure my Honourable friend that any action will necessarily be taken.

Shri Sri Prakasa: With reference to part (c) will the Honourable Member give an idea of the amount of money under the heads 'time liabilities' and 'demand liabilities' held by the Reserve Bank from the funds of these banks and the amount that the Reserve Bank advanced to these banks in their difficulty out of that sum?

The Honourable Mr. Liaquat Ali Khan: It is only the scheduled banks that keep money with the Reserve Bank And if my Honourable friend wants details about this matter I should like to have a question on the subject

Mr. Sasanka Sekhar Sanyal: Have the Government of India any publicity machinery to acquaint the public at large with the general instructions that are issued from time to time to banks in general by Government and to particular banks in particular?

The Honourable Mr. Liaquat Ali Khan: There is an Information Department in the Government of India

Seth Govind Das: Will Government consider the advisability of bringing in some legislation to stop this wild speculation that is going on in different markets of this country and which is one of the reasons for the failure of so many banks in Bengal?

The Honourable Mr. Liaquat Ali Khan: Government are examining the matter and the question of stock exchanges is being examined at the moment.

Seth Govind Das: Is it only the question of stock exchanges that is being examined or the whole question of speculation in all commodities, like gold, silver, cotton, etc.?

The Honourable Mr. Liaquat Ali Khan: The question is being examined and Government will certainly try to find some means by which these speculations can be stopped.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether after the recent bank crisis in Bengal the Government of India issued any bulletin to acquaint the public with the affairs of banks in general and the precautionary advice which the Government of India gave to the banks?

The Honourable Mr. Liaquat Ali Khan: Sir, I stated in my answer that the Government of Bengal and the Reserve Bank issued statements which had a reassuring effect.

EMIGRATION TO U. S. A. UNDER INDIAN QUOTA OF REFUGEES WITH 'BRITISH NATIONALITY'

81. *Mr. Manu Subedar: (a) Will the Honourable the Home Member please state if Government propose to ascertain whether any of the refugees, who have sought 'British Nationality', intend to, or, have already applied for emigration to the United States, taking advantage of the Indian quota?

(b) Do Government propose to take steps to see that the Indian quota of emigration permitted to the United States of America will be available only to *bona fide* Indians born in India and not to refugees or stateless persons, who have acquired the 'British Nationality'?

(c) How many persons since 1946-47 have acquired 'British Nationality' in India?

(d) In what manner do Government propose to keep a check on the activities of such persons and what precautions are Government taking against the abuse of the existing provision for the change of nationality?

The Honourable Sardar Vallabhai Patel: (a) No.

(b) No action is necessary as under the United States Immigration Law, the Indian quota is admissible only to those *born* and *resident* in India

(c) Since the beginning of 1946, ninety-two persons have been naturalised under the British Nationality and Status of Aliens Act 1914.

(d) Government do not consider that any special check is necessary because before a person is naturalised full enquiry is made into his *bona fides*.

Mr. Manu Subedar: Can the Honourable the Home Member give some information to this House as to the manner in which the permitted quota of emigration for Indians is being used, and what type of men are going there, and whether the Government of India have got any knowledge or any control over the type of men who seek benefit of the emigration quota?

The Honourable Sardar Vallabhbhai Patel: I require notice of that question. I will have to make enquiries

INDIAN MILITARY PERSONNEL STATIONED ABROAD.

82. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department be pleased to state the number and nature of Indian military personnel that are now stationed abroad, mentioning the places where they are so stationed and the purpose for which they are stationed?

(b) At whose cost are such Indian military personnel kept stationed in each of such places?

(c) At whose instance were such Indian military personnel sent out, and whether the Executive Council as a whole at the relevant time was consulted and gave their consent to such removal of Indian military personnel to each of such places?

(d) What interest of India is being served by keeping these personnel abroad now?

(e) What is the policy of the Government of India as a whole with regard to this matter?

Mr. G. S. Bhalja: (a) As stated in reply to Mr. Jaffer's question on the 4th November 1946, it would not be advisable to disclose the number of Indian troops abroad until other countries have done so.

There are at present Indian troops overseas mainly in Japan, Hong-Kong, Malaya, Siam, Burma and Middle East (including Iraq).

The troops in Japan are a part of the allied occupational force As regards other places, the Indian troops there are a much reduced proportion of the very large forces originally sent to these countries either to destroy the enemy or to prevent the enemy from occupying them The troops in these places other than Japan are being steadily reduced in numbers

(b) Except in Japan, at the cost of H M G in the U K

(c) As explained, in the majority of cases, the troops were sent abroad during the war When the country is at war, the movement of troops becomes an operational matter and the Government of India of the day, having joined the war, must be presumed to have agreed to send Indian forces abroad The initiative for moving troops came as a rule from the allied military authorities, who worked as an integrated machine

(d) So far as Burma, Malaya, Siam and Middle East (including Iraq) are concerned, these areas are of vital interest to India, both from economic and strategic points of view The maintenance of stable conditions in these countries is in India's interest As regards Japan, as India took a major part in the war against Japan, it was considered that she should take her place in its occupation by the Allies.

(e) The policy of the Government of India is to withdraw troops from countries abroad consistent with the obligation arising from India's past associations with other countries.

Mr. Sasanka Sekhar Sanyal: In view of the position as it is today, can the Honourable Member give us any idea as to when it will be possible for the Government of India to withdraw the forces from outside India except in Japan?

Mr. G. S. Bhalja: The question is under the active consideration of Government.

Mr. Manu Subedar: Will the Honourable Member give some idea to this House of the cost of the troops in Japan and also whether such cost will be higher than the reparations which we are going to receive?

Mr. G. S. Bhalja: The estimated cost of the Indian contingent in Japan is four crores of rupees a year. I am afraid I have no idea about the share in the reparations which India will receive.

Mr. Sasanka Sekhar Sanyal: In the past on the floor of this House as well as through press bulletins the Government of India gave an idea of the time limit by which troops from particular countries will be withdrawn. May I ask Sir, as to whether the Government have any idea of the time limit within which these troops can be approximately withdrawn?

Mr. G. S. Bhalja: Since the matter was discussed on the floor of this House, a large number of troops from overseas stations have come back home. I regret that it is not possible to state precisely the date by which all troops will come back.

Mr. Sasanka Sekhar Sanyal: Is it possible for the Honourable Member to give this House an idea without disclosing the secrets of the conversation as to what was the opinion that was given by the Defence Consultative Committee on its last meeting on this matter?

Mr. G. S. Bhalja: The question was generally discussed I think at the last meeting of the Defence Consultative Committee, and I do not think there was anything more than I have stated on the floor of the house that was mentioned there.

Mr. Sasanka Sekhar Sanyal: Is it not a fact that the Committee advised the Government to withdraw these forces as quickly as possible?

Mr. G. S. Bhalja: I must ask for notice of that question. I have not got the proceedings of the last meeting of the Defence Consultative Committee here.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that the United States of America have already disclosed the number of troops abroad?

Mr. G. S. Bhalja: I am not aware of that, but we have received no request from the United Nations Organisation to disclose the number of troops of India in other countries.

Diwan Chaman Lall: Is it not a fact that the United States of America did disclose the number of troops that they have abroad in the United Nations Organisation meeting?

Mr. G. S. Bhalja: I am afraid I am not aware of that fact, myself

Mr. Ahmed E. H. Jaffer: With reference to the Honourable Member's reply to part (a) of the question, may I ask the Honourable Member what is the secrecy about this matter and why cannot the information be disclosed to this House now that the war is over?

Prof. N. G. Ranga: Their ignorance.

Mr. G. S. Bhalja: Ordinarily no country likes to disclose the strength and the disposition of its forces for the benefit of other countries in the world.

Mr. Ahmed E. H. Jaffer: Will the information be disclosed to the members of the Defence Consultative Committee, if required?

Mr. G. S. Bhalja: The members of the Defence Consultative Committee were actually told in confidence about all the forces abroad

Mr. Ahmed E. H. Jaffer: Can we not be taken into confidence in this matter? What is the difference?

(No reply was given)

Mr. Manu Subedar: May I know whether these troops were sent to Japan under instructions from London or whether the troops were despatched by the Government of India, and if it was by the Government of India, will Government bring a resolution in this House as to the desirability or otherwise of continuing this outlay of four crores of rupees a year?

Mr. G. S. Bhalja: I have stated that the matter is under the active consideration of Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to consider whether with the permission of the Honourable the President, Government would consider the desirability of holding *in camera* meeting of this House so that the whole matter is placed before the Members?

Mr. G. S. Bhalja: I shall have no objection to disclosing the strength of our forces if a meeting of this House is held *in camera*.

Diwan Chaman Lall: May I ask the Honourable Member whether it is a fact that quite recently troops were sent to Iraq and was it done with the permission of the present Government or the previous Government?

Mr. G. S. Bhalja: No troops have been sent from India to Iraq since the assumption of office by the present Government

Diwan Chaman Lall: Is it not a fact that the present Government is not in favour of sending or keeping any troops in Iraq?

Mr. President: It will be a matter for inference Next question.

RELEASE OF MESSRS BURHANUDDIN, RASHID, FATEH KHAN, SINGHARA SINGH AND OTHERS OF THE I N. A

83. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department please state whether the question of release of Messrs. Buhranuddin, Rashid, Fateh Khan, Singara Singh and others of the Indian National Army now undergoing imprisonment after conviction or otherwise has been taken up by Government, if so, how the matter stands?

(b) What are the difficulties in the way of their release?

(c) What is the policy of the present Government in the matter?

Mr. G. S. Bhalja: (a), (b) and (c) The matter is under the consideration of Government.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether this matter was put before the Defence Consultative Committee?

Mr. G. S. Bhalja: No, Sir.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether it is not a fact that one member of the Defence Consultative Committee wrote to the Secretary asking these questions to be put down in the agenda, but the Secretary wrote back to say that notice was too short although subsequently the Government put down other subjects in the agenda?

Mr. G. S. Bhalja: The Secretary of the Defence Consultative Committee had received from the Honourable Member a notice of certain subjects to be included in the agenda of the last meeting of the Defence Consultative Committee, but the notice was received so late and the agenda was already so heavy that it was not considered advisable to include them in the agenda

Mr. Sasanka Sekhar Sanyal: Is it not a fact that other subjects were put by the Government on the agenda after this request was turned down?

Mr. G. S. Bhalja: I do not know which subjects the Honourable Member refers to.

Mr. President: Any other subject!

Mr. Sasanka Sekhar Sanyal: May I draw his attention to the fact that after this request by one Member was turned down by the Secretary, another supplementary agenda was included?

Mr. G. S. Bhalja: I am afraid I have not got the Minutes of the last meeting of the Defence Consultative Committee.

Mr. Ahmed E. H. Jaffer: May I bring to your notice that I had given notice of a short notice question that related to release of Captain Rashid and Captain Burhanuddin and while my short notice question was refused acceptance I was referred to the reply to be given to this question. It is now said that the

matter is under the consideration of Government which is most unsatisfactory. I want to know when are Captain Rashid and Captain Burhanuddin going to be released?

Mr. G. S. Bhalja: The matter is under the consideration of Government.

Mr. Sasanka Sekhar Sanyal: In view of the facts disclosed by the questions and answers just now, will Government consider the desirability of calling an urgent meeting of the Defence Consultative Committee so that their views may be ascertained and forwarded to the Government?

Mr. G. S. Bhalja: The matter is already under the active consideration of Government and I would ask my Honourable friend to be patient for some time

MIGRATION OF BIHAR MUSLIMS INTO BENGAL

84. *Mr. Sasanka Sekhar Sanyal: (a) Will the Honourable the Home Member be pleased to state whether his attention has been drawn to the migration of Bihar Muslims into Bengal as reported in the papers?

(b) Are Government aware that the Government of Bengal is encouraging such migration?

(c) Are the Government of India in touch with the Governments of Bengal and Bihar in the matter of such migration, and what advice has been given, if any, by the Indian Government to each of the Governments and what other step, if any, has been taken by the Government of India?

The Honourable Sardar Vallabhbhai Patel: (a) Yes. I have seen press reports to this effect

(b) The Bengal Government have denied this allegation.

(c) The question is for the provinces to settle between themselves. The Central Government have not given any advice to Provincial Governments.

Mr. Sasanka Sekhar Sanyal: In view of item 50 of the Seventh Schedule of the Government of India Act which says that migration is a Federal subject, will the Honourable Member be prepared to consider the question of examining this matter independently of any information given by this or that Provincial Government?

The Honourable Sardar Vallabhbhai Patel: I do not think the Central Government has any obligation to enquire into this matter. This is a matter for the provinces to settle among themselves and therefore no enquiries need to be made

Mr. Sasanka Sekhar Sanyal: In view of the jurisdiction conferred by the Government of India Act by virtue of Article 50 of the Seventh Schedule of that Act . .

Mr. President: Order, order It is a matter of opinion. Next question Mr. Sanyal.

FAILURE OF BANKS IN BENGAL

85. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Finance Member be pleased to state:

(a) whether attention of Government has been drawn to the collapse of certain Banks in Bengal as reported in the press sometime about the end of November and beginning of December 1946;

(b) whether Government have investigated the causes of such collapse; if so, what are they;

(c) whether Government was asked to intervene at any time while the crisis was fast overtaking these and other banks, if so, what steps did the Government of India direct or the Reserve Bank of India take for meeting the situation, and

(d) whether the collapse of these banks was accompanied and followed by general panic which resulted in heavy withdrawals of deposits from many banks; if so, what steps did the Government of India or the Reserve Bank of India take for allaying the panic and for helping the banks who were faced with such heavy withdrawals?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir

(b) Yes, Sir, The causes as ascertained by Government were as follows The financial position of certain non-scheduled banks in Bengal had been already undermined by the unsound practices followed by them, such as the indiscriminate opening of a large number of branches without sufficient capital, granting of loans without adequate security mostly against speculative shares, lack of proper personnel and the tendency of some of the smaller banks to invest in shares of companies connected with the management When, therefore, as a result of a combination of political and economic factors and labour troubles, a slump occurred on the Calcutta Stock Exchange, banks which had, in spite of a timely warning issued by the Reserve Bank in May 1946, made large advances against shares or heavily invested in them, found themselves in a difficult situation which was further aggravated by the heavy withdrawals to which they were subjected in the panic that prevailed

(c) The Government of India were not asked to intervene, but the Reserve Bank of India and the Bengal Government were approached by certain scheduled and non-scheduled banks in Bengal to assist them in their difficulties The Manager of the Calcutta Office of the Reserve Bank and the Government of Bengal, therefore, issued certain statements, which had the effect of restoring confidence in the minds of the public Furthermore, the Reserve Bank helped banks by granting loans against Government securities to some scheduled banks which needed them, and by purchasing holdings of Government securities om banks in difficulties which accepted the Reserve Bank's offer of such assistance As the situation grew easier, further action on the part of the Reserve Bank of India became unnecessary.

(d) This has already been replied to under parts (b) and (c)

Seth Govind Das: Did no Scheduled Banks fail in the crisis of Bengal?

The Honourable Mr. Liaquat Ali Khan: No, Sir

Shri Mohan Lal Saksena: Which are the political causes to which the Honourable Member has referred twice?

The Honourable Mr Liaquat Ali Khan: My Honourable friend being a politician himself knows what the reference is.

Shri Sri Prakasa: Could the Honourable Member tell us the number of Scheduled and non-Scheduled Banks that came into difficulties in Bengal? Were any of these banks Scheduled Banks and did the Reserve Bank help the Scheduled Banks out of the deposits they held from them interest free under the law?

The Honourable Mr. Liaquat Ali Khan: There were two Scheduled Banks. I have already stated the Reserve Bank did help the Scheduled Banks and neither of these two Scheduled Banks went into liquidation.

HELP BY THE GOVERNMENT AND THE RESERVE BANK TO BANKS IN BENGAL

86. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Finance Member please state:

(a) whether the banks in Bengal which closed their doors have been helped by Government or the Reserve Bank in the matter of resuming their activities;

(b) whether any of these banks which actually closed their doors asked for permission to increase capital issues, if so how were such applications disposed of,

(c) whether many other banks of Bengal made similar applications for increase of capital issues from time to time but were refused permission, and

(d) what is the present policy of Government in the matter of the capital issues and in what respect and to what extent such policy differs from the policy that was adopted during the war period?

The Honourable Mr. Liaquat Ali Khan: (a) No bank to which the Reserve Bank could render assistance under the law has closed its doors

(b) No bank which has actually closed its doors recently has asked for permission to increase its capital

(c) A number of banks reported to be in difficulties had previously applied for issue of capital but the bulk of these applications had to be rejected by Government as the financial position and methods of operation of the banks were found to be unsatisfactory In a few cases the applications were also rejected because the banks concerned had adequate capital in relation to their existing or prospective business and it was not considered desirable to allow them to issue further capital as this would have led to overcapitalization

(d) As the House is aware, the control of issue of capital by banking companies was exercised by the Government of India under the Defence Rule 94A upto the 30th September 1946 and thereafter under the Emergency Provisions (Continuance) Ordinance, 1946 As stated by Government in their Press Communique issued when the rule was first promulgated in May 1943, an important object of this control was to prevent the growth of mushroom companies which stood little chance of survival in the post-war period and to check undesirable practices such as re-constitution and re-capitalisation of concerns on the basis of their abnormal profits during the war period to the detriment of an undiscriminating investing public Apart from this, two main tests were applied in the case of existing banking companies; firstly, whether the financial position and methods of operation of the applicant bank were satisfactory; and, secondly, whether the existing capital was inadequate in relation to its present or prospective business In the case of applications for new banks, the main tests are the standing and resources of the promoters and the need for additional banks in the area concerned These basic principles of control remain unchanged even at present except that since the termination of hostilities, capital is being allowed to banks which are managed on sound lines even if the additional capital may lead to a certain amount of overcapitalisation

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether at present the Government is applying some rigidity in the matter of increase of capital issue as the Government applied during the war time?

The Honourable Mr. Liaquat Ali Khan: The rigidity is there but I can assure my Honourable friend that no deserving case will be turned down

Mr. Sasanka Sekhar Sanyal: In view of the fact that most of these rejections are through correspondence, will Government consider the desirability of giving an opportunity to these applicants before their cases are rejected to explain their position to the authority concerned?

The Honourable Mr. Liaquat Ali Khan: When applications are made for capital, there all the details are given by the applicants and I do not think that these gentlemen could add anything more to what they have put down in the applications

SUBMISSION OF ENTIRE CENTRAL GOVERNMENT EXPENDITURE TO THE VOTE OF THE LEGISLATIVE ASSEMBLY

87. *Mr. Vadilal Lallubhai: Will the Honourable the Finance Member please state

(a) the portion of the total Central Government expenditure at present which is non-votable by the Central Assembly and the portion which is votable;

(b) by which provision of the Government of India Act 1935, and how the provision of Rs 2 crores under demand No 66, Miscellaneous due to compensation to Bombay Port Trust was considered non-votable by the Central Assembly;

(c) whether Government are aware of a strong feeling in the public, particularly in view of the recent important change in the Central Government, that the entire range of the Central Government expenditure be brought to the vote of the Central Legislature, irrespective of any items either under Civil or under Defence estimates,

(d) whether it is a fact that Government have decided to submit all the non-votable expenditure except under Defence estimate to the Standing Finance Committee with certain minimum limits; and

(e) if so, whether Government propose to consider in the same spirit to submit the entire Central Government expenditure to the vote of the Central Legislative Assembly?

The Honourable Mr. Liaquat Ali Khan: (a) In the current year's budget, voted expenditure including capital expenditure and disbursements of loans and advances amounted to Rs 355·53 crores and non-voted expenditure to Rs 339 79 crores

(b) The expenditure was treated as non-voted under sub-section (3) (vi) (c) of Section 67-A as set out in the Ninth Schedule to the Government of India Act, 1935

(c) Yes

(d) The actual decision was that all new items of non-voted expenditure above certain financial limits including, with effect from 1947-48, expenditure on Defence Services, should be placed before the Standing Finance Committee as far as practicable.

(e) I am afraid this cannot be done without infringing the law. The Government of India Act 1935 specifically lays down, that expenditure which is non voted shall not be submitted to the vote of the Legislative Assembly.

MISBEHAVIOUR AND ASSAULT BY RAILWAY POLICE CONSTABLES ON A PASSENGER AT BARODA RAILWAY STATION

88. *Mr. Ahmed E. H. Jaffer: Will the Honourable the Home Member be pleased to state·

(a) whether Government are aware that the Railway Police at most of the Railway Stations in India are rude and impolite to the travelling public;

(b) whether Government are aware that two Railway Police Constables Nos. 727 and 214 manhandled a passenger travelling by Delhi Express at Baroda Railway Station and assaulted him and robbed him of Rs. 150 on the evening of 26th December 1946;

(c) whether Government are aware that this passenger lodged a complaint with the Railway authorities before the departure of the train, and if so, what

steps have been taken by the authorities against the two Police constables concerned;

(d) whether Government are aware that as a result of the incident the train was delayed by one hour resulting in great inconvenience to the passengers; and

(e) whether Government propose to issue instructions to the Railway Police all over India to be more polite and helpful to the public instead of taking the law into their own hands and misbehaving as was done on the 26th December?

The Honourable Sardar Vallabhbhai Patel: The question should have been addressed to the Honourable Member for Railways. It has accordingly been transferred to the Final List of questions for the 12th February, 1947, when it will be answered by the Honourable Member for Railways.

PROHIBITION OF HAND-DRIVEN RICKSHAWS IN DELHI

89. *Miss Maniben Kara: (a) Will the Secretary of the Health Department please state whether hand-driven rickshaws are permitted in Delhi?

(b) If so, what is the number of such rickshaws?

(c) Are Government aware of the investigations made by the Rege Committee on the condition of rickshaw pullers and their opinion that rickshaws are a degradation of human personality?

(d) Do Government propose to put a stop to this means of conveyance altogether?

(e) What action do Government propose to take to protect rickshaw pullers from the diseases they are exposed to as a result of their vocation?

Mr. S. H. Y. Oulsnam: (a) Yes.

(b) 500

(c) Yes.

(d) The Delhi Municipal Committee have under consideration a proposal to reduce the number of hand-driven rickshaws by stages within a period of five years and to substitute cycle-driven rickshaws.

(e) It is reported that free and charitable dispensaries and hospitals, which are open to others, are also available to the rickshaw pullers The Committee is being asked to consider whether any other special arrangements are necessary and practicable and in particular to consider the question of instituting a medical examination for rickshaw pullers and the fixing of age limits

Miss Maniben Kara: Will the Honourable Member take into account the question that if within the next five years hand-driven rickshaws will be put an end to, alternative employment for these rickshaw pullers will also be provided for them?

Mr. S. H. Y. Oulsnam: That will be a matter which the Municipal Committee will have to take into consideration.

Miss Maniben Kara: Will the Honourable Member consider the desirability of introducing the system of medical examination before license is given to the rickshaw pullers to make sure that the rickshaw pullers are medically fit for this profession?

Mr. S. H. Y. Oulsnam: I have already said that the Municipal Committee is being asked to consider that matter.

Khan Abdul Ghani Khan: Is it not a fact that pulling rickshaws by cycle is a more injurious occupation than hand-pulling?

Mr. S. H. Y. Oulsnam: That is a matter of opinion.

Shri Mohan Lal Saxena: Is the Honourable Member aware that the Lucknow Municipality appointed a medical committee to examine the health of cycle rickshaw pullers and they came to the conclusion that it was more harmful?

Mr. S. H. Y. Oulsnam: I have no information about any such committee.

Shri Mohan Lal Saxena: Will the Honourable Member make enquiries?

Mr. S. H. Y. Oulsnam: I shall be glad to have any information which the Honourable Member can give.

Prof. N. G. Ranga: Will Government consider the question of completely banning this nefarious profession of pulling rickshaws whether by hand or with the help of cycles?

Mr. S. H. Y. Oulsnam: That is a matter for the Municipal Committees to consider and Government have no such proposal under consideration

AMALGAMATION OF DELHI MUNICIPALITIES INTO A CORPORATION

90. *Miss Maniben Kara: (a) Will the Secretary of the Health Department please state whether Government have appointed a committee to consider the question of amalgamation of several municipalities in Delhi into one Corporation?

(b) If so, has any person representing labour been given a place on the Committee?

(c) If not, do Government propose to take steps to accord proper representation of labour interests on a committee of the above nature where vital questions like franchise will come up?

Mr. S. H. Y. Oulsnam: (a) Yes

(b) No.

(c) Government will consider the question of adding a representative of labour to the Committee

Miss Maniben Kara: Will the Honourable Member give us some idea about the terms of reference to this committee regarding future municipal elections being held on adult franchise?

Mr. S. H. Y. Oulsnam: The terms of reference were published in a press notice and there is a copy in the library of the House

Miss Maniben Kara: Will the Honourable Member inform this House as to whether he is considering the question of reservation of seats in the Municipal Committee for labour and women?

Mr. S. H. Y. Oulsnam: Government have no such matter under consideration They are awaiting the report of the Committee.

Miss Maniben Kara: Will the Honourable Member inform this House as to why no labour representation was given on this committee in view of the fact that a large number of labourers are employed by the Municipality?

Mr. S. H. Y. Oulsnam: I have already said that Government will consider the question of adding a representative of labour to the committee.

DISPARITY OF PAY OF CENTRAL GOVERNMENT EMPLOYEES SERVING IN THE CHIEF COMMISSIONERS' PROVINCES AND OTHER CENTRALLY ADMINISTERED AREAS

91. *Miss Maniben Kara: (a) Will the Honourable the Home Member be pleased to state if it is a fact that there exists a great disparity between the pay of employees under the Central Government and those doing comparable work in the Chief Commissioners' provinces and other Centrally administered areas?

(b) If so, do Government propose to bring salaries, wages, and remuneration of employees serving in the Chief Commissioners' provinces and other Centrally administered areas on par with those in the Central Government?

The Honourable Sardar Vallabhbhai Patel: (a) There are different scales of pay for ministerial servants in the Chief Commissioners' Provinces and for those in the Secretariat and Attached Offices under the Central Government. Even though the duties of the posts may be similar, the nature of work differs and, therefore, it cannot be said that the posts are comparable.

(b) The whole question of the pay of Central Government servants is under examination by the Pay Commission.

Miss Maniben Kara: Will the Honourable Member tell us whether the employees in the Central Government as well as those in the provincial governments doing the same nature of work are not getting different scales of pay?

The Honourable Sardar Vallabhbhai Patel: The posts may be of a similar nature but the nature of work is not always similar: it differs in nature. In some cases the type of work may be similar but in some cases it is not The whole question is under the examination of the Pay Commission and when the final scales are fixed, the entire question will be considered

Miss Maniben Kara: I cannot follow what exactly the Honourable Member meant by "different nature" I would like to put him a question, if I may If a typist has to do typing work, whether he is in the Central Government or in the administered areas, I am sure the typist will be doing the same kind of typist's work If so, may I take it from the Honourable Member that he would consider that the nature of work in both cases will be the same?

The Honourable Sardar Vallabhbhai Patel: It is not in all posts that the nature of work is different In some cases it may be similar Typing work may be similar in some cases and in some cases not The question of similarity of work is not the only criterion, because the volume of the work and its intensity may be different as between the Central Government and Chief Commissioners' offices

Lala Deshbandhu Gupta: Is the Honourable Member aware that there is a good deal of discontent among the member of the staff of the Chief Commissioner's Office in Delhi on this point?

The Honourable Sardar Vallabhbhai Patel: I have not seen any office in which there is no discontent among the staff

Lala Deshbandhu Gupta: Have Government received any representation on behalf of the clerical staff of the Chief Commissioner's Office for increase in their pay?

The Honourable Sardar Vallabhbhai Patel: There are representations from all offices

Dr. Zia Uddin Ahmad: With or without result?

(No reply.)

DIFFERENCE IN SALARIES OF INDIAN AND ANGLO-INDIAN EMPLOYEES OF GOVERNMENT OF INDIA BASED ON RACIAL GROUNDS.

†92. ***Seth Sukhdev:** (a) Will the Honourable the Home Member be pleased to state whether it is a fact that Anglo-Indians employed in some departments of the Government of India get a minimum pay of Rs. 55 per mensem irrespective of the lower scale of pay attached to the post held?

(b) Are Government aware that this discriminatory treatment is resented by the Indian colleagues of such Anglo-Indian employees?

(c) Do Government propose to abolish this difference in wages based on racial grounds? If not, why not?

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

The Honourable Sardar Vallabhbhai Patel: (a) and (b) Anglo-Indians in the Railway Department receive a minimum remuneration of Rs. 55 per mensem, the amount being made up where necessary by payment of a special allowance on account of their liability to serve in the Indian Auxiliary Force.

(c) No. I do not think any such action would be opportune at this stage, when Government are awaiting the recommendations of the Pay Commission.

ASSAULT BY BRITISH SOLDIERS ON ANGLO-INDIANS IN JHANSI

†93. ***Maharajkumar Dr. Sir Vijaya Ananda:** (a) Will the Secretary of the Defence Department please state whether Government are aware of the assault by a batch of about 200 British soldiers and officers on the Anglo-Indian men and women at Jhansi on the refusal of the Anglo-Indian girls to dance with the British soldiers and officers during Christmas week 1946?

(b) If so, what steps Government propose to take against those who are found responsible for this assault?

(c) If action has already been taken what is the nature of punishment given to them?

(d) In view of the assault and the damage to the furniture and the property, will Government clarify as to whether the Central Government will compensate the proprietor or proprietors and also pay damages to the women whose honour had been threatened or whether the Provincial Government will pay for the compensation etc., as the premises are in Jhansi and are within the U P boundaries?

(e) How many officers and how many King's Commissioned Officers were there amongst those who assaulted?

Mr. G. S. Bhalja: (a) Government are aware of an incident at Jhansi on 26th December 1946 A Court of Inquiry is being held and until the proceedings are received and examined it is not possible to state if the report given by the Honourable Member is a correct version of the incident

(b) The report submitted by the Court of Inquiry will reveal the facts of the case and enable the authorities concerned to decide what action to take

(c) No action can be taken until the Court of Inquiry concludes and its proceedings have been examined

(d) The question of payment of compensation will be governed by the findings of the Court of Inquiry which will no doubt fix the responsibility for the damage and assess the value thereof From reports so far received no women were molested

(e) From preliminary reports available, it seems that there were no officers present

VICTIMISATION OF THE CLERKS OF MILITARY ACCOUNTS DEPARTMENT, FOR TAKING PART IN STRIKES.

94. *Sjt. Seth Damodar Swroop: Will the Honourable the Finance Member please state.

(a) whether Government are aware that the clerks of the Military Accounts Department who are members of the All India Federation of Military Accounts Unions are being victimised for taking part in the strike in September last, notwithstanding the fact that the said strike was called off unconditionally on an assurance from Pt Jawaharlal Nehru; and

(b) whether Government are aware that Messrs. T. S. Paul, M. L Pande, and Ramashanker of the Military Accounts Department, Lucknow have been dismissed from service as a result of this policy of victimisation?

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

The Honourable Mr. Liaquat Ali Khan: (a) There has been no victimisation.

(b) Mr T. S. Paul, Temporary Routine Grade Clerk, was discharged from service for gross insubordination in July 1946, before the August/September 1946 strike Messrs M. L. Pande and Ramashanker were found guilty of gross insubordination to their superior officers during the August/September 1946 strike and also of acts and threats of violence against their superior officers and those of the staff who did not participate in the strike which occurred in the Field Pay Office, Mechanical Transport Centre and Records, Lucknow, in August 1946. Their services were dispensed with after a departmental investigation had established the charges against them.

REINSTATEMENT OF DISMISSED EMPLOYEES OF THE MILITARY ACCOUNTS DEPARTMENT

95. *Sjt. Seth Damodar Swroop: Will the Honourable the Finance Member please state whether Government propose to discontinue this policy of victimisation in the Military Accounts Department referred to in the preceding question, in the light of the changed political conditions and reinstate all the employees of the Military Accounts Department dismissed in this connection at Lucknow or elsewhere?

The Honourable Mr. Liaquat Ali Khan: There is no truth in the suggestion that there has been a policy of victimisation.

REQUISITIONING OF CERTAIN LAND IN VILLAGES UNDER DEFENCE OF INDIA RULES FOR RIFLE RANGE PRACTICE

96. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state.

(a) whether Government are aware that about 780 acres of land in the villages of Harungla Dhora, Jagatpur, Bhartole and Navada Shekhon was requisitioned under the Defence of India Rules, 1939 in case No 11 of 1941 for Rifle Range Practice for the duration of War and six months thereafter; and

(b) whether Government are aware that the land in the said villages is being requisitioned again on a permanent basis, even after the termination of War, for Military purposes against the terms of the agreement? If so, why?

Mr. G. S. Bhalja: (a) Yes, Sir Government are aware that 780 5 acres of land were requisitioned in the Bhartole area for rifle ranges in May 1941 A further 49 8 acres were requisitioned in the same area for additional Field Firing Ranges in November 1942. These lands are still held under requisition

Government have at present no information with regard to the other villages mentioned by the Honourable Member, but it is presumed that these are included in the area referred to above Definite information with regard to this is being collected and will be communicated to the Honourable Member in due course

(b) The lands have not been requisitioned *again* The position is that the original requisition has been continued under the authority of the Requisitioned Land (Continuance of Powers) Ordinance (XIX of 1946) Government have no information whether the lands will be required permanently The information is being called for from the local Military authorities and will be communicated to the Honourable Member in due course

RESTORATION OF REQUISITIONED LAND TO POOR PEASANTS.

97. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state if Government propose to order the immediate restoration of the land referred to in the preceding question, to the poor peasants who have already undergone untold sufferings for six long years?

Mr. G. S. Bhalja: The derequisitioning process is going on as rapidly as possible. There may be a few cases where Government have to continue requisition or acquire land outright in the interests of the Armed Forces. But I assure the Honourable Member that not one acre of land will be kept in the possession of the Armed Forces unnecessarily Every case of continuance of requisition or acquisition is carefully scrutinized by an Inter-Service Committee.

SURVEY OF BANKS

98. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member please state if Government propose to publish the results of the survey made in regard to 77 banks referred to by the Finance Secretary during the debate on the Banking Companies (Restriction of Branches) Bill, 1946 on 14th November 1946 and also arrange for the publication of data relating to the non-scheduled banks which is particularly difficult to obtain?

The Honourable Mr. Liaquat Ali Khan: The statement was based on information supplied by the Reserve Bank in regard to 77 banks whose affairs had been examined by them in connection with inspections ordered by Government or applications for inclusion in the Second Schedule or for issue of capital This information is obtained on a confidential basis and cannot be made public. Statistics relating to all banks are given in the annual publication by the Reserve Bank entitled "Statistical Tables relating to Banks in India"

LOAN FROM THE INTERNATIONAL BANK

99. *Maharajkumar Dr Sir Vijaya Ananda: Will the Honourable the Finance Member please state if it is a fact that the Government of India propose to apply to the International Bank in due course for a loan as soon as the survey to determine what was needed had been completed?

The Honourable Mr. Liaquat Ali Khan: The answer is in the negative

TEACHERS' STRIKE IN DELHI

100. *Sardar Mungal Singh: Will the Honourable Member for Education and Arts please state

(a) the number of Delhi teachers who went on strike on January 13 last; and

(b) what were their demands and how long they had been before the Government for consideration and why the decision was not taken till the time they actually went on strike?

The Honourable Maulana Abul Kalam Azad: (a) About 2,100

(b) Their demands were for increased pay, revision of scales of pay and grant for interim relief and dearness allowance with retrospective effect The demands were sent to the Superintendent of Education, Delhi, on the 30th August 1946. As most of these teachers were employed by Local Bodies and private managements, the demands involved administrative, financial and legal implications, a thorough examination of which unavoidably took a considerable time; but at the same time I feel that matters could have been expedited by the Local Government

SALARIES OF PRIMARY AND OTHER TEACHERS

101. *Sardar Mangal Singh: Will the Honourable Member for Education please state the lowest monthly salary of the primary teachers and that of other teachers such as J V , S V J.A V., S A.V., and B.A., B.T. respectively before the strike began and what are their respective salaries now?

The Honourable Maulana Abul Kalam Azad: The lowest monthly salary of primary school teachers in Delhi Province is Rs. 16 per mensem for an untrained teacher and Rs. 20 for a trained teacher.

The lowest salary of Junior Vernacular teacher is Rs 20, Senior Vernacular teacher Rs 30, Junior Anglo Vernacular teacher Rs. 55, Senior Anglo-Vernacular teacher Rs 65 and B A , B.T. teacher Rs. 70

There has been no change in the salaries of teachers since they struck work

DECISION OF GOVERNMENT re THE ABOLITION OF SALT TAX

102. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state

(a) whether it is a fact that before the Muslim League Ministers took office, the Interim Government decided upon the abolition of Salt Tax;

(b) whether that question has since been reconsidered, and

(c) if so, what has been the decision of Government?

The Honourable Mr. Liaquat Ali Khan: I hope to make a statement on the matter during the course of this session

ABOLITION OF I C S AND I P S

103. *Prof. N. G. Ranga: Will the Honourable the Home Member be pleased to state

(a) whether any decisions—interim or otherwise—have been reached at in the discussions recently held between the Home Department and the British Government over the liquidation of the I C S. and I P S ; and

(b) whether Government are in a position to inform the House about the progress so far made?

The Honourable Sardar Vallabhbhai Patel: (a) No

(b) Government are still awaiting the final proposals from the Secretary of State

REMOVAL OF RECORDS FROM INDIA OFFICE TO INDIA

104. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Education Member please state if he is in communication with the British Government in regard to the removal to India of all the Records at the India Office?

(b) For what purpose are these records to be removed to India?

(c) What precautionary measures will be taken to prevent the destruction of these Records by the climatic conditions of India?

(d) Do Government propose to make a statement on the subject in the House?

The Honourable Maulana Abul Kalam Azad: (a) No

(b) to (d) Do not arise

TUBERCULOSIS PATIENTS IN THE INDIAN MILITARY HOSPITAL, NAINITAL

105. *Sjt. Seth Damodar Swroop: (a) Will the Secretary of the Defence Department please state if it is a fact that Tuberculosis patients are kept in the Indian Military Hospital at Nainital? If so, is it also a fact that the Military Hospital is in the midst of a populated area of the town?

(b) Is it a fact that this hospital was started in the residential quarters during the war and for the duration of the War only?

(c) How many patients were there in this Hospital during the months of October, November and December, 1946, and how many patients are there at present?

(d) Is it economical to continue the Hospital and if not, when do Government propose to abolish it?

Mr G. S. Bhalja: (a) Tuberculosis patients are not normally kept in the Indian Military Hospital, Nainital. Locally admitted cases are held there pending transfer to one of the Army Tuberculosis Hospitals. One such case occurred in July 1946 and was transferred to the Central Military Hospital, Bareilly, in August Two mild non-infectious cases of tuberculosis were transferred to Nainital for treatment in 1946. The first was in the hospital from the 27th July to the 30th August and the second from the 2nd September to the 13th December There was never any danger of infection from these two cases

The hospital is in a populated area of the town, but this does not endanger the health of those living around it.

(b) The hospital was opened in 1942 to provide treatment for the local garrison and was to remain for so long as troops remained in the station.

(c) The average number of patients in the hospital during the months mentioned by the Honourable Member were October—15 5, November—14·2, December—12·4 There are no patients at present.

(d) The hospital was closed on the 1st January 1947 and it has now been decided to disband it entirely

FACILITIES FOR MILITARY EDUCATION FOR INDIANS IN U K AND INDIA

106. *Mr. Tamizuddin Khan: Will the Secretary of the Defence Department be pleased to state·

(a) the existing facilities for military education for Indians in the United Kingdom,

(b) the facilities for such education in India, and

(c) whether it is intended to add to these facilities, and if so, in what way?

Mr. G. S. Bhalja: It is presumed that by military education the Honourable Member refers to the education of Army Officers

(a) I lay a statement on the table

(b) Similar Training Establishments exist in India except in certain technical branches, and normally Indian Army Officers are not sent to the U K except for the following reasons

(i) On a reciprocal basis,

(ii) Because no corresponding establishments exist in India *e g* the Imperial Defence College, the School of Air Support, etc.

(iii) Because, up-to-date, it has not been possible to establish the same standard as in the U K of technical facilities in the Training Establishments in India

Action is being taken to overcome the deficiencies mentioned in (ii) and (iii) above. It is hoped, within the next two years to establish a school of Air Support, and a Military College of Science Such few Training Establishments in India as lack the facilities of their counterparts in England, will be brought up to the same standard at the earliest possible moment.

(c) It is intended to add to the facilities as stated above as soon as buildings and equipment can be made available, and financial sanction can be obtained for the necessary extra expenditure on buildings, equipment, and personnel.

FACILITIES FOR THE EDUCATION OF INDIAN ARMY OFFICERS IN THE UNITED KINGDOM

Except for Commissioned Officers no facilities exist for Military Education for the Indian Army in the United Kingdom other than for those Indians studying in Schools or Universities who take Military Science as an optional subject. On the other hand facilities exist at all the Military Training Establishments in the United Kingdom for professional and "Special to Arms" Training for Indian Officers in the Indian Army.

Selected Officers are, at present, undergoing instruction at the following establishments in the United Kingdom :

The Staff College, Camberley
The Imperial Defence College, London.
The Joint Services Staff College.
The Senior Officers School, Devizes,
The School of Military Engineering, Ripon
The School of Air Support, Old Sarum
The School of Signals, Catterick.
Artillery Schools
The Royal Armoured Corps School.
The Military College of Science.

INDIANISATION OF THE ARMY, NAVY AND THE AIR FORCES

107. *Mr. Tamizuddin Khan: Will the Secretary of the Defence Department be pleased to state

(a) the number of Indian Officers in the Indian (i) Army, (ii) Navy and (iii) Air Forces separately on the 31st December, 1945 and on the 31st December, 1946,

(b) the number of non-Indian Officers under these categories separately on the dates mentioned above,

(c) the approximate date by which the Officers' Ranks in the Armed Forces of India are expected to be completely Indianised, and

(d) the steps that are being taken and are intended to be taken in the course of the current year for such Indianisation?

Mr. G. S. Bhalja: (a) and (b) I lay a statement on the table.

(c) and (d). As announced in the press communique issued on the 13th November 1946, Government have appointed a committee to advise them on the ways and means of nationalising the Armed Forces of India within the shortest time possible It is not possible at present to forecast the date by which the Armed Forces would be completely nationalised. the Armed Forces Nationalisation Committee are engaged on devising a plan for doing this as quickly as possible. In the meantime, all recruitment of non-Indian officers in the Armed Forces has been stopped and more Indians are being taken in both the Royal Indian Navy and the Indian Army by the grant of Short Service Commissions There are no non-Indian officers in the Royal Indian Air Force.

Statement showing figures of Indian and non-Indian officers in the three Services on the 31st December 1945 and the 31st December 1946.

	31st December 1945
Indians.	
Royal Indian Navy	1,499
Indian Army	14,383
Royal Indian Air Force	1,423
Non-Indians.	
Royal Indian Navy	1,153
Indian Army	35,888
Royal Indian Air Force	*Nil*

	31st December 1946.
Indians.	
Royal Indian Navy	885
Indian Army	11,488
Royal Indian Air Force	1,297
Non-Indians.	
Royal Indian Navy	339
Indian Army	18,226
Royal Indian Air Force	*Nil*

RETENTION OF BIKRAM AERODROME IN PATNA

108. *Mr. Madandhari Singh: Will the Secretary of the Defence Department be pleased to state:

(a) whether Bikram Aerodrome in the district of Patna is going to be retained as a permanent measure, and

(b) if the answer to part (a) is in the negative whether Government propose to return the land to the owners for cultivation?

Mr. G. S. Bhalja: (a) No, Sir.

(b) The land is being returned to the owners, except for that part under concrete which would be no use for cultivation

BROADCASTING STATION FOR PATNA

109. *Mr. Madandhari Singh: Will the Honourable Member for Information and Broadcasting be pleased to state

(a) the steps that have been taken to materialise the project of establishing a Broadcasting station at Patna; and

(b) whether there is any possibility of establishing such a station at Patna, if so, when?

The Honourable Sardar Vallabhbhai Patel: (a) and (b) The establishment of a broadcasting station at Patna has so far been delayed mainly on account of the non-availability of equipment which was lost at sea through enemy action in 1943 Orders for new equipment were placed thereafter This has since arrived in Calcutta and is in process of transit to Patna The installation work will be started on receipt of equipment at site The main difficulty at present is the question of securing a suitable site for the construction of a studio building The Government of Bihar have been approached, and if a suitable site is made available soon, it is hoped that the station would start functioning sometime in 1948

UNSTARRED QUESTIONS AND ANSWERS

CULTURAL MISSIONS SENT ABROAD BY THE GOVERNMENT OF INDIA

17. Seth Govind Das: (a) Will the Honourable Member for Education be pleased to lay a statement on the table of the House showing the number of cultural missions sent abroad by the Government of India with their personnel since 1935?

(b) Do Government propose to send such missions during the year 1947, if so, what is their purpose and also the personnel?

The Honourable Maulana Abul Kalam Azad: (a) A statement is placed on the table of the House The word 'cultural' has been interpreted in a broad sense.

(b) It is hoped to send a small goodwill and cultural mission to the Middle East sometime in 1947. The personnel has not yet been determined

Statement giving Details of Cultural Missions sent from India since 1935

S No	Particulars of Mission or Delegation	Objective
1	Mr P Seshadri, Principal, Government College, Ajmer, attended the session of the World Federation of Education Associations held at Tokyo in August, 1937, as the Government of India's representative.	To participate in the deliberations of the Seventh Biennial Conference of the World Federation of Education Associations, Tokyo
2	Sir (then Mr) John Sargent, visited China in May, 1942.	To explore practical methods by which educational relations between China and India could be strengthened.

S No.	Particulars of Mission or Delegation	Objective
3	Sir S Radhakrishnan visited China in April-May, 1944	To lecture to Chinese Universities and Institutions on Indian Philosophy
4	An Indian Scientific Mission consisting of the following persons visited United Kingdom and United States of America in 1944 45 — (i) Sir S S Bhatnagar, F.R.S., (ii) Colonel S L Bhatia, I M S., F R C P., (iii) Dr Nazir Ahmed, M Sc, Ph D (iv) Sir Jnan Chandra Ghosh, D Sc, (v) Prof S K Mitra, D Sc, (vi) Prof Meghnad Saha, D Sc, F R S., (vii) Dr J. N Mukherji, D Sc,	To visit Scientific and Technological Institutions in United Kingdom and United States of America and to report to the Government of India regarding — (a) establishment of Scientific Liaison Offices in United Kingdom and United States of America, and scientific liaison between India and foreign countries, (b) finding of places in British Universities and Scientific Institutions for Indian scientific workers and undergraduate and post-graduate research students requiring training, (c) pay, status and conditions of service generally of scientific workers in United Kingdom as compared to workers in other fields, (d) compilation of a register of scientists and scientific apparatus and (e) other matters of scientific interest.
5	Sir John Sargent, Educational Adviser to the Government of India attended the conference of the United Nations convened at London in November 1945 accompanied by the following alternate delegates and advisers — (i) Rajkumari Amrit Kaur, Member, Central Advisory Board of Education (ii) Dr Amarnath Jha, Vice-Chancellor of the Allahabad University (iii) Dr Zakir Hussain, Principal, Jamia Millia Islamia (iv) Mr K G Saiyidain, Educational Adviser, Rampur State (v) Dr T Quayle, Secretary, Educational Department, Office of the High Commissioner for India in United Kingdom	To consider the creation of the United Nations Educational, Scientific and Cultural organisation
6	Brigadier Mortimer Wheeler, Director General, Archæology and Dr. Mohammed Nazim, Superintendent, Frontier Circle of Archæological Survey, visited Iran in October-November, 1945	To return the visit of the Iranian Cultural Mission which visited India, in 1944.
7	In 1945 Brigadier Wheeler, the Director-General, Archæology accompanied by Mr Justice N G A Edgle, President of the Royal Asiatic Society of Bengal and Mr M A Shakur, Curator of the Peshawar Museum, visited Afghanistan	To undertake an archæological and cultural tour of Afghanistan in response to an invitation from the Afghan Government.
8.	A delegation consisting of Sir S. S. Bhatnagar, F.R.S., Dr. J. de Graff Hunter, D.Sc, Dr. D N Wadia, M A., F.C.S., F N I., and Dr. J. N. Mukherji, C.B E, D.Sc, attended the session of the International Council of Scientific Unions held at London in July 1946.	To represent the Government of India in the General Assembly of the International Council of Scientific Unions.

S. No.	Particulars of Mission or Delegation	Objective
9	A delegation consisting of Sir S S Bhatnagar, F R S., Mr D N Wadia, M A, F.C S, F N I, and Dr J De, Graff Hunter, D Sc, attended the meeting of International Council of Geodesy and Geophysics held in July-August, 1946 at Cambridge	To represent the Government of India at the meeting of the Union of Geodesy and Geophysics and to communicate Government of India's terms for rejoining the Union
10	A scientific delegation consisting of the following delegates attended at the Empire Scientific Conference held at London in June-July 1946 — (i) Prof K S Krishnan, F R S, Allahabad University, Allahabad (ii) Prof Birbal Sahni, M A, D Sc, Sc D, F R S, F G S, Professor, Botany and Dean, Faculty of of Science, University of Lucknow, Lucknow (iii) Sir Jnan Chandra Ghosh, Kt, D Sc, F N I, Director, Indian Institute of Science, Bangalore (iv) Prof M N Saha, D Sc, F R S, F A S B, Head of the Department of Physics of the Calcutta University, Calcutta (v) Prof. M R Siddiqi, M A, Ph D, D Sc, F.N I, Director, Research Institute, Osmania University, Hyderabad (Deccan) (v) Prof. M. R Siddiqi, M.A, Ph.D, Director, Tata Institute of Fundamental Research, Bombay (vii) Prof P C Mahalanobis, F.R S, Statistical Laboratory, Presidency College, Calcutta (viii) Dr Sir S. S Bhatnagar, O B E, D Sc, F I C, F R S, Director, Scientific and Industrial Research, New Delhi (ix) Col Sir S S Sokhey, M A, M.D, Ph D, I M S, Director, Haffkine Institute, Parel, Bombay. (x) Mr D N. Wadia, M A, B Sc, F C S, F R C S, F R A, S B, F N I, President, National Institute of Sciences, India, and Mineral Adviser, Planning and Development Department, New Delhi. (xi) Rai Bahadur Dr S D Hora, D Sc, F R S E, F.A S B, Director of Fisheries, Bengal, 13, Ballygunge Circular Road, Calcutta (xii) Khan Bahadur Mian Mohammed Afzal Hussain, M A, M Sc, F N I, I A S, Member, Public Service Commission, Punjab, Lahore (xiii) Dr. M S. Krishnans, M A, Ph D, Superintending Geologist, Geological Survey of India, Southern Circle, Mylapore, Madras. (xiv) Dr. J N Mukherji, C.B.E, D.Sc., F.N.I, F.R.A.S.B, F.C.S, Director, Imperial Agricultural Research Institute, New Delhi.	To represent India at the Empire Scientific Conference.

S No	Particulars of Mission or Delegation	Objective
11.	India was represented at the meeting of the U N E S C O at Paris in November, 1946 by a delegation consisting of the following personnel — (i) Sir Sarvapalli Radhakrishnan, D Litt, LL D, F B A —Leader. (ii) Sir John Sargent, C I E, M A, D Litt, Secretary to the Government of India, Education Department—Delegate (iii) Rajkumari Amrit Kaur, Member, Central Advisory Board of Education—Delegate (iv) K G Saiyidain, Esq, M Edn (Leeds), Educational Adviser, Rampur State—Delegate (v) Dr H J Bhabha, B A (Cantab), Ph D, D Sc, F R S, Director, Tata Institute of Fundamental Research, Bombay—Delegate. (vi) Dr T Ghayle, Secretary, Education Department, Office of the High Commissioner for India, London—Adviser. (vii) Mr P N Kirpal, Bar at Law, Assistant Educational Adviser, Office of the High Commissioner for India, Education Department, London—Secretary. (viii) Miss Dorothy Bose, M A, Education Officer, Education Department—Assistant Secretary (ix) Mr A M Ashraf, M A, Assistant Educational Adviser Education Department—Public Relations Officer (x) Mr R Chakravarty, Head of the Arts Section, Delhi Polytechnic—Art Officer	To attend the first general Conference of the UNESCO as well as to participate in the UNESCO Month celebrations

Broadcasting Stations in India

18. Seth Govind Das: Will the Honourable Member for Information and Broadcasting be pleased to state

(a) the number of broadcasting stations that exist in the Northern India *i e*, on the Northern side of the Vindhya Mountain ranges and the number of such stations that exist in the Southern India *i e* on the southern side of the said ranges;

(b) how many of them are high power stations and how many are low power stations; and

(c) the names of the Provinces which have no broadcasting stations?

The Honourable Sardar Vallabhbhai Patel: (a) Six in the Northern India, viz Peshawar, Lahore, Delhi, Lucknow, Calcutta and Dacca and three in the Southern India, viz Madras, Bombay and Trichinopoly.

(b) A statement showing the power of different transmitters of All India Radio is laid on the table of the House.

(c) U. P & Berar, Bihar, Orissa, Sind and Assam.

Statement showing the power of the different transmitters of All India Radio

Station	Short Wave					Medium Wave					Total
	100 KW	20 KW	10 KW	5 KW	7½ KW	20 KW	10 KW	5 KW	1·5 KW	2 KW	
Delhi	2	2	2	1	2	1					10
Bombay			1						1		2
Calcutta			1						1		2
Madras			1							1	2
Lahore								1			1
Lucknow								1			1
Trichy								1			1
Dacca								1			1
Peshawar							1			.	1

RE-NAMING OF THE SMUTS' AVENUE IN DEOLALI.

19. Mr Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department be pleased to state whether Government are aware that there is a thoroughfare in or near Deolali which is known as the Smuts Avenue?

(b) When and after whom was the said thoroughfare so named?

(c) Whether Government will consider the desirability of altering the name of the said Avenue?

Mr. G. S. Bhalja: (a) Yes, Sir. There is a katcha road between officers quarters which is known as the "Smuts Avenue"

(b) It was christened in 1913 by the local authorities and named after Field Marshal J. Smuts

(c) Yes, Sir.

NON PAYMENT OF RENTS OF BUNGALOWS BY THE LANDS AND HIRINGS SERVICES OF THE NAGPUR AREA IN THE CENTRAL PROVINCES

20. Seth Govind Das: Will the Secretary of the Defence Department be pleased to state

(a) whether Government are aware that the Lands and Hirings Service of the Nagpur Area in the Central Provinces is holding up the payment of rents of the bungalows hired by them for their use from civilian owners of Jubbulpore,

(b) whether Government are aware that the rent of these bungalows is not paid for many months and that payment is made very irregularly with the result that the owners have to undergo unnecessary financial loss for no fault of their own, and

(c) whether Government propose to take necessary steps to redress the grievances of these owners?

Mr. G. S. Bhalja: (a) and (b) I lay on the table a statement showing the hired bungalows in respect of which rent is being withheld or is in arrears, together with the reasons therefor

(c) Government are doing all that is possible to settle the outstanding points and to make payment.

Statement showing particulars of hired bungalows in respect of which rent is being withheld or is in arrears.

Serial No.	Address	Name of owner	Rental p. m. Rs.	Amount Out-standing Rs.	Hiring arranged by	Date taken over by L. H. & D.	Remarks
1	4 Howbagh Road . .	Phulon Dhulayia and Brizrani Babu.	85 0 0	680	MES	August 1946 .	No rent bills have been received and an amount of Rs 415-12-0 due from the owner for repairs has been outstanding (This has now been received).
2	201A Nerbudda Road .	S. S. Fatehchand	156 0 0	1,716	MES	Do. .	No rent bills have been received and a sum of Rs 653-12-0 due from the owner for repairs has been outstanding (This has now been received).
3	122 Blennerhasset Road	G. R. & K. R. Chowdhury.	134 8 0	10,100	MES	Do. .	No payment of rental has ever been made by MES or LH&D as owner will not send pre-receipted rent bills House has now been sold and bills from new owner are awaited.
4	147 Napier Town	Mr S J Edwards	100 0 0	1,245	MES	Do	Repeated applications have been made to the owner for pre-receipted bills. These were received in the first week of January 1947 and payment of arrears will now be made.
5	No. 2 Penderghast Road	L. Moti Ram & Sons.	125 0 0	1,000	LH&D	Do. .	The Jubbulpore Court refuses to recognise the present Power of Attorney produced by Owner's Agent.
6	No. 1 The Mall . .	L. Moti Ram & Sons.	125 0 0	875	LH&D	Do. .	No lease agreements can accordingly be registered nor can payment be made.
7	No. 82A Nerbudda Road	W. Lyons	120 0 0	780	LH&D	Do. . .	Dispute with owner as to whether garage is included in the hiring.

M E. S.—Military Engineering Service.
LH&D.—Lands, Hiring and Disposals Service.

PROPOSED LOCATION OF POOR CLASS QUARTERS BY THE DELHI IMPROVEMENT TRUST.

21. **Pandit Sri Krishna Dutt Paliwal:** (a) With reference to the reply to part (b) of starred question No. 48 asked by Mr. C. P Lawson on the 29th October, 1946, will the Secretary of the Health Department be pleased to state the location where the Delhi Improvement Trust intends to construct poor class quarters under the State aided re-housing scheme?

(b) Whether these quarters will be in close proximity to the vacated locality, if not, why not?

(c) What is the design and shape of these poor class quarters?

(d) Has the construction been taken in hand?

Mr. S. H. Y. Oulsnam: (a) The Trust intends to build poor class quarters in suitable localities in different parts of the urban area of Delhi The possible sites now in view are in the Jhandewala Estate, in the Ahata Kidara, Roshanara, Andha Moghul and Jumna Village Schemes of the Trust

(b) While it will not always be feasible to build quarters in close proximity to the vacated locality, every endeavour will be made by the Trust to ensure that the residents are put to the minimum dislocation

(c) A plan showing the revised design of double storeyed quarters is laid on the table †

(d) No quarters according to the revised design have so far been constructed.

INDIANISATION OF THE OFFICER PERSONNEL IN GOVERNMENT OF INDIA DEPARTMENTS.

22. **Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

(a) whether it is the policy of Government to Indianise the officer personnel in the various Departments of the Government of India,

(b) the progress that has been made since September last in this direction in various Departments;

(c) how many among the Secretaries, Joint Secretaries and Deputy Secretaries especially of the Home, External Affairs, Railways, Finance and Communications are Europeans and Indians, and

(d) which offices have been given over to Indians, as vacancies have arisen since 2nd September, 1946?

The Honourable Sardar Vallabhbhai Patel: (a) The policy of Government in regard to this matter was stated on the 8th November 1946 in reply to Question No 321 put by Pandit Sri Krishna Dutt Paliwal

(b) and (d). The policy laid down by Government is being closely followed in cases as they arise Information regarding vacancies which have arisen since the 2nd September 1946 and the manner in which these have been filled will be laid on the table of the House as soon as it is complete. The information will also show the progress that has been made in the implementation of that policy.

(c) I place a statement on the table of the House.

†Not printed in the Debates A copy placed in the Library of the House.—*Ed. of D.*

Statement

Serial No.	Department	Secretary or of the status of Secretary		Addl. Secretary or of the status of Addl Secretary		Joint Secretary or of the status of Joint Secretary		Dy. Secretary or of the status of Dy. Secretary	
		European	Indian	European	Indian	European	Indian	European	Indian
1	2	3	4	5	6	7	8	9	10
1	Agriculture Department		1				2		3
2	Cabinet Secretariat . .	1				1	1	1	1
3	Commerce Department .		1		1	1	2		3
4	Commonwealth Relations Department.		1				1	1	3
5	Communications Department	1							1
6	Defence Department .	1		1	1	2	1	2	5
7	Education Department .	1							1
8	External Affairs Department	1	1			3		3	3
9	Finance Department .	1	1	1		3	3	1	14
10	Food Department . .	1					4		5
11	Health Department .	1							2
12	Home Department . .	1				1		1	6
13	Industries and Supplies Department.	1				1	2	4	4
14	Information and Broadcasting Department.	1						1	1
15	Labour Department .		1				2		4
16	Legislative Department .	1		1			2	1	2
17	Legislative Assembly Department		1	.			.		1
18	Military Finance & Finance Department Supply.	.			1	3	1	4	20
19	Railway Department . .	4	1	.	1		...	5	6
20	Transport Department .	1	...	..	.	..	..	1	2
21	Works Mines & Power Department.	...	1	...	...	...	1	..	3
	Total	17	9	3	4	15	22	25	90

OUTSTANDING STERLING BALANCES.

23. Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if the figures of the outstanding sterling balances at the end of each year given below are correct?

31st March 1940—Rs 142 Crores.
31st March 1941—Rs 144 Crores.
31st March 1942—Rs 284 Crores
31st March 1943—Rs. 511 Crores.
31st March 1944—Rs 945 Crores.
31st March 1945—Rs 1,363 Crores.
31st March 1946—Rs 1,724 Crores
20th December 1946—Rs. 1,622 Crores.

(b) If not, what are the correct figures?

(c) Is it a fact that these figures do not include amounts, which were taken directly to the Dollar Pool in respect of dollars accruing to India?

(d) Is it a fact that these figures are net, and that sterling securities which were retired, and the funds laid out for the purchase of railways as well as Railway Annuities would have to be added in order to ascertain the total value of services and commodities given by India to His Majesty's Government and Allied Governments?

(e) What is the total amount of sterling debt and other sterling liabilities, which have been paid off by India since 1939?

The Honourable Mr. Liaquat Ali Khan: (a) and (b) The figures are correct except that they relate not to the specific dates mentioned but to the nearest week for which the figures of the Reserve Bank are compiled

(c) These figures include the amounts referred to by the Honourable Member

(d) The figures are net, but as the variations in the sterling holdings of the Reserve Bank reflect India's balance of payments as a whole, the addition of the three specific debit items mentioned by the Honourable Member to the figures of these balances would bear no kind of relationship at all to the total value of the services rendered to, and of the commodities purchased by His Majesty's Government and Allied Governments

(e) Sterling debt of the face value of £320 millions was paid off at a total cost of approximately Rs 426 crores during the period April 1939 to March 1946. I am not certain what the Honourable Member means by other liabilities but if he is referring to the lump sum payment on account of non-effective charges the sum involved is £15 millions

REPAYMENT OF STERLING BALANCES TO INDIA BY U K.

24. Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state if Government have noticed the argument in British propaganda regarding the ability of the United Kingdom to pay sterling balances and the suggestions that the repayment should be spread over a period of fifty years?

(b) Did Government give to their representatives, who met the British Delegation, all relevant facts, showing both the gross amount and the net amount of value of what India was made to pay in a period of five years?

The Honourable Mr. Liaquat Ali Khan: (a) Government have noticed most of the articles in the press of the United Kingdom on this subject

(b) I am not certain what the Honourable member means by "the gross amount and the net amount of value;" but Government did furnish the Indian Delegation with all the relevant facts on the subject.

ACCOMMODATION FOR INDIAN STUDENTS IN ENGLAND.

25. Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Education be pleased to state:

(a) whether it is a fact that, while he was in England recently, it was reported to him that Indian students in that country were suffering badly for want of accommodation, so much so, that they had to live in tents in winter;

(b) whether he is further aware that it is reported that the India House do not keep proper information about Indian students nor do give proper information to them;

(c) whether his attention has been drawn to the resolutions and discussions made at the annual meeting of the London Majlis in which a Commission of Enquiry has been asked for and the recall of the High Commissioner suggested, as reported by the Reuter, vide *Daily Tribune* of the 14th January, 1947 page 5, and

(d) the latest position with regard to the foregoing and the steps taken by the Government of India for meeting the situation?

The Honourable Maulana Abul Kalam Azad: (a) When the Leader of the House was in England recently he met a deputation of Indian students in India House and they made various complaints to him, more especially in regard to accommodation He discussed this matter with the High Commissioner and the Deputy High Commissioner who promised to do everything in their power to help the students A proposal was also made that a room might be set apart in India House for their use Subsequently the Deputy High Commissioner reported that owing to lack of accommodation for the existing staff it was very difficult to find a suitable room in India House for this purpose He was, however, trying his best to engage a suitable room in the vicinity which the students could use This matter is being pursued and it is hoped that satisfactory arrangements will be made

(b) In the absence of any specific instances this charge cannot properly be answered Every effort is made by the High Commissioner's Office to give up-to-date information as well as every possible assistance to Indian students in the United Kingdom It has been ascertained that in 1945-46 8 000 (eight thousand) interviews were granted by the educational officers in the High Commissioner's Office, excluding those granted by the High Commissioner and the Deputy High Commissioner, while the number of students so interviewed during the quarter ending December 31st, 1946, was 2,800

(c) Yes

(d) There is no doubt that Indian students have had to suffer hardships in regard to accommodation It should be remembered, however, that living conditions in the United Kingdom continue to be extremely difficult and there is an acute shortage of accommodation for everybody In spite of the efforts of the Office of the High Commissioner some of the difficulties facing Indian students have not been removed Between October 1945 and January 1947 that office arranged accommodation for about 1,200 students Apart from the hostels which have been established for Indian students in London and Edinburgh during the last year, the High Commissioner's Office maintains an up-to-date list of suitable lodging houses, including 125 private houses in London alone where Indian students are placed, whenever possible The High Commissioner has also been making efforts to acquire a suitable building in London which may serve as a reception and transit camp for Indian students

The particular incident referred to in part (a) of the question about Indian students having to sleep in tents in winter, has reference to two occasions only during the last two years, when large numbers of Indian students arriving in the United Kingdom at short notice, or without any notice altogether, had to be accommodated in the International Language Club, Croydon, for a maximum

period of three days, before proper accommodation could be arranged for them. This, undoubtedly, resulted in considerable discomfort to the students concerned

The Government of India have for some time been considering the question of reorganising the High Commissioner's Office with a view to strengthening it and have invited the Deputy High Commissioner to New Delhi for this purpose. It is proposed particularly to strengthen the Education Department of the High Commissioner's Office and to set up a separate section in that Department to look after the general welfare of Indian students

SPECIAL MARRIAGE (AMENDMENT) BILL

Mr. President: We shall now take up further consideration of the following motion moved by Dr G V Deshmukh on the 15th November, 1946

12 NOON

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, the Honourable Sri C Rajagopalachari, Dr J C Chatterjee, Khan Mohammad Yamin Khan, Shri Sri Prakasa, Sri M Ananthasayanam Ayyangar, Mr Vadilal Lallubhai, Sjt. N. V. Gadgil, Pandit Balkrishna Sharma, Pandit Thakur Das Bhargava, Sardar Mangal Singh, Shrimati Ammu Swaminadhan, Sri A K Menon, Mr Madandhari Singh, Mr. Leslie Gwilt, Mr Sasanka Sekhar Sanyal, Sri Jagannathdas, Sree Satyapriya Banerjee, Sri S T. Adityan, Mr. Krishna Chandra Sharma and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Mr. P. B. Gole (Berar Non-Muhammadan) Sir last time, or rather last year, I had not finished my speech Today I do not propose to take much of the time of the House, but I would like to place before you certain salient features which militate against the very object for which the Bill is brought. Last time I was quoting from certain opinions and I may tell the House that the opinions so far received are very much against the Bill There are in all 128 opinions against the Bill whereas only 36 opinions are in favour of it. I have already stated that those 36 opinions are without any reasons whatever for the opinions they held. But the opinions which are against the Bill are given by persons who hold very high positions in society, apart from the Hindu Mahasabha, the Sanatana Dharma Sabha and others, there are High Court Judges, eminent lawyers, Advocate-Generals and even the Governments themselves have given opinions against this Bill The question arises whether the House would be justified in view of this overwhelming opinion, in proceeding with this Bill With all humility I submit that it would be against all etiquette and against all rules of justice that in view of the overwhelming opinion against this Bill we should insist upon proceeding with it I may point out to you that even the Chief Khalsa Dewan of the Sikhs at Amritsar has given opinion against this Bill The main object of my Honourable friend Dr. Deshmukh in piloting this Bill is to secure monogamy in Hindu Society and also as a corollary of that to secure divorce for those unhappy couples who are not able to pull on well together

Mr. President: Order, order I would like to know whether the Honourable Member proposes to repeat his speech made during the last debate. The speech is full of quotations and it covers more than twelve pages. The Honourable Member may touch only those points which are not covered in that speech and he should not repeat his points over and over again.

Mr. P. B. Gole: I take it that I have not so far repeated any of my arguments which have been advanced before.

Not in the same words.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural) I understand that there is no time-limit so far as the discussion on the Bill is concerned.

Mr. President: I am putting no time-limit I am only trying to stop irrelevance and repetition.

Dr. G. V. Deshmukh (Bombay City. Non-Muhammadan Urban) I thought that a senior member like Mr Gadgil would know it

Mr. President: Order, order

Mr. P. B. Gole: I am really taking care to see that I do not repeat any of my arguments I am very sorry for the remark from the Chair that I am repeating the arguments in other words when I am particular to see that I do not repeat arguments that I have already advanced

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural): You referred to divorce last time

Mr. P. B. Gole: Sir, one of the objects for which the Bill is brought by my Honourable friend is to secure divorce So far as those communities, especially the European community, in which divorce is in vogue are concerned, I may draw the attention of the House to the opinion of Mr G K Chesterton, an eminent authority on this question in which he says

"The superstition of divorce has proved that divorce does not bring happiness to the husband or to the wife It ends in the tragedy of the vows that the husband and the wife both take at the time of marriage on the Holy Book, in the tragedy of the children whose welfare is jeopardised and in the tragedy of marriage itself for which no regard is paid by any party."

He quotes Mr Gibbon, the great historian who showed that the downfall of the Roman Empire was due to the increase of divorces

You must have read, Sir, the report recently published in the *Hindustan Times* that in the year 1946 there were in all 11,000 divorces in Hollywood in Divorce Land, Reno. There, in one year there were 11,000 divorce proceedings. And it comes to this that almost every day the divorce cases in divorce courts came to more than 30 The question was put to one of the stars there as to how this happened He said "There are many beauties here and there are very handsome people here, that is the reason for the divorces". Whatever may be the reason given by him I would assert here that it is against all canons of morality All the vows are to be given up and that too because somehow or other the couple are not happy in married life My submission to the House is that such a state of things does not exist in our Hindu society and we should not really speaking bring in such Bills which are against all moral canons. Now, Sir, let us see if the object with which the Bill is brought can be achieved by the method adopted by my Honourable friend or sought to be adopted by my Honourable friend. He relies probably on section 17 of the Special Marriage Act and on the Indian Divorce Act to achieve his purpose. Apart from the fact that a marriage solemnised under the Hindu rites cannot be dissolved and ought not to be dissolved, the question is whether by enacting this law it is possible to dissolve that marriage. For the dissolution of marriage they will have to go to court and perhaps matrimonial courts would have to be established in India. After all the matrimonial courts will have to be established under the Indian Divorce Act and what does it say about it. I do not know whether my friend ever cared to look into the Divorce Act to see whether the object he has in view can be achieved. Section 2 of the Act says "Nothing hereinafter contained shall authorise any court to grant any relief under this Act except where the petitioner or the respondent professes the Christian religion". This is the condition precedent which is mentioned in section 2. I do not think Hindus who are married under the Hindu form, if they get a marriage registered under the Special Marriage Act, become Christians thereby and unless my friend goes to the length of advising those

[Mr P B Gole]

people to embrace Christianity for the sake of getting divorce, I myself do not know how under the Divorce Act he will get the relief which he wants Further he probably forgets, I do not know whether he has ever read them, the sections. They are such that you cannot get divorce so easily I would particularly call attention to section 13 of the Act wherein it has been stated that the divorce petition will be dismissed if the petition is presented in collusion with either of the respondents

Now, Sir, the objects with which the Bill has been brought have been stated by my friend to be monogamy and divorce. Therefore for the purpose of getting a divorce they are going to have this marriage registered under the Special Marriage Act in order to entitle them to go to the matrimonial court to get a divorce I may cite here a case decided recently by the Nagpur High Court where two cinema stars married They could not pull on together and ultimately they filed a petition in the Nagpur High Court for dissolution of marriage and the judges of the High Court dismissed the petition on the ground that the petition had been brought in collusion Here the very object of getting the marriage registered is to have a divorce Because the couple are unhappy and they cannot pull on, they want to have the marriage dissolved The object with which the marriage is registered can be seen through by any court with some common sense Therefore I submit that the object with which this Bill has been brought is not likely to be achieved Then this Bill militates against all canons of morality As it wants to amend the Special Marriage Act, it is indeed a misfit as has been observed by the Advocate General of Madras I would ask my friend to consider dispassionately whether he is serving the cause of the society by bringing in this Bill or is it merely to satisfy his own vanity I have not been able to understand the underlying objects of this Bill except those that have been given by the Honourable Member We have nothing to do with the other objects, because once you change the objects, the whole Bill will have to be changed and a new Bill will have to be brought I would seriously ask my friend whether in view of what I have said he still desires to pursue his attempt to get this Bill passed in this House He asks the House to commit itself to the principle of this measure The principle is monogamy and divorce If these two objects cannot be achieved by this Bill I request my friend very humbly to dispassionately consider whether this is the proper way in which the House should be committed to the principle of the Bill I strongly oppose this motion for reference of the Bill to the Select Committee

Shri D. P. Karmarkar (Bombay Southern Division Non-Muhammadan Rural): I have carefully followed the debate that has taken place on this motion I will content myself with inviting the attention of the House to two or three predominant considerations which to my mind are relevant to the consideration of this Bill Undoubtedly social laws and traditions which have been going on for thousands of years may be ripe for a change and if they are ripe for a change, it would be wrong on our part to hesitate to bring in those changes which are necessary At the same time before we depart from any rule of law or tradition having the binding effect of law, we should also inquire as to the absolute necessity of it in the interests of society We have had measures like the Indian Divorce Act or the Special Marriage Act or the Child Marriage Act and so on There was a need for those measures and the results have justified the rightness of those measures Now, in so far as the measure before the House is concerned, it seeks to interfere with marriages that have been solemnly and duly performed. There has been another interpretation by no less a person than the Honourable the Leader of the House and by the Honourable Mr. Rajagopalachari that the content of this Bill is to limit the provisions of the Bill to such cases of marriages as might have been for some reason or other of a doubtful validity Cases are conceivable where two persons have entered the wedlock and they now feel that the validity

of the law is likely to be questioned Certainly it is up to us to make a provision for legalising marriages which might otherwise have been invalid on account of no fault of the parties themselves. If this Bill were to limit itself absolutely to its objective, namely, giving a validity to marriages of a doubtful validity, then I would be entirely in agreement with the principle and the content of it. But in so far as it seeks to go further, in my humble opinion it is not a measure which is in any way urgent or which is required by that section of the society which it seeks to affect As has been evident, a large section of the Hindu society has developed the custom of divorce and there is a very small section amongst whom this custom of divorce has not yet gained popularity. Now, Sir, is it the case of the Honourable Mover of this Bill that there has been any intense desire amongst that class of persons who will necessarily be affected by its provision to ask for such a provision?

Now, Sir, in the speech which he made on the 15th November he confessed his inability on past occasions to successfully pilot through or even to move measures of this kind He felt himself diffident to bring forward boldly measures advocating and legalising divorce or monogamy I beg to submit that he need have no such diffidence about the introduction of such measures As he already knows, in so far as the Bombay Presidency is concerned, the Bombay Government themselves have successfully sponsored a Bill in respect of monogamy Recently, the concerned Member of Government in that province has declared the intention of the Government to bring forward a Bill also making it possible for the Hindus to take to divorce Under such circumstances, instead of coming through this back-door of trying to amend the Special Marriages Act which was principally meant for bringing in persons into a wedlock, instead of tagging on to that measure something which is not suitable to that Act, I would certainly have congratulated the Honourable Member if he had come before the House with measures which were in support of monogamy and in support of divorce Now, Sir, what is the extent of the section of our society which is going to be benefited, according to him, by this measure? Its extent is very small I should not conceive,—unless it has come to his notice couples who have been entirely dissatisfied during the course of his medical practice,—that their number is very large It may be that during his practice he has come across some couples who were not satisfied with their marriages and the Hindu law did not permit them to be separated, and they might have asked him to oblige them by introducing a Bill to get divorce So far as that aspect of the matter is concerned, there has been not only no agitation on this matter but there has been no appreciable demand or appreciable request from any quarter whatsoever which is going to be affected by this measure Therefore, it would be futile to take the time of this House by bringing measures of this kind, which may be permitted by the rules of this House, but which are absolutely futile inasmuch as they touch an infinitesimal portion of the society The society as such has not expressed any desire for a change from the old practice After all, the older section of the people who are already married are quite content with their marriages The younger people or those who were young 15 years ago had the law open before them either to get their marriages registered under the civil law or to celebrate them according to the Hindu law, and they have made their choice. Let them not unmake their choice at will, because there may be an amendment to this Bill also saying that even after a person gets the benefit of the Special Marriage Act, it shall be open to him afterwards to say that the previous two marriages should be dissolved and he will contract a third marriage. Let there be an end to this at some stage. Whom is he going to benefit? Who are those old and young persons who have expressed such an intense desire to get rid of the old Hindu law and to contract new marriages? Under these circumstances, I should respectfully submit to this House that this measure is absolutely uncalled for. In the first place, it is going to affect such a small section of the society that there has been no great hardship expressed so far as public opinion

[Shri D P Karmarkar]

is concerned Secondly, I should like, as I said before, that these questions which relate to the law of marriage should be approached with a directness and with a boldness which is suitable in such cases As I said, if we want divorce to come in and if we want the society to stick to the law of monogamy, let us bring measures to that effect Whether some of our people like it or not, our society has now undergone changes in view of the changing times. Forty years ago when the Child Marriage Restraint Act was for the first time discussed on the floor of the Central Legislature, such a hue and cry was raised about it. People were asking why should you restrict the marriages within a certain age? But society has now changed. Society has got to undergo a change according to the prevailing circumstances At the present moment, nothing, I think, would prevent society taking the mode of divorce as part of the law of the marriages of the country

Now, Sir, much has been said about the advisability of divorce in the Western sense The original intention of the law makers was to make divorce not possible in cases of incompatibility Certainly, it is one of the cases where a man and a woman find themselves to have a temperament which is incompatible it might reasonably be said to be one of the cases which justify a divorce But even the Indian Divorce Act, as it stands today, makes it necessary to have one of the three or four elements mentioned in that law, For instance, desertion or adultery constitute one of the grounds before a decree for divorce can be given However much we may desire to stick to the old things, society has undergone a change, times have undergone a change; and the changing times make it absolutely necessary to have a change in the law of the land Now, Sir, if we have to get along and introduce reforms consistent with the changing times, we must bring forward measures in a more direct manner than it has been possible for the Honourable Mover to do in the present case I congratulate him upon his frankness and upon his honesty of purpose. I congratulate him also on the frankness with which he has admitted that because bolder and more direct measures were not possible and that the time was not suitable, therefore he has been compelled to take recourse to this indirect method, which in my opinion is not a very desirable one

One more submission There is an understandable part of this measure which I very much like to appreciate That part has been dealt with in their speeches by the Honourable the Leader of the House and by the Honourable Mr Rajagopalachari and also partly by my learned friend Shri Sri Prakasa. There happen to be instances where men and women come together in all solemnity and they state that they have married according to certain rites, it may be that in the eye of law those marriages may lack the sense of legality. It is certainly up to us to give our accord to them in so far as we can legally do it That type of marriage is for all practical purposes a sacred marriage, whether you look at it from the point of view of sacrament or contract, it is undoubtedly a solemn marriage. it may be of doubtful validity, but it is really a marriage In such cases, if a new measure were to be brought, or if this measure were to be limited to cases of that kind, I should think that some useful purpose would have been served In that view of the matter, I should respectfully submit to this House firstly to throw out this measure at this stage; but if the House is pleased to accept the motion for reference to Select Committee, then to so amend it as to give a limited scope only for marriages which may or may not be invalid, but which look as if they are invalid or may be of doubtful validity and to give such doubtful marriages a valid clothing.

Sir, with these words, I oppose the consideration of this Bill at this stage, but if the House should be pleased to adopt the Motion and refer the Bill to the Select Committee, then it should go into this matter thoroughly in the Select Committee.

Finally, Sir, I would invite the attention of the House to the last amendment sought to be made by this Bill, namely that contained in clause 12,—dissolution of previous marriage on registration of new marriage. I strongly feel that anything that might happen as a result of this Bill should not result in dissolution of any previous marriage. The status of parties need not change as a result of this new registered marriage All that the new registered marriage should be able to do is to give a reality, a clothing of validity to marriages of doubtful validity.

Shrimati Ammu Swaminadhan (Madras City: Non-Muhammadan Urban): Sir, I rise to say a few words in support of this Bill We, the women of India, are not quite satisfied with this piecemeal legislation which these Bills bring about We do want great many changes in the Hindu law as it stands today But even such Bills as these give certain rights to women who suffer a great deal in this country, especially with regard to their married life My Honourable friend Mr Gole seems to think that this Bill is introduced only with the intention of giving the right to divorce and also with the intention of making every one wanting to divorce. I beg to differ from him.

Mr. P. B. Gole: That is the object which the Mover has in mind

Dr. G. V. Deshmukh: Not at all.

Shrimati Ammu Swaminadhan: I say this Bill is brought forward to give the right in case women want to have the right of divorce. At the same time, as the Hindu law stands today, a man, if he is either tired of his wife, or if he wants to marry another woman, can just discard his present wife, and get married to as many women as he likes, while the woman has no liberty to marry again if she is married to one man. Is it or is it not right to give this liberty to women. After all this is only a permissive measure. It is not compulsory for every married people in India to rush to Registrar's office, to get their marriages registered. I am sure there are not many women or men who want to divorce their husbands or their wives today At the same time, when marriage is performed at the Registrar's office, I do not think any one goes there with the intention of filing a divorce suit the next day I do beg to state to this Honourable House that we, women, do want certain rights and equality I do submit that this is not the time for Honourable Members of this House to oppose such measures that are being taken to ameliorate the condition of women in this country I do hope still that the whole of the Hindu law will come under consideration and I hope that the Rau Committee will bring forward their proposals before long and that the changes in the Hindu law as envisaged therein will be adopted by this House In the meanwhile, this Bill of Dr Deshmukh which seeks to give a little relief to women of India, will be welcomed by all women I do not think my Honourable friend Mr Karmarkar was right in saying that only a very small section of people in India do want this measure, that there was really no agitation demanding such a measure at all I beg to differ from him. Unfortunately the women of India are still not speaking much about things that they suffer from That has always been the difficulty with regard to women in India, because they do not come forward and agitate about things that they have been and are still suffering from.

Sit. N. V. Gadgil: Not now.

Shrimati Ammu Swaminadhan: I want to say that now perhaps a few women do come forward to bring these disabilities to the notice of the public so that all the people in India might realise what Indian women are suffering from today. This question has again and again been considered at gatherings of Women's Association and all women who attend these conferences are unanimous that they do want a marriage [illegible] this Assembly and passed into law are [illegible] have certain rights, not because they want to divorce their husbands that the

[Shrimati Ammu Swaminadhan]

women of India want such a Bill to be brought forward and passed into law Surely it is only right and proper that the women of India who suffer from great disabilities with regard to marriage should demand that such measures should be brought forward so as to give them a chance to have certain rights granted to them I am afraid it has been my experience that if there is any kind of Bill brought forward to give relief to women or to give more rights to them very often our friends—the men—oppose such measures I do not know whether it is because they are afraid that they would be losing their rights, in which case, I must say, they have no faith or belief in their women at all or because the men feel that their place will become less superior than it used to be before I must say, Sir, that we, in India, must also move with the times There are so many changes taking place in this country But when it affects women, when some small steps are taken to remove the disabilities of women why all this agitation, I do not understand If we are to move with the times at all, we must also see that the women of this country who form half the population of the country should also go forward and should also have equal rights, if not complete equality at least certain rights which they can exercise when it is necessary I have seen hundreds of thousands of women suffer today because there is nothing to give them relief with regard to marriages As I said before, is it just that once a woman is tied to a man according to Hindu law, she is tied for ever Why should she not have the right to divorce if she is not able to get on well with the husband? I want to ask Honourable Members who are opposing this Bill, are they all afraid that all the wives in India are going to ask for divorce the moment registration is enforced In that case, it is better that they do not keep on being tied to such wives who want divorce from them Every one here if he is for the progress of this country, if he is for the advancement of womanhood in this country, should support this measure My Honourable friend Mr Rajagopalachari is in the Select Committee He is in full sympathy with this measure He comes from a province which is supposed to be the stronghold of orthodoxy and yet even orthodox Madras has come forward saying that this is a proper measure and it should be enacted into law I am sure Mr Rajagopalachari will support every progressive measure that is brought forward for the advancement of women in India With these words, I fully support the Bill being referred to the Select Committee

Sri S. T Adityan (Madras and Ramnad *cum* Tinnevelly Non-Muhammadan Rural) Sir, after the able arguments presented by the Honourable the Leader of the House and the Honourable Mr Rajagopalachari it is very difficult to find any new arguments But there have been certain objections, specially by my Honourable friends Mr Gadgil and Mr Gole some of which require some examination The first argument seems to be that the Bill relates to marriages that have been already performed under the Hindu law or under the Buddhist or Jain law Mr Gole says that such marriages are already valid and there is surely no reason to revalidate them by re-registration That is certainly one aspect of the question, but an important class of case may arise in this way Suppose a boy of 18 is married to a girl of 15; under the ordinary law and custom they are not of an age to decide for themselves and the marriage has been settled by the parents Now after five years when they begin to know the world they may find it impossible to pull on together There may be a case in which the boy who has just come of age falls into evil ways The parents of the girl take it up with the parents of the boy, and they may decide that the best way of bringing round the boy to the girl is to re-register the marriage in a form in which monogamy is the result. These cases arise always in legal practice and in such cases we lawyers now advise that the boy should be made to execute a document of settlement in favour of the girl. I do not think there is any lawyer in whose practice such

cases do not arise quite often; and the only advise we can give them is to go to the sub-registrar and execute a deed of settlement in favour of the wife. And under this Bill the marriage will be re-registered so that the boy may be fixed up in a monogamous marriage

There was another point made by Mr Gadgil and I think it was opposed by Mr. Gole My Honourable friend Mr Gole quoted the literary critic Mr. Chesterton against divorce, and my Honourable friend Mr Gadgil cited the jurist Bentham in support of divorce It is rather curious that of the two Honourable Members who oppose this Bill one stands for divorce and calls the support of Bentham and the other opposes divorce and calls in Chesterton to his aid I will ask them to settle this quarrel among themselves

Then, Sir, these Honourable friends tried to examine the motives and reasons of the Honourable Mover in bringing forward this Bill

Mr. P. B. Gole: They are given by the Mover himself

Sri S. T. Adityan: They tried to find out what was at the back of the Honourable Mover's mind,—whether the motive is divorce or something else Sir, I am not delving into the Honourable Mover's psychology, but whatever reasons may have actuated him, they do not at all count after the Bill becomes law You know that the Preamble is not a matter of interpretation by the courts because it is no part of the Act, much less are the reasons and motives of the Mover of a Bill In fact the Mover simply fades out of the picture after the legislation is passed, and his motives do not count at all So the examination of his motives and reasons need not have taken so much time

Then a point was raised about the dissolution of marriage, whether it is proper to provide in this Bill a clause for dissolution of a marriage already performed On that, Sir, I think my Honourable friend Mr Gole has made very valuable contributions in examining the whole Bill clause by clause, but I was wondering whether all that was relevant at the present stage I think it is better that his views on this subject should be presented before the Select Committee when they examine the clauses of this Bill I can surely assure him that an honest effort will be made in the Select Committee to go into this question clause by clause and to discard that part of the Bill which may be found to be either useless or harmful

Certain other points were raised by my Honourable friends but I consider those also to be matters for examination by the Select Committee Sir, I support this Bill

Pandit Balkrishna Sharma (Cities of the United Provinces Non Muhammadan Urban) Sir, I beg to support the motion for reference of this Bill to Select Committee As I was hearing very respectfully and with great attention the speeches of my Honourable friends Mr Gole and Mr Karmarkar for both of whom I have got immense respect—I was reminded of this sort of clash of ideas which sometimes takes place even amongs the best of friends and makes them appear not to see eye to eye in regard to fundamental questions Without in any way yielding to any one in my respect for these friends I can say this that the arguments that they have advanced against this proposition of my Honourable friend Dr Deshmukh had very little effect on me. The very fact that they have spoken in the strain they did show that they have not taken into consideration the various ideas which are agitating the entire Hindu society and demanding a solution of the present tangle. My Honourable friend, Mr Gole, referred to the late Mr. G K Chesterton—a great author and a man who had no equal in English literature Chesterton was a master of paradoxes. Sir, I remember a book which Chesterton wrote on Browning, and in that book he described how Browning's "Sardello" caused headache to various English critics of the time. Carlyle got a copy of "Sardello" from Browning and he handed it over to his wife to read, and after some time Carlyle wrote a letter to Browning saying 'My dear Browning,

[Pandit Balkrishna Sharma]

Mrs Carlyle has read "Sardello" with very great interest and wishes to know whether "Sardello" was a man, or a city, or a dog' Mr Gole has opposed this Bill, but really if I were to ask whether he has at all tried to understand the Bill—whether it was a man or a city or a dog! . .

Sjt. N. V. Gadgil: All the three!

Pandit Balkrishna Sharma: I should not be considered as having a fling at his very acute intelligence

Mr. P B. Gole: Let us know what you have understood

Pandit Balkrishna Sharma: He is anxious to know what I consider of the Bill Well, I will explain to him what I consider it.

Sir, the very great anxiety which has been expressed by Mr Gole about bringing in the Hindu Society something which is not there, perhaps is due to the very obvious reason that Mr Gole thinks only the upper ten to be the Hindu society. That is perhaps the trouble that is at the bottom, that because certain sections—Brahmins, Kshatriyas and Vaishyas—are given to a particular way of living, therefore if anybody wants to bring about a change in that way of living Mr Gole thinks that the whole Hindu society may go to pieces.

Mr. P. B. Gole: I have not said a word about that in my speech.

Mr. President: Order, order The Honourable Member may proceed without interruptions

Pandit Balkrishna Sharma: As a matter of fact what he objects to is already there in the Hindu society. I think nearly 50 per cent of the Hindus even today are free to claim divorces.

Shri Sri Prakasa: 90 per cent

Pandit Balkrishna Sharma: My Honourable friend, Mr Sri Prakasa, says 90 per cent, but I have been rather conservative in my estimate, and I put it at 50 per cent. All the Shudras communities have a system of divorce. Among the Kshatriyas even the Jats who constitute a fairly big community have got a system of divorce Among Kshatriyas of other communities certain traditions are there which give the right to the man and to the women under certain circumstances to secure a divorce All the tribes in the Kumaon and Gharwal hills have got a system of divorce So that our difficulty in understanding properly what Dr. Deshmukh actually means by his Bill is because we have such a narrow outlook that we do not look beyond our own small society which we have formed around us—some Brahmins, some Kshatriyas and some Vaishyas, and then we think that because it does not exist in this society, therefore, if we introduce it, the whole society will collapse It has not collapsed so far, it has lived for thousands of years. What we want is that that facility which has not been granted to the upper ten on account of certain traditional biases, which we have formed in our mind, should be given now

Mr. P. B. Gole: Unfortunately the Bill is not for that

Pandit Balkrishna Sharma: If we look at the history of marriages in Hindu society, we will find that there has been a continuous process of a certain amount of evolution from times immemorial and that evolution has continued even up to this day There was a time, and I think Mr Gole who is a Pandit of the ancient lore will not deny it, that the Hindu society did not know what actual sacramental marriages were. In *Mahabharta* we have got instances of a society, existing long before that, where actual marriages, the kind of marriages that we know of today, never existed.

Shri Sri Prakasa: What about Bhima?

Pandit Balkrishna Sharma: He went on marrying everywhere He was a great fellow All sorts of things existed in our society By and by naturally the customs were brought within the ambit of codification and a certain system called the system of Hindu marriages was introduced in society There is a very interesting story that there was a Rishi whose mother went away with another old man and he was very cross and he asked his father what the matter was His father said, 'well, my son, this is the ancient Aryan custom, where is the harm? If your mother feels like going with somebody, she can go ' That Rishi perhaps had some sort of oedipus complex and he carried out a great agitation in the society, with the result that this system of marriage was evolved and the society accepted the system of marriage as such. This is one of the traditional stories that we find in *Mahabharta*. Therefore, I say that to look upon the system of marriages in Hindu society as something very hidebound is really to reject the very historical basis on which the system of Hindu marriages is based Mr Gole has quoted Chesterton I may inform him that the late Mr G K Chesterton was a great Catholic and one can easily understand that when a devout Catholic of Chesterton's type expresses an opinion against divorce it is quite in line with his tradition and with his thinking, so that we cannot lay much store by what Chesterton has said regarding divorces, their futility or otherwise Let me tell you that when I insist upon opening a little door of freedom to the women in the Hindu society, I do not mean that I regard the system of divorce as a very desirable thing We all know in what quandary the Western society is Perhaps the Hindu system of marriages has been tried for centuries on end and it has served the society well enough But then by introducing a legislation of this type, we are certainly not going to ask every married man to go to court and divorce his wife or every married woman to go to court and divorce her husband It is only an enabling Legislation and we are, as a matter of fact, giving an opportunity to get registered such of the marriages as have not been somehow either valid in the first instance or . . . .

1 P.M

Sjt. N. V. Gadgil: It is not covered by this

Pandit Balkrishna Sharma: It will be covered when the Bill is being sent to the Select Committee and such defects as there are in the Bill will be removed Therefore there is no point in opposing its being sent to the Select Committee If the Select Committee finds after it has brought about all the changes in the Bill that it has been so altered that it requires to be sent again for circulation for eliciting public opinion then a recommendation to that effect will be made, but if the Committee thinks that by bringing about certain changes the Bill is not changed beyond recognition it shall come before you for your consideration and even at that stage you will have every right to introduce amendments into the Bill Therefore I do not think any purpose will be served by opposing the motion for its being sent to the Select Committee

There were certain points which were made by some speakers My friend, Karmarkar said that it is no use bringing about such piece-meal legislation. Well this is a point which has been before this House and which has been pressed so many times that it is unnecessary for me to reply to it. All of us know and all of us feel that a codification of the Hindu Law is a necessity but unfortunately the subject is so vast that we cannot wait for the Codification of the whole of the Hindu Law and ignore such of the reforms as we can bring about by introducing piece-meal legislations

Mr. P. B. Gole: What is the urgency?

Pandit Balkrishna Sharma: Therefore this legislation has been brought forward. As for the urgency of the matter, I think Mr. Gole is a gentleman who will never realize the urgency of anything. As a matter of fact, somebody

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in this House, perhaps, Sir, from one of these galleries above here, said, many years ago, that it requires a loud noise to make the deaf hear, and perhaps Mr. Gole will require a very loud noise to make him hear He has not yet been able to see that for one reason or another the Hindu society is going to pieces in spite of the fact that it has weathered many storms Yet, this society of ours cannot be said to have withstood the onslaughts very successfully. After all, if there have been in the past many lacunae in our traditional and in our social make-up then it is time now for us that we look to them and we try to fill up as many gaps as we possibly can

With these words I support the motion for this Bill to be sent on to the Select Committee.

Dr. P. G. Solanki (Nominated Non-Official) I rise to support this Bill wholeheartedly I have heard the opposite benches They consist of learned men of this country and they belong to the privileged class of the 'Dwijas'. A reference was made that these laws were codified by the wisest men of the Aryan community. A reference was made by one of the Honourable Members to the *Shudras* Unfortunately I have to admit that I belong to that section of humanity in this country which is treated much less than human beings I am emboldened to support this Bill because of the plight of the women of the community and particularly of the daughters of the High Caste Hindus, Aryans of old times Hinduised in India, are so cruel towards their own children I would like to compare the prevailing usages and customs amongst the so-called *Shudras* and the customs of the much advanced and learned *Dwijas* of this country The *Shudras*, as they are called by the privileged classes, do not like to call themselves *Shudras*, but as human beings We want that justice should be done to every human being whether that be a male or a female. The curse on this country and the slavery of this country has been brought about by the *zoolum* of the narrow minded orthodox and bigotted *Brahmins* during the last 2,000 years Before that there was Buddhism and even before Buddhism the Puranic Period We read in the *Mahabharat* and the *Ramayan* that there were instances where the women used to take part in the enactment of the laws along with the learned and wise men of India It is a most unfortunate thing that the Hindus who always praise the ancient culture of the Aryans have degraded themselves to this most pitiable condition They are acting as enemies of their own children and daughters, daughters whom they bring up with great love and tenderness The girl in the house of a *Dwija* or in the House of other Hindus is looked upon as a sacred trust. Women and daughters should be taken care of and protected from all injustice

Now who made the laws in old times? It was one-sided codification by male section I am glad to observe that this Bill comes from one gentleman who by caste is highest in the community amongst the *Dwijas* Dr Deshmukh is a Brahmin I have known Dr Deshmukh for the last very many years We were together as students I know his nature and temperament. He is outspoken, bold and honest He does not hide anything and beat about the bush He speaks out what he thinks should be spoken out Dr Deshmukh has come to the rescue of the helpless illtreated women folk of the High caste Hindus There are two sections of human beings in this country who are oppressed one is the womenfolk and the other the scheduled classes who are excluded from the rest of the Hindus and *Shudras* who are touchable Hindus. Scheduled classes are condemned as untouchables and are treated worst than animals and other creatures This cruelty and injustice to the womenfolk and the cruelty towards the scheduled classes have brought slavery of this country and the Hindu community Indians want to call themselves as Indian nation! Who will accept such divided people into various divisions?

Is it only the *Dwijas*, or the section of the people who are privileged and learned who claim themselves to be the friends, guides and philosophers of the downtrodden people. Do they propose to say in these days of civilization of the twentieth century that they should have the same monopoly and license that they had in the last 2,000 years after the revival of Hinduism by Shankeracharya. I for one would not admit this state of affairs This bill relates to the cause of women. The *Shudras*, it is said, have divorce customs It is so, I should think it is a blessing to these people People who are highly educated belonging to the orthodox section are narrow minded, I am talking of the highly educated men amongst the privileged or upper classes. They are very conservative—conservative to such an extent that they do not give to their own girls and women folk the liberty which they deserve as human beings to live and exercise their rights Codification of Hindu law was by males, and naturally they enacted all the laws in favour of male section against the other section of women folks. At the time these laws were codified if women had been present, they would have protested against this injustice which the socalled learned men of old times were perpetrating against them. What is the sacrament of the Hindu marriage? Hindu marriage is performed at present under two different ceremonies One is vedic, for the *Dwijas*—*Brahmins*, *Kshattryas* and *Vaishyas* Some of the *Shudras* have imitated this custom to show that they also belong to the *Dwija* class I am talking of the touchable *Shudras* The untouchables, in whose marriages the *Brahmin* does not take part in the ceremonies Women folk of Hindus have not been given the liberty independance and equality, in these times have been clamouring for—*Azadi*, liberty, and equality In fact this Interim Government has come into existence after a fight for the last 60 years Congress have been fighting for independence from foreign yoke but what about the yoke of tyranny and ill treatment of yours on your own women folks? Why don't you remove it? Why don't you remove that restriction? They want to be free from the tyranny of this age old customs A boy can marry as many times in Hindu society, he can have the licence of leading immoral and licentious life, contracts certain bad diseases of the venereal nature, which diseases are transmitted by such bad character and morally debased young men to their innocent healthy poor helpless wife Such innocent wives are victims of the disease, not only the wife but even the progeny suffers for generations as a consequence of the roguery and rascality of these young men If that is so in the case of the privileged classes or upper classes who are called middle classes It is much worse in the case of the richer classes, who can afford to support three, four or five wives according to the Hindu law and males of this richer classes lead a very licentious and immoral lives and get themselves infected by venereal diseases

Mr. President: 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 **President** (The Honourable Mr G V Mavalankar) in the Chair

Dr. P. G. Solanki: Sir, on the subject which is under discussion I was speaking on the bad lot of the women and I was particularly appealing to our lawyer brethren on the opposite benches The speeches which were delivered were all delivered mostly by the people who are well versed in legal practice and they know very well to put the case very ably before this House. In that respect I must admit my inability to act as a lawyer here But from practical experience and the present day condition of the women, any sane and considerate man would think sympathetically of the case of the helpless women in these days. When the whole world is progressing and claiming liberty, freedom and *Azadi*, equality and independance, what sins have these women of

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this country committed that they should be denied the right of independence as human beings I have been watching with great satisfaction that women have awakened. They are fighting for their rights They hold meetings and conferences. They declaim the rights of the male section to dominate over them any more. I appeal to the makers of the law here and request that they should be a little more sympathetic and more liberal, to relax the restrictions put upon the women folk of this country I am pleading for the cause of the women folks in general

There has been a fear in the minds of these highly learned but orthodox Hindu Honourable members on the opposite side that if this Bill is passed there will be thousands and thousands of applications for divorce From my own experience of the labouring classes and their women I can say without contradiction that though divorce is prevalent amongst them, the divorce takes place in few cases according to the decision of the leaders of the panchayats of the different communities And their decision is final. The fear which my Honourable friends have got in their minds that this Bill will create havoc in the Hindu society and that the society will go to dogs, as it is experienced in other western countries Western women and men run to take shelter and protection of the courts for divorce—and they do admit that there are thousands of cases for divorce on record As far as the labouring classes in India are concerned, I may safely say that the woman who is not getting on well with her husband, still she lives much loyally and devoted by to her husband even though she has to undergo a lot of hardships—she has to eke out her own bread and she has to maintain at the same time her children. We know very well that most or at least some of the labouring class men are addicted to the drink habit and due to that habit the earning members of such families waste all their money on drink The result is that the wife in the house has to work from morning till sunset to earn some money to maintain her husband as well as the children These ill-treated and unlucky women never think of going in for a divorce or separation from that husband If it is so with these illiterate and toiling backward class women then it must be much more safe to rely upon women of the better of classes who are brought up with high ideals of chastity, morality and devotion and loyality to their husbands On the solemn oaths they took at the time of the marriage, at the time of *sapthapathi*, they ought to keep up the prestige and the virtue of the Indian womenhood I have not the least fear that women from those classes will at once apply for divorce Most of them would try to put up with their lot But when it becomes unbearable and intolerable, when the husband is intolerable, cruel and debauchee when the husband is a gambler, a drunkard, a man who is after women, or is a physical wreck suffering from venereal diseases In such extreme cases divorce ought to be allowed I do not mean to say that divorce should be given to any party the moment they approach for divorce The pros and the cons of the case must be gone through, and on the merits of the case, only in extreme cases divorce may be allowed Let the leaders of the community criticise But for God's sake don't come in the way of good legislation which is going to protect and safeguard the independance and liberety

Sir, women in olden times occupied the highest position of honour and respect amongst the leaders of the Hindu community. Maitri, Gargi, Janaka Dulari Shri Sitaji the Maharani of Jhansi, Ahalabai Holkar of Indore and such other women are in the forefront of Indian womanhood, shining with lustre and glory all over India If such women could show their noble and praiseworthy qualities, then why should such women's people be afraid of their own daughters and sisters? They will not go in for divorce like the Euro-

pean or the western women. I for one would tell the Honourable members on the opposite benches that they should give their own children liberty to an excess which may not be licence to act as they like without any sense of good behaviour and virtues of a good Hindu Woman They should not be allowed to lead the life of flirts and free birds void of good behaviour, sense of shame and respect for the elderly people in their own society. They should be allowed to enjoy freedom and independence with limitations of high sense of morality and noble virtuous life I for one am not for giving full liberty to women in all walks of life They must however have decent, honourable and respectable living, by which they can be respected by all the other nations of the world. Women in the past have played a great and noble part. In the transitary period that came in after the extinction of Buddhism, restrictions were put on the freedom and independence and liberty of women

I must give my most sincere thanks to the Honourable Sri Rajagopalachari whom I had the good fortune to meet in Poona at the time of the Poona Pact and since then I have had great respect and admiration for him for his courage of conviction and boldness He has done bold things in support of the cause of suffering humanity and in doing justice to them He has got a strong sense of justice He is the man who has the honour of bringing about a change in the outlook of the orthodox community of Madras where untouchability, inaccessibility and unapproachability were prevalent. He has been instrumental in changing the minds of the orthodox people He has, under the guidance of Mahatma Gandhi, got the temples opened from which these people were debarred from entering In the same way, even in case of this Bill, I hope that the Honourable Member in charge would give his support and see that the Bill passes through the troubled waters safely

I wanted to speak at length but I would like to give a chance to other speakers and I hope they would come forward to support this Bill of Dr Deshmukh One thing I must confess with respect to the *Brahmins* either of Madras, Maharashtra or Bombay They have been the torchbearers of enlightenment and guidance throughout the ages I mean *Brahmins* of the real type, *Brahmins* in the strict sense of the word. I mean such *Brahmins* in the Deccan of the type of Justice Ranade, Chandavarkar, Gokhale, Bhandarkar, Agarkar and people of that type which Maharashtra has produced They did great service in the cause of the progress and reformation of the Presidency I am extremely sorry to find that the province of Gujrat has been lagging behind Maharashtra in these progressive and reformative measures Not a single temple except Sahjanand's Pranami temple, has yet opened Temples like those of Dwarka-Dakore and such other important temples ought to be opened in that province The women folk in Gujrat have by their own perseverance and work and education come forward and formed unions and gone abroad and shown their sense of service and patriotism and they have shone and carved out glorious careers for themselves I have great hopes from the typical, genuine *Brahmins* they are few and far between It is the *Brahmins* who have been the leaders of the people It is the intellect of such leaders that will lead the country to progress and it is they who will help the down trodden and helpless I am quite sure that a day will come when *Brahmins* in the highest strata of society and men in the lowest strata like Dr Ambedkar and others will join hands and when they will understand each other, I am sure the day of independence and freedom will be brought very near and everyone will enjoy liberty fraternity equality independence *Azadi* and Swaraj for which there is world wide war and quarrels

I again appeal to the Honourable Member in charge and learned friends sitting on opposite benches to help to pass this innocent legislation They will be doing a great service to a section of humanity which has been suffering for ages in the Hindu fold and religions With these words I support the Bill.

Sardar N. G. Vinchoorkar (Gujrat and Deccan Sardars and Inamdars: Landholders) I have listened carefully to the speeches that were delivered today on this motion They were very illuminating and educative but I fear that they were quite apart from the particulars regarding the Bill before us I listened with particular interest to the speech of the Honourable Member, Mrs. Swaminadhan. I am sorry she was under a wrong impression. She appeared to feel that those who opposed this measure were coming in the way of any measure meant for enhancing the status of women and their privileges I am sorry that she allowed herself to form that impression The attitude of the opposition has been much misunderstood The impression has been created that anybody who is in the way of this Bill is against any measure that is meant to give more privileges to womanhood of this country I shall come to the crux of the measure and ask Mrs Swaminadhan one question—how she would like her sisters to come up one fine morning and say 'I want to take advantage of the new measure and have to declare as dissolved our marriage performed under old law' That is the point to which objection has been raised It is only on this point that we have to think and lay emphasis Nobody wants to come in the way of any special privileges for women My point is that we should not in a light hearted manner help to break away from the sacramental form of marriage as it has been understood so long in India I am sure Mrs Swaminadhan herself would not quite like her brothers or her sisters to treat this measure in a light hearted manner and break away from the contractual or sacramental marriage without any valid or serious reasons It is only from that point of view that the opposition has voiced itself They want that the objectionable features of this Bill should be removed and the matter should be put in a more practical and direct manner Nobody has offered to meet this specific point

As regards the drafting of this Bill, I know my friend the Honourable Member Dr Deshmukh himself is not satisfied with it He himself was the first to admit last year that he was not sure whether the way in which the Bill was drafted would secure the object he had in view If however now there were some better suggestions by Dr Deshmukh either in the nature of amending the Bill suitably or recasting it or introducing the whole measure anew, resulting in a real relief to the womanhood of India then it was different. Unfortunately, we are in the same position as we were last year It has been said that Dr Deshmukh and his able supporters would remove all the objections in the Select Committee Much has been said that this Bill could be improved in the Select Committee I am afraid we are leaving too much to the Select Committee If we look to the main provisions of the Bill they are intended to support and modify the Special Marriage Act That Act is meant to help to make valid marriages, that could not otherwise be held valid under the old laws when people with progressive views wanted to marry Now, there is nothing to say against this good intention of this law that has been existing so long But when we consider the provisions of this Bill, we as if start in a wrong way We have got to accept first that we dissolve our marriage and then are enabled to take advantage of the provisions of the new Bill We are not thus properly serving the good intentions of the original Act when we are required by this measure to treat as dissolved the marriage that we have been living under and then undergo a new form of marriage I think that is very objectionable and I want everybody to think seriously about this point That is the chief crux of the objection

Last year it was decided that this measure should be circulated and public opinion should be sought The public opinion is now available to us. Much of the public opinion that we have received from both officials and non-officials is against the provisions of the Bill as it is at present drafted. Are we to be

guided by that public opinion or not? If we pursue this measure, notwithstanding the public opinion and leave everything to the Select Committee to improve or to change, I do not think we do credit to the public opinion, that is available to us. I do not think it is right to treat the public opinion in that way So, I should like everybody to think seriously and I would suggest to Dr. Deshmukh either to recast the Bill in the light of the public opinion reviewed or to bring a more direct measure to help the womanhood substantially.

So far as the Bombay Presidency is concerned, things have progressed in this direction We have now there an Act on Monogamy, on the statute-book If Honourable Members have followed the newspapers recently, they would have seen that some women in Bombay had approached the Honourable the Home Member there with a request that a bill on divorce be introduced, and the Bombay Government have agreed to introduce the Bill this year So, under these circumstances the people who want to support the Bill, should not misunderstand the stand point of the opposition They cannot say that we are coming in the way of the progress of womanhood Far from it What we want is that a more direct measure should be brought The present measure will give satisfaction neither to the Mover himself nor to his supporters, much less to the Opposition I would appeal to Dr Deshmukh to take a more realistic view and bring in a measure that will help the advance of the womanhood and will also meet the objection of the opposition on this point

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, I wish to say just a few words on the Bill on behalf of the Government Government have no desire to resist the reference of the Bill to the Select Committee One thing which I would like to emphasise is that the Bill will have to be materially altered There is considerable room for improvement in the drafting of the Bill The Select Committee can be trusted to effect the necessary changes

There is another aspect of the Bill which needs to be stressed It is this As I understand the Bill, it does not aim at changing the general Hindu law on the subject As I see it, it is intended to apply only to those Hindus who choose to have their marriages registered under the proposed provisions As for those who do not wish to take advantage of the proposed measure, they will, of course, be governed by the Hindu law as it stands

Dr. G. V. Deshmukh: Sir, I can see from the general discussion in the House that it is very much in favour of the Bill That being the case, I do not propose to take a good deal of the time of the House I am very sorry that the objects of the Bill were missed by all those learned gentlemen who opposed this measure I was very glad to observe that the principles of the Bill were seen only by two persons One of them was Mrs Swaminadhan and the other Pandit Balkrishna Sharma What are the two principles of the Bill? The real principle of the Bill is that we are living in the 20th century and when we appear before the bar of different nations, we have to justify our position When we are claiming for independence and equal rights and liberty, we have to justify our position not in our own eyes, not in Ravivarpeth or Sanivarpeth in Poona or Bombay, but before the whole world The position at the present stage is that we have to justify our position as Indians before the bar of different nations If we do not give equal rights to our woman and children, who are persons of our own flesh and blood, what right have we to go and howl about the treatment given to the South Africans? We will have no face to go before the different nations unless we take early measures to get rid of the fetters that bind us Then, we can appear before the different nations with a clean slate so far as our dignity is concerned The point is this As Mrs Swaminadhan has put it and as I mentioned in my first speech, Indian women need not be dependent on my friends Goles, Gadgils, Karmarkars and

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others They do not want this as a matter of grace. They have acquired this as a right that they shall be treated on equal terms

Dr. G. V. Deshmukh: What I say is this When any dangers are to be faced, Hindu women have to go in front and face the dangers on equal terms Yet when it comes to giving them equal rights, we will do nothing We bring forward ancient law givers who flourished 2,000 years ago I myself think there is no necessity to unearth these old law givers for governing the present day conditions The other principle of the Bill which should have been seen by all reasonable people is that alluded to by my Honourable friend
2 P.M. Pandit Balkrishna Sharma He said that the mistake that is being done is in thinking that Hindu society is a society of the upper top, ten per cent He put it at 50 per cent The time has come when Hindu society as a whole has got to be homogenous and united and what is good for one section of the Hindu society is also good for every other section of the society These are the main principles of the Bill

I will presently take up the rest of the heated arguments that were put forward by the opposition I hope I will not be pulled up for mentioning the name of my Honourable friend Mr Gadgil because I will have to deal with the points raised by him directly When I say all the heated arguments, I am very doubtful whether there was any honesty or sincerity behind them

Mr. President: Order, order The Honourable Member ought not to dispute the honesty of any speaker

Dr. G. V. Deshmukh: May I point out to you, Sir, that even so sincere and honest an oppositionist like Mr Gole said that I brought forward this Bill so that my name should be perpetuated into something and so on I did not object to it at that time However, I will be better than that I will not impute any motive to my friends who oppose this Bill Coming now to the opposition of this Bill, I find there are three types of opposition First the kind of opposition that is very clever That type of opposition come to this "This is not a direct measure, this is not a good measure" There again subtlety comes in and says, "bring in a better measure" It is well known that better can very often be the enemy of good "Divorce I agree I would wholeheartedly support it, but divorce has not been brought in and therefore I oppose it" That is the sort of opposition If the reformers ask me, I can say straightaway that I am supporting divorce The reformers cannot object to it I am a reformer But if the orthodox people ask me, "how can you blame me I have opposed the Bill before the Assembly" Surely no fair minded person can have any regard for such a kind of oppositoin There will be nothing but contempt for opposition like this That is one kind of opposition. I can understand straightforward honest direct opposition like the way my

[1]This portion was expunged by the Direction of the House *vide* page 614 of these Debates, dated the 14th February, 1947.

Honourable friend Mr Gole puts forward I do not agree with him He put forward his opposition directly and honestly. I can only tell him, well, I am sorry, things may not be suitable to you

Now regarding the other kind of opposition like the one put forward by my Honourable friend Mr Gadgil Well that is the kind of opposition which has been put forward for the last 12 years My friend has been in this Assembly for the last 12 years In his very presence here the divorce Bill was brought forward What did Mr Gadgil do?

Sjt. N. V. Gadgil: I was rotting in jail, while you were sitting quietly in Bombay

Dr. G. V. Deshmukh: This Bill was brought forward before the Assembly some years ago The same opposition was put forward At that time the opposition said, they were for direct measure being brought forward Yet when this Bill was brought forward, was there a single constructive criticism which I refused to adopt and modify? Not one word of constructive suggestion was put forward

I now come to my Honourable friend Sardar Vinchoorkar I cannot blame him in the same way, for after all he is new to this Assembly. He has also got public life behind him Has he made any suggestions which I might incorporate in this Bill? Right up till today, I have not had any concrete suggestions from any member of the opposition which I can incorporate in this measure Everybody gets up and says bring a direct measure and then we will support you I do not think that is the right way of bringing about social reform.

Now, there is the third kind of opposition. I say there is direct opposition, there is subtle opposition wherein you can always keep on both sides Because we are in the transitional times, it does not do for us either to be called reformers or conservatives or sanathanists, therefore we must behave in such a way that we are sitting on the fence and we can only talk That type of social reformer deserves nothing else but contempt The third kind of opposition comes from a person like my Honourable friend Mr Karmarkar His was a tender opposition. There was feeling behind it He admitted that society is changing and we will have to modify The point was whether there was any necessity about it I say this crying injustice, this inequality of treatment between men and women in Hindu society has been going on before our very eyes for the last 2,000 years Can there be any more urgent necessity as my Honourable friend Shrimati Ammu Swaminadhan pointed out than this spectacle of women suffering under inequality of treatment Lakhs of women are tied down to their loathsome drunkard husbands Their husbands may have vile disease, yet members of Hindu society would allow such women to suffer in silence without vouchsafing any redress Why should a woman be tied down to a man, when in the case of a man, there is no bar for him to take as many women as he likes as his wives Is there more urgent necessity for any measure other than this to remedy this state of affairs? I say it is a crying shame upon Hindu society to tolerate this state of affairs a moment longer Why do you shut your eyes to this long standing sore in Hindu body politic. What is the use of merely taking part in politics and other things, when one section of Hindu society, namely the women are suffering under such great disabilities There are many other good things than merely taking part in politics which we can do There is no good being one-eyed You all pose to be leaders of society and it is your duty to see not merely one side of the picture, it is your duty to open both your eyes and reform society if it wants to march ahead with the times.

One thing I should say about all this talk of Hindu society going to dogs and all that stuff because this Bill is brought forward Does this Bill compel anybody to register his marriage? Nothing of the kind I am charged for not

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being conversant with law I confess I have not seen law But certainly what I have done is much better than those who oppose this measure simply for opposition sake without suggesting anything constructive I may be excused for not referring to Colebrook or Wilson or some other legal writers I plead guilty to the charge that I do not understand law If I come to the House, it is my duty to this House to see at least what is before me on the table If you have studied the Bill, you will see that it does not compel anybody If you want to follow other ways of social system, if you do not want to register, is there anything in the Bill to compel you to register the marriage? Why all this heated argument of my Honourable friends, I do not understand Is there not something living in Hinduism? Those who are proud of Hinduism, they can still be proud They can carry on their Hindu methods Nobody interferes with them On the other hand those who do not feel comfortable about it, they should certainly be allowed to go beyond the point, I am not raising whether it is for progress or regress, whether it is good, bad or indifferent I say if a husband and wife, both think—let me point out to those who may not have read the Bill properly that it is with the consent of both—if both think they should get their marriage registered, then this Bill enables them to do so What is the use of keeping that uncomfortable pair in a society like this without giving them this option to register their marriage I go a step further I am better than many others I say they need not give up the Hindu fold That is another advantage of this Therefore in these circumstances I say that there is nothing in the opposition to give rise to all these heated arguments They have only to sit down and see things calmly, there is nothing against Hinduism and it does not force anybody to do anything It is a permissive measure and an optional measure But let me warn this House that the time will come when it will have to be made compulsory We may still think it is optional and we may go on in the same old way, but the time is soon approaching—as I said in the beginning of my speech—when you will have to make it compulsory If my information is correct, I think the Government of India have been asked by the U N O as to what they are going to do about these rights of men and women We are members of that organisation and they want that men and women of this country should have equal social and legal rights If so what are you going to do? Are you going to write to them that in India a Hindu can marry a hundred wives and a woman cannot give up even a vile and diseased husband because Hindu marriages are made in heaven?

Mr. P. B. Gole: May I know how all that is going to be achieved by this Bill?

Dr. G. V. Deshmukh: My friends as politicians must see to this and exercise their brains about it and they will know how to achieve this I say you will have to give equal rights to your men and women if you are to stand before the bar of the nations of the world, and if you do not have these permissive measures now you will very soon have to have these measures compulsorily I think those who come to this House are well conversant, if not with the social or legal or medical side, at least with the political side of things What happened in South Africa? Your marriages were not recognised because they were not registered Are you going to face the same situation in the world to-day? To-day travel is much faster and easier and many people are going from one place to another. Suppose any of these gentlemen, who are blind to world conditions, took his wife with him to some other country; and they ask him what the rights of the wife are He will say that she has no right of divorce, that he can marry many wives but she cannot marry someone else. They will say, "We do not recognise her as your wedded wife; you can come in but she cannot" Therefore, whether you like it or not, things are going to be forced down your throat, and it will be wise statesmanship, discretion

and wisdom to pass these measures while the time is still there, so that we can go before these other nations and say that we are moving with the times and have modified our laws to suit modern world conditions It is from that point of view that I press this measure before the House

Mr. President: The question is

"That the Bill further to amend the Special Marriage Act, 1872, for certain purposes, be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, the Honourable Sri C Rajagopalachari, Dr J C Chatterjee, Khan Mohammad Yamin Khan, Shri Sri Prakasa, Sri M Ananthasayanam Ayyangar, Mr Vadilal Lallubhai, Sjt N V Gadgil, Pandit Balkrishna Sharma, Pundit Thakur Das Bhargava, Sardar Mangal Singh, Shrimati Ammu Swaminadhan, Sri A K Menon, Mr Madandhari Singh, Mr Leslie Gwilt, Mr Sasanka Sekhar Sanyal, Sri Jagannathdas, Sree Satyapriya Banerjee Sri S T Aditya, Mr Krishna Chandra Sharma and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Pandit Balkrishna Sharma: Sir, I suggest that the name of Mr Solanki be added to the list

Mr. President: I am afraid it is too late now because I am proceeding to take votes,—not that, I have any objection to any other names Those who are against the motion will rise in their places

Sjt. N. V. Gadgil: Sir, we want to go to the lobbies and have the names recorded

Mr. President: The division can be taken in such manner as the President directs

Sjt. N. V. Gadgil: It cannot be different from the manner prescribed by the rules May I know under what Standing Order the division will be taken like this?

Mr. President: I will quote a previous ruling on this point On the 8th November 1943 the President made the following statement regarding the method of taking votes when a division is claimed

"The question was raised again by more than one Member at the last session whether the President when he is of the opinion that the division is unnecessarily claimed and decides to take the votes by asking the Members who are for 'Aye' or for 'No' to rise in their places, should have the names recorded of those who vote one way or the other I have therefore considered the matter once more Standing Order No 30(2) leaves the method of taking the votes by division to the discretion of the President and, as is usual in such cases, the Presidents of the Assembly beginning with Sir Frederick Whyte have followed closely the practice of the British House of Commons in the matter There, if the Speaker or the Chairman is of the opinion that the division is unnecessarily claimed, he takes the vote of the House or the Committee by calling upon the members who support and who challenge his decision to rise in their places and thereupon, as he thinks fit, either declared the determination of the House," etc

So the thing is clear

Sjt. N. V. Gadgil: Is it the opinion of the Chair that this division is unnecessarily claimed?

Mr. President: Yes, looking to the course of the debate and the speeches on both sides, it is quite clear to the Chair that the division is unnecessarily claimed Those who are against the motion will now rise in their places

The following Honourable Members rose in their seats.

Sjt N V Gadgil

Mr P. B Gole

Seth Sukhdev

Mr. B P Jhunjhunwala.

Shri D. P. Karmarkar

[Mr. President]

Sardar N G Vinchoorkar

Chaudhri Sri Chand

Rai Bahadur Devendra Mohan Bhattacharyya.

Srijut Dhirendra Kanta Lahiri Choudhury

Mr. President: Now 'Ayes' will rise in their places

(After a count being taken)

Twenty-seven have risen in their places

Shri Sri Prakasa: Our names need not be recorded

The motion was adopted

DELHI SIKH GURDWARAS AND RELIGIOUS ENDOWMENTS BILL

Sardar Mangal Singh (East Punjab Sikh) Sir, I move

"That this Assembly do recommend to the Council of State that the Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of fourteen members"

Why I have brought forward this motion is that a similar Bill has been moved by my Honourable friend, the Honourable Sardar Sobha Singh, in the Council of State, and therefore it was agreed that a joint committee should be set up to consider this Bill

This is a very simple Bill It does not raise any controversial issues. Sikhs of different shades of opinion are all agreed—there may be some difference here or there about the wording of certain clauses, but as far as the principle or the object of the Bill is concerned all Sikhs are agreed As a matter of fact this Bill does not introduce any new arrangement for the management of Gurdwaras All the Gurdwaras which are to be affected by this Bill are already under the management of Shiromani Gurdwara Prabandhak Committee, Amritsar This Bill simply seeks to legalize the existing position I need not take up much time of the House I commend the motion to the House for acceptance

Mr. President: The question is

"That this Assembly do recommend to the Council of State that the Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate be referred to a Joint Committee of this Assembly and of the Council of State and that the Joint Committee do consist of fourteen members"

The motion was adopted

HINDU INTER-CASTE MARRIAGE REGULATING AND VALIDATING BILL

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Sir, I move

"That the Bill to regulate and validate marriages between different castes and sub-castes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947"

Mr President, Sir In moving this Bill for the unanimous and enthusiastic acceptance of this House, I must confess that I am fully sensible of my limitations and my responsibilities This is the only law that I have ever drafted in my life, and I must apologize for any mistakes that there may be in the drafting due to my ignorance.

Fully eight years back, in 1939, I drafted this Bill and it has been taking its chance in the ballot ever since I am glad, Sir, that I have survived to

move the Bill in the House this afternoon. This long process reflects not very favourably on the method that the Legislature adopts for the bringing forward so social Bills by private members.

I ask for the sympathy of all communities to this Bill, and I am particularly anxious to watch the reactions of Government, for in case Government should be sympathetic towards this Bill they could easily afford some time on official days so that the Bill may go through in its further stages.

When a social Bill of Dr Deshmukh was moved earlier, in the House, my esteemed and Honourable friend, Mr Yamin Khan, said that he was sympathetic to that Bill but being not a member of the Hindu community he could not say very much one way or the other about the Bill I am one of those who do not think that we can afford to divide India into various communities, for I think that what affects one community inevitably affects all communities, and the wail and the woe of every community is the concern of every other community Holding such views as I do, I think I am entitled to claim the sympathy and the support of all parties in this House and especially the party consisting of my Muslim brethren It is a fact that though at the present moment I have no blood relative among non-Agrawal Hindus—and I am supposed to belong to the community called the Agrawal—I have actual blood relations among Muslims, and I believe many, if not most, Hindus can say the same It is a fact that Eros comes like a thief in the dark and takes one away and so if Eros does come in the way of persons belonging to different castes among the Hindus calling them to come together, they do find methods of satisfying themselves and marrying even by leaving their ancestral faith It did happen that a distant relative of mine married outside his community He married a Muslim lady and became a Muslim himself And that is how there are very dear bonds between the Muslims and myself I am glad that despite all that has happened in recent years, when it has been claimed that the followers of the two faiths belonged to different nations, these relatives of mine still claim me as part of their own nation; and I claim that they too belong to the same nation as I do: and that just the mere accident of following one religion or another does not change the basic facts of life

Sir, even though I have waited for nine years to move this Bill in this House, I am still willing to go slow, and instead of asking for a Select Committee I am satisfying myself for the present by asking for its circulation in order to elicit public opinion, and I do hope that public opinion will be favourable to this Bill and that I shall be able to get the Bill through the further stages and see it on the Statute Book at last before very long

As matters stand, Sir, in Hindu Society we have two iron rings round about us in the matter of marriage We cannot marry outside one ring and we cannot marry inside the other The outer ring is the caste or sub-caste outside which we cannot go The inside ring has been the gotra or the pravara or both. Dr. Deshmukh's Bill has loosened this inner ring to a certain extent; but the outer ring still stands. It is a curious fact that the system of caste today is followed for just the purposes for which it was never meant, and it is not followed for the purpose that it was really meant to serve Today we find that we follow caste only in matters of food and marriage So far as I have been able to understand our ancient books, and so far as I have been able to interpret the stories that have come down to us through the centuries, I think that among the Hindus in the past there were no restrictions in marriage or in food on the basis of caste. In the old days when they had the system of *Swayamvara* nobody enquired what was the caste of the person who successfully went through the test that he had to go through before he could marry the lady of his choice If there had been any restrictions of that sort you could never have found Parashu-rama, who was admittedly a Brahmana,

[Shri Sri Prakasa.]

at the *Swayamvar* of Sita the daughter of Janaka, a Kshatriya Then there is the story of the *Swayamvara* of Draupadi, when she accepted Yudhishthira who went through successfully the test prescribed. Drupuda, the father, was not sure of the caste of the person who was marrying or taking away his daughter, and anxiously enquired as to who he could have been No enquiry of the caste of the person marrying was ever made in those days

Again, we are now very keen in caste in matters of food That too, was not known in the ancient days, for we have the story in the *Mahabharata*, of Bhima as cook in the year he spent in *ajnana-vasa*, in hiding under the terms of the contract with his cousin He went to the Court of Virata and declared himself as a *Sudra*, adept in cooking He did not say that he was a Kshatriya, as he was and as Virata was That shows that a Kshatriya had no objection to take food cooked by the Sudra those days Caste was meant to help in the elimination of economic competition from life It assured a calling It prescribed ones calling and gave one a status from birth. It was no criterion for food or marriage within a particular set of people But at the present moment it so happens that if a person of one caste wants to marry a person of another caste, all other persons who may be entirely unconcerned in the affair, take umbrage at it and feel that some wrong is being perpetrated, some violence is being done to society Every one expects every one else to marry only within his caste And if today a father wants to hand over his own profession to his son or give employment to a near relative in his own calling, he is blamed for being partial or indulging in nepotism or patronage Caste should, if properly worked, ordinarily entail upon a person, the duty of helping his relatives to get suitable professions, but if one were to do that duty today, one is blamed for and dubbed as partial and undesirable

All this I am saying in order to show how far we seem to have travelled from the ancient ideal and it is but right that we should come back to the old notion and right the wrongs that have been and are being perpetrated We really have to be very careful in the matter of marriage How very very careful we are when we have to mate animals How careful we are to make sure that we have a proper mate for dogs, for horses, for cattle. How careful we are to cultivate flowers properly But when it comes to our own children we are absolutely careless We are careless about human beings, and unless we change our mentality in this direction and are careful to make proper marriages, the human race is going to suffer and our future is going to be blasted Therefore, we have to be most careful in the matter of marriage After all, Sir religion is for keeping society together It is not meant to split up and destroy society It is a pity, Sir, that whenever anyone talks of any reform, a cry is raised that religion is in danger But if religion always gets in danger when any good is to be done, then I think human beings will soon have no need for religion at all

I should at this stage, Sir, like to explain in detail the exact purpose of my Bill I want to validate intercaste marriages I want registration of marriages. I think registration of marriages is essential It is a pity that though we have no objection to registering births and deaths, we have a most curious and mysterious sort of objection to getting marriages registered This has entailed a great deal of hardship among the humbler members of our society. Very often boys and girls are married very early in villages; and despite the laws against early marriages that exist on our Statute Book, the fact remains that such early marriages are still plentiful Then if the husband goes off to distant places for his livelihood and is absent for many years from his home, he is really forgotten, and when he comes back there is a great deal of trouble as to whether he was or was not married to the person whom he claims as wife or who

claims him as husband. Magistrates know that numberless cases of disputed marriages like this come before the courts of law. If we had a system of registration, all these difficulties would be avoided When a person is rich and powerful and is well known, he gets hundreds of persons to attend wedding ceremonies and wedding processions and so has many witnesses, but if the person is humble there are very few present to bear witness to the marriage While not much trouble has been experienced in the upper reaches of society, I know for a fact that among the humbler folk, there has been a great deal of disturbance and trouble which should be avoided, if it could be avoided

My third object is to raise the age of marriage My fourth object is to prevent polygamy and my fifth object is to give a sacramental status to our marriages Among the Hindus we have more than 4,000 castes as stated in the latest books on "India's Census", and there are conflicting rulings of various high courts as to whether intercaste marriages are or are not valid. There is a general ruling, so far as I know, that marriages between sub-castes are valid, but one does not know which sub-caste belongs to which major caste. Originally we were supposed to have four castes Out of these four castes have sprung more than 4,000 castes or sub-castes or sub-sub-castes, and marriages, as convention or custom goes, are confined to these sub-sub-castes alone. The high court ruling, so far as I know, is that marriages between various sub-castes of the same primal caste, are valid, but there is a difficulty about various sub-castes being docketted under the different primal castes For instance, we have the Bhargavas who claim to be *Brahmans* Then we have the *Khatris* who claim to be *kshatriyas* On examination of both the domestic culture as well as the professions hereditarily followed by the *Bhargavas* and the *Khatris*, make many people think that they are really *Vaishyas* Then there are the *Kayasthas* The *Kayasthis* of the U P claim to be *Kshatriyas*, though I doubt if they have any record of the sword behind them When I ask them to regard themselves as Brahmans because they have hereditarily worked with their brains—and their brains are so subtle that non-*kayasthas* very often tremble before them—they say that they are *kshatriyas* and not *Brahmanas* In Bengal, *Kayasthas* regard themselves as *Sudras*, and even the late great *Kayastha* Law Member, Sir Nripendra Sircar, who had a most proposed and capacious brain, regarded himself as a *Sudra* to the last.

Then there are the *Jayaswals*, the hereditary sellers of wine, who regard themselves as *Kshatriyas* Then, Sir, there are the barbers *Napitas* who regard themselves as *Brahmanas*. Who is going to decide as to which sub-caste belongs to which particular major or primal caste? And therefore despite the ruling of the High Courts that marriages among sub-castes are valid, we would never be able to know which sub-castes are under the same major caste, so that we may regard marriages among them as valid I therefore think that we must have some definite law in order that all this confusion might be set at rest

We also know that there are conflicting rulings of High Courts regarding marriages between one caste and another One High Court thinks that what is called an *Anuloma* marriage, that is the marriage of a higher caste man to a lower caste woman, is valid, while another High Court thinks that that too is invalid The *Pratiloma* marriage, that is the marriage of a lower caste man with a higher caste woman, is regarded generally as invalid If we go into details we should land ourselves in many difficulties, but there is no doubt that the whole situation, despite every attempt that has so far been made by the law courts in this behalf, still remains vague and uncertain

The processes that I propose in the course of this Bill for the elimination of the difficulties which I have attempted to point out, are that the parties who want to marry and who belong to different castes or being of the same

[Shri Sri Prakasa]

caste want to take advantage of this law, should give notice of their intention to the Registrar, *viz.*, that they want to marry each other according to the religious rites of their respective communities The civil law as it stands is a purely secular law, and merely going before the Registrar and signing some documents does not give the spiritual satisfaction that one likes to have in a solemn ceremony like that of marriage I therefore propose that the parties who want to marry should give notice to the Registrar that they are going to marry on a particular day according to the religious rites of the community or communities to which they belong

As the civil law stands you have to declare that you are not married at the time that you are signing the Registrar's documents If you have already undergone a valid sacramental marriage you cannot conscientiously declare before the Registrar that you were not married, even if the other marriage took place only in the morning and later in the day you went before the Registrar and no night had intervened to help the consummation of that marriage Even in circumstances like that, you cannot make the declaration that you are not married, if you have already undergone a sacramental marriage Therefore I say that the parties should inform the Registrar that on a particular day they are going to marry according to the religious rites of their communities and their families, and then after this marriage, within a few days, they go to the Registrar and declare before him that they were actually married according to the sacramental rites of their communities and their families on that particular day Then the Registrar would register this marriage and it would be a perfectly legal and binding marriage This will give safety and legal security to both parties concerned As the law is today, when two persons go through a ceremony of a civil marriage and if they are not satisfied with the bare signature that they make before the Registrar, they undergo some religious ceremonies Very often religious ceremonies follow a civil marriage, for, there is no bar to a sacramental marriage after a civil marriage But that looks to be in the nature of a farce It is best that we should not be hypocritical in such matters We should be able to say that we have satisfied ourselves in every possible way when we have entered into wedlock

Then, Sir, as the civil law stands, the person who performs his marriage according to it, is cut away from his joint family. A joint family is a very old institution. It clutches most people by the heart One may or may not like it, but one is very averse to be sundered from the joint family According to the Civil Marriage Act as it stands, the man who performs his marriage under that law is *ipso facto* sundered from his family. He is no more a member of that family, and if he happens to be the only son of his father, the father has a right to adopt unto himself another son According to my Bill such a procedure would not be necessary, and the person concerned would continue to be a member of his family Under the Civil marriage act, he also comes under a new Succession Act and the Divorce Act. According to my Bill he does not come under these Acts at all. He continues to inherit his property as if he had married in an orthodox manner and he is not worried about laws of divorce etc And as he is not worried on that ground I hope I shall have the support of my esteemed and Honourable friend, Mr Gole, in this Bill

[At this stage Mr President vacated the Chair which was then occupied by Mr. Deputy President (Khan Mohammad Yamin Khan)].

But this Bill certainly insists on monogamy. It will not have polygamy, and I am sure even Mr. Gole will not support the system of polygamous marriages I may be told that Dr. Deshmukh's Bill which we have just referred to a Select Committee, covers practically the same ground and that my Bill is not necessary. That is not a fact. What Dr. Deshmukh's Bill aims at is to

enable persons who are already married, to take advantage of the existing civil law to get their marriage registered; and then as soon as they get their marriage registered they come within the mischief,—if that is the proper word,—of the Civil Marriage law and begin to suffer all the disabilities and acquire all the rights of that law. In other words they acquire the same status as married people that they would have done if they had married originally according to the civil law

But that is not what my Bill aims at. It permits the marrying couples to maintain their own traditions and everything they hold dear, intact. It enables them to follow their ancient systems in every possible way, and still it registers their marriage, it permits them to marry outside their caste, and it gives them perfect legal security I may say, Sir, that this Bill too, like the other social Bills that have come before this House, is a purely permissive measure It compels no one to act according to it, but if any person should like to take advantage of it then he is perfectly free to do so It gives freedom, but it does not interfere with the structure of society It certainly abolishes hypocricy, misconduct, and permits people to remain in their own faith It does not compel them to be converted to another faith in order to get married. I think that the passing of this Bill will help in the ushering of other reforms and social adjustments that are so needed for our ancient society To be indifferent to marriage is to be indifferent to social welfare and to go against the wellbeing of future generations

Nature as it is will compel most human beings to marry However much you may like celibacy, however much celibacy may be praised, still, as facts are, most men and women will marry, and therefore we must eliminate bad laws and bad customs that come in the way of proper marriages. Whenever we talk of marriages we cannot forget the fruits of marriage, namely the children. If the parties alone were concerned, we need not have worried about them, and we could have let them do whatever they liked or behave exactly as they pleased But each passing generation has a responsibility for the children of the next generation, and as children are involved we have to be careful with our marriage laws and our marriage customs After all, Sir, all political movements and the mighty efforts that people make for political progress and political freedom, are just for the simple purpose of having happy men and women, of having good families, of having a stream of children generation after generation that bring lustre to mankind. If that is not our purpose, then politics is a game not worth playing, and freedom is something not worth having After all we want freedom in order that we may be able to take our society as such to higher and still higher heights of progress and happiness I hope and pray that we shall today take a step in the right direction and be an example for the whole world. If we are able to solve the intricate and complicated problem of marriage in India I have no doubt that we should be showing a good way for the rest of mankind to follow; and though we are a disunited, a disspirited and an unhappy people to day, I hope that with the help of legislation such as this, we shall be able to rise like a phoenix from its ashes and prove ourselves not only to be the light of Asia but also the light of the world

4 P.M

Mr. Deputy President: Motion moved:

"That the Bill to regulate and validate marriages between different castes and subcastes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947"

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I have very great pleasure in supporting the principles which underlie this Bill. Dr. Deshmukh who showed more heat than light should have known that right from the year 1935 up to 1940, whatever Bills of social legislation were introduced either by him or by others were always supported by me. If

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in this particular Bill I could not see eye to eye with him the reasons, if he had taken care to ascertain them, were entirely different. After all marriage is an institution which has come into existence after the experience of ages. It is the greatest contribution of social thinkers for the security and wellbeing of life in an organised community. Therefore it behoves us all the more, as responsible legislators, to move cautiously on sound lines and where change becomes necessary, to effect that change in the most approved manner with a view that the change will secure the objective which is contemplated. Now, it may interest Dr Deshmukh who is not present in the House, to know that my own daughters were married under the provisions of the Special Marriage Act and that will be enough for the House to know whether I am a reformer who merely talks or who really does something tangible

Mr. Deputy President: The Bill before the House is Mr Sri Prakasa's Bill.

Sjt. N. V. Gadgil: The subject matter of Dr Deshmukh's Bill is marriage and the subject matter of this Bill is also marriage. The point that I want to urge on the consideration of this House is that this is a matter in which we ought to move cautiously because the consequences of marriage are not confined to the parties thereto but they are social Therefore I welcome this Bill because it is in the progressive direction, although, if I were to say, that it is not precisely drafted I am sure my friend Mr Sri Prakasa will not misunderstand me Now, in the Statement of Objects and Reasons, he says he wants to secure certain objectives One is to validate marriage between persons belonging to different castes or sub-castes He also wants to secure that such marriages shall be performed according to the religious rites of the Hindus He wants also that there should be registration and certain other advantages which flow from registration of the marriage In so far as the marriages between persons belonging to different sub-castes are concerned, I think the present law is that such marriages are held valid. According to legislation recently passed, marriage between persons belonging to the same *gotra* or persons belonging to different sub-castes is already validated. Assuming that it is necessary that marriage between persons belonging to different castes should be validated, I submit that this can be done by a very simple method. It is not necessary that it should be tacked up with the provision of registration and I submit that this provision of registration may be made optional. After all what is the function of registration except to prove evidence of marriage and that is exactly what I understood him to mean.

I do not want to criticise the various clauses at this stage because the Bill is to be circulated for the purpose of eliciting public opinion. I want to tell him that it would be enough and I think it would be in the right direction to say that marriage between persons proclaiming that they belong to Hinduism should be held valid That should be enough. If the object, as I understand from his speech, is that such marriages should be encouraged, the background behind is that the existence of various castes and sub-castes in the Hindu religion or Hindu society is no longer valid. In fact it is a hindrance to the progress of the community. I entirely agree with him. Therefore I would ask him to consider whether in the Declaration form he has suggested the word 'caste' should appear You will find in the second Schedule where the declaration is to be made the form is given It says "I am a Hindu of caste " The caste is to be shown there We should say that persons who are Hindus or claim to be Hindus, if they marry, that marriage should be considered valid and no further formality should be necessary Now, that will do away with what I consider to be an impediment towards the solidarity of the Hindu community. I can tell you, Mr. Deputy President, an incident which happened. I was invited in one of the civil courts in Poona as a witness. When the

Judge asked me, I gave my name, my father's name. Then he asked my religion. I said—I am a Hindu. Then he asked my sub-caste. I said—I am Hindu. He said—you must state your sub-caste I said—I do not believe in caste or sub-caste. He said—No. I must write down that you are a Brahmin. I said—you are not under oath to give evidence. I am under oath to give evidence and if you write 'Brahmin' you will be abdicating your function and doing something which you are not entitled to do This happened 18 years ago and I have preached since then and I have practised in my life in my own humble way that castes must go and therefore I would very much like to request my friend Mr. Sri Prakasa to agree not now but when the relevant occasion comes to do away with this and have one section whereby we can validate marriages between persons who declare that they are Hindus and no mention should be made of caste Now, the moment we make mention of caste, all sorts of things happen. If you want to completely eliminate the psychology relevant and resultings from caste and sub-caste we must first think in higher terms and in order to enable us to do that we must use appropriate phraseology I, therefore, very much like to see that all these things go and we simply confine ourselves to the broader category which will, I think, be acceptable to most of us who really have that viewpoint

Then, with respect to registration, I am glad that he has made a very constructive suggestion He has not brought in all other things which come when a marriage is registered under the Special Marriage Act. His object is that that marriage should be evidenced With respect to this, I would like to suggest to him that it may be made optional The man and woman may come together and go through the religious ceremonies of marriage That is quite enough But if they want that there must be some evidence, they can go before the Registrar, make a declaration and get the necessary certificate But we should not make it compulsory Otherwise I think some people will object to it because you are introducing something to which a certain section of the people will object There are people who would like only secular marriage form to be made compulsory Some would have it because in some far off land Hindu marriage is not recognised unless it is registered Some people may like it on the ground that people move from place to place and in modern times it is necessary to have evidence of everything You must register as a citizen, you must marry before a Registrar, there must be registration for this and that that is another matter But so far as the Hindu society is concerned, as I prefaced my remarks, we must not deal lightly with the institution of marriage, which represents the highest contribution of social thought for the security of society Let us provide for the validity of marriage This in itself is a very big jump and your purpose is served if registration is made optional I would, therefore, request my friend Mr Sri Prakasa not to insist on making the declaration before the Registrar as compulsory. I know he has genuinely expressed the fear that the Hindu society, as it stands today, does not look favourably on marriages between persons belonging to different castes, and it may be that on some future occasion the validity of such marriages may be challenged To avoid this resort to the Special Marriage Act is becoming more and more common I do not know what is the position in other parts of the country, but so far as the district of Poona is concerned in the year 1945 about 185 marriages were registered by the District Registrar of Poona Ten years ago the number was hardly 15 I have no doubt that more and more young men and women are taking to this form of marriage for many reasons One of those reasons is to avoid any doubt about the validity of the marriage if they belonged to different castes or sub-castes Another reason is that it means less expense for their parents The third reason is that divorce is possible in case at some future date the two young people cannot pull on with one another As I said on a former occasion, marriage must not be a

[Sjt N. V Gadgil.]

life sentence. After all, marriage is coming together for certain objectives and the very basis of it must be consent and voluntary association. Here is a definition of marriage

"Marriage may be defined to be the voluntary social union of a man and a woman for an unlimited time which is evidenced by some legal form or ceremony, and is incapable of being dissolved at the mere will of the parties."

Therefore, those who don't like or don't prefer religious marriage may have secular one Mr Sri Prakasa's main object is that the marriages of persons belonging to different castes must be held valid That purpose is served if he accepts my humble suggestion

Now, in the several clauses which are embodied in this Bill, he has tried his hand to become, if I may say so, a *Rishi* In clause 12 he says

"The issue of marriages performed under this Act shall, for the purposes of this Act, be deemed to be of the caste of their fathers "

Now, this is something which does not fit in with the social ideal with which this legislation is sought to be introduced I know why he has put it I know that his fears are genuine But if you have taken a bold step, then all these things are really immaterial As the Sanskrit proverb says When you have sold the elephant, why haggle about the *ankush* When you have taken this bold step with which most of us agree, then why have the caste fixed You are again paying a tribute to a system which you have condemned There is a sort of an ideological contradiction in this I am sure with his keen appreciation of facts Mr Sri Prakasa will agree with me that all references to caste wherever they occur in the various clauses of this Bill ought to go

I do not want to say further than this I know that this also is a piecemeal legislation I believe that just as freedom broadens from precedent to precedent, a good society progresses from precedent to precedent and a good law also progresses from amendments to amendments Nobody is so wise as to visualise what will happen 30 years hence, nor those who sit on the left or on the right, much less who is in the centre Therefore law, as it represents and ought to represent public opinion or, what is technically called in the science of jurisprudence as positive morality, must be in line with it. Law, instead of being a hindrance, must be a progressive agency which will secure progress on condition that it should be in an orderly manner On the one hand, it will not violate even the prejudices of the old order and, at the same time will not expedite matters so much that instead of good coming out, probably something worse may happen And while I am on this theme, may I say that if any one of us, who is a responsible legislator, goes slowly and makes some honest constructive suggestion, it should not be construed as an attempt to obstruct nor it should be equated with unreasonable opposition. After all a good principle may be worked to bad effects if put in a bad law or bad form, both form and content must subserve each other effectively in such a manner that the requisite result which we contemplate must come forth Otherwise without good form, the contents however good vanish and good contents are lost by bad form If I have opposed certain measure because of its bad form and if I had expressed my complete agreement with the contents thereof, it would be very unkind to charge me with hypocrisy or anything of that character This Bill is now moved for circulation It is at the first stage Let us ascertain public opinion. But at the same time even if public opinion expresses itself against validating marriages of persons belonging to different castes, I, for one, will stand by this. I have been preaching this for many many long years. I therefore submit that this Bill should proceed. In fact I should have been very glad if the motion was for referring the Bill to Select

Committee. After all public opinion is public opinion I do not want to analyse it. It can be made, manufactured or doctored or derided. There are certain groups with whom argument does not weigh. There are certain groups with whom reason is out of order. There are certain groups with whom everything that smacks of progress is always welcome. With the Sanathanists, even if I were to argue with my usual reasonableness or Dr Deshmukh with his usual heat, they will not change this side of the grave That is certain.

Dr. G. V. Deshmukh (Bombay City Non-Muhammadan Urban) I agree

Sjt. N. V. Gadgil: Therefore the opposition of the Sanathanists is bound to be there Now what section of public opinion really counts That section which is thoughtful, that section which represents the progressive element in the community If that is so, I know my Honourable friend Shri Sri Prakasa must have seen in the course of the last 20 years that in several social conferences, Resolutions supporting inter-caste marriages have been passed, in several conferences which were open exclusively to the fair sex, such Resolutions have been passed If he has contacts with the student world, he must have found that the student world is always progressive in all matters including social reform Therefore in regard to this Bill if there had been no motion for circulation, much harm would not have been caused I would have very gladly proceeded with the reference to Select Committee But I appreciate the caution shown by my Honourable friend Shri Sri Prakasa Therefore I support him in this motion and I do hope that when it comes next time, it will be gone through all the stages without further delay Sir, I support the Bill

Pandit Balkrishna Sharma (Cities of the United Provinces Non-Muhammadan Urban) Sir, I beg to offer my support to the principles that are involved in the Bill which has been moved by my Honourable friend Shri Sri Prakasa for public opinion As a matter of fact, I would not have taken up any time of the House if the idea were not behind my mind that by exhausting the time up to five of the clock today, I may have an opportunity of moving an amendment on the next non-official day that the Bill should go, not into circulation, but to the Select Committee It is for that reason, Sir, that, with your permission, I want to kill time till time kills me As a matter of fact, before my Honourable friend Mr Gadgil made this suggestion, I had asked my friend the Mover, why he at all put the motion for sending the Bill into circulation for eliciting public opinion His answer was that at the time when he moved this Bill a foreign government was in office and therefore he could not feel sure of his ground and naturally he wanted to move for circulation I quite appreciate that caution So far as the main principles of the Bill are concerned, no intelligent section in Hindu society today will take exception to them This is not the time when I would like to go into the details of the Bill I would certainly like that we should do away, as far as possible, with the various provisions which concern castes and sub-castes and that sort of thing For instance, we can at once in the very first clause define as to who a Hindu is and in that definition we can clearly say, anybody who claims to be a Hindu shall be deemed to be a Hindu for the purposes of this Act And then marriages between such people shall be valid for all purposes By some such clause like this, we can get over many difficulties which have been pointed out by my Honourable friend Mr Gadgil So far as the principles of the Bill are concerned, as I said, there is nobody who will take exception to them Everybody who has read something of ancient Indian history knows that castes and sub-castes, as they are known today, never existed in ancient India Even when ancient *Rishis* tried to divide human society, particularly Indian society into four sections, *Brahmans*, *Kshatriyas*, *Vaisyas* and *Sudras*, they took particular care that nothing in that division would act as

[Pandit Balkrishna Sharma.]

an insurmountable barrier to anybody wishing to cross from one section to another For this very reason many of the makers of *Smrtis* put it down that castes shall be considered not because a man is born in a particular family but according to actions and predilections. It is for that reason that the great teacher Lord Sri Krishna said in his *Bhagavat Gita*

"chaturvarnam mayasrishtam guna karma vibhagashah"

I have created the four Varnas in accordance with the division of Guna and Karma So that ancient Indian society did not know of the distinctions in the way in which we have come to know of them today Therefore if today my Honourable friend Shri Sri Prakasa brings before this Honourable House a Bill to validate marriages between different sections of Hindu society, he is only trying, in his own humble way, to make the Hindu society realise that the position in which it finds itself today has absolutely no sanction in its history Let me be very candid about one thing The various ills which the Hindu society is seen suffering from today owe their origin to the historical effects of mediaeval period of our Hindu society At that time a great democratic force in the form of Islam came into conflict with the ancient Indian society which was in its period of decadence As a result of the impact of that force the Hindu society naturally tried to protect itself by creating all sorts and manners of barriers. It is as a result of that we have today inherited this incubus of caste and creed and the various sub-communities and Hindu society today has become like a house divided against itself Whereas as a result of the impact of Islamic culture on Hindu society these barriers had to be created, it is also true that as a result of that impact of new ideas the present day Hindu society was forced to see and examine all the old customs in their proper perspective and find out whether they were working to the good of society as a whole. We find today that these barriers are a hindrance and are not creating a healthy atmosphere in the body politic known as Hindu society, they have created a situation and a mentality which has given rise to a great problem for us But for this caste and sub-caste business, the Hindu Muslim problem that we find in this country today would not be there I have often asked my Hindu friends how it is that when Islam comes to India it assumes an anti-Indian form whereas when it goes to any other country like Iran, Egypt, Indonesia or China, it does not become anti-Iranian, anti-Egyptian, anti-Indonesian or anti-Chinese I put it to my Hindu friends that the responsibility is ours and that our manners and customs and the way we presented ourselves to others who came to our door have created this problem for us That is how I put things I admit that all these problems would not be before us today if we had risen to the occasion and had stuck to the old ideals which were handed down to us from Vedic times and if we had not created those barriers And howsoever small an attempt my Honourable friend Mr Sri Prakasa makes today by way of pulling down those barriers he deserves the good wishes of all progressive elements in Indian society Sir, during the last one thousand years of our history Hindu society has received many shocks, but the biggest shock has been that today we find ourselves in a situation when this hatred of one community by another is sinking into our very souls.

An Honourable Member: Sir, there is no quorum in the House

(The bell was rung and the quorum obtained.)

Mr. P. B. Gole (Berar Non-Muhammadan) Sir, this Bill has come as a surprise and we are not prepared to discuss it properly I therefore request that the House may now be adjourned

Mr. Deputy President: If there is a general desire to postpone the consideration of this Bill a formal motion may be made to that effect, and the other Bills may be proceeded with.

Sjt. N. V. Gadgil: Then this Bill will be shut out and the other Bills will come up for discussion The general desire is that the House should be adjourned now.

Shri Sri Prakasa: If the other Bills are introduced now and my Bill is taken up first on the next non-official day, we will agree

Mr. Deputy President: I am afraid I cannot alter the Standing Orders. The Chair can only accommodate Honourable Members if they desire. I will point out that on a motion for circulation there can be no amendment for reference to Select Committee, for which Pandit Balkrishna Sharma wants to get time That will not be in order and so it will serve no useful purpose in carrying this debate to the next day And the other Bills which are down below will the obstructed

Shri D. P. Karmarkar (Bombay Southern Division Non-Muhammadan Rural) If the House unanimously desires, is it not open to you to suspend the progress of this Bill and let the other Bills come up?

Mr. Deputy President: That can be done if a formal amendment is moved for postponing consideration of this Bill But it cannot be said that consideration should be taken up on the next day because it will then be taken up after the other Bills are all exhausted

Shri Sri Prakasa: Then let us pass the motion as it stands, and take up other items

Pandit Balkrishna Sharma: Sir, I did not want to prolong my speech. I was only banking upon the suggestion I made that it would be acceptable to the Chair But since it is out of order, I do not wish to take up the time of the House, and I only support the Bill, and its underlying principles, and resume my seat

Mr. Deputy President: The question is

"That the Bill to regulate and validate marriages between different castes and sub-castes of Hindus, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1947"

The motion was adopted

INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTION 86F)

Dr. G. V. Deshmukh (Bombay City Non-Muhammadan Urban) Sir, I move

"That the Bill further to amend the Indian Companies Act, 1913 (amendment) of section 86F) be taken into consideration"

Mr. Deputy President: Motion moved

"That the Bill further to amend the Indian Companies Act, 1913 (amendment of section 86F) be taken into consideration"

Mr. Shavax A. Lal (Government of India Nominated Official) With your permission I beg to move the amendment standing in the name of the Honourable Mr. I I Chundrigar who is unavoidably absent because he had to attend an important meeting

Sir, I move·

"That the Bill be referred to a Select Committee consisting of the Honourable Mr I. I Chundrigar, Mr Geoffrey W Tyson, Sardar Mangal Singh, Sri T. V Satakopachari, Mr K. C. Neogy, Mr Muhammad Nauman, Mr Krishna Chandra Sharma, Mr Habibur Rahman, Sardar N G Vinchoorkar, and Dr G V Deshmukh, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Deputy President: Amendment moved

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. I I Chundrigar, Mr Geoffrey W Tyson, Sardar Mangal Singh, Sri T. V Satakopachari, Mr K C Neogy, Mr. Muhammad Nauman, Mr Krishna Chandra Sharma, Mr. Habibur Rahman, Sardar N G Vinchoorkar, and Dr G V Deshmukh, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Dr. G. V. Deshmukh: I really do not see any necessity of sending this Bill to the Select Committee, because we have actually a law which is being contravened every day and I would have told the House my experience with regard to how this takes place However, as the Government is keen that it should go to the Select Committee, I have no objection. I think I could tell my views in the Select Committee, and I have no doubt that the Bill will come out as it is drafted Sir, I agree to the amendment proposed

Mr. Deputy President: The question is

"That the Bill be referred to a Select Committee consisting of the Honourable Mr I I Chundrigar, Mr Geoffrey W Tyson, Sardar Mangal Singh, Sri T V Satakopachari, Mr K C Neogy, Mr Muhammad Nauman, Mr Krishna Chandra Sharma, Mr Habibur Rahman, Sardar N G Vinchoorkar, and Dr G V Deshmukh, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

The motion was adopted

DELHI MUSLIM WAKFS (AMENDMENT) BILL

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, I move for leave to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes

Mr. Deputy President: The question is

"That leave be granted to introduce a Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes"

The motion was adopted

Syed Ghulam Bhik Nairang: Sir, I introduce the Bill

CRIMINAL TRIBES (REPEAL) BILL

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir I move for leave to introduce a Bill to repeal the Criminal Tribes Act, 1924

Mr. Deputy President: The question is

"That leave be granted to introduce a Bill to repeal the Criminal Tribes Act, 1924"

The motion was adopted

Sri R. Venkatasubba Reddiar: Sir, I introduce the Bill

INDIAN EVIDENCE (AMENDMENT) BILL

Sri S. T. Adityan (Madras and Ramnad *cum* Tinnevelly Non-Muhammadan Rural) Sir, I move for leave to introduce a Bill further to amend the Indian Evidence Act, 1872

Mr. Deputy President: The question is

"That leave be granted to introduce a Bill further to amend the Indian Evidence Act, 1872."

The motion was adopted

Sri S. T. Adityan: Sir, I introduce the Bill

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 161 AND 162)

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898

Mr. Deputy President: The question is

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898"

The motion was adopted

Sri T. V. Satakopachari: Sir, I introduce the Bill

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly· Non-Muhammadan Rural)· Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879.

Mr. Deputy President: The question is·

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879"

The motion was adopted.

Sri T. V. Satakopachari: Sir, I introduce the Bill

CRIMINAL TRIBES (AMENDMENT) BILL

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I move for leave to introduce a Bill to amend the Criminal Tribes Act, 1924

Mr. Deputy President: The question is·

"That leave be granted to introduce a Bill to amend the Criminal Tribes Act, 1924"

The motion was adopted

Sri R. Venkatasubba Reddiar: Sir, I introduce the Bill.

INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 25, 31, 32, ETC)

Dr. G. V. Deshmukh (Bombay City· Non-Muhammadan Urban)· Sir, I move for leave to introduce a Bill further to amend the Indian Companies Act, 1913 (Amendment of sections 25, 31, 32, etc)

Mr. Deputy President: The question is·

"That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913."

The motion was adopted

Dr. G. V. Deshmukh: Sir, I introduce the Bill

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTION 250 ETC.)

Mr. Ahmed E. H. Jaffer (Bombay Southern Division. Muhammadan Rural). I want to move No. 18.

Mr. Deputy President: All right But what about No 4?

Mr. Ahmed E. H. Jaffer: I am not moving it

Sir, I beg for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898

Mr. Deputy President: The question is·

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 "

The motion was adopted

Mr. Ahmed E. H. Jaffer: Sir, I introduce the Bill

The Assembly then adjourned Till Eleven of the Clock on Friday, the 7th February 1947.

LEGISLATIVE ASSEMBLY

Friday, 7th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr Deputy President (Khan Mohammad Yamin Khan) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

WITHDRAWAL OF FACILITIES FROM EMPLOYEES POSTAL DEPARTMENT FROM JOINING UNIVERSITIES AND COLLEGES FOR ACQUIRING HIGHER QUALIFICATIONS.

110. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) if it is a fact that employees of the Postal Department are debarred from joining the universities and colleges for acquiring higher academic qualifications or from appearing in their examinations, if so, the reasons for the same,

(b) if it is a fact that the Posts and Telegraphs Department has withdrawn the facility enjoyed by their employees of studying in higher classes which was prevalent in the past long whereever it was possible, if so, why and since when,

(c) the number of employees who have been punished for acquiring higher academic qualifications in Agra, the punishment awarded to them and whether Government propose to consider the desirability of rescinding orders of punishment, and

(d) if it is a fact that the withdrawal of the facility referred to above is against the spirit of the recommendations of the Whitley Commission?

Sir Harold Shoobert: (a) No Employees in the Posts and Telegraphs can join educational institutions with previous permission provided this does not interfere with their official duties

(b) No

(c) Only one official has been punished He was discharged because he had joined a college without obtaining the permission of the department and it was found that his studies were interfering with his normal duties An appeal from this man is under consideration

(d) Does not arise in view of the reply to item (a)

DEVELOPMENT AND EXPANSION OF SERVICES UNDER THE POSTS AND TELEGRAPHS DEPARTMENT.

111. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) if Government have finalised their plan, if any, for the development and expansion of the services under the Indian Posts and Telegraphs Department,

(b) if Government propose to lay that plan on the table of the House, and

(c) the steps Government have taken or propose to take to execute their plan?

Sir Harold Shoobert: (a) and (b). A copy† of the 15 year Post-War Plan of the Department along with the revised estimates for the first 5-year phase is placed on the table of the House The Plan has been put into its final form only for the first 5-year period

† Not printed in the Debates Copies placed in the Library of the House—*Ed of D.*

(c) A beginning has already been made in the current year and sanction of the Standing Finance Committee for expenditure to be incurred in 1947-48 is being sought A special Development Branch of the Posts and Telegraphs Directorate with a number of technical experts is being formed for Planning and co-ordinating the work in the various Circles

Prof. N. G. Ranga: Was the Standing Committee for this Department consulted about this plan?

Sir Harold Shoobert Yes, Sir, The Standing Committee for this Department was consulted about this Post-War Plan.

POSTAL AND TELEGRAPHIC FACILITIES IN RURAL AREAS

112. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) the steps Government are taking or propose to take for providing postal facilities in rural areas,

(b) if Government have any plan for providing telegraphic facilities in every town or at least tehsil town, if so, what, and

(c) the number of post offices opened in the villages and the telegraph offices opened in the towns since 1st April, 1946, uptill now?

Sir Harold Shoobert: (a) Additional staff are being posted to the Circles to investigate where, in rural areas, new Post Offices and increased delivery facilities are needed and, with the assistance of the Directorate, the Circles are engaged in opening up new areas

(b) The Honourable Member is refered to page 20 of the printed Post-War Plan of the Posts and Telegraphs Department which is laid on the table of the House †

(c) Since the 1st of April 1946, 475 new post offices have been opened in rural areas and 20 new telegraph offices in various towns

Seth Govind Das: Will Government consider the advisability of opening every year a number of post offices in rural areas and make grants accordingly, so that there may be a natural and gradual development of post offices in rural areas?

Sir Harold Shoobert: A plan has been made accordingly by Government, and even during the period of the war new rural post offices were being opened all over India During the post-war period the intention is to open far more rural post offices I think the Honourable Member is aware that we aim at having a post office in every village of 2,000 inhabitants

Mr. Sasanka Sekhar Sanyal: Is the Honourable Member aware that in many of these rural post offices savings bank facilities do not exist and that in some rural post offices where savings bank facilities did exist they have been since withdrawn?

Sir Harold Shoobert: That is a fact It is really due to the lack of demand for savings bank business Where there is a low-paid official in charge of a rural post-office and where there is very little demand for savings bank work, it would not be economic for the department to provide such facilities

Mr. Sasanka Sekhar Sanyal: Is it a fact that this step, *viz* , the withdrawal or contraction of savings bank facilities, was decided upon mainly because there were defalcations in some post offices and the authorities could not find any remedy for the same?

Sir Harold Shoobert: That, Sir, is partially correct A few years ago there were a number of defalcations in the post offices and it was very difficult to check them But I may assure the Honourable Member that wherever possible we shall extend not only savings bank facilities but all the other facilities afforded by the post office.

† Not printed in these Debates. Copies placed in the Library of the House.—*Ed. of D.*

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member how many of the new post offices opened in rural areas are being run by extra departmental agents?

Sir Harold Shoobert: I am afraid I must have notice of that question

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member whether it is not a fact that these post offices generally are run by extra departmental agents?

Sir Harold Shoobert: Some of them are full-fledged post offices and some of them are run by extra departmental agents

Shri Sri Prakasa: Is it a fact that money orders are very often inordinately delayed, because of lack of facilities with the post masters in these rural areas and that the addressees of money orders are consequently put to considerable inconvenience and even loss?

Sir Harold Shoobert: If the Honourable Member refers to the fact that sometimes when a money order arrives the local post master has not sufficient funds at his disposal to deal with it, I shall be happy to look into the matter upon the Honourable Member giving me specific instances There may have been such cases in regard to family allotment money during the course of the war but every step possible was taken to meet the demands.

Pandit Lakshmi Kanta Maitra: Is it the policy of Government to encourage self-contained post offices and discourage post offices run by extra-departmental agents?

Sir Harold Shoobert: The policy of the Government has not been formulated yet but recommendations have been made to Government that as far as possible post offices should be run departmentally rather than through extra-departmental agents But the Postal Department has always been organised on commercial lines and we must spend the taxpayer's money and the receipts from the post offices in the most economic way possible Therefore in many cases, where there is not a day's work for the post master, it is necessary to have an extra departmental agent

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that during the past three years there was a definite direction from the Public Accounts Committee that in view of the fact that extra-departmental post offices are not being run as efficiently as ordinary post offices and in view of the fact that there are often cases of defalcation and embezzlement, the policy of the Government should be more in the direction of opening full-fledged post offices? Does the Honourable Member bear that in mind?

Sir Harold Shoobert: Government is bearing in mind that opinion expressed in the Public Accounts Committee and it is organising post offices as far as possible accordingly

Prof. N. G. Ranga: Is any effort being made to increase the remuneration or salary of these extra-departmental post masters in the villages?

Sir Harold Shoobert: That is a matter with which we have been dealing through the Pay Commission and the recommendations of the Pay Commission will be awaited But I must explain to the Honourable Member that these extra-departmental agents are in some cases school masters, in some cases cattle-pound keepers, in certain other cases zamindars and so on Government pays them a small salary for it is only a subsidiary occupation when they run a post office They already have their own means of livelihood

Prof. N. G. Ranga: Is it not a fact that the postal peons who are supposed to be under the extra-departmental post-masters are being paid Rs 40 and Rs. 50 per month including dearness allowance, whereas the extra-departmental post masters themselves are being paid only Rs. 7 or 8 per month?

Sir Harold Shoobert: That is not quite correct, Sir. The Extra Departmental Postmasters draw varying emoluments, they also draw some dearness allowance and receive other concessions But it is a fact that some of the runners and postal peons get more because the Extra Departmental man has his own income and does not depend upon what he gets from the post office.

REMOVAL OF GRIEVANCES *re* PAY AND ALLOWANCES OF POSTAL, TELEGRAPH AND TELEPHONE EMPLOYEES.

113. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) the steps Government have taken to remove the grievances of the postal, telegraph and telephone employees since 1st April, 1946, and

(b) the steps Government propose to take to remove these grievances now, particularly, in respect of their pay, dearness allowance, hours and conditions of work and amenities?

Sir Harold Shoobert: (a) A statement is laid on the table of the House.

(b) The Pay Commission has been enquiring into the matters referred to by the Honourable member and after receipt of their report, Government will take their decision

Statement

Government implemented the Award of the Adjudicator who was appointed in March, 1946, to report on the extent of additional monetary relief that would be justified for P & T employees on the revised scale of pay (A copy placed in the Library of the House). Besides this, the following additional concessions were granted with effect from the 1st July, 1946, to the non-gazetted staff :—

(i) Good Conduct Pay was granted irrespective of pay limits;

(ii) House rent allowance for postmen and inferior servants was substantially increased in Calcutta, Bombay, Delhi and Madras,

(iii) The minimum of the compensatory house rent allowance in Calcutta and Bombay was fixed at Rs 10 per mensem

(iv) A house rent allowance of Rs 10 per mensem was granted in Madras to all, except postmen and inferior servants who were already in receipt of this allowance,

(v) Staff of all grades in Calcutta, both on the old and the new scales of pay, who were not already in receipt of compensatory allowance, were granted this allowance at the rates for corresponding grades in Bombay on the revised rates of pay,

(vi) Staff on the old scales of pay in Bombay, who were not receiving compensatory allowance, were granted this allowance at the rates for corresponding grades on the revised scales,

(vii) Staff on the unified scales were allowed the option of reverting to their permanent departmental scales for the purpose of becoming eligible for relief recommended by the Adjudicator No re adjustments were made of pay and allowances drawn prior to the 1st Jul , 1946 but bonus for any period already drawn under the unified scale scheme was deducted from arrears of personal pay to which the officials were entitled under the Award of the Adjudicator, for the same period,

(viii) Among other measures taken to redress the grievances of Posts and Telegraphs employees were the abolition of the distinction between superior and inferior servants in the matter of pension, the grant of compensation to postmen and packers who are required to work on Sundays and public holidays in the shape of either compensatory holidays or Rs 1 for each holiday on which they are required to work, increase in the extra-duty allowance to R M S officials, confirmation without examination of postmen and packers, etc , who have officiated satisfactorily for a prescribed minimum period; the raising of the percentage of posts in the clerical cadre reserved for postmen who qualify themselves in the prescribed test, from 20 per cent to 50 per cent , the assurance that if any temporary employee is displaced owing to retrenchment, etc , he shall be offered an appointment in any other unit of recruitment in the same Circle in which there are vacancies, the assurance that applications for gratuities from the Compassionate Fund shall be considered in a liberal spirit; and the creation of leave reserve cadres for postmen and lower grade staff.

Pandit Sri Krishna Dutt Paliwal: May I know, Sir, when the Report of the Pay Commission is expected?

Sir Harold Shoobert: I am afraid I am not in a position to tell the Honourable Member

Shri Sri Prakasa: Will the Government look into the grievances of the subscribers of telephones who are not attended to by the telephone operators?

Sir Harold Shoobert: Sir Government is looking into those grievances daily

Shri Mohan Lal Saksena: Is it not a fact Sir, that these grievances have increased greatly during the last few years?

Sir Harold Shoobert: It is a fact, Sir.

Shri Sri Prakasa: Will the Government appoint a Compensation Commission for aggrieved subscribers, to look into this matter as they have appointed a Pay Commission for the other side?

Sir Harold Shoobert: No, Sir

Daily Postal Service to Villages in India

114. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) if Government have any plan to provide at least daily postal service to every village in India by including it in the delivery area of a post office in the vicinity, if so, what, and

(b) if they have any plan for ensuring the occasional visit, say, twice a week at least from a village postman in those thousands of villages which have not got this benefit so far, if so, what?

Sir Harold Shoobert: (a) It would not be practicable to extend a daily postal service to every village in India the number of which exceeds 650,000

(b) As indicated in page 15 of the Posts and Telegraphs Post-War Plan, the extension as far as possible of postal deliveries to 'No-Dak' villages is being given a high priority amongst the various development schemes

Prof. N. G. Ranga: How long do Government expect to take before they are able to provide daily postal deliveries to every village?

Sir Harold Shoobert: I must have notice of that question, Sir We are aiming to provide more frequent deliveries in as many villages as possible There are at present a large number of villages—I have not got the figure—which do not get a daily delivery, but it is our policy to extend the daily service where it is needed and justified

Increase of rations of Adults and Children in India.

115. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Food Department please state the number of persons subject to the rationing of cereals in India?

(b) Do Government propose to increase the basic ration for adults and children at an early date?

(c) Do Government propose to make an early statement in the House on the general food situation?

Mr. K. L. Panjabi: (a) Approximately 159 millions

(b) No, Sir The basic cereal ration in all the Provinces is 12 ozs per adult per day with a supplementary ration of 4 ozs per head per day for defined heavy manual workers Children get half the adult basic cereal ration This scale was determined by supplies available for distribution, and until they improve, an increase in the basic ration cannot be considered.

(c) The Honourable Member is referred to the "Memorandum on Food Situation" circulated to Members of the House at the commencement of the Session

Seth Govind Das: May I know whether there is any possibility of further reduction in the ration of adults?

Mr. K. L. Panjabi: Does the Honourable Member mean reduction in the scale?

Seth Govind Das: Yes, Sir

Mr. K. L. Panjabi: Not at present

Mr. Sasanka Sekhar Sanyal: May I know whether Government have made special arrangements for special cereal ration in respect of nursing and expectant mothers?

Mr. K. L. Panjabi: No, Sir

Mr. Sasanka Sekhar Sanyal: Will the Government consider the desirability of going into this question as was done in England last time?

Mr. K. L. Panjabi: Some of the Provincial Governments had special milk distribution schemes for nursing and expectant mothers

Mr. Sasanka Sekhar Sanyal: May I know, Sir, whether the Government of India has got any average statistics as to the number of nursing and expectant mothers every year?

Mr. K. L. Panjabi: No, Sir

Diwan Chaman Lall: May I know whether the Honourable member can give any information to the House in regard to the allocations made by the Emergency Food Council for the quarter beginning the 1st of January?

Mr. K. L. Panjabi: The information is contained in the Memorandum circulated to the House But for the information of the House I might mention that in respect of wheat, the allocation made by the I E F C is 2·3 million tons of wheat and wheat substitutes, and in respect of rice the allocation made is 4·1 lakh tons, during the first three months of the year

Mr. Sasanka Sekhar Sanyal: Will the Government please consider the question of calculating the average statistics of nursing and expectant mothers from the average birth statistics every year and on that basic consider the desirability of examining the proposition of giving extra quota to these nursing and expectant mothers?

Mr. K. L. Panjabi: Sir Government will consider the Honourable Member's suggestion

Sardar Mangal Singh: May I know, Sir, whether Government will consider the suggestion that the whole scale of rations of rice may be given to people from the South and that the people from the Punjab and Northern India may take the whole wheat ration? At present the ration is six chattaks of wheat and three chattaks of rice to all people

Mr. K. L. Panjabi: The Honourable Member's suggestion is subject matter of a separate question, Sir, tabled on the 17th

Pandit Lakshmi Kanta Maitra: Is the Honourable member in a position to tell the House what this basic ration means in terms of calories, and whether he is aware that this basic ration does not amount to more than 1250 calories?

Mr. K. L. Panjabi: The calorific value will vary according to the grains taken by the consumers who have a choice in the matter

Maulana Zafar Ali Khan: May I ask how long the rationing system will last in India?

Mr. K. L. Panjabi: As long as the shortage lasts, Sir

Pandit Lakshmi Kanta Maitra: Is the Honourable member aware that according to international nutritional standards the minimum requirement is 2500 calories? And did he keeps that in view when he fixed this ration which gives only 1250 calories? Is he aware that in the estimation of the nutrition experts

this is absolutely inadequate for the nutrition of the adult population of this country?

Mr. K. L. Panjabi: Sir, the ration scales are determined by the availability of supplies

Lala Deshbandhu Gupta: In view of the fact that Delhi has got the highest percentage of urban population will Government consider the desirability of restoring the cut made in wheat recently?

Mr. K. L. Panjabi: As I mentioned previously, Sir, this is the subject matter of a specific question on the 17th

Mr. Manu Subedar: Have Government considered the desirability of supplementing the rations provided by them by making available to the public about 40,000 tons of undisposed of food material which is available with the Disposals Department as surplus from the American as well as the Indian Army and which, I understand, is being offered to the United Kingdom? May I know whether Government have considered this possibility?

Mr. K. L. Panjabi: These surplus foodstuffs are available for sale to the consumers and it is proposed to offer to H M G only what cannot be taken up in this country

Mr. Manu Subedar: May I know whether Government will make an offer to all public retail depots where the surplus could be sold because the ordinary man does not know the procedure how to reach these goods, and if Government will distribute to the retail shops they will substantially supplement the very meagre ration which they are giving

Mr. K. L. Panjabi: These surplus foodstuffs have been supplied to retailers throughout India and I believe they are available in all important towns

Shri Sri Prakasa: Is it a fact that the scale of ration in wheat and rice is the same for vegetarians and non-vegetarians, and in view of the fact that there is no rationing of meat will be honourable member consider the desirability of giving higher rations to pure vegetarians like myself?

(No answer was given)

Diwan Chaman Lall: Will my Honourable friend tell the House as to whether this 2 3 million tons of wheat allocated by the International Emergency Food Council represents the period of the year or the period of the quarter?

Mr. K. L. Panjabi: It represents the whole year

Diwan Chaman Lall: Secondly, may I know whether my Honourable friend has considered the possibility of getting extra quantities from those countries which are not represented on the Emergency Food Council, and if so, what quantities?

Mr. K. L. Panjabi: All possible avenues of getting additional foodgrains are being explored, Sir

Diwan Chaman Lall: May I know how far these approaches have been successful?

Mr. K. L. Panjabi: I cannot say at present, but as soon as some settlement is reached I will report to the House

Mr. Ahmed E. H. Jaffer: May I ask whether there is any limit to supplementary questions?

Lala Deshbandu Gupta: Is the Honourable Member aware of the fact that wheat recently imported from Canada is of a very poor quality and there is general complaint in Delhi against that?

Mr. K. L. Panjabi: No, Sir

Lala Deshbandu Gupta: Is the Honourable Member aware that barley imported from outside has got about 33 per cent of material which is not fit for human consumption and thereby practically the actual ration is reduced to that extent?

Mr. K. L. Panjabi: No, Sir

CEMENT FACTORIES IN INDIA

116. *Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether orders for cement machinery have been placed by all those to whom licences to establish new cement factories have recently been granted under the Government of India plan of increasing cement production in the country,

(b) if the reply to part (a) is in the negative, the number of the licensees who have not yet placed the orders,

(c) the number of such orders that have been placed in the United Kingdom and the number in other countries, giving the names of such countries, and

(d) whether adequate facilities to collect necessary information were given and are being given to the licensees regarding the availability of such machinery in countries which manufacture it?

The Honourable Sri C. Rajagopalachari: (a) and (b) Licences have so far been given for 27 units of Cement Machinery Of these, orders have been placed for 21 units

(c) The orders for the main units of Cement Machinery have been placed as follows U K —4 units, U S A —1 unit, Denmark—10 units, India—6 units, (Total—21)

Orders for auxiliary machinery have nearly all been placed in U K

(d) Yes, Sir The Consulting Engineer (Cement) has given all information available to parties or persons who have asked for such information

Seth Govind Das: Before the present Interim Government came into power, an effort was being made that most of the machinery should be taken from the U K Will the present Government see that no such effort is made in future and the licencees may take machinery from whatever countries they think it proper?

The Honourable Sri C. Rajagopalachari: I have given factual information It is not possible or proper for me to go into what efforts were made by the previous governments and whether they were frustrated

Mr. Manu Subedar: May I know whether it is a fact—the Honourable Member is in a position to say now,—that three companies were recommended by the Bombay Government and one of these three companies have received a license?

The Honourable Sri C. Rajagopalachari: The question of application for capital issues from Bombay, is it?

Mr. Manu Subedar: Licences for manufacturing cement in Bombay were applied for and they have not been given If the Honourable Member cannot give the information now, I do not press it

The Honourable Sri C. Rajagopalachari: I shall look into it if the Honourable Member will give notice

Khan Abdul Ghani Khan: May I know how many of the 27 units have been allotted to the N W F P

The Honourable Sri C. Rajagopalachari: If it is a question of provincial distribution, if accurate information is to be given, I should like to have notice of the question

Mr. Vadilal Lallubhai: In view of the fact that six companies placed orders in India, will the Government see to it that more orders are placed with Indian firms?

The Honourable Sri C. Rajagopalachari: One of the obligations of private enterprise is that they must think these out for themselves and not leave it to Government Let me give the information that the six units orders for which were placed in India were units to be executed in Associated Cement Company's own workshops If it had been possible to make the units here, I do not think the orders would have gone to foreign countries The distribution is fairly even as honourable members will see that out of 21 units ten units have gone to Denmark, four units to the U K one unit to the U S A and six to India

Mr. Ahmed E. H. Jaffer: Is the Honourable Member aware that not a single licence has been given to the province of Bombay and if so, may I ask the Honourable Member what has happened to the several applications which were submitted to the Honourable Member's Department?

The Honourable Sri C. Rajagopalachari: About the claims of Bombay, I would like to have notice of a definite question

Appointment of Scientific and Technical Indian Representative in U. S A , Soviet Russia and U K

117. *Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state.

(a) whether Government are aware of the extreme necessity of establishing closer scientific connections with technically advanced countries like the United States of America, the Union of the Soviet Socialist Republic, and the United Kingdom by adequate scientific or technical representation of India in these countries,

(b) whether Government are aware that as early as in 1940 the Dominion Governments had appointed scientific liaison officers to their High Commissioner's offices in London while the office for Scientific Research and Development of the United States of America has set up at the Embassy in London in office for the exchange of scientific and technical information, and

(c) the steps that the Government of India are taking in this direction and whether any such scientific connections have been established, if none, when these connections will be established with the United States of America, the Union of the Soviet Socialist Republic and the United Kingdom?

The Honourable Sri C. Rajagopalachari: (a), (b) and (c) Although these particular offices have not yet been set up an Indian Scientific Mission have visited United Kingdom, United States of America and Canada in order to see recent developments in scientific and technical research in those countries. Besides, eminent Scientists are being sent by the Government of India from time to time to contact scientists in foreign countries in order to familiarise themselves with upto-date developments abroad The establishment of liaison officers on full time tenure in the United Kingdom, United States of America and the Union of the Soviet Socialist Republic is under consideration

Seth Govind Das: What is the reason that so far the Scientific Mission did not go to Russia?

The Honourable Sri C. Rajagopalachari: It is an interesting question but everybody is aware of the difficulties in getting any information out of the Soviet Republic.

Prof. N. G. Ranga: Will care be taken that only Indians are sent and not non-Indians?

The Honourable Sri C. Rajagopalachari: In such matters they must first be competent men, apart from Indian or other and it is very likely that they will be all Indians

Seth Govind Das: Is it not the policy of the Government to give first preference to Indians themselves?

The Honourable Sri C. Rajagopalachari: I have already said that scientific liaison officers have not been set up and it is premature to talk as to who must be given preference

CO-ORDINATION OF ALL RESEARCH ORGANISATIONS FOR SCIENTIFIC RESEARCH UNDER ONE ORGANISATION

118. *Seth Govind Das: (a) Will the Honourable Member for Industries and Supplies be pleased to state if Government are aware that at present the research organisation of the Central Government remains scattered under a number of separate departments or bodies most of which have many other duties and preoccupations and therefore cannot co-ordinate their efforts in the best interest of research?

(b) Do Government propose to co-ordinate all these research organisations under one central organisation for scientific research under a single Minister?

The Honourable Sri C. Rajagopalachari: (a) and (b) The question of securing greater co-ordination in Research activities of the various Government and other Scientific institutions in India was recently considered by Government and it has been decided that the work of co-ordination be entrusted to a Scientific Consultative Committee with an enlarged membership The attention of the Honourable member is invited to Government Resolution No 30-SR/46, dated the 3rd December, 1946, on the subject, a copy of which is placed on the table

GOVERNMENT OF INDIA

DEPARTMENT OF INDUSTRIES & SUPPLIES

(PLANNING DIVISION)

RESOLUTION

CO ORDINATION OF SCIENTIFIC RESEARCH

New Delhi the 3rd December, 1946

No 30/SR/46.—In December 1944, the Government of India constituted a Scientific Consultative Committee with the following personnel, under the Chairmanship of the Hon'ble Member for Planning and Development, to advise the Government of India on all general questions of policy relating to research throughout India and on any special matters relating to research which may be specifically referred to it —

NON-OFFICIALS

Sir C V Raman, F R S

Sir Jnan Ghosh,

Prof Megnad Saha, F R S

Dr Nazir Ahmad

Col Sir Ramnath Chopra

OFFICIALS

The Master General of Ordnance

The Vice Chairman of the Imperial Council of Agricultural Research or the Agricultural Commissioner to the Government of India,

The Director General, Indian Medical Service,

The Director, Geological Survey,

The Director, Scientific and Industrial Research

2 Government have had under consideration for some time the question of securing greater co-ordination in research activities of the various Government and other Scientific institutions in India and, after having given careful consideration to the proposals made in that behalf by Prof A V Hill F R S in his Report on "Scientific Research in India" and by the

Industrial Research Planning Committee, have come to the conclusion that the work could most appropriately be entrusted to the Scientific Consultative Committee with an enlarged Membership so as to include representatives of all important branches of Scientific Research

It has accordingly been decided to reconstitute the Committee, and to entrust to it the functions specified below.

3 *COMPOSITION*

1 The Hon'ble Member in charge of the Department of Industries and Supplies—Chairman

2 The Director, Scientific and Industrial Research—Vice-Chairman

3 Sir C V Raman, F R S

4 Sir Jnan Ghosh

5 Prof Beghnad Saha, F R S

6 Dr Nazir Ahmad

7 Col Sir Ramnath Chopra

8 The President, National Institute of Sciences of India

9 Prof Sir K S Krishnan, F R S

10 Prof Birbal Sahni, F R S

11 Prof H J Bhabha, F R S

12 An Engineer of eminence selected by the Institute of Engineers (India)

13 The Director, Geological Survey of India

14 The Master-General of Ordnance

15 The Vice-Chairman of the Indian Council of Agricultural Research or the Agricultural Commissioner with the Government of India

16 The Director General, Indian Medical Service

17 The Director-General of Observatories

18 The President, Forest Research Institute

19 The Chairman, Central Waterways Irrigation and Navigation Commission

20 The Animal Husbandry Commissioner with the Government of India

FUNCTIONS

(1) To advise the Government of India on all general questions of policy relating to research throughout India and on any special matters relating to research which may be specifically referred to it

2 To co ordinate scientific research which would include—

(a) Compilation and publication of information regarding research facilities available in India and of the work being done in India in both official and non official organisations (This will not affect the publication of reports by scientific departments and associations which will continue as hitherto),

(b) Suggesting ways and means by which the research work in various institutions can be better co ordinated,

(c) Considering, in particular, the progress of research work requiring collaboration of more than one departments

For the purpose stated in (a), (b) and (c) above, research programmes will be called for by the Scientific Consultative Committee,

and (d) Constituting a focus for all official scientific activities and acting as a channel through which official communications may be made to other countries respecting scientific matters generally (This would not preclude direct communication between institutions and their opposite numbers in other countries)

4. The Committee will be attached to the Department of Industries and Supplies A Deputy Secretary of the Department will be Secretary to the Committee

5 The Government of India hope that all persons interested in the cause of Scientific Research in India will extend their full co-operation to the Committee in the discharge of their duties.

ORDERED that a copy of this Resolution be communicated to all Provincial Governments and Chief Commissioners and all Departments of the Government of India

ORDERED also that the Resolution be published in the *Gazette of India* for information

H K KIRPALANI,
Additional Secretary

CONTROL OF FODDER AND MILK PRICES

119. *Seth Govind Das: (a) Will the Secretary of the Department of Agriculture be pleased to state if Government are aware that while price of milk is no more than 4*d* per pint in London, in Delhi the average price is 10 annas?

(b) Are Government aware that measures of milk control practised in various parts of the country have proved to be an utter failure in the absence of adequate control of fodder prices?

(c) In view of the fact that the control of fodder prices is the prerequisite of any control of milk prices, do Government propose to see that the prices of milk are controlled after fodder prices are fixed?

Sir Pheroze Kharegat: (a) The price of milk in London is 3 shillings per gallon which works out at three annas two pies per lb The price in Delhi is from four to five annas per lb

(b) The price of milk is controlled only in certain areas in the Punjab and in Bombay, apart from the Centrally Administered areas Government have no information that these controls have been unsuccessful in the absence of adequate control of fodder prices

(c) The prices of oilcakes are controlled by several Provincial Governments. It is not considered feasible to control the prices of fodders but it is expected that if the price of milk is controlled, those of fodders will adjust themselves thereto

Seth Govind Das: Are Government aware that till recently the prices of milk were controlled in Jubbulpore and the prices of fodder were not controlled?

Sir Pheroze Kharegat: The reply we have had from the Government of the Central Provinces is that prices of milk are not controlled in the C P at present

Seth Govind Das: Only recently the control has been lifted I asked about this in the last session Will the Government consider the desirability of controlling the fodder prices, not only of oil cakes but of other fodder material as well?

Sir Pheroze Kharegat: As I have just said, the price of oil cakes is already controlled in most provinces The question of controlling the prices of other fodders, such as, grass, bhusa and so on presents considerable practical difficulties and the Provincial Governments feel that it will not be possible for them to control their prices

Khan Abdul Ghani Khan: In view of the fact that the control of the price of fodder will decrease the quality of fodder, will the Government of India consider for the preservation of the health of the animals of India to refuse to give them such fodder?

Sir Pheroze Kharegat: The matter rests entirely with the Provincial Governments and if they find that it is feasible and advisable to control the prices, they will do so If they consider that it will not be practicable or that it is inadvisable to do so for the reasons mentioned by the Honourable Member they will take action accordingly

Lala Deshbandhu Gupta: Is the Honourable Member aware that pure milk is not available even at the price mentioned in the question, namely, 10 annas per seer? What steps Government propose to take to obtain the supply of pure milk in Delhi?

Sir Pheroze Kharegat: Yes, Sir, Government are aware of the fact that pure milk is unobtainable in most parts of the country, particularly in towns. In their programme of development there are various schemes in order to enable more milk to be produced and more milk to be available for the towns. In particular, there is a scheme for bringing in a large quantity of milk for the city of Delhi from the rural areas and the details are being worked out

Pandit Lakshmi Kanta Maitra: Do I understand from the Honourable Member that there has been scarcity of fodder? If so, to what extent has this scarcity been due to its utilization as food by the rationing authorities?

Sir Pheroze Kharegat: It is a fact that there is an acute scarcity of fodder in many parts of the country and efforts have been made even to import fodder from other countries to meet our needs

Mr. Ahmed E. H. Jaffer: In view of the fact that the summer is fast approaching, may I ask the Honourable Member what steps has he taken to arrange extra quantity of milk for the preparation of ice-cream not only for the people of Delhi but especially for the vegetarian Members of this House like my friend Mr Sri Prakasa?

Sir Pheroze Kharegat: The general policy of the Government is not to encourage the consumption of luxury articles like ice-cream, but to make milk available to those who need it most as milk

Shri Sri Prakasa: With reference to the Honourable Member's reply to part (a) of the question, may I know what proportion of water there is in every pound of milk supplied in London and supplied in Delhi besides the 80 per cent that there naturally is in the purest milk?

Mr. Deputy President: Next question.

LICENCES TO COTTON MANUFACTURERS IN MADRAS FOR IMPORTING LOOMS AND SPINDLES.

120. *Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether it is a fact as reported in certain sections of the press that the Government of India do not propose to cancel as recommended by the Madras Government the licenses given to various cotton manufacturers in Madras for importing looms and spindles, and

(b) whether it is a fact that in view of the above, the quota of looms and spindles allotted to Madras Province for post war cotton textile development would now be consumed by that province as originally proposed?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir Government of India do not propose to cancel the licences given

(b) This, it is believed, will follow

Prof. N. G. Ranga: Are the Government aware of the statement made by the Madras Premier that he contests the legality of the claims made by the prospective mill-owners and also the decision taken by the Government of India?

The Honourable Sri C. Rajagopalachari: No such statement has been officially received, but it may have been in the press I believe that that contention will not have much favour in the Government of India

Prof. N. G. Ranga: Does that mean that the Government of India and the Madras Government will go to the Federal Court?

The Honourable Sri C. Rajagopalachari: It means that the claim of the Madras Government is altogether wrong in this matter

Shri Sri Prakasa: Would it be possible for the Honourable Member to declare the areas occupied by these mills in Madras as Centrally Administered areas in Madras?

The Honourable Sri C. Rajagopalachari: It will not be possible, but I do not think there will be a war really on that matter

Prof. N. G. Ranga: Does this decision of the Government of India apply even in regard to those people who have only taken the licence from the Government of India but who have not taken any steps either to place orders in England or in other countries for textile machinery?

The Honourable Sri C. Rajagopalachari: If there are any such cases where there is no moral or material commitment, it is for the Madras Government to pick them out and prevent them from the utilisation of the licences if so minded, but it is premature to build on mere possibilities

EXTENSION OF SALE OF VICTORY STAMPS

121. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Communications Department be pleased to state the reasons why sale of Victory Stamps has been extended by a month more till the end of January 1947?

(b) Are Government aware that Victory Stamps of all denominations are not available at most of the Post Offices in India, particularly in Delhi and Poona?

(c) Are Government aware that only 1½ anna Victory Stamps are available at General Post Office in Poona and none whatsoever at Poona's Branch Post Offices?

(d) Are Government aware that even in Delhi Branch Post Offices no Victory Stamps of any value are available for sale to public?

(e) Since the time limit for sale of these has been extended by one month, do Government propose to see that sufficient quantity of these stamps of all denominations are made available for sale at all Post Offices, particularly in Delhi and Poona?

Sir Harold Shoobert: (a) The date was extended as it was anticipated that on the 31st December, 1946, there would be a considerable stock of unsold Victory Stamps

(b) to (e) Government are aware that the stock of Victory Stamps in some of the Post Offices had temporarily run out Steps were taken to replenish the stock of Victory Stamps at all Post Offices throughout India

Shri Sri Prakasa: In view of the fact that my Honourable friend is anxious to have some Victory stamps and I possess them, will Government permit me to part with them to him at black market rates?

Sir Harold Shoobert: No Sir

Dr. Zia Uddin Ahmad: Not even if it is for archeological interest?

Mr. Ahmed E. H Jaffer: May I suggest that suitable action may be taken against the Honourable Member for selling them at black market rates?

Mr. Deputy President: Next question

STATE OF THE *Rabbi* AND *Kharif* CROPS IN INDIA

122. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Food Department please state the present state of the *rabbi* and *kariff* crops throughout India?

(b) Do Government propose to place on the table of the House a statement showing how far the *rabbi* and *kariff* crops have been affected by the heavy rains in November and December last?

Mr. K. L. Panjabi. (a) and (b) The Honourable Member is referred to the Memorandum on Food Position which was circulated to Members of the House at the commencement of the Session

FOOD SITUATION IN INDIA AND PRIORITY FOR SHIPMENTS OF FOODGRAINS FROM U. S. A. AND CANADA TO INDIA

123. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Food Department please place on the table of the House a comprehensive report on the present food situation, explaining how far the breakdown of the present Rationing system has been averted?

(b) What stocks of food grains does India expect from abroad during the first three months of the year 1947?

(c) Have Government made urgent applications in recent weeks for priority of shipments of food grain supplies from the United States of America and Canada for India?

Mr. K. L. Panjabi: (a) The Honourable Member is referred to the Memorandum on food position which was circulated to the members of the House on 3rd February, 1947

(b) About 700,000 tons

(c) We have no allotment from Canada but have made urgent representations to the Canadian Government for supplies Representations have been continuously made to secure early shipment of our quota from U S A

Mr. Ahmed E H Jaffer: Is the Government prepared to exchange goods with those countries which are prepared to offer food in return for these goods?

Mr. K. L. Panjabi: Each offer will be considered on merits

Mr. Manu Subedar: As the Honourable Member has referred to the Circular on food which he has sent round, may I ask whether in respect of the 40,000 tons which are being offered to the U K Government, full attempt has been made to dispose them in India, and why food material which is required and so badly needed in this country, should at all be sent out of this country?

Mr. K. L. Panjabi: Every effort has been made to dispose of the American foodstuffs in India The sale has been given the widest publicity and tenders have been invited In some cases even the prices have been reduced in order to attract consumers I can give an assurance to the Honourable Member that nothing will be sent to His Majesty's Government unless it cannot be disposed of here

Mr. Manu Subedar: Will the Honourable Member try to make these goods available at half a dozen centres in India through Government retail depots and inform the public that they can have their pound? The public can not go and tender because they do not know the machinery of the Government I would myself like a couple of pounds of plums Would the Honourable Member arrange that the common man should reach these food materials through Government retail sale depots?

Mr. K. L. Panjabi. As I have mentioned already, these surplus stores are available to the common man They are retailed in all the big cities and so far we have not had any complaint that the common man has not been able to get them In Delhi, particularly, there are several shops for these food supplies

Lala Deshbandhu Gupta: Is it a fact that the Government of India have recently purchased 85,000 tons of wheat from Turkey at the rate of Rs 20 a maund?

Mr. K. L. Panjabi: I am not sure about the price I want notice

Prof. N. G. Ranga: Will Government publish a supplementary note about the latest position of the price of different food grains in different provinces and also the price at which maize, wheat and other cereals are being imported and are being sold in our country?

Mr. K. L. Panjabi: Government will consider that

Shri Mohanlal Saksena: Are Government going to allot a day for food debate during this session?

Mr. K. L. Panjabi: I have no information.

Dr. Zia Uddin Ahmad: In connection with the reply to supplementary questions, is it not a fact that the prices demanded by the Food Department

for the American surpluses are so high that the people who purchased in the beginning were really put to loss? Will the Government consider the question of reducing the price to enable the foodstuffs to be sold in the market?

Mr. K. L. Panjabi: Yes, Sir I mentioned that the prices have been reduced to some extent and I think they compare very favourably with the price of similar imported foodstuffs.

Dr. Zia Uddin Ahmad: Will you call for tender?

Mr. K. L. Panjabi: They are sold by tender

Prof. N. G. Ranga: Will the Government consider the advisability of importing only whole maize instead of maize powder in view of the fact that in South India, especially the people do not know how to make use of maize powder?

Mr. K. L. Panjabi: Government will consider that

Lala Deshbandhu Gupta: Is it a fact that the price paid by the Government of India to the Burma Government for the rice purchased is three times the price at which the Government of Burma purchased the same?

Mr. K. L. Panjabi: No, Sir

Mr. Manu Subedar: Is it a fact that the Government of India purchased Burma rice at a price much higher than that prevailing in local market in Burma and if that is so, will the Honourable Member explain to the House the circumstances under which this very heavy price came to be paid, particularly when we supply Burma our cloth at control price?

Mr. K. L. Panjabi: I want notice

LICENCES AND ROUTES OF THE AIR LINES IN INDIA

124. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Communications Department be pleased to state.

(a) an overall picture of the Air lines in the country including those that are already operating and those that are coming into existence in the immediate future,

(b) the considerations that determine the fixation of a particular route and the considerations that determine the granting of a license to any particular operating concern,

(c) how many routes are pending consideration before the Air Transport Licensing Board and how many applications have been received by the said Board, and

(d) whether Government have given or propose to give any general instructions to the Board in the matter of routes to be operated and in the matter of licenses to be given to concerns?

Sir Harold Shoobert: (a) I lay two statements on the table of the House, the first showing the air services which are now being operated in India, and the second the air services for the operation of which applications have been received by the Air Transport Licensing Board

(b) The considerations which govern the selection of routes and the grant or refusal of licences for operation over such routes are detailed in rule 140 of the Indian Aircraft Rules, 1937, a copy of which is available in the Library of the Legislature

(c) Upto the 17th January 1947, 122 applications for operation of air services have been received from 22 air transport companies.

(d) No, Sir The Statutory Rules which have been promulgated govern the grant of licences.

Statement showing air services which are at present in operation.

Air Services	Frequency	Company
Karachi—Ahmedabad—Bombay—Hyderabad—Madras—Colombo.	Karachi to Bombay - 14 services a week Bombay to Colombo—7 services a week	Air India Ltd., Bombay.
Bombay—Ahmedabad—Delhi	14 services a week	,, ,,
Madras—Banglore—Coimbatore Cochin—Trivandrum.	3 ,, ,, ,,	,, ,,
Bombay—Nagpur—Calcutta	7 ,, ,, ,, / 3 ,, ,, ,,	,, ,, / Mistri Airways Ltd., Bombay.
Calcutta—Allahabad—Cawnpore—Delhi—Lahore—Rawalpindi—Peshawar.	Calcutta to Delhi—14 services a week, Delhi to Lahore 5 services a week, Lahore to Peshawar—3 services a week.	Indian National Airways, Ltd, New Delhi.
Delhi—Jodhpur—Karachi	7 services a week	,, ,, ,,
Lahore—Bikaner—Jodhpur—Ahmedabad.	2 ,, ,, ,,	,, ,, ,,
Lahore—Quetta—Karachi	2 ,, ,, ,,	,, ,, ,,
Delhi—Lucknow	7 ,, ,, ,,	,, ,, ,,
Bombay—Jamnagar—Bhuj—Karachi.	7 ,, ,, ,,	Air services of India, Ltd., Bombay.
Bombay—Bhavnagar	3 ,, ,, ,,	,, ,, ,,
Bombay—Bhopal—Cawnpore—Lucknow.	6 ,, ,, ,,	,, ,, ,,
Porbandar—Jamnagar—Ahmedabad.	Porbandar to Jamnagar 3 services a week, Jamnagar to Ahmedabad 2 services a week.	,, ,, ,,
Delhi—Bhopal—Nagpur Hyderabad—Madras.	3 services a week	Deccan Airways, Ltd. Begumpet.
Hyderabad—Bangalore	2 ,, ,, ,,	,, ,, ,,
Bombay—Baroda—Ahmedabad	2 ,, ,, ,,	Ambica Air Lines, Bombay

Serial No.	Applicant	Route
	AIR INDIA LIMITED	
1	Air India Ltd., Bombay Airport Santa Cruz, Bombay.	Madras—Bangalore—Cochin—Trivandrum.
2	Do.	Karachi—Bombay—Madras—Colombo.
3	Do.	Bombay—Ahmedabad—Delhi.
4	Do.	Bombay—Nagpur—Calcutta.
5	Do.	Bombay—Delhi.
6	Do.	Bombay—Karachi.
7	Do.	Bombay—Calcutta.

Serial No.	Applicant	Route
	INDIAN NATIONAL AIRWAYS	
1	Indian National Airways, Limited, Scindia House, Connaught Circus, New Delhi	Calcutta—Allahabad—Cawnpore—Delhi—Lahore—Peshawar—Kabul.
2	Do	Delhi—Lahore—Rawalpindi—Srinagar.
3	Do.	Lahore—Bikaner—Jodhpur—Ahmedabad.
4	Do	Peshawar—Dera Ismail Khan—Karachi.
5	Do.	Calcutta—Siliguri—Cooch Behar.
6	Do.	Karachi—Jodhpur—Delhi.
7	Do.	Rawalpindi—Srinagar.
8	Do.	Calcutta—Akyab—Yenangyaung—Rangoon.
9	Do.	Delhi—Lucknow—Benares—Patna-Calcutta.
10	Do.	Lahore—Karachi.
11	Do.	Karachi—Quetta—Lahore
12	Do	Lucknow—Gorakhpur—Lucknow—Cawnpore—Jhansi—Agra
13	Do.	Delhi—Jaipur—Bikaner
14	Do.	Lucknow—Bareilly—Haldwani—Meerut—Dehra Dun
	AIR SERVICES OF INDIA	
1	Air Services of India, Ltd, Scindia House, Dougall Road, Ballard Estate, Bombay.	Bombay—Indore—Bhopal—Cawnpore—Lucknow
2	Do.	Bombay—Jamnagar—Bhuj—Karachi.
3	Do.	Porbandar—Jamnagar—Wankaner—Dhrangadhra—Ahmedabad.
4	Do.	Bombay—Bhavnagar.
5	Do.	Bombay—Poona—Belgaum—Bangalore.
6	Do.	Bombay—Indore—Gwalior—Delhi.
7	Do.	Jamnagar—Mandvi—Bhuj.
8	Do.	Jamnagar—Dhrangadhra—Wadhwan—Bhavnagar—Palitana.
9	Do.	Jamnagar—Gondal—Manvandar—Junagadh (Keshod).
10	Do.	Bombay—Madras, Rangoon.
11	Do.	Bombay—Porbander—Jamnagar—Bhuj—Hyderabad (Sind).

Serial No.	Applicant	Route
	DECCAN AIRWAYS	
1	Deccan Airways, Ltd, Begumpet Airport, Begumpet (Deccan).	Delhi—Gwalior—Bhopal—Nagpur—Hyderabad—Madras.
2	Do.	Hyderabad—Bangalore.
3	Do.	Hyderabad—Bombay.
	MISTRI AIRWAYS	
1	Mistri Airways, Ltd., Wavell House, Ballard Estate, Bombay	Bombay—Nagpur—Calcutta
2	Do.	Delhi—Gwalior—Nagpur—Hyderabad—Madras
3	Do.	Calcutta—Cuttack—Vizagapatam—Bezwada—Madras
4	Do	Bombay—Agra—Delhi.
5	Do.	Bombay—Bhavnagar—Hyderabad (Sind).
6	Do.	Nagpur—Jubbulpore—Allahabad—Lucknow.
7	Do.	Bombay—Bellary—Madras—Colombo.
8	Do.	Bombay—Goa.
9	Do.	Bombay—Ahmedabad—Jodhpur—Bikaner—Lahore—Srinagar.
10	Do.	Agra—Delhi—Saharanpur—Ambala—Amritsar—Rawalpindi.
	ORIENT AIRWAYS	
1	Orient Airways, Ltd., 51, Ezra St., Calcutta.	Calcutta—Chittagong—Yenangyaung—Rangoon.
2	Do.	Calcutta—Patna—Lucknow—Delhi—Lahore—Peshawar—Kabul.
3	Do.	Lahore—Quetta—Karachi.
4	Do.	Lahore—Srinagar.
5	Do.	Calcutta—Dacca—Sylhet—Tezpur—Dinjan.
6	Do.	Calcutta—Benares—Bhopal—Bombay—Lahore.

Serial No.	Applicant	Route
	AIRWAYS INDIA	
1	Airways (India), Ltd., Stephen House, 4, Dalhousie Sq., Calcutta.	Calcutta—Patna—Benares—Lucknow—Delhi.
2	Do.	Calcutta—Cuttack—Vizagapatam—Bezwada—Madras.
3	Do.	Calcutta—Chittagong—Akyab—Yenangyaung—Rangoon.
4	Do.	Calcutta—Dacca—Sylhet—Tezpur—Dinjan.
5	Do.	Calcutta—Vizagapatam—Madras—Bangalore.
6	Do.	(a) Calcutta—Dacca—Sylhet—Comilla—Chittagong—Calcutta. (b) Calcutta—Chittagong—Comilla—Sylhet—Dacca—Calcutta.
7	Do.	Calcutta—Lalmonirhat—Gauhati—Tezpur—Jorhat—Dinjan or Dibrugarh or Chabua.
	DALMIA JAIN AIRWAYS	
1	Dalmia Jain Airways, Ltd., 6-Daryaganj, Delhi.	Calcutta—Cuttack—Vizagapatam—Madras—Colombo.
2	Do.	Delhi—Lucknow—Benares—Patna—Calcutta.
	NORTHERN AIRWAYS LIMITED	
1	Northern Airways Ltd., 8, Queens Road, Lahore.	Lahore—Bhatinda—Jaipur—Bhopal—Nagpur.
2	Do.	Lahore—Ajmer—Indore—Akola—Hyderabad—(Deccan).
3	Do	Lahore—Jhelum—Rawalpindi—Peshawar—Jallalabad—Kabul.
4	Do.	Lahore—Srinagar—Gilgit.
5	Do	Lahore—Patiala—Meerut—Bareilly—Lucknow—Benares—Dum Dum.
6	Do.	Lahore—Patiala—Hardwar—Badrinath.
7	Do.	Lahore—Bahawalpur—Sukkur—Karachi.
8	Do.	Lahore—Kalka—Dehra Dun—Nainital.
9	Do.	Lahore—Loralai—Quetta
10	Do.	Lahore—Bhatinda—Ajmer—Udaipur—Baroda—Surat—Bombay.
11	Do.	Lahore—Delhi—Agra—Gwalior—Jhansi—Jubbulpore.

Serial No.	Applicant	Route
	BHARAT AIRWAYS	
1	Bharat Airways Ltd., 8, Royal Exchange Place, Calcutta.	Calcutta—Akyab—Yenangyaung—Rangoon.
2	Do. . .	Calcutta—Benares—Lucknow—Delhi.
3	Do. . . .	Calcutta—Cuttack Vizagapatam—Madras—Colombo.
4	Do. . .	Calcutta—Dacca—Sylhet—Tejpur—Dinjan.
	JUPITER AIRWAYS	
1	Jupiter Airways Ltd, East and West Building, Apollo Street, Fort, Bombay	Calcutta—Cuttack—Vizagapatam—Bezwada—Madras—Trichinopoly—Colombo.
2	Do. .	Madras—Bangalore—Combatore—Cochin—Trivandrum.
3	Do. .	Bombay—Poona—Belgaum—Bangalore—Combatore—Cochin—Trivandrum.
4	Do. .	Calcutta—Chittagong—Akyab—Yenangyaung—Rangoon.
5	Do. . .	Madras—Hyderabad—Jubbulpore—Jhansi—Delhi.
6	Do. . .	Madras—Hyderabad—Nagpur—Delhi.
7	Do. . .	Bombay—Poona—Belgaum—Bangalore—Madras.
	BENGAL AND ASSAM AIRWAYS	
1	Bengal and Assam Airways, Ltd, 4, Clive Ghat Street, Calcutta.	Dinjan—Sylhet—Dacca—Calcutta—Patna—Benares—Agra—Delhi.
	MADRAS PRESIDENCY AIRWAYS	
1	Madras Presidency Airways, Ltd., "Gurnilayam" 12, North Eda Street, Trichinopoly (Cantonment).	Madras—Vellore—Anantpur—Bellary—Hyderabad
2	Do. . .	Madras—Bezwada—Cocoanada—Vizagapatam.
3	Do. . .	Madras—Trichinopoly—Madura—Trivandrum.
4	Do. . .	Madras—Salem—Combatore—Cochin—Mangalore—Poona.
5	Do. . .	Madras—Puddukottai—Dewakottai—Colombo.

Serial No.	Applicant	Route
	INDIAN AIR SURVEY AND TRANSPORT	
1	Indian Air Survey and Transport Limited, Jessore Road, Dum Dum	A Dum Dum—Lalmonirhat. B Lalmonirhat—Bagdogra. C Lalmonirhat—Gauhati Strip—Jorhat—Chabua
	AMBICA AIR LINES	
1	Ambica Air Lines, Ltd., 315/321, Prospect Chamber, Hornby Road, Fort, Bombay	Bombay—Rajkot—Morvi—Bhuj.
2	Do.	Bombay—Baroda—Delhi—Lahore—Peshawar
3	Do.	Bombay—Bangalore—Madras—Coimbatore.
4	Do	Ahmedabad—Baroda—Bombay.
5	Do.	Bombay—Poona—Kolhapur—Belgaum.
6	Do.	Bombay—Indore—Gwalior—Delhi—Lahore—Rawalpindi.
	NALANDA AIRWAYS, LTD.	
1	Nalanda Airways, Ltd, Exhibition Road, Post Box No 45, Patna.	Patna—Gaya—Koderma—Hazaribagh—Ranchi—Jamshedpur—Purulia—Asansol—Dhanbad—Giridih—Deoghar—Jamui—Bihar—Patna
2	Do	Patna—Jamalpur—Bhagalpur—Katihar—Purnea—Madhipura—Saharsa—Supaul—Darbhanga—Samastipur—Patna
3	Do	Patna—Chapra—Siwan—Hathwa—Gopalganj—Bettiah—Motihari—Sitamarhi—Madhubani—Darbhanga—Muzaffarpur—Patna.
4	Do	Patna—Arrah—Buxar—Sasaram—Dehri—Daltonganj—Gaya—Patna.
5	Do	Calcutta—Patna—Lucknow—Delhi.
6	Do	Calcutta—Patna—Jubbulpore—Bombay.
7	Do.	Patna—Calcutta—Akyab—Rangoon—Bangkok—Singapore.

Serial No.	Applicant	Route
	VARADARAJA AIRWAYS.	
1	Varadaraja Airways, Ltd., "Green House," Kongunagar, Tiruppur (District Coimbatore).	Madras—Andamans—Penang—Singapore.
2	Do.	Madras—Bangalore—Mysore—Poona—Bombay—Karachi
3	Do.	Madras—Andamans—Rangoon—Mandalay.
4	Do.	Madras—Bombay—Ahmedabad—Jodhpur—Lahore—Srinagar.
5	Do.	Madras—Bellary—Sholapur—Bombay.
6	Do	Madras—Coimbatore—Ootacamund—Belgaum—Bombay.
	SEGAL AIR TRANSPORT, LTD.	
1	Segal Air Transport, Ltd., New Delhi.	Delhi—Lahore—Quetta—Karachi
2	Do	Delhi—Ambala—Lahore—Chaklala—Srinagar.
3	Do	Bombay—Baroda—Ahmedabad—Jaipur—Lahore—Chaklala—Srinagar
4	Do	Calcutta—Patna—Benares—Lucknow—Delhi—Lahore—Chaklala—Peshawar—Kabul
5	Do.	Delhi—Jaipur—Jodhpur—Bikaner
6	Do.	Delhi—Gwalior—Indore—Baroda—Bombay
7	Do.	Karachi—Jaipur—Agra—Benares—Calcutta
	KALINGA AIR LINES	
1	Kalinga Air lines, Calcutta	Dum Dum—Bhubaneshawar—Vizianagram—Visagapatam Bezwada—Bangalore—Trichinopoly—Colombo
	ARYAN AIRWAYS, LTD	
1	Aryan Airways, Ltd., Bombay	Bombay—Baroda—Jaipur—Delhi
2	Do.	Bombay—Jodhpur—Lahore, or Bombay—Baroda—Lahore, or Bombay—Baroda—Ambala—Lahore
3	Do	Lahore—Srinagar

Serial No.	Applicant	Route
	EASTERN SKYWAYS	
1	Eastern Skyways, House, Bankshall Street, Calcutta.	Calcutta—Cuttack—Vizagapatam—Madras—Pondicherry—Madura—Colombo.
	RAINBOW AIR UTILITIES	
1	Rainbow Air Utilities, Queensway, New Delhi.	Lucknow—Bareilly—Rampur—Moradabad—Hardwar—Dehra Dun—Meerut—New Delhi.
2	Do.	Lucknow—Allahabad—Benares—Allahabad—Jhansi—Gwalior—Agra—Aligarh—New Delhi.

Mr. Manu Subedar: Is it a fact that the Air Transport Licensing Board is taking a very long time over the issue of these licences and determining all these applications and it has not kept to the schedule which was originally announced in this House?

Sir Harold Shoobert: The Air Transport Licensing Board has necessarily to give full consideration to all factors affecting the issue of these licences. I think Honourable Members will agree that if it unduly hurried in issuing licences, which after all affects the safety of passengers who are going to travel by air, it would be most undesirable

Mr. Manu Subedar: Is it a fact that nobody can apply unless he has provided ground staff, machine and all other equipments, and after that alone he can apply? Have Government considered the loss to those people who have applied and who are kept waiting for months and months? I do not know what is the meaning of the expression 'unduly hurry' Is it not a matter of a few months that most of these applications have come and that these people are incurring heavy expenditure in the meanwhile?

Sir Harold Shoobert: With *regard* to the first part of the question put by my Honourable friend, I would again refer him to the Air Transport Licensing Rules It would take a very long time for me to give a full answer to that in the House In regard to the second part, the Air Transporting Licensing Board has only been operating for a few months and there have been so many applications for licences which have all to receive the most careful examination that I feel Honourable Members of the House will agree that it would be impossible for the Air Transport Licensing Board to begin issuing licences earlier.

Mr. Sasanka Sekhar Sanyal: May I know how many sittings have the Air Transport Licensing Board held till now during the last six months?

Sir Harold Shoobert: I want notice. The Air Transport Licensing Board is sitting constantly

CONNECTING OF THE RAILWAYS WITH INLAND AND EXTERNAL STEAMER SERVICE

125. *Mr. Sasanka Sekhar Sanyal: (a) Will the Honourable Member for Transport be pleased to state whether Government have considered the question of connecting their railways with their own inland and external steamer service?

(b) Whether Government have examined the average annual outturn of business in terms of money that is put in by the Inland steamer services and by the foreign steamer companies in and from the coasts of India?

(c) Whether Government have examined the initial and recurring liabilities that may have to be undertaken if Government were to take over such inland and external services on a ten year plan basis?

(d) Whether Government of India have any contractual relations with the existing steamer services, if so, what are those relations, and whether and how they are terminable and what are the financial commitments on the part of Government in the matter of such contractual relations?

The Honourable Dr. John Matthai. (a) As regards external steamer services, the answer is in the negative. In respect of inland steamer services in North East India, the Honourable Member's attention is invited to the answer given by the Honourable Mr M Asaf Ali to question No 126 asked on the 31st October, 1946 Questions relating to the co-ordination of transport in this area are now under the consideration of the Central Board of Transport.

(b) and (c) No.

(d) Government have some contracts with steamer companies for the carriage of mails A statement regarding these is laid on the table of the House

Statement regarding the Contracts between the Government of India and Steamer Companies.

(1) There is a contract between the Governor-General in Council and the British India Steam Navigation Co, Ltd, for the conveyance of mails by the Company's steamers on certain lines of communications, viz, Lines Nos 1, 2 and 3 between Calcutta and Rangoon, Line No 4 between Madras and Rangoon, Line No. 5 between Bombay and Karachi, Line No 6 between Karachi and Basrah, and Line No 7 between Bombay and Durban This contract commenced on the 1st October 1938 and is valid up to 30th September 1948. The total amount payable to the Company for services on all these lines was Rs 8,68,275 per annum

The contract for any line of service is terminable on six months' notice on either side. Government is not, however, according to terms of contract to exercise the option of termination of the contract for any line in order to give the contract to another Company for conveyance of mails by sea route

During the war (and even now) the company are unable to perform the services on lines Nos 1, 2, 3 and 4 referred to above Under the Supplementary Agreement entered into on the 7th March 1944 between th Government and the Company, a monthly payment of Rs. 46,875 (Rs 5,62,500 annual) only is now being made in respect of Lines Nos 5, 6 and 7. For any short sailings on these lines, a proportionate rebate is being recovered from the Company.

(2) A contract for the conveyance of mails by steamers betwen Bombay and Goa, and intermediate ports during the eight months, October to May of each year, was entered into jointly with Messrs The Bombay Steam Navigation Co, Ltd, The Indian Co-operative Navigation and Trading Company, Ltd, and the Ratnagiri Steam Navigation Co, Ltd, for

a period of three years with effect from the 15th November 1945 on payment of a fixed remuneration of Rs 6,000 p m According to the terms of the agreement, this contract may be absolutely determined and put an end to by either of the contracting parties by giving four calendar months' notice in writing to the other of his intention so to determine and put an end to the same

(3) Three separate agreements were entered into with the River Steam Navigation Co, Ltd, and India General Navigation and Railway Co, Ltd, conjointly for daily Steamer Services for the conveyance of Mails on the following 15 lines with rates of monthly payments noted against each —

Particulars of service	Monthly payments
	Rs a. p
1 Khulna Dacca Mail (including Barisal Khulna Express Service	1,440 0 0
2 Goalundo —Jagannathganj	611 0 0
3 Barisal—Dadpur	135 0 0
4 Barisal—Patuakhali	137 13 0
5 Khulna—Ellachur (Satkhira)	216 9 0
6 Daulatpur—Chowlia	168 12 0
7 Jhalakati—Barguna	77 2 4
8 Patuakhali—Amtali	51 6 11
9. Hularhat—Banaripara	30 8 7
10 Hularhat—Bagerhat	88 6 4
11 Patuakhali—Galachipa	56 4 0
12 Barisal—Chittagong	350 0 0
13 Amingaon—Gamarighat	851 4 0
14. Barisal—Madaripur—Tarpassa	305 10 0
15 Khulna—Madaripur	333 12 0

The contracts were originally for the period 1st April, 1931 to 31st March, 1934 It was agreed that if the contracts were not determined on the expiry of the stipulated period they would remain in force until the expiration of a notice of 6 months that may be given by either of the parties The contracts are still in force as no such notice has so far been given by either of the contracting parties

Mr. K. C. Neogy: With reference to part (a) do I understand that it is only the co-ordination aspect of the matter that is under consideration of the Government, or is the question of State acquisition and State management of these inland steamer services also being considered?

The Honourable Dr. John Matthai: Government have sent a memorandum to the three Provinces primarily concerned with this problem, namely, Bengal, Bihar and Assam In that memorandum we have suggested that the provincial Governments concerned should give us their views on [illegible]

Assam Government have provisionally suggested nationalisation. But the Bihar Government's reply is somewhat non-committal, they are unable to come to a decision until they have full data We have so far received no reply from the Bengal Government.

Mr. K. C. Neogy: Do I take it that the Government of India have no opinion on the subject and they are entirely dependent upon the expression of opinion of the provincial governments?

The Honourable Dr. John Matthai: That is not correct position Our view in this matter is that the whole question should be considered by the Central Board of Transport which has just been set up But before we do so, it is but right that we should get the opinions of the provincial governments who are directly concerned with the matter and who are responsible for river transport

Sjt. N. V. Gadgil: In view of the fact that the rates on motor transport are controlled by Government, the railway rates are controlled by Government, the air transport rates are controlled by Government, do not Government think that it is high time that rates of steamships and coastal steamer traffic should be controlled?

The Honourable Dr. John Matthai: That question would necessarily be taken up for consideration along with the bigger problem that we are now considering

Mr. K. C. Neogy: With reference to part (d) am I to understand that Government have satisfied themselves that the terms of subsisting contracts between railways and the different steamer companies, do not operate to the prejudice of the railways themselves?

The Honourable Dr. John Matthai: There are various matters in connection with this inland river service which require consideration and I do not wish at the present stage to commit myself on the particular issue raised by my Honourable friend, but I certainly mean to take that up for consideration along with the major question

PRESERVATION, CANNING AND MARKETING OF FRUITS

126. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Agriculture Department be pleased to state

(a) whether Government of India have any information regarding the varieties of fruits that are produced in each province and also the quantity of such production in a year in respect of each such variety;

(b) how much worth of fruits are imported into this country from outside in a year,

(c) whether Government have considered the question of arranging or encouraging or inducing storage and preservation of fruits as a proposition of *More Food* campaign

(d) whether Government have also considered the question of developing canning industry in all the provinces with a view to facilitating industries and trade in preservation and marketing of fruits, and

(e) whether Government have asked the opinion of experts in this matter?

Sir Pheroze Kharegat: (a) A statement giving the required information based on the figures given in Marketing Survey Reports is placed on the table They are only rough estimates

(b) Before the War Rs 10 lakhs worth of fruits were imported by sea and Rs 30 lakhs worth by land from Afghanistan

(c) Help and advice are being given to those who wish to set up cold storage plants

(d) The Indian Institute of Fruit Technology at Lyallpur provides for training in fruit preservation, carries on research for improving the quality of fruit and vegetable products and gives expert advice and technical guidance to the trade. The question of further help for the industry was referred to the Tariff Board whose recommendations have been received and are under consideration

(e) The Fruit Development Adviser to the Government of India gives expert advice in these matters

Production of different fruits in the

S. No.	Province/State	Mangoes	Bananas	Oranges and Mandarins	Limes	Other Citrus fruits	Grapes	Apples	Pears
1	2	3	4	5	6	7	8	9	10
1	Madras .	24,000,000	31,315,000	938,200	2,036,800	191,000	18,000	186	70,722
2	Bihar	7,795,680	1,061,000				..	..	...
3	Bengal .	19,161,643	64,905,000	96,100	136,500	47,619		625	2,706
4	U P. .	92,586,200		42,720	28,975	25,975	.	56,448	5,563
5	C. P. . .	3,836,375		2,260,000	63,250	4,620			.
6	Assam . .	670,000	3,900,000	2,489,346		20,000		100	18,360
7	Bombay .	5,619,587	2,962,000	1,915,818	294,620	1,900	134,400		..
8	Orissa . .	500,000		86,592		.	..	.	...
9	Punjab	2,356,872		1,235,527	100,991	222,852		63,375	271,967
10	N. W. F P	10,000		45,440	3,400	86,400	16,380	1,260	. 53
11	Sind	824,000		9,300	25,140			13,641	*Nil*
12	Coorg	285		874,206	5,000	00			..
13	Baluchistan						186,733	6,000	300
14	Delhi	68,200			11,000				10,600
15	Travancore	N A.	2,328,000			30,000		N A	N A.
16	Mysore .	6,549,840	936,000	90,047	23,660	2,722	6,333	8,780	*Nil*
17	Kashmir	248,000		18,000			.	394,200	64,800
18	Hyderabad	1,820,000		262,000	79,800				.
19	Patiala .	85,000		28,523	12,910	138		500	3,750
20	Gwalior	296,802		10,800	7,500				..
21	Cochin	14,185		14,000		20,000			.
22	Baroda	503,750		600	15,372	..			.
23	Sikkim			468,750	10,000	10,000	.	.	..
24	Bhahar State					.		.	...
25	Others	6,500	2,634,000				13,393	.	...
	Total	166,960,819	109,841,000	9,985,969	2,854,918	698,626	375,239	545,115	968,451

N. A.—Not available

various Provinces and States in India.

Peaches	Plums	Apricots	Pine apples	Lauguat	Cherries	Straw berries	Raspberries	Currants	Quinces	Total	S. No.
11	12	13	14	15	16	17	18	19	20	21	
150	605	.	110,252	.	.	40	..	..	.	58,688,963	1
.	...	...	.	.	...	.	...	..	..	8,856,660	2
2,150	8,125	..	238,000	94	.	15	70		..	84,588,674	3
4,980	3,280	1,440	1,820	168,000	720	141		.	..	92,926,267	4
...	...	.	.	...	..	.				6,164,245	5
2,268	6,102		191,666	...	...		.	..	.	7,279,842	6
Nil	.	..	2,188	.	..	1,028	210		.	10,031,751	7
...	...	...	..	..	...	..	.		.	586,592	8
124,660	68,899	1,000	.	104,702	81	890	..	.	..	4,751,316	9
119,168	96,658	49,962	.	46,292	..	51	.	.	42,247	1,086,911	10
...	..	.	.	.	.		..			872,081	11
...	..	.	.	.		..	.	.		914,891	12
8,555	10,329	97,136	..	..	Neg.	Neg.	.	Neg.	..	309,053	13
4,273	4,224	...	...	10,185	...	..	...	..	...	108,392	14
N.A.	N.A.	N.A.	222,357	N A.	N.A.	N.A.	N.A.	N.A.	N A.	2,580,357	15
250	..	..	3,963		..	...	Neg.	.		7,421,595	16
9,285	20,515	109,200		Neg.	35,427	1,080	60	60	28,872	929,499	17
...	..	.	...	...	...	.	..	...	...	2,161,800	18
1,800	405	Neg.	.	4,000	...	...	..	...	...	137,026	19
...	...	..	...	...	...	...	...	...	...	315,102	20
...	...	...	11,486	...	...	...	...	...	...	59,671	21
...	..	...	2,287	...	...	...	...	...	...	522,009	22
...	...	...	..	...		...	...	...	...	438,750	23
...	...	...	...	...	...	...	...	...	...	...	24
...	...	...	...	...	...	...	...	...	...	2,653,893	25
477,334	214,142	258,738	779,017	333,273	36,228	2,745	340	60	71,119	294,403,333	

Mr. Sasanka Sekhar Sanyal: Do Government contemplate to include fruits in future in the cereal ration supplied?

Sir Pheroze Kharegat: I have no information, but if a question is tabled to that effect I am sure the Food Department will be very pleased to reply to it

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be further pleased to state whether Government contemplate to ration fruits?

Sir Pheroze Kharegat: No, Sir

Mr. Deputy President: That does not refer to the Agriculture Department

Shri Sri Prakasa: In view of the fact that the Honourable Member by investing Rs 10,173 got only Rs 3,720/14/3 from his GROW MORE FOOD campaign on either side of Kingsway, does he expect people to take seriously any advice that he may want to offer on the subject of GROW MORE FOOD either in the matter of cereals or of fruits?

Sir Pheroze Kharegat: Yes, Sir, we do expect the public to listen to our advice in many matters As regards this particular case of the vegetables and grain grown on the vista it is not quite fair to judge the results on the basis of one year's or rather six months' returns only The capital invested in such cases is apt to be high compared to the actual return, and when the work goes on for two or three years it is possible that the capital expenditure may be recovered from the proceeds

Shri Sri Prakasa: What are the Honourable Member's estimates for this year from these operations, if he will still persist in them?

Sir Pheroze Kharegat: For the rabi season, *i e*, crops that are just on the ground now, I do not remember the exact figure, but we are expecting a net income of about Rs 2,500

Prof. N. G. Ranga: Do not the same considerations apply to peasant economy where in addition to the expenses incurred here they have to pay rent and land revenue?

Sir Pheroze Kharegat: That will vary from place to place in accordance with the amounts that they have to pay

REARING AND GROWING OF FISH IN BENGAL

127. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Agriculture Department be pleased to state what steps have been taken by the Government of India either direct or through the Provincial Government or otherwise for increased rearing and growing of fish in Bengal?

(b) Do Government propose to give a comparative account of the total collection of fish in the said province for the last successive three years?

(c) Is it a fact that there has been a shortage in the annual outturn of fish in the said Province and if so, what are the principal reasons thereof, and what steps have been taken or are proposed to be taken for removing or combating the causes of such shortage?

(d) What particular steps have been taken for supplying fishermen with special quota of yarn for purposes of catching and collecting fish?

Sir Pheroze Kharegat: (a) With the aid of grants from the Centre 3,43,100 fry were liberated in 3149 acres in 1944-45 and 4,21,000 fry in 776 acres in 1945-46 for taking up paddy *cum* fish culture and tank improvements in the Sunderbans Abad area of the districts of Khulna and the 24-Parganas

Large areas of fallow waters are being developed as productive fisheries in nine other districts

(b) It is regretted that no figures are available about the total collection of fish in Bengal, other than the approximate figure of 11,000 tons a year mentioned in the fish Marketing Report

(c) No information is available regarding the reported shortage in the annual outturn of fish in Bengal The Government of Bengal however consider that there has been a falling off in the fish supply due to the denial policy followed in 1942 and the shortage of yarn The question of making materials for boats and nets available is being looked into by the Provincial Government

(d) There is an acute shortage of cotton yarn throughout the country and the available supplies are not sufficient to meet the needs of the textile mills, the handloom weavers and the fishing industry A quota is assigned by the Centre to the Bengal Government for all its needs and it has been requested to give special consideration to the needs of fishermen and meet their current needs in full out of the yarn received by it each month

Prof. N. G. Ranga: Is it not a fact that one concern with its headquarters in Poona has been complaining that it was not being helped to obtain from abroad the necessary machinery and also the boating apparatus in order to carry on fishery work on the west coast?

Sir Pheroze Kharegat: I have received no such complaint I am aware that a firm has applied for help and every possible help that could be given has been given to it

RUNNING OF BUS SERVICES IN DELHI PROVINCE

128. *Sardar Mangal Singh: With reference to the reply to Lt.-Col. Dr. J C Chatterjee's starred question No 14 answered on the 28th October, 1946 regarding the monopoly of the G N I Co for running Bus services in Delhi Province, will the Honourable Member for Transport please state

(a) whether Government have finished their consideration of the question of the future of the Delhi transport system,

(b) whether Government intend to call for applications for permits to operate Bus services in Delhi, if so, what machinery will dispose them of, and

(c) whether Government propose to permit more than one company to operate in Delhi city, or hand over the whole thing to one concern only?

The Honourable Dr. John Matthai. (a) No Some progress has been made but the question is obviously not one which can be decided hurriedly

(b) and (c) It is proposed that the management of road motor transport in the urban and suburban areas of Delhi should be entrusted to a company or other concern owned by Government or in which Government will have a controlling interest

Lala Deshbandhu Gupta: Has the Honourable Member considered the desirability of handing over the running of buses in the Province of Delhi to the Delhi Municipality or to a joint management of Delhi and New Delhi Municipalities, as it is a public utility service?

The Honourable Dr. John Matthai: The proposal which Government are considering at present is to organise a company for the purpose which would, as I said, be either owned by Government or in which Government would have a predominant interest The consideration of the proposal has advanced to some extent At present what we propose to do is to take over the tram transport of Delhi at a very early date,—probably in March But the other questions connected with it, namely, whether the tram and the bus services should be amalgamated and if they are amalgamated into one concern, on what sort of footing that concern should be organised, are matters which still await decision I may say that final arrangements can not be made in this matter until the valuation which is now in progress of the Delhi Electric Supply and Traction Company is completed

Mr. Manu Subedar: While this matter is being considered, may I know what steps Government have taken in order to increase the number of taxis available in New Delhi, and whether Government would not consider giving

for taxi purposes only some of the vehicles which are available in the Disposals Department?

The Honourable Dr. John Matthai: That is relatively a matter of detail, the decision of which must await our final decision on the other question

Lala Deshbandhu Gupta: Will Government take this House into confidence before coming to a final decision as to the future of transport service in Delhi?

The Honourable Dr. John Matthai: I will certainly consider the Honourable Member's suggestion

Lala Deshbandhu Gupta: Will Government also consult the local bodies in Delhi about the proposals when they are mature?

The Honourable Dr. John Matthai: Yes, Sir.

Prof. N. G. Ranga: Will any effort be made by the Government of India to see that buses are run at regular intervals on a larger number of roads in New Delhi than is at present the case, and thus help the common people who live in New Delhi?

The Honourable Dr. John Matthai: That is one of the purposes for which this new organisation is contemplated

(*b*) WRITTEN ANSWERS

FACILITIES FOR PASSENGERS AT BHATINDA JUNCTION STATION

129. *Pundit Thakur Das Bhargava: (a) Will the Honourable the Railway Member, kindly state whether Government are aware that Bhatinda is a very big Junction Station and that the third class passengers' shed where the booking office is situated remains extremely overcrowded owing to insufficient accommodation?

(b) Are Government aware that the booking office at Bhatinda is opened shortly before the arrival or departure of the trains and that consequently passengers are constrained to pay 2 annas extra per ticket?

(c) Are Government aware that thefts are very frequent at Bhatinda Railway Station resulting in great loss and harassment to the travelling public?

(d) Are Government aware that the 2nd Class Gents' waiting room at Bhatinda has got quite insufficient accommodation and furniture and that 2nd Class passengers are consequently put to great inconvenience and trouble, specially in the winter season?

The Honourable Dr. John Matthai: (a) Yes Government are aware that the accommodation available in the Third Class Passenger Hall at Bhatinda station is not sufficient to cater to the increasing traffic and a scheme for enlarging the hall is under consideration by the N W Railway Administration

(b) No The Booking Office at Bhatinda station is open for all the twenty-four hours.

(c) Government are not aware of thefts being frequent at Bhatinda station

(d) So far as Government are aware, the accommodation and equipment provided in the Gentlemen's Second Class Waiting Room at Bhatinda are adequate and no complaints have been received that the travelling public using the room are put to inconvenience

DELAY IN TRANSMISSION OF AIR MAIL LETTERS FROM DELHI TO BOMBAY AND POONA

130. *Mr. Ahmed E. H. Jaffer: Will the Secretary of the Communications Department be pleased to state.

(a) whether Government are aware that letters posted in Delhi by airmail for Bombay and Poona take 4 to 5 days while ordinary letters posted in Delhi reach Bombay and Poona earlier than those posted by airmail;

(b) the causes of this delay in transmission of letters by airmail, and

(c) whether Government propose to investigate the causes of delay and see that necessary steps are taken to avoid further delay?

Sir Harold Shoobert: (a) The position is not as stated by the Honourable Member Owing to mistakes in sorting, however, stray letters do occasionally take longer than the scheduled time

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

(c) Causes of delay, when brought to notice, are thoroughly investigated and steps are taken to remedy the defects

RELAXATION OF CONDITIONS FOR OBTAINING LOAN FROM GENERAL PROVIDENT FUND ACCOUNT OF EMPLOYEES ON N. W. RAILWAY

131. *Seth Sukhdev: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that an employee in the subordinate service on the North-Western Railway can obtain a loan from his provident fund accumulations on certain conditions?

(b) Is it also a fact that the former condition of production of a medical certificate from a railway doctor for obtaining such a loan in case of sickness, has been relaxed recently by the North-Western Railway administration in favour of such a certificate from any registered Medical Practitioner?

(c) Are Government aware that the Divisional Personnel Officer Karachi, refuses to give effect to the relaxation of the rules referred to in part (b) above? If so, what action has been taken by the authorities in the matter?

(d) Do Government propose to lay on the table of the House a statement showing the number of cases in which the loans from Provident Fund have been refused at Karachi inspite of the amendment of the rules and the amount involved, during the period from 1st January to 31st August 1946?

(e) What steps are proposed to be taken to ensure proper application of rules and to mitigate hardship entailed on the railway staff in Karachi division?

The Honourable Dr. John Matthai: (a) Yes

(b) Yes, Government understand that the authority competent to sanction advances has been allowed by the General Manager the discretion either to accept a proper certificate from any registered medical practitioner or to refer it for advice to the Divisional Medical Officer, subject to the proviso that if an employee or any member of his family is known to be receiving treatment from a railway doctor, the application for an advance should be forwarded to the Divisional Medical Officer or Assistant Medical Officer for certification

(c) Government are informed that there is no truth in the allegation The latter part does not arise

(d) There has been no case, during the period referred to, in which a loan was refused for the reasons stated by the Honourable Member, but Government are informed that during this period four applications for advances were rejected as the Divisional Personnel Officer was not convinced that they were genuine cases of hardship, which condition had, under the Administration's general orders, to be satisfied when only a small portion of the previous advance had been repaid

(e) Does not arise, in view of the reply to parts (c) and (d)

GRIEVANCES OF VAN SORTERS ON THE N. W. RAILWAY

132. *Seth Sukhdev: (a) Will the Honourable Member for Railways be pleased to state whether his attention has been drawn to an article appearing in the *Railway Herald* Karachi, dated the 5th August 1946, in regard to the grievances of Van Sorters employed on the North Western Railway?

(b) Do Government propose to make a statement on the points raised therein and state what relief is proposed to be given to the employees concerned?

The Honourable Dr. John Matthai: (a) Government have seen the article referred to.

(b) These are matters of detailed administration which are within the competence of the General Manager, North Western Railway, and Government therefore do not propose to make a statement in this matter I understand, however, that the North Western Railway Administration is examining the points raised in the article on a memorial received from Van Sorters employed on that Railway.

MANUFACTURE OF NEWSPRINT IN INDIA

133. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether the sudden fall in newsprint supply necessitating a reduction in the quota allotted to newspapers early in December was due to difficulty in finding shipping space or to the success of other consuming countries in arranging with overseas producers for large supplies on competitive and attractive terms, and

(b) in view of the recurring crisis even after the war, whether Government propose to consider the feasibility of newsprint manufacture in this country?

The Honourable Sri C. Rajagopalachari: (a) There has been no sudden fall in the newsprint supplies early in December 1946 nor was there any reduction in the quota allotted to newspapers On the other hand the increases granted in August and September 1946 still continue It was expected that as a result of the efforts of the Newsprint Delegation which visited United Kingdom, North America and Scandinavian countries last year, there would be substantial improvement in the supply position of newsprint towards the latter part of 1946 The arrivals during the months of October to December 1946 however fell short of the estimates partly owing to delays in shipment

(b) The question of manufacturing newsprint in this country is receiving attention of Government but this could only be a long term measure The main difficulty is in securing ample supplies of suitable timber at a low price at localities where alone a mill could be expected to be set up

INCREASE IN THE *ex*-FACTORY PRICE OF SUGAR

134. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Secretary of the Food Department please state the reasons for immediate increase of nearly 33 per cent in the *ex*-factory price of sugar from Rs. 15-10 to Rs 20-14?

Mr. K. L. Panjabi: The *ex*-factory price of sugar was raised with effect from the 23rd October 1946 from Rs 16/10/- to Rs 20/14/- per maund mainly on account of increase in the price of sugar-cane from Re -/14/6 in Bihar and -/15/- in the U. P. to Rs 1/4/- per maund. The increase in cane price was necessitated by the fact that there was an appreciable fall in the area under cane and owing to the great disparity between its price and the prices of foodgrains and other agricultural produce

COMPETITIVE PRICE FOR JUTE

135. *Maharajkumar Dr. Sir Vijaya Ananda: (a) Will the Honourable Member for Industries and Supplies please state if Government are aware that America had recently put up its food prices to us by 25 per cent and Argentine Government had charged eight times the pre-war prices for its maize?

(b) Are Government aware that jute is an important hard currency earner?

(c) If the reply to parts (a) and (b) above is in the affirmative, do Government propose to consider the question of making our jute purchasers pay a competitive price for jute which besides helping our jute growers and providing us with more helpful means of fighting inflation, will enable us to utilize the foreign exchange thus earned for the most-needed imports of capital and essential consumer goods?

The Honourable Sri C. Rajagopalachari: The question should have been addressed to the Honourable the Commerce Member It has accordingly been transferred to the list of questions for the 13th February, when it will be answered by the Honourable the Commerce Member

RESTORATION OF A THROUGH CARRIAGE SERVICE BETWEEN LUCKNOW AND LAHORE

136. *Sjt. Seth Damodar Swroop: Will the Honourable Member for Railways please state if it is a fact that there used to be a through carriage attached to the Punjab Mail from Lucknow to Lahore in the pre-war days and that this service was later on withdrawn because of the war time difficulties If so, do Government now propose to consider the restoration of the service at an early date?

The Honourable Dr. John Matthai: Yes A through service carriage was run in pre-war days by the Punjab Mail between Lucknow and Lahore and the service had to be curtailed during the war period The Railway Administration are unable at present, to restore this service as the necessary stock is not available and the train is running with a full load, but it is intended to re-introduce the service as soon as conditions permit

NEW ARRANGEMENTS FOR WATER AT RAILWAY STATIONS

137. *Sjt. Seth Damodar Swroop: Will the Honourable Member for Railways please state

(a) whether Government are aware of the complaints in the Press that the new arrangement for water at Railway Stations is confusing and inconvenient, and

(b) whether Government are aware that the terms "General" and "Orthodox" are not intelligible to common man as any person belonging to any community can be orthodox and the term "General" is also not understandable to the public? If so, do Government propose to consider the question of displacing the two terms by some other words to be easily understood by the common man?

The Honourable Dr. John Matthai: (a) So far as the Government are aware Press criticism of the new arrangements has been negligible

(b) Government appreciate the difficulties inherent in the present nomenclatures and will shortly consider the possibility of adopting more suitable terms

APPOINTMENT OF A JUDICIAL OFFICER TO THE RAILWAY PUBLIC SERVICE COMMISSION

138. *Dr. Zia Uddin Ahmad: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the Railway Board has accepted the principle of creating Public Service Commission for the recruitment of railway personnel? In how many Railways such Commissions have already been appointed?

(b) Have Government decided to attach at least one Judicial Officer to each of these Commissions?

(c) Has the Public Service Commission been appointed in the East Indian Railway? If not, why not?

The Honourable Dr. John Matthai: (a) The reply to the first part is in the affirmative With regard to the second part, in addition to the Service Commission on the North Western Railway, which was appointed temporarily in 1942 and which has since been made permanent, it has been decided to appoint on a temporary basis for two years in the first instance Joint Service Commissions for the other Indian Government Railways as follows:—

(1) The B A and B N Railways Joint Service Commission with Headquarters at Calcutta;

(2) The G I P and B B & C I Railways Joint Service Commission with Headquarters at Bombay;

(3) The M & S M and S I Railways Joint Service Commission with Headquarters at Madras, and

(4) The E I and O T Railways Joint Service Commission with Headquarters at Lucknow

(b) Government have decided to appoint, wherever possible, a retired officer of judicial experience as one of the members of each of these Commissions

(c) As stated in my reply to part (a), Government have decided to appoint a Joint Service Commission for the E I and O T Railways The second part does not arise

THROUGH CARRIAGE SERVICE BETWEEN SECUNDERABAD AND MADRAS

139. *Dr. Zia Uddin Ahmad: (a) Will the Honourable Member for Railways be pleased to state whether the attention of Government has been drawn to the enormous difficulties of passengers between Secunderabad and Madras?

(b) Is it a fact that these passengers are required to change at Bezwada where it is almost impossible to find even seating accommodation?

(c) Do Government propose to advise the Nizam State Railway and Madras and Southern Mahratta Railway to restore through carriage Service between Secunderabad and Madras?

The Honourable Dr. John Matthai: (a) No

(b) Passengers who choose to travel by a train other than the one on which the through service carriage is provided, have to change at Bezwada, and it is quite possible in view of the present congestion in trains that passengers experience difficulty in finding suitable accommodation in connecting trains

(c) A bi-weekly through service carriage between Secunderabad and Madras was re-introduced from 1st March 1946 This was subsequently extended to four times a week and the question of making this a daily service with effect from the 1st March 1947 is now under active consideration by the Railway Administrations concerned

AIR SERVICE BETWEEN DELHI AND CALCUTTA *via* PATNA

140. *Mr. Madandhari Singh: (a) Will the Secretary of the Communications Department please state what steps are being taken to start an Air Service between Delhi-Patna-Calcutta?

(b) If none, do Government propose to take such steps to facilitate the starting of a regular Air Service between Delhi and Calcutta *via* Patna?

Sir Harold Shoobert: (a) and (b) It is intended to serve Patna by means of an air service operating, parallel to that which now links Delhi and Calcutta, with halts at Lucknow Benares and Patna, as soon as the route can be organised in accordance with the minimum standards required for safety

To meet the immediate urgent demand for an air service to link Patna with Delhi and Calcutta a recommendation has been made to the Air Transport Licensing Board that as an interim measure the present Delhi-Calcutta service *via* Cawnpore and Allahabad should include a scheduled halt at Patna As yet however, the Bihar Government aerodrome at Patna is not up to the standard required for the safe operation of Dakota aircraft Action is being taken to get it improved

SECRET SECTION IN FOOD DEPARTMENT

141. *Sree Satyapriya Banerjee: Will the Secretary of the Food Department be pleased to state

(a) whether there is a secret section in the Food Department, if so, (i) its functions, (ii) the number of officers and clerks employed in that section, and

(b) whether the officers employed in that section draw higher salaries than those engaged in other sections of the same Department?

Mr. K. L. Panjabi: (a) Yes, Sir.

(i) This Section handles secret and confidential papers

(ii) Secretary—1

Stenographers—3

Clerk *cum* typist—3

(b) The answer is in the affirmative

FOOD POSITION IN INDIA IN 1947

142. *Mr. Tamiruddin Khan: (a) Will the Secretary of the Food Department be pleased to state the food position in India for the year 1947?

(b) What is the estimated deficit, if any, in wheat and rice during the year and how is the situation proposed to be met?

Mr. K. L. Panjabi: (a) The Honourable Member is referred to the Memorandum on the food situation which has been circulated to Members of the Legislature at the commencement of the Session for an appreciation of the food situation at present and as it is likely to develop in the coming months. An estimate for the whole year 1947 cannot be made at present as a great deal depends as the Honourable Member will appreciate, on the outturn of the coming *Rabi*

(b) An accurate estimate of the deficit in wheat is not yet possible as there are still some months before the crop will be harvested. As regards rice, India was a net importer on an average of about 1·5 million tons before the war and taking into account the reduction in consumption over owing to the shortage conditions of last year, our deficit is well over two million tons. In order to meet this deficit Government will continue its efforts to import rice and other grains, and to distribute equitably the internal resources through intensive procurement and rationing.

ICE PLANTS AND COLD STORAGES RELEASED FROM THE MILITARY

143. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Honourable Member for Industries and Supplies please state how many Ice plants and Cold Storages have been released from the Military and handed over to the Directorate of Disposals for sale?

(b) What are the capacities of these Ice Plants and Cold Storages?

(c) Where are these Ice Plants and Cold Storages located?

(d) How many of these have been disposed of so far?

(e) How many of the remaining are still to be disposed of?

(f) What is the method of sale?

(g) Have any of these Ice Plants and Cold Storages been transferred to the Agriculture Department for preserving fish?

The Honourable Sri C. Rajagopalachari: (a) 13 ice plants and six cold storage plants from H M G and Indian military surpluses were reported for disposal but owing to a change in provisioning policy, 22 of the ice plants and all the six cold storage plants were withdrawn by the reporting authority, leaving only 21 ice plants for disposal. In addition, Food Department reported 500-cubic ft cold storage plants for disposal. Particulars regarding ice and cold storage plants from American surpluses are being collected, and will be furnished later.

(b) and (c) A statement is laid on the table.

(d) and (e) All the ice plants have been disposed of. Of the eight cold storage plants, one has been allocated to the Registrar of Co-operative Societies, U P for use at Benares in connection with milk scheme, and two have been sold to the Nizam's Government. The remaining five are awaiting disposal.

(f) These plants are disposed of in consultation with the Agriculture Department who recommend allocation, and consult the Provincial and Indian States Governments concerned when the proposed allocation is to a private party. Sales to priority buyers are made at book value, while to others at full market rates.

(g) One 4-ton ice plant has been taken over by the Agriculture Department for installation on a sea-going vessel for refrigerated transport of fish

1 ice plant of 20 ton capacity at Deolali
5 ice plants of 20 ton capacity at Lahore
2 ice plants of 8 ton capacity at Lahore.
6 ice plants of 4 ton capacity at Lahore
1 ice plant of 1½ ton capacity at Peshawa
6 ice plants of 9 cwt capacity at Lahore

FOOD PROCESSING INDUSTRIES IN INDIA

144. *Mr. P. K. Salve: (a) Will the Secretary of the Food Department be pleased to state whether Government have surveyed the possibilities of helping industries connected with food processing?

(b) How many such Industries exist in the country and where?

(c) Have Government installed any equipments, and if so, where, for carrying out researches in food processing? What is the cost of these equipments? What is the expenditure on the Research?

(d) Are Government carrying on researches in making *Maida* out of wheat to help the bakers and confectioners?

(e) Are Government rendering any help in the preparation of Semi-processed foods such as Corn flakes, pressed rice, puff-wheat etc ? If so, in what manner? What is the expenditure on this item?

(f) Are Government aware that all these food products are mainly used by the rich?

(g) Are Government aware that preparation of *Maida* is tantamount to destruction of the Food values in the Cereals?

(h) Do Government propose to consider the advisability of calling a halt to its programme of putting food-processing on the map"?

Mr. K. L. Panjabi: (a) Yes, factual surveys have been made by the Food Department in order to enable plans to be prepared for the improvement of all food industries, other than the fruit and fish industries for which the Agriculture Department is responsible

(b) A statement indicating the location of the more important units of these industries is placed on the table.

(c) Government has set up a Laboratory in the Food Department for research in Food Processing Its equipment has cost about Rs 25,000 The monthly recurring expenditure including salary of personnel is about Rs 1,500

(d) The reply is in the negative

(e) No assistance financial or otherwise has been given

(f) Yes

(g) It is a fact that in the course of preparation of *maida*, certain food values are lost

(h) No, Sir Processing of food is a stage in production designed to give storage life to food By preventing wastage it stimulates production of foodstuffs and provides a steady market for them Planning has been undertaken to regulate industries which have grown up during the war so that they can produce a wholesome and cheap article capable of replacing imports which have commenced after the end of the war

S. No.	Industry	Number of factories in India	Location	
1	Sugar Products, Confectionery, etc.	30	U. P.	15
			Bihar	6
			Bombay	4
			Madras	1
			Sind	2
			Punjab	1
			Bengal	1
2	Chocolate and Cocoa powder	3	Bombay	3
3	Starch	8	Bombay	1
			U. P	2
			Punjab	2
			Baroda	2
			Hyderabad	1
4	Liquid glucose	3	Bombay	1
			Punjab	1
			U P.	1
5	Golden Syrup	5	Bombay	1
			Bihar	1
			U. P.	3
6	Edible colours and Flavours	2	Punjab	1
			Delhi	1
7	Rennet	1	Bombay	1
8	Canned meat	2	U P.	2
9	Gelatine	1	U. P	1
10	Vitamins	2	Bombay	1
			Baroda	1
11	Shark Liver Oil	5	Bombay	1
			Madras	1
			Travancore	1
			Sind	2
12	Salt refined	8	Sind	3
			Punjab	4
			Bihar	1
13	Sauces, Pickles and Chutney	14	Delhi	1
			Punjab	3
			Bombay	2
			Madras	1
			Bengal	4
			U. P.	1
			Kashmire	2
14	Malt	1	Punjab	1
15	Yeast Extract	2	Madras	1
			Bihar	1

S. No.	Industry	Number of factories in India	Location	
16	Aerated Water	15	Bombay	9
			Bengal	6
17	Bakery Products	14	Bengal	3
			Bombay	8
			Delhi	2
			Sind	1
18	Breakfast food	11	Bombay	1
			Punjab	2
			Bengal	3
			U P	2
			Delhi	2
			Orissa	1
19	Flour Milling	116	Bengal	20
			Bombay	12
			Sind	6
			C P	1
			Indian States	9
			U. P.	18
			Punjab	42
			Madras	5
			Delhi	3
20	Biscuits	20	Bengal	4
			Delhi	1
			C P.	1
			Sind	5
			Bombay	5
			U. P.	1
			Punjab	2
			Patiala State	1
21	Cashew Nut	49	Madras	35
			Bomboy	14
22	Ice Cream	4	Bengal	1
			Bombay	1
			Delhi	1
			U. P.	1
23	Cheese	2	Bombay	1
			U. P	1
24	Milk Products	3	Bombay	3
25	Butter	13	Bombay	5
			Punjab	1
			U. P.	5
			Delhi	2
26	Margarine	2	Delhi	1
			Bombay	1
27	Oil Salad	9	U. P.	1
			Bombay	4
			Bengal	2
			Madras	2

S. No.	Industry	Number of factories in India	Location	
28	Edible Oils	83	U P .	22
			Bihar	11
			Hyd rabad State	4
			Sind	3
			Bengal	5
			Bombay	17
			Punjab	6
			C P	7
			Delhi	8

SUPPLY OF MILK AND SLAUGHTER OF CATTLE FOR THE MILITARY.

145. *Mr. P. K. Salve: (a) Will the Secretary of the Agriculture Department please state how many bullocks, cows and calves are being slaughtered daily for supply to the Military?

(b) What steps have Government taken to improve both the number of milk-yielding animals as well as the breed of cattle?

(c) Is it a fact that Government have been breeding bulls which would give large sized bullocks for draught purposes?

(d) Are Government aware that these large sized bullocks are useful to the Military, and that they are beyond the means of the millions of small farmers who cannot afford to feed such huge animals?

(e) Are Government aware that the bulls they have supplied from the cattle farms for the increase of supply of milk have resulted in decreasing the milk-yielding quantity of the progeny in the country side in favour of producing large bullocks?

(f) Are Government aware that the Milk Sub-Committee of the Policy Committee on Agriculture have recommended the establishment of milk collecting and processing Centres and Special Cold Storage and Railway Transport Facilities?

(g) Do Government propose to take steps to see that the milk obtained from the country side is a definite surplus over and above the needs of the producers and their families?

Sir Pheroze Kharegat: (a) and (b) Statements giving this information were placed on the table of the House in reply to parts (b) and (e) respectively of question No 147 by Mr Manu Subedar on 11th February 1946 Since then the number of cattle slaughtered has been steadily decreasing and the Central Government have been sanctioning funds to help the Provinces in carrying out the necessary schemes, including the procurement and supply of cattle feeds to deficit areas at subsidised rates

(c) The Provincial Government farms have been producing improved bulls of the breeds found in the Provinces, except in the case of Bengal where breeds from other Provinces have been introduced in an effort to grade up inferior local stock

(d) Government are aware that large sized bullocks may not be suitable for certain regions

(e) No such complaints have been received by Government

(f) Yes, Sir.

(g) This is normally the policy and only milk surplus to the needs of the local population is taken for the towns Many Cooperative Milk Unions have made it compulsory in their bvelaws for the members to retain a certain quantity of milk produced for their domestic use.

MANUFACTURE OF VANASPATI GHEE.

146. *Mr. P. K. Salve: (a) Will the Secretary of the Food Department please state whether it is a fact that the Vanaspati Ghee manufacturing industry is receiving encouragement from Government?

(b) How many licences have been granted during the last ten years for the manufacture of this article? How many such factories exist to-day? What quantity is produced at present?

(c) Are Government aware that Vanaspati Ghee has been proved to be indigestible and without any advantage over the common oils produced by Trees?

(d) Are Government aware that this oil is sold in the market by the name and style of Ghee?

(e) Are Government aware that the shifting of the demand from pure ghee to Vanaspati is dealing a death blow to the Dairy Industry?

(f) Do Government propose to set up a body of experts to analyse the food value of Vanaspati Ghee and inform the public about its effects on the public health?

Mr. K. L. Panjabi: (a) Government assisted the construction of Vanaspati factories during the war

(b) (i) 37 licences were granted for import of machinery No licence is required for manufacturing vanaspati

(ii) 22 factories are in existence and produce about 1,45,000 tons annually

(c) Vanaspati having a melting range of 31-37°C which the Government is now enforcing is not indigestible It has no nutritional advantage over the common edible oils but its keeping quality is much better and its acidity is very low not exceeding 0·25 per cent as compared with the acidity of raw oil which may range from 2 to 50 per cent

(d) No, Sir Vanaspati is not sold as ghee It is compulsory that Vanaspati containers should be labelled as Vanaspati and not as ghee Vanaspati can not be sold in the same premises with ghee

(e) Vanaspati is usually purchased by those who cannot afford to use milk ghee

(f) This has been done

BISCUIT MANUFACTURE IN INDIA

147. *Mr. P. K. Salve: (a) Will the Secretary of the Food Department please state how many biscuit factories exist today in (i) the British Provinces and (ii) the Indian States?

(b) How many of them have sprung up in the last six years?

(c) What quantity of wheat and other cereals are consumed by these factories?

(d) Are Government aware that biscuit making reduces the availability of food materials to the poor and adds to the luxury of the rich who are usually the consumers of biscuits?

(e) Do Government not propose to consider the advisability of stopping biscuit production as long as there is deficiency in food?

Mr. K. L. Panjabi: (a) There are 20 large factories in India of which 19 are situated in British Provinces and one in Patiala State

(b) Four

(c) 2,138 tons of wheat was supplied by the Central Government to six factories during 1946 Supplies have not been made since the 15th November, 1946 on account of the shortage of wheat The remaining factories obtain their own supplies in quantities which are not known

(d) The consumption of biscuits is not confined to the rich and the allocation of wheat required is too small to affect the position of annual supplies required for ordinary food

(e) In view of the capital invested and the labour employed in these factories Government do not intend to stop production of biscuits, if supplies can be found without materially affecting the requirements of wheat for ordinary consumption

WANT OF INDIAN REFRESHMENT ROOM AT KHANDWA JUNCTION.

26. Seth Govind Das: Will the Honourable Member for Railways be pleased to state

(a) if Government are aware that there is no good Indian Refreshment Room on the platform at Khandwa Junction,

(b) if Government are aware that Khandwa is a big junction and that most of the passengers passing through the station need food of Indian style readily available at the platform,

(c) if Government are aware that the present Indian style food stalls are far away from the platform and near the public latrines and are quite unsuitable for the use of passengers especially during rains, and

(d) if Government propose to consider the advisability of shifting these food stalls to the platform?

The Honourable Dr. John Matthai: (a) Yes A proposal for the construction of an Indian Style Refreshment Room is, however, already under consideration in the programme of works for the year 1948-49

(b) Yes

(c) The existing food stalls are about 30 yards away from any latrines and are adjacent to the third class waiting hall in view of the convenience this affords to the greater proportion of passengers requiring refreshments There are, in addition, subsidiary tea stalls on the platforms and food for the convenience of passing passengers is brought from the food stalls to the tea stalls in advance of the arrival of trains Although existing arrangements could be bettered, they are not unsuitable for the use of passengers even during the rains

(d) The provision of improved food stalls and tea stalls is also under consideration and Government do not consider that the temporary expedient of moving the main food stalls from their present location would serve any useful purpose

CONSTRUCTION OF TUBE-WELLS IN THE CENTRAL PROVINCES.

27. Seth Govind Das: (a) Will the Secretary of the Agriculture Department please state if the Central Ground Water Section in the Agriculture Department which has been formed to assist in and co-ordinate the Provincial and State efforts for construction of tube-wells has received any request for help in the construction of tube-wells from the Government of the Central Provinces?

(b) Has any help in the form of subsidies been granted to the Government of Central Provinces in this connection?

(c) Do Government propose to explore the possibilities and potentialities of ground water in the Northern Districts of the Central Provinces where crops depend solely on the vagaries of rainfall?

Sir Pherozе Kharegat: (a) No such request has been received

(b) The offer of subsidies has been made to all provinces but no request for a subsidy has been received from the Central Provinces

(c) The C P Government consider that the information at their disposal does not warrant the formulation of any schemes for tubewells

However, the Central Ground Water Section which is concerned with the exploration of the possibilities of constructing tubewells in different parts of India will look into the possibilities of tubewells in the C P as soon as its immediate preoccupation with tubewells for the G M F campaign is over

SHORTAGE OF POSTAL FORMS.

28. Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Communications Department be pleased to state

(a) whether Government are aware that there is acute dearth of postal forms, such as acknowledgment receipts, telegram forms, etc , and

(b) if so, the reasons for such shortage and the steps that are being taken by Government for remedying the same?

Sir Harold Shoobert: (a) Government are aware that certain postal forms have been in short supply in some Circles

(b) Government Presses at Ahgarh and Calcutta are the normal sources of supply of forms to P & T Offices Owing to labour trouble and press strikes in the middle of March last, which lasted about nine weeks at Calcutta and 12 weeks at Ahgarh, there was no output of forms from the Government presses during that period Further, the postal strike in July last and the subsequent civil disturbances in Calcutta, Bihar and United Provinces disorganised the machinery of supply to a great extent The recent restrictions on booking imposed by Railway Authorities due to coal shortage have also affected the movement of forms from one place to another To meet the immediate needs, arrangements have been made for the printing of essential forms locally and also for the transport of forms

USE OF RAILWAY LINES CONSTRUCTED FROM JUBBULPORE STATION TO CENTRAL ORDNANCE DEPOT, JUBBULPORE FOR CIVIL INDUSTRY

29. Seth Govind Das: Will the Honourable the Railway Member be pleased to state

(a) whether Government are aware that a huge net-work of railway lines has been constructed from Jubbulpore station to Central Ordnance Depot Jubbulpore and Ordnance Factory, Khamaria,

(b) whether Government are aware that most of these lines, especially those going upto Ordnance Factory, Khamaria, are lying idle and that there is little chance of their being used during peace time, and

(c) if so whether Government propose to give facilities for using these lines for civil industry if any such demand is forthcoming?

The Honourable Dr. John Matthai: (a) Yes

(b) and (c) The activities in some of the sidings have decreased as a result of the termination of the War Some of the sidings are under the administrative control of the Defence Department and some under the Department of Industries and Supplies The necessary information is being collected from these departments and will be laid on the table in due course

PROPOSED SALE OF ORDNANCE FACTORY KHAMARIA NEAR JUBBULPORE.

30. Seth Govind Das: Will the Honourable Member for Industries and Supplies be pleased to state

(a) if any negotiations are being carried on by the Government of India with big industrialists to sell the Ordnance Factory Khamaria near Jubbulpore,

(b) if so, whether these negotiations are likely to mature in the near future; and

(c) if so, what are the terms on which the sale would be effected?

The Honourable Sri C. Rajagopalachari: (a) No The Factory is not available for disposal

(b) and (c) Do not arise

SCHEMES OF IRRIGATION PROJECTS IN BENGAL

31. Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Department of Agriculture be pleased to lay on the table of the House a statement giving the information about the exact amount spent or proposed to be spent by the Provincial Government and the number and description of the schemes of irrigation projects in Bengal which was called for from the Bengal Government as stated in answer to my unstarred question No 37 of the 6th November 1946?

(b) Whether the Schemes are selected by the Government of the province or they are adopted after previous consultation with the Government of India?

(c) What steps are taken by the Government of India to see that the schemes sent up by the Government of Bengal or by the Government of any province do not represent sectional or parochial interests and that such schemes have the general approval of the people of the connected places and also of neighbouring places?

Sir Pheroze Kharegat: (a) A statement is laid on the table

(b) The schemes are selected by the Government of the Province and accepted by the Central Government as qualifying for grants

(c) The Government of India have full confidence in Provincial Governments that the schemes they put up are not of sectional or parochial interests and are solely designed to produce more food Grants are sanctioned solely on the basis of their "Grow more food" value

Statement showing particulars of Bengal Emergency Irrigation Schemes sanctioned during 1946-47 (up-to-date)

	Subsidy sanctioned by Government of India
Construction at Khankradet in the 24 Parganas	3,615 0 0
Improvement of drainage congestion of Bowanipur, Sukdebpur in the 24 Parganas	21,250 0 0
Improvement of Nila Khal in the 24 Parganas	6,165 0 0
Improvement of Satpukur Khal in 24 Parganas	46,966 8 0
Improvement of Kholakhat Khal in 24 Parganas .	24,538 0 0
Kulgachi Bil drainage scheme in 24 Parganas . .	21,072 8 0
Constructing embankment along Jalalpur Khal in Basirhat Sub-Division in 24 Parganas	550 0 0
Re. excavation of a Khal from Bil Malat to Chitra River in Dt Jessore	3,200 0 0
Gorali Bil project in Dt Jessore . .	9,800 0 0
Re. excavation of a Khal for drainage of Bhur Churia in Jessore	9,650 0 0
Drainage of Kachna Bil in Jessore Distt . . .	8,000 0 0
Re. excavation of Nalua river in the Distt Khulna . .	1,350 0 0
Construction of box sluices over the Kalabaria and other Khals in Distt Khulna.	700 0 0
Drainage of Ramchandrapur mouzas in Distt. Khulna .	1,050 0 0
Providing box sluices over Mokam Khat Khal Distt. Khulna.	262 8 0
Reclaiming Morgang from river Bhola to Karakhali in Distt. Khulna.	21,500 0 0
Re-excavation of a cut from Padma Bil to River Kumar in Distt. Jessore.	3,150 0 0
Re-excavation of Royra Khal for drainage in Distt. Jessore.	16,313 0 0

Name of Scheme	Subsidy sanctioned by Government of India
Re-modelling the Chatra Circuit embankment in the Howrah Distt.	42,854 8 0
Re-excavation of the Dest Khal in P S Arambagh Distt. Hooghly.	24,888 0 0
Re. excavation of the Kedarmati Khal in the Hooghly Dist	43,311 8 0
Re-excavation of the Bhoger Khal in the Howrah Distt. .	5,824 8 0
Re excavation of the Raja Nagar Lalitakuri Drainage channel in the Murshidabad Distt	50,588 8 0
Re-excavation of Baultali Khal in Faridpur Distt . .	37,500 0 0
Re-excavation of a Khal in Faridpur Distt- . . .	23,750 0 0
Re-excavation of Pona river in Bakarganj Distt.	4,000 0 0
Re excavation of Pancha Karan Khal in Bakarganj	4,000 0 0
Re excavation of Kalaiah Khal in Bakarganj Distt	6,000 0 0
Re excavation of Nabagram Bilgona in Bakarganj Distt	6,000 0 0
Re excavation of Patarhat Dundpur Khal in Bakarganj	16 000 0 0
Re excavation of Mahat Kandi Khal in Bakarganj Distt	12 500 0 0
Re excavation of a channel from Tangaon river in Malda Distt	23,803 8 0
Re-excavation of Khal from Mathbaria towards Balash Bar in Bakarganj Dis rict	22,500 0 0
Re excavation of Bamnali Khal in Pabna District .	7,199 8 0
Re excavation of the Subal Khal in Bogra District	14 009 0 0
Re-excavation of Kumaja Khal in Chittagong District	33 550 0 0
Chapai Sankarpur drainage scheme in Malda Distrct	15,656 0 0
Abra Bil drainage scheme in Dinajpur District	8 683 0 0
Kalthan Bil drainage scheme in Malda District	15 686 0 0
Re-excavation of Jalmala Canal in Rajshahi District	22 802 0 0
Re excavation of a Khal in Mymensingh Distrct	14,494 0 0
Re excavation of Anubanal in Rajshahi Distrct	2 565 8 0
Re excavation of the Solatopa Khal in Midnapur District	98 765 0 0
Re-ex avation of the Ghatina Khal in Pabna District	57 472 0 0
Re-ex avation of the Chandreswar Khal in Midnapur Dis trict	71,149 0 0
Baishabnagar Chakshardi Bil drainage scheme in Malda District	18,120 0 0
Re excavation of the Haludghar Jola in Pabna Dis rict	18,120 0 0
Ubdi river scheme in Burdwan .	18,566 0 0
Salki Ulkanda embankment of More river in Birbhum District	30,056 8 0
Re-excavation of Datora Khal for drainage of Monhali Bil	5,314 8 0
Re-excavation of Khal in Dacca Distt .	1,500 0 0
Re-ex avation of a drainage Khal B l areas in Da ca Distt.	24 568 8 0
Re-excavation of the Sema Khali Khal in Mymensingh District	18,929 0 0
Construction of a sluice in connection with the Pakundia Drainage Sch me	8 529 0 0
Silt clearance scheme in Distt. Mymensingh .	35,793 8 0
Re-excavation of the Barai Khali Khal from Panan Bil to the Kanchanatia river	35,526 8 0
Re-excavation of the Rakhali p s Boalkhal Distt Chittagong	13 465 8 0
Re excavation of a Khal from Godai river to Naroda river Distt Rajshahi.	8,653 8 0

Name of Scheme	Subsidy sanctioned by Government of India
Re-excavation of a canal from river Mushekhan to Bil Kanta.	7,372 0 0
Re-excavation of Nandangachi Canal	7,000 0 0
Re-excavation of Kanta Khali Channel from river Ganges to Bil Chara	9,627 8 0
Re-excavation of Someshpur Khal	36,792 8 0
Re-excavation of the Somesh hari river and the Nalar Khal in the Distt Tipperah	23,062 0 0
Drainage of the Magura and other Bils in the Distt of Jessore	1 17,285 0 0
Re excavation of Rahamat Khali Khal and Keraba Khal in the Distt of Noakhali	4,79,281 8 0
Reclamation of the Nonagong in the Distt of 24 Parganas	5,77,781 0 0
Scheme for constructing marginal embankment from Mahjbari to Burrighar in P S Sadharam	9,678 8 0
Scheme for reclamation and drainage of Sonda Bil into Kulik river in P S Rajnagj	14,313 8 0
Scheme for reclamation and drainage of Dhoolar and Bhandar Bils into Gamari river in P S Kalinganj.	24,500 0 0
Scheme for reclamation and drainage of Kalna, Khalisa and Dodra Bils into Bala Khari (Khal) in P S Khaliganj	14,985 0 0
Scheme for re-excavation of Bhomra Khal (from South of Dilar Kandi to Nur or a Khal near Ramchandrapur in P S. Khanakul)	44,461 8 0
Improvement of Dhalbari area in the District of Midnapore	14,500 0 0
Making drainage cut from Tepa Khal at Jodupur to the Dobaty Channel at Baradapar in the District of Midnapur	30,064 8 0
Re-excavation of the Khal from Bamandanga Bil to the old loop of Dudkumar river	11,977 8 0
Re-excavation of the drainage channel from Nirasi pagla and other adjoining Bils.	24,075 0 0
utting a drainage channel from Naodanga and other adjoining Bils to the River Fulkumari	7,689 0 0
Cutting a channel to drain out to the Selagr and Barui Bils	9,668 0 0
Cutting a drainage channel from Singimari Bil to the river Kharkhara	24,906 8 0
Reclamation and drainage of Kalas Bil into Lachi River	15,832 0 0
Draining out the Sahar and Khalar Bils . .	6,519 8 0
Barashila Bil drainage scheme	31,551 8 0
Jampoi Irrigation scheme from the deed loop of the Mal river.	10,168 0 0
Constructing a bund in Dolachala Bil	5,577 0 0
Drainage of the Mahshabhagan and Barshati Bils in the District of Rajshahi	39,755 0 0
Re-excavation of a drain (Bairagir Daura) from the Kantakhali Khal in Rajshahi District	21,113 0 0
Re-excavation of the Narayanpur Khal in the District of Bakarganj	14,173 0 0
Improvement of Lonka and Pona Bil in District Tipperah .	9,106 0 0
Re-excavation of drainage Khal from Sukhati and Nasai Bil.	44,493 0 0
Re-excavation of a drainage channal from the Narulai Bil to the Kantakhali river	28,406 0 0
Irrigation scheme in Alipur Duars Tahsil for irrigating	20,233 0 0

Name of the Scheme	Subsidy sanctioned by the Government of India
Excavation of a channel from Lohagara channel to Cazaria Khal known as Velirjar in P S Sheria Kandi	17 518 0 0
Drainage cut from villages Islampur to Iramati river in P S Dubchanchia	16 425 4 0
Excavation of Jubilee canal in Natore Sub division	45 604 8 0
Drainage of the Rab tadahal bil	22 231 8 0
Re-excavation of the Kankri river in the district of Tippera	21,624 8 0
Re excavation of a Khal for drainage of bil areas near Tejgaon in District Dacca	22,949 0 0
Re excavation of a Khal from the Nasamolla bil to the Arial Khan river in P S Raipur in Dacca District	9 497 8 0
Re excavation of a Khal for drainage of the Badra bil in P S Dulitpur District Dacca	17 577 8 0
Re excavation of Rastampur Khal in P S Faridganj in Tipperah	41 000 0 0
Silt Clearance of the Kalabaria Khal in Midnapur District	46,401 0 0
Re ex avation of Balior Khal in P S Phulbaria District Mymensingh	5 798 8 0
Ranpur Kalganj silt learan e s heme in P S Haris handrapur District Malda	1 038 0 0
Reclamation and drainag of Kumargari Forasdanga and Fatejanpur Bil into a Nullah of Ichhamati river in P S Chiritbhandar Dinajpur	4 000 0 0
Dhangora Irrigation Sch me	2 799 0 0
Constru tion of a bund between 2 villages in P S Sherpur, District Mymensingh	44 732 0 0
Re ex avation of Kamaldang Khal in the District of Tippera	1 255 0 0
Re excavation of Sajirpur Khal in the District of Tippera	742 0 0
Re ex avation of Sadipur Khal for drainage into Gazria river in P S Sialgunj in District of Bogra	3 528 0 0
Re lamation and drainag of Sitanala Jole Debridola and Khe hnadola in the District of Dinajpur	33 51 0 0
Total .	32 33,740 8 0

SALE OF MOTOR VEHICLES BY GOVERNMENT

32 Mr. Sasanka Sekhar Sanyal Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether his attention has been drawn to the allegations made in the press and otherwise that quite a huge number of motor vehicles were sold to a firm at a price which is much lower than the price at which this firm has been selling such vehicles,

(b) whether Government have made any investigation into the matter

(c) what are the prices at which Government sold and what are the prices at which this firm has been selling

(d) the method adopted for selecting the purchasers with a view to ensuring that Government were getting the fairest possible price in the open market, and

(e) whether Government propose to state their position in the matter?

The Honourable Sri C. Rajagopalachari: (a), (b) and (c) Yes, Sir, the allegations were noted and I had occasion to look into the matter and I was fairly satisfied there was no ground for thinking that the party had made great profit in this deal As a matter of fact the party wished to be released and was prepared to pay ten lakhs by way of damages to Government but I did not think it would be wise to accept that offer and release him All vehicles in the Moran Depot in Assam were sold to the firm for Rs. 1,80,00,000, a further 1,000 vehicles in Calcutta for Rs 62,00,000 and all unsold U S. surplus vehicles and trailers in certain Depots in the Eastern Zone for Rs 2½ crores. In addition the Company purchased U S spares and a re-conditioning plant. Government are unable to furnish information about the prices at which the firm has been selling these vehicles

(d) The deal was concluded by negotiation, after offers by other parties had been considered, and the sale price realised was reasonable both to the purchaser and the Government having regard to the condition of vehicles and the organisation and work involved in marketing them

(e) Government's position is stated in the replies to parts (a) to (d) of the question The disposals enquiry committee is likely to have gone into this case fully and will probably refer to it when they give us their report.

HOUSE COMMITTEE

Mr. Deputy President: I have to inform Honourable Members that the Honourable the President has re-nominated the following Members to constitute the House Committee for the year 1947:—

12 NOON

1 Khan Muhammad Yamin Khan (Chairman).
2 Shrimati Ammu Swaminadhan
3 Mr Ananthasayanam Ayyangar
4 Khan Abdul Ghani Khan
5 Mr Mohan Lal Saksena
6. Mr Ram Narayan Singh
7. Dr. Ziauddin Ahmad
8. Haji Abdus Sattar Haji Ishaq Seth
9 Mr Muhammad Nauman
10. Mr C P Lawson
11. Sir Cowasji Jehangir
12. Sardar Mangal Singh

POINT OF ORDER *RE* RESOLUTION *RE* RELEASE OF INDIAN NATIONAL ARMY MEN AND POLITICAL PRISONERS.

Shri Mohan Lal Saksena (Lucknow Division. Non-Muhammadan Rural). I rise to a point of order I find that in today's agenda paper the Resolution regarding the release of I N A., the discussion of which was adjourned to this Session, is not entered If you refer to the proceedings . .

Mr. Deputy President: I understand from the Secretary that no notice was received and although it was balloted it did not gain precedence

Shri Mohan Lal Saksena: Let me make a submission, Sir. Para 27 relates only to the business that is entered in the agenda but is not taken up But this is a part discussed question and it was decided unanimously by this House that it should be taken up for further discussion during this Session. So my submission is that it should have automatically found the first place on today's agenda

Pandit Govind Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): May I make a submission about this as the Resolution stood in my name? As it is, paragraph 152 on page 29 of the Manual of Business and Procedure lays down that

"When a resolution has been moved no resolution or amendment raising substantially the same question shall be moved within one year."

That having been there, this motion which was made by the Honourable the Finance Member on the 8th of November last moving that further discussion of this Resolution be adjourned to the next Session and which was supported by the Honourable the Home Member could only contemplate that this Resolution would be taken up at the next Session because if it had been contemplated that under the ordinary rules further consideration of this Resolution would lapse and fresh notice would have to be given then the motion would not have been there. All that would have been required would have been to say that the consideration should be adjourned. As it is the motion was that the consideration should be adjourned to the next Session. In other words, the Assembly that day by passing this Resolution gave a directive that the matter should be taken up, and I submit therefore that further consideration of that Resolution should come up on the list of business for the day automatically. Firstly, it could not have been considered as having been concluded; secondly, it could not have been considered as having lapsed; and thirdly, in view of this Rule there could have been no question of fresh notice being given of it within one year during which period this Session was known to meet. Therefore if the Resolution had not said that the consideration of it should be postponed to the next Session which would have been within the year, then this rule might have applied, but since that was done neither of the three things will apply to this Resolution and the only inference which can be drawn is that the House on that day was of the opinion that further consideration of this Resolution should take place but that it should take place during this Session. Now in this session this is the first day on which non-official Resolutions are to come. I admit that it was possible for the Government since they had proposed that motion and the House had adopted it, to put that Resolution down even on any other day, but since it has not been done till today and today is the day fixed for non-official Resolutions and the Resolution is still pending before this House which by the unanimous vote of this House has been postponed for consideration to this Session, I submit that all Standing Orders and Rules will be superseded by the unanimous decision of the Assembly on that day and we should first take up the consideration of that Resolution and only after it has been concluded can we go on to the next item on the agenda.

Mr. N. M. Joshi (Nominated Non-Official): I think no Resolution of this Legislature can override the rules for the business of the Assembly. It is therefore wrong to say that because on the motion of the Honourable the Finance Member the House unanimously agreed to postpone the discussion of a Resolution till the next Session that a Resolution so postponed gets a precedence over the rights of the other private members. If we once allow a postponement of this nature by resolution, even a unanimous decision, the rights of private members will suffer. They have a right to put their resolution in the ballot and if they get precedence in the ballot no resolution of this House can override the rules.

Pandit Govind Malaviya: It was an unconcluded discussion.

Mr. N. M. Joshi: If it was unconcluded for want of time, then only you get precedence, under no other circumstances. If the House agreed on the motion of the Finance Member to postpone further consideration of this Resolution, it is the business of the Finance Member to find time for it. How can you encroach upon the time of the private members to suit the convenience of

the Honourable the Finance Member I think it will be very wrong on our part to allow the private members rights to be thus superseded on the request of the Finance Member even by the unanimous voice of the House.

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Ru), May I say that my Honourable friend, Mr Joshi, has misunderstood the position There is no attempt by the House to override the present Standing Orders The two Standing Orders which are relevant to the situation are No 7(a) and No 9 Standing Order No 9 refers to lapsing Inasmuch as this matter was under discussion, there was no question of notice being given nor of the notice lapsing The other Standing Order, namely 7A, lays down that

"The relative precedence of notices of Bills given by non-official members shall be determined by ballot to be held, in accordance with the procedure set out in Schedule I,

But so far as this particular resolution was concerned, there was no necessity for a fresh notice inasmuch as it was under discussion Therefore no notice is necessary It was the business of the Secretary of the Assembly to put this item as first on the agenda for the day of non-official business which is set down for discussion of resolutions

Mr. N. M. Joshi: That is a further question

Sjt. N. V. Gadgil: There is a provision in the same Standing Order by resort to which this apparent deadlock can be solved It lays down—

"Provided that the President may, from time to time make such variations in the said procedure as he may consider necessary or convenient"

In view of the unanimous decision of the House, it is open to you to vary the procedure to get over the present difficulty

Shri Mohan Lal Saksena: I would like to draw your attention to paragraph 27 Here it is said that—

"Non-official business set down for any day and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day

"Provided that, notwithstanding anything contained in standing orders 7A and 7B, any such business which has been commenced shall be set down for the next day allotted to business of that class and shall have precedence over any other business set down for that day"

So that resolution should have been set down for this day and as the Secretary has pointed out that it was balloted but did not come out in the ballot, even then under para 26

"Unless the President otherwise directs, not more than five resolutions (in addition to any resolution which has been commenced on, and is outstanding from a previous day) shall be set down in the list of business for any day allotted for the disposal of non official resolutions."

So this resolution was discussed and it should have been at least put down on this order paper today and it would have been open to this House to take this question in priority to other resolutions

As regards Mr Joshi's contention, we should remember that although the motion was made by the Finance Member, it was to accommodate a non-official member He did so because Govind Malaviya was absent due to the illness of his father Therefore the House decided that the question should be postponed to this session It is not that official members want to take undue advantage

My submission is that this resolution should have been set in the order paper as the first item on the agenda but even if the contention of the Secretary is accepted, it should have been set on the agenda paper in addition to the five resolutions.

Mr. Deputy President: This is really a complicated matter. I would like to read out to the House a note which was put up by the Secretary before the President, and it is within the province of the President to order anything to be added to the agenda or not The Secretary put up this note and got the decision of the President

Shri Mohan Lal Saksena: If there is something which has been done by the President, I may submit that if you do not feel in a position to give a ruling just now, then it might be adjourned to the next non-official day when the President is here so that we may take up the question with him

Mr. Deputy President: I will read to the House the note which was put up by the Secretary

Prof. N. G. Ranga (Guntur cum Nellore Non-Muhammadan Rural): On a point of order

Mr. Deputy President: Order order There can be no point of order at this stage This is the note

The first item in the list of business for the 8th November, 1946, was a part discussed resolution by Pandit Govind Malaviya recommending to the Governor General in Council to give up the trials of officers of the Indian National Army and to release immediately all men and officers of the Indian National Army as well as all other political prisoners under detention or imprisonment

After this resolution was taken up for further discussion, the Honourable Mr Liaquat Ali Khan moved an amendment to the effect that further discussion of this resolution be adjourned to the next session and the motion was adopted by the House

It has been ruled that proviso to Standing Order 9 only applies to part-discussed resolutions which are outstanding at the end of the day It is, therefore, obvious that this resolution cannot now be put down as the first item on the list of business for the first non-official day in the ensuing budget session

It is, however, clear that effect must be given to the decision of the House The non-applicability of the proviso to Standing Order 9 to this particular resolution only amounts to this that it cannot gain the first place in the list of business automatically, but must stand its chance with other resolutions in the ballot

The question for consideration is whether in the case of a resolution which is adjourned on a motion made in the House to the next session it is necessary that there should be an authority to ballot from the mover of the resolution before the ballot officer can include the resolution in the ballot As I stated earlier the decision of the House must be given effect to, and if the matter were dependent upon the intention of the mover of the resolution he could nullify the decision of the House by instructing this Department not to include the resolution in the ballot or by just remaining silent over the matter In the present case after the motion for adjournment of discussion was adopted, a telegram was received from Pandit Govind Malaviya asking for leave to withdraw the resolution It is, therefore, clear that Pandit Govind Malaviya has no intention of proceeding with this resolution, and has therefore given us no instructions in this matter If the request for withdrawal had been made by Pandit Govind Malaviya himself in the House, it could only have been granted with the unanimous consent of the House It is, therefore, clear that Pandit Malaviya's wishes in this matter are not relevant for the decision of point

The point is simple and clear The House on a motion adjourned the discussion to the next session Under the standing orders the resolution cannot now be put down as the first item in the list of business The adoption of the resolution by the House, however, carries with it the necessary implication that the resolution must be included in the ballot for the next and succeeding days for non-official resolutions during the next session; and if it is successful in securing a place, it must be included in the list of business for the relevant non-official day for resolutions

This is a case of first impression and the earlier precedents on the subject provide no authoritative guide because in those cases the members who had given notices of resolutions had actually moved in the matter and asked for their resolutions being put down in the list of business under the Rules

I have recorded this note after discussion with P L A who may see for approval

I may add that this resolution did not secure a place in the ballot to-day. It will, however be balloted for the remaining two non-official days and, if successful, will be included in the list of business for any of those days "

This was the note which clearly shows that this note was made after discussion with the Honourable the President I think under these circumstances it is not right and it is not very easy that I should give any ruling today about this matter and I leave it for a future date when a full ruling on this point will be given I will however proceed with the business as it is put down on the business paper today

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Could not the Honourable the Leader of the House give half a day out of the official days, to this motion, in view of the fact that the resolution was adjourned at the desire and request of the Honourable the Finance Member?

Sjt. N. V. Gadgil: It is the right of every non-official Member to get time for his motion?

Mr. Deputy President: I learn from the Secretary of the Assembly that Khan Abdul Ghani Khan has secured a place for a similar resolution for the next non-official day

Sjt. N. V. Gadgil: That is a different matter The question at issue is whether lawfully and according to the rules this item should have been put as the first item in today's agenda

Mr. Deputy President: I have already explained that The Secretary did not put the motion down because he had received orders from the Honourable the President Therefore under those circumstances I do not think that I shall give any ruling on the subject today A ruling on the subject as to whether it is permissible under the circumstances or not will be given later on Therefore I do not wish to express any opinion on the matter and shall proceed with the agenda

Dr. Zia Uddin Ahmad (United Provinces, Southern Division Muhammadan Rural) It is quite clear from the statement which has just been read out that the motion could not be given the first place automatically I now request you Sir to proceed with the business before the House

RESOLUTION *RE* CONTROL OF INDUSTRY BY ALIENS

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Sir, I move

"Whereas India is on the threshold of a big programme of industrialisation,

Indian industrialists are planning a large scale expansion of existing industries and contemplating new industrial ventures,

foreign financiers and industrialists have acquired, whole or partial control of the capital and management of such undertakings,

therefore, this Assembly recommends to the Governor General in Council to take executive, administrative and other measures effectively to check and, if possible prevent any alien hold on Indian economy in the shape of control of Indian industry, in whole or in part, through a gift or sale of shares, partnership, association agreement, contract or otherwise"

Mr Deputy President, it is a strange irony of fate that the ballot should have favoured me rather than any other signatory to the notice of this resolution

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) It always goes to the wrong man!

Shri Sri Prakasa: The real sponsor of the resolution is my Honourable friend, Mr. Vadilal Lallubhai, and I have no doubt that when he follows me he will do full justice to the question. I must confess at the very outset that I am rather ignorant of the problems and the issues involved in this particular

[Shri Sri Prakasa.]

resolution. Sir, if I may say so in all humility, it has been a principle of a lifetime with me not to look at public questions from any communal or racial standpoint, and I fear that as the resolution stands, my friends, who know my weakness, may wonder why I am sponsoring this particular resolution But I will be able to show as I proceed, that there is no racial or communal consideration involved in this particular problem, and that it is really an effort to enable our country to come to her own

At the stage of our history which we have reached, I feel that we are on the threshhold of freedom, but freedom can have very little value or meaning, if it is not accompanied by economic freedom as well Whether we like it or not, it is generally accepted that industrialisation is essential both for the maintenance of the freedom that is coming, and also to ensure the future prosperity of the land and to meet the growing wants of an increasing population The resolution seeks to keep the business, the trade and the industries of the country in our own hands and to utilise them for our own good

Mr. N. M. Joshi: (Nominated Non-Official) In whose hands?

Shri Sri Prakasa: When I am sponsoring this resolution let me assure my friend Mr. Joshi and every other Honourable Member of the House that I have every confidence that when the industries are in our own hands, that is in the hands of our industrialists, those industrialists will utilise the opportunities given to them for the general welfare of the people and not for their own behoof

Mr. N. M. Joshi: You are too optimistic!

Shri Sri Prakasa: Sir, the main desire is that the control over these industries should be ours But it so happens that the old saying proves true, *viz.*, that he who pays the piper calls for the tune We know that when the Government of India or any of our provincial governments give even small grants to educational and other institutions, they try to keep their stranglehold on those institutions Therefore the person who supplies the wherewithal to industries is bound to desire to have full control over them

I understand that there are three aspects of the problem with which we have to deal We have to look to the capital, we have to look to the control and we have to look to the management of an industrial concern When we desire control we feel that we must have our own capital and our own management as well I have already said that when the capital in a concern is found by someone, that someone seeks to have the control as well; and it also happens that if the managers are extraordinarily clever—cleverer than even the capitalists and the supposed controllers—they begin to have the real control of the concern; and therefore if we desire control we have to have both our own capital and our own management. There is a portion in a very well known speech of President Woodrow Wilson which shows how capital can control industry. He says:

"A country is dominated by the capital invested in it It is a fundamental idea that in proportion as foreign capital comes in and takes hold, foreign influence comes in and takes hold also Therefore the processes of capital are in a sense processes of conquest"

No wonder therefore that the National Planning Committee in a resolution has said

"The investment of foreign capital in Indian agricultural, mineral and industrial concerns since the establishment of British rule has resulted in acquisition by foreign interests of a measure of control over India's economic and political life which has both warped and retarded national development"

We all know that the British came to India as traders and became rulers thereafter because of the then peculiar circumstances in the country. Venice became great because of her trade The British came into India because they felt sore that Venice should have all the Eastern trade in her hands and make

herself prosperous and great. In order to checkmate the efforts of Venice to raise the prices of spices they got a special charter to trade in India in spices. The result is that we have them as rulers instead of just traders in spices

Sir, we cannot permit our trade and our industries to be eternally in the hands of others At a time like the present, when money has a great pull, we have to see to it that as little capital comes from outside as possible for our own industrial concerns I should like to assure my English friends in this House that this means no attack on them either individually or as a race We like the English people—at least I do—for many of their undoubted virtues We like them as friends, as colleagues, as co-operators, as helpers, but we certainly do not like to be ruled by them Therefore we must take all possible steps to remove both their political and economic hold on our country I am sure they will themselves appreciate our standpoint not only because they in their history stand for liberty but also because they themselves are now resenting American influence due to American capital coming to them, though Americans and the English are very much nearer to each other than the English people and ourselves When they resent any alien intrusion into their economic and political liberties how much more must we resent it?

There are in India many industries which we finance, control and manage But as things are we want plant and machinery for them Advantage is taken by persons in power of our deteriorated position in this direction and other people want to dictate their own terms to us In the letter that was sent to the Government of India by the Indian Chamber of Commerce they quote a semi-official paper of America which says

"It will be expedient for American participants in joint enterprises in India to assure for themselves in adequate voice in production and marketing methods in order that proper standards may not only be introduced but be maintained"

This document further quotes Prof Hill as saying

"If Indians want to develop they must go equal shares with the people here" Going halves seems a fair proposition, though Prof Hill added "they (that is, Indians) have the feeling and quite rightly that they do not want their business controlled from outside"

To these sentiments Sir Ardeshir Dalal entered an emphatic and very correct protest when he said

"Dealings in both Britain and America were subject to another over-riding factor—whether the firms approached wanted a share in the control of the industries to which they were prepared to supply the necessary machinery" "India intends", (he added,) "to control her own expanding industries, and those diehard firms will not get our orders

But, Sir, if there are firms of this type on the one hand, I am assured by persons who know, that "there are a number of industrial concerns in Great Britain and America who are prepared to supply the capital goods required for the establishment and development of Indian industries, and what is perhaps even more important, to lend the technical personnel and to provide the technical knowledge or 'know-how', without requiring any share in the capital of the undertakings" We can therefore go to such firms as are willing to help us and to whom this friend refers

Then, Sir, we can borrow capital if we have not sufficient capital ourselves. My Honourable friend Mr Manu Subedar who is an undoubted expert on such subjects in the House, has assured us that the credit of our country was very high and that we can borrow money to meet all our requirements from other countries, if necessary And it was, as the House will remember, at his initiative, that we decided to recommend the doing away with the commercial safeguards sections in the Government of India Act. That disposes of the problem of capital Then we need technicians and experts We should get them on short-term contracts I believe many would be available if we pay

[Shri Sri Prakasa.]

them sufficiently and make these short-term contracts with them It would not be necessary thus to give them control over our industries as a condition precedent to their coming here

Now, Sir, there is a third type of industry which is exercising the thoughts of most of our experts. There are industries which have secret processes and secret designs, and people are not willing to part with their secrets unless they get sufficient compensation for giving away these secrets I believe, Sir, after what our country has done for Europe and America in the course of the last war, it is not quite fair for them to try to drive a very hard bargain with us. The letter of the Indian Chamber of Commerce to the Government of India puts the matter very succinctly and, I think, very convincingly It says

The insistence on the part of foreign manufacturers for a share in capital, profits and management of control of Indian concerns is a condition precedent for the supply of capital goods, gives an impression that they are out to take advantage of the situation created by the scarcity of such goods in the market This is unfair to India which during the war, at the behest of the United Kingdom and the United States of America, worked its plant and machinery to rack and ruin and had even to surrender her own economic resources, both human and material, to an extent that no other country did as is obvious from the large scale starvation and deaths during the Bengal famine and the acute privations which our people suffered during the war years, and are even now suffering"

As regards the peculiar industries which have all these secret processes and designs, we have a full statement of the Dye-stuff Committee of the Board of Scientific and Industrial Research presided over by Dr Matthai the versatile member of the Government of India who can fill the portfolios of Finance, of Industries and of Railways at a moment's notice with equal distinction The Committee is of opinion that we may have to seek foreign co-operation in some industries with their secrets, but the Committee is careful to add

"Such co-operation should not however be in any way at the expense of Indian interests Any company or companies that may be formed on this basis must have a majority of Indian capital and Indian Directors and an agreement should be definitely made for the training of Indian technical personnel from the highest to the lowest so as to enable Indian personnel to direct the conduct of the industry within a reasonable period The control of policy should always remain in Indian hands"

This is the position, and those who know the subject very much better than I can ever expect to do, tell us that we can attack the problem on all the three fronts of capital, of control and of management, so that our industries may be in our own hands and be worked for our own good I feel that as India is situated she deserves the sympathy and assistance of all In the world, as it is today, no one country can stand by herself, and it is in the interest of every country to help every other country to come to its own I believe that India is particularly worthy of such consideration at the hands of the world for all that she has done and for all that she stands for It may be said that we may mismanage things, that we have no experience; but we cannot learn to swim unless we get into the water, and we are bound to make mistakes in the beginning Moreover, many of our industries have been worked for quite a long time by our own people and we need have no fear that any great danger lies ahead if our industries come entirely in our hands

I hope, Sir, that the world will realise how important it is that India should be a strong, free, self-respecting and self-contained country, and if India has to contribute anything towards world thought and world endeavour, the world must come and help us actively at the present moment I am sure that as the Resolution is worded and as I have tried to put it before the House, no member of the House will feel that it is inimical to the interests or the welfare of any country or any people Sir, I move

Mr. Deputy President: Resolution moved.

"Whereas India is on the threshold of a big programme of industrialisation,

Indian industrialists are planning a large-scale expansion of existing industries and, contemplating new industrial ventures,

foreign financiers and industrialists have acquired, whole or partial control of the capital and management of such undertakings;

therefore, this Assembly recommends to the Governor General in Council to take executive, administrative and other measures effectively to check and, if possible prevent any alien hold on Indian economy in the shape of control of Indian industry, in whole or in part, through a gift or sale of shares, partnership, association agreement, contract or otherwise."

The Assembly then adjourned for Lunch Till Quarter Past Two of the Clock

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The Assembly re-assembled after Lunch at Quarter Past Two of the Clock, Mr Chairman (Mr P J Griffiths) in the Chair

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Mr. Vadilal Lallubhai (Ahmedabad Millowners' Association Indian Commerce) Sir, I rise to support the resolution so ably moved by my Honourable friend Mr Sri Prakasa As you all know this Resolution was drafted jointly by myself and Mr Sri Prakasa As an industrialist I felt it my duty to sponsor a resolution of this type when a National Government is in power The resolution, as originally drafted, included two more paragraphs which clarified the whole idea behind this resolution But the President thought it fit to remove some paragraphs and in order to clarify the position very clearly, I would like you to know what those paragraphs were In those paragraphs it was said

"Subordination to or even partnership with, foreign interests in the financing, management or control of Indian industry has in the past resulted in the creation of alien vested interests and consequent injury to national economy and national interests,

It is legitimate to procure foreign technical skill patent rights, plant, etc, for a price or by payment or royalties or even a share in profits for a strictly limited period, but it is highly undesirable and dangerous to allow the creation of any indefinite foreign interests in, or control over, Indian industry, which will tend to harden into a new and insidious type of foreign exploitation"

When you read this part of the resolution, you will find that this resolution is a very mild one It had to be mild because the exigencies of the situation require that the industrialisation of this country ought to be as quick as possible Therefore, the industrialists should be allowed to go to a certain limit in procuring help from foreign interests and, if you see this addition, you will find that even partnerships envisaged for a certain period of time But that partnership I would say ought not to be indefinite It has been said by some of my brother industrialists that if we do not allow any partnership, any share holding, it would be difficult to procure more help I am one of those who feel that that view is absolutely wrong and cannot be established from the facts that we all know as to how industrialisation is proceeding in the world today There are no industries today which can be said to be the monopoly of some countries. Every industry in this world today is established in a dozen countries There is only one secret industry which is the monopoly of one or two nations, and that is the "Atom bomb" industry There is no other industry that is not being worked by a dozen countries in the world

I would refer to the growing tendency among some of my industrial friends of making easy money and to be styled as big industrialists They vie with each other as to who gets into big business by whatever means possible without caring for the real interests of the country We know that in the past we have suffered for a long time from the vested interests which have already been created We are even today a dependent nation, although we are now on the threshold of freedom During the last 150 years many vested interests have been created and on this subject my Honourable friend Mr. Sri Prakasa quoted the famous words of President Wilson to the effect that from the capital that is invested in a country the foreign hold gets tightened There is an argument

[Mr. Vadilal Lallubhai]

made by many an industrialist that in that case no foreign help would be available to us. To show that that argument is not correct, I would here refer to the situation that was in Soviet Russia before the year 1928 and after that year. Before that year, Soviet Russia started giving concessions to foreign firms, but even those concessions were of no help and the industrialisation was very slow. But once they decided in the year 1928 that they will have their own plans and pursue them at any cost and will undergo any hardships, things were different, and their plans were fulfilled. They told the whole world that they will not allow any more concessions and they would stand on their own legs. Of course, if any country was prepared to help them, they would welcome that help. They would pay for that help, they would pay for the capital goods and also pay for the technicians. Once they decided that in right earnest, they were able to fulfil their five-year plans in four years time. When the Soviet Government was granting concessions, other countries felt that they were in difficulty and that they would be able to extract still better terms. So the terms were increased and they became tighter and tighter year after year. That is how the Soviet Government had to take a decision to change their former method and to switch on to the new one. They gave handsome terms in the beginning to the foreign countries, even those countries with which they were at variance. The ideals of those countries were different to those of the Soviet Russia and yet those very countries vied with each other to help the Soviet Russia in building up its own industry. As I said, before 1928 the foreign countries were not prepared to sell their machinery but the Soviet Government bought that machinery later on and exported heavily even their most coveted raw materials, consumer goods and food grains. They reduced their imports to the barest minimum and increased their exports to the very maximum, so much so that in the year 1932 they were on the point of collapsing, but they succeeded. That is how they industrialised their own country. They paid in blood and tears, but as there was that determination, they succeeded. Foreign countries who once said there was no other way of selling goods to Russia later on began to sell their goods and sell their technique. Why did they do it? We all know that in highly industrialised countries there are bound to be periods of boom and periods of depression. Every industrialised country is afraid of the impending depression. Today we all know the state of nervousness in the market. From the statements of leading Americans and of others in highly advanced industrialised countries, we see the signs of nervousness in their hearts. Why all these talks of international monetary fund and international banks and trade organisations? Can we not see that they are all feeling the coming depression? It is the fear of the coming depression that led them to help Soviet Russia at a time when Soviet Russia was in difficulty. Once a decision is taken that India will not tolerate any kind of permanent foreign partnership, it will buy goods, it will buy technique and even take partnership for a limited period of time. Once this is made perfectly plain, I feel that foreigners will make their choice. All the countries will make their choice and just as businessmen compete, just as nations compete for business, they will compete with each other in supplying all the necessaries for the industrialisation of this country. Planning should have two sides. The execution has to be either with the co-operation of private individuals or it has to be done by the Government of the day. We cannot afford to wait. I would refer to the delegation which consisted of Messrs. Tata, Birla and others which went to the U. K. and the U. S. A. in 1945. There were many misgivings in the country at that time. there was a great uproar against that delegation—people were afraid that the delegation might enter into an unholy alliance with Britishers. At that time the Indian Merchants Chambers both in Bombay and Calcutta drew the attention of the country to the seriousness of the situation that we would be in, if such partnerships

were allowed with foreign capitalists The uproar reached such a pitch that it reached the ears of Mahatma Gandhi and at that time also my Honourable friend Mr Manu Subedar decried such partnerships Somehow or other we could stop any mischief being done at the time Mr G D Birla, who was one of the members of the delegation, said clearly at the time of his departure from this country that he was just going to see how industrialisation was being carried on in those countries, and he was of the view that if sterling balances were freed and freed at the right time, he did not see any necessity for any financial assistance and that no foreign capital was necessary At that time, Mr Manu Subedar also told the country in clear terms as to what would be the result of this partnership from a businessman's point of view He said

"Indians want the progress of industry in Indian hands and under Indian management. The mere fact that things are physically produced in India will no longer satisfy the people. The manner in which British business is preparing to swoop down on the Indian market, including factory enterprise in India is one which should cause alarm, but this Government appears to welcome such a move and is inclined to call it the progress of industry in India"

Though the good offices of Mahatma Gandhi this calamity was avoided. At that time he issued the following statement

"Independence will not come for the asking It will come only when interests, big or small are prepared to forego the crumbs that fall to them from the partnership with the British in the loot which the British rule takes from India Verbal protests will count for nothing so long as the partnership continues unchecked"

Mr. Chairman: The Honourable Member has two minutes more

Mr. Vadilal Lallubhai: I crave your indulgence, Sir, for a few minutes more. The Resolution was originally sponsored by me, though it was balloted in the name of Shri Sri Prakasa

Mr. Chairman: The rules are imperative I cannot help him

Mr. Vadilal Lallubhai: I would just give you a small example of the textile mission that went to England lately I was told this morning that a partnership subsisting for the next 20 years will come into being I am in agreement with that, but if it is not for a limited period, I would say there is no necessity for such a partnership at all There are many other industrialised countries which would like to have a limited partnership with us Last year a delegation was sent to Japan and that delegation reported that out of the reparations India could get complete textile machinery, manufacturing plants and technicians and that report is lying with the Industries Department Similar would be the position for dye-stuff or any other industry, because, those industries are to be found in a majority of industrialised countries of the world I want to stress the fact that what a colossal industrialisation programme has been successfully carried out by Soviet Russia If I had the time I would quote the figures They would show how Soviet Russia has been able to stand on her own legs

In conclusion, I would like to say this that this Resolution is not sponsored against any nation, but it is with a view to put an end to the shady past of the history of foreign economic and political domination in India It is sponsored so that the fruits of industrialisation might remain with the people of this country and that this country is industrialised in such a way that we may not bring new and more vested interests We know what harm these vested interests have done after the last world war Many small scale industries, specially in shipping, soap and other things have suffered That is why we want to protect and we want this House to give a lead to the country in the matter of policy for industrialisation Sir I support this Resolution

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau, Indian Commerce) Sir, this is a vast subject which it would not be possible to cover in the small space which one gets to speak on this topic I would say that the objective of the sponsors of this Resolution is not bad in itself it is an objective with which every Indian should have sympathy and I would define that objective. That objective is as and when foreign capital operates in this country in a

[Mr. Manu Subedar]

manner which is harmful to Indian economy, it should be checked. Now, Sir, that objective being good in itself, it is not so simple as the Resolution tries to make out. I want to place before the House a few complications and difficulties involved in this Resolution. For one thing, the Resolution deals with new industries only and recently some bi-partite and complex agreements have been reached between industrialists in other countries and the industrialists in India. I feel that this is only a part of a very large topic of planning which we shall have to take together. It is not possible to isolate new trends from the old affairs which are there in the country. Nor is it possible to ignore the aspects at which just in the ordinary course of trade, importation of goods, purchase of foreign machinery by Indians and various other aspects in which Indian money gets out from this country in a larger measure than it should. All these aspects are co-related. But the point to consider is at what stage and in what manner you would control them? This topic was taken up in 1925 by the External Capital Committee which at that time confined itself merely to the question as to what should be done with regard to those enterprises which seek Government assistance and to those enterprises which lay down the proposition that a majority of shares and a majority of directors should be Indians. The management part was left loose and ever since then there has been a general demand in this country that the management also should be Indian.

Sir, the first complication which arises in the adoption of this measure straightaway on the lines on which the Resolution is drafted is a constitutional one. I will not repeat the ground which I have made, namely, that so long as the safeguarding sections of the Government of India Act continue to be on the statute-book it is not legally possible for this Government to impose disabilities on any enterprises in which Britishers are concerned if such disabilities were not simultaneously imposed on Indian enterprises of a like nature. This is, as I said before, a very humble thing to mention, but that we must bear in mind to use powers which we may get hereafter straightaway against any set of non-Indians who may operate in this country. But the first difficulty is the safeguarding one. This evil, the evil of foreign capital in India has been noted and has been much advertised, there has been much agitation against what is known as (INDIA) LIMITED, there has been much talk of exploitation, there has been much complaint with regard to mining resources which are largely in non-Indian hands and which are being exploited. And generally the objective of the Resolution is correct in so far as it seeks to request the Government of the country to look into this matter and examine and define those conditions in which foreign capital may operate without any difficulty, and those conditions which in their opinion are deleterious to the economy of this country and which they will therefore prohibit foreign capital from operating. Now Sir, let us not make a law or make a recommendation to Government in a form in which it leaves loopholes. Assuming that this Resolution were adopted by Government straightaway there are various other difficulties. Partnerships and contracts are referred to, but the agency agreements are not referred to here. Then there is the transfer of shares. After the company is promoted, after everything is done, after even some concessions have been secured from Government, there is the sale and purchase of stocks and shares going on every day. In this sale of stocks and shares transfers may take place from Mr A to Mr B. This Mr B may be a non-Indian. There is at present no control and no means even for Government to know who is holding what and how. Then there are holding companies in which the enterprise may be completely Indian for all purposes and yet the holding company may be controlled by foreign finance, and that is also possible.

Then, Sir, there are royalty contracts in which the company may be entirely Indian, which will satisfy my Honourable friend Mr. Vadilal Lallubhai. It is

Indian in form with Indian shareholders, Indian directors, and Indian management, but an excessive rate of royalty is given to a foreign company. That means again the transfer of Indian funds. If it is in an excessive manner it has the same result as those people holding shares or partnership. Suppose an entirely Indian company puts an order outside for the purchase of machinery at an inflated price, as unfortunately many people are doing now. That itself is a transfer of Indian funds outside which it should be equally the concern of this Government to prevent and to stop if they can, and in order to do so they must have proper machinery, which does not exist at present. Even Government orders at very high prices, as a matter of fact we have thundered in this House against Government machinery orders,—orders for locomotives, orders for Sindri plant, orders for hydro-electric and irrigation and other equipments being placed outside at inflated world prices today. And this is a transfer of Indian funds which hurts us just as much as operation of the kind complained of in the Resolution.

Sir, the question to decide is whether India wants or needs foreign capital. This is a question which was considered at a meeting of the National Planning Committee at which I was and no less than two ministers of the Government of today, *viz*., the Leader of the House and the Honourable Member for Railways, were present. And at that time it was considered that there may be circumstances and cases in which it may be necessary for India to have foreign capital. And as a point of perfection it was there put down that if and when foreign capital is required by India it would be best if India raised this foreign capital at the least rate of money and on the highest credit, that is to say, if the State borrowed this foreign money instead of leaving it to private individuals to import such foreign capital. It was pointed out then, and very rightly, that where there are processes, secrets, patents and other rights involved, or where there is a definite technological practice or secret process or formula, there either you have to worm that out or you have to pay for it through personnel or you have to buy them and buy the right of using those. But even here the transaction can be done at a higher level than private capital is doing now, and I feel that it ought to be possible to give some guidance to the people of India not to overpay for these things. At present what is happening in practice is that an Indian company is set up, on the face of it for manufacture but in reality for the next ten years to bring out knocked-down parts from outside, assemble them here, and sell them as Indian goods. I do not wish to characterise or mention any particular companies, but at present it starts at this level, namely, that the Indian company merely imports parts, assembles them and sells them as Indian goods. Every non-Indian is anxious to sell goods in this country if he makes money by his goods, he is very happy if he has manufactured the things in his own country. But if you put a heavy tariff he wants to go behind the tariff, establish himself, share the larger gains which you guarantee to Indian concerns. In such cases a certain amount of warning and guidance is required.

Sir, foreign capital is not an evil in all cases, and I want to put a standard case before this House in order that we may take a balanced view of this affair and give it the detailed study which it requires. This standard case which I recall is that of six million pounds worth of debentures of no less an enterprise than Tata Iron and Steel Company. It is a company of which we are naturally and properly proud. Jamshedpur is a show place in this country, this Jamshedpur would have sunk at the time, if these six million pounds of debentures had not been raised in London. And when these were raised the company was saved. These debentures were in due course paid off. And here is a case in which foreign capital did nothing but good to this country. As for lack of finance, I suggest it is not that our people did not have the money, our people were not willing to risk the money. Therefore I say that this is an issue which needs closer examination.

[Mr. Manu Subedar]

Now, Sir, I wish to put forward a constructive suggestion before my time gets over As Chairman of a committee which has recently reported to the Government of Bombay, I have made this suggestion for other purposes But the suggestion is this Government have at present no information of any kind, and I suggest that consistent with the restrictions of the 1935 Act, Government should immediately impose a system of licensing of all factories operating in this country That system would work uniformly for Indian as well as non-Indian factories, and it would also insist that new concerns, whether Indian or otherwise, should seek such a license That will at least give Government the information as to what is going on, and once they have the information, Government could then decide and determine what kind of foreign capital is bad and in what manner Is it, for example, a disadvantage that somebody owns ten shares in one Indian company? Is that a state at which you wish to intervene

Then, Sir, if Government decline—and I assure the House it will be an extremely difficult and delicate proposition to make this definition—the conditions under which they feel that Indian economy and Indian interests are genuinely prejudiced or at a disadvantage, then and then alone they should intervene In other words, normally they should leave matters free as far as possible Government would not only have information but then Government would have the priority with regard to machinery purchase, and with regard to localization of the industry They would have under the Exchange Control Bill the right to give or not to give exchanges and Government should determine when these things should be done with a high hand and normally I trust Government will leave the industrial enterprise free First things must come first At the present moment the Government have no information, nor has the Reserve Bank of India any information as to how much foreign investment there is in this country They are still collecting this information I am very much disappointed that neither Government nor the Reserve Bank of India have in this matter fulfilled the public expectation of their obligations But if the kind of suggestion that I am making is adopted, Government at least will have full information, and I do not want this Government to act blindly or in a spirit of alarm or in a wild spirit or in accordance with my slogan They ought to act in an intelligent and proper manner

Then, Sir, I have been quoted by my Honourable friend It is true that I have fought foreign, political and economic domination of this country all my life and I have suffered I have suffered for it a good deal in my own private interests, but when I was fighting this, I was fighting the privileged position of the foreigner in this country I felt humiliated that the Indian in his own country did not get facilities and privileges, which the British was able to enjoy That was the fight Today the position is different If my friends do not find me in that thundering and venomous mood that I used to adopt in this House the explanation is clear We have a Government of our own, we have here (on the treasury bench) people whom we call our leaders in whose guidance, we have our full trust Therefore, Sir, today I do not want this Government to act blindly and in a hurry I want them to consider the situation, take into consideration the new international status of India, take the position of friendship which we are seeking with people abroad This is not a condition in which I would like India to immediately adopt restrictive legislation or restrictive administration rules I would like India to study the problem and only to intervene as and when they think there is danger My friend spoke of the Soviet The difference is this in the Soviet position It was the Government of the country which was bargaining with Government and private firms abroad Here it is our own capitalists who are tumbling over one another to reach an earlier and an advantageous agreement for themselves, not always mindful of what is happening

Why don't this Government consider the fact that India is behind even in ordinary industry We have not got pins, needles, fountain pens, etc —the Government doubtless will complete the list of things which we were short of We want all these things These are not very secret or highly technical jobs, and if we have to get foreign capital goods and foreign personnel it should be done through a Board in a controlled and regulated manner so that the progress may be there and yet most of the evils which are complained of would not be there

Mr. Chairman: The Honourable Member's time is up

Mr. Manu Subedar: I will wind up What I say is that a situation is now reached in which this matter wants close examination We have not still got the Planning Advisory Committee's report I doubt very much whether they have been able to go into this question but Government ought to ap int a committee immediately to consider all aspects of this problem and then and then alone Government should take some action on this matter

Mr. Geoffrey W. Tyson (Bengal European) Before I proceed to discuss the merits of the Resolution which is before the House I would like to say on behalf of myself and my colleagues that we much appreciate the extremely genial manner in which Mr Sri Prakasa proposed the Resolution this morning and the restrained fashion in which it has been treated by subsequent speakers

A Resolution of this kind is obviously of immediate and very considerable concern to non-Indian trading interests in this country of which we of the European Group are the representatives in this House It raises issues of far reaching importance, issues that affect us now in the present and that will affect us with increasing seriousness in the future We fully recognize that India, in a position of near sovereignty and independence, has every right to determine the terms and conditions upon which she will seek foreign aid in the development of her own resources We fully recognize that she has every right to frame her industrial policy along the lines indicated in the Resolution of my Honourable friend, Mr Sri Prakasa We realize also that India is passing through a period of great changes, and that we, no more than any other sections of the population, can expect to escape some of the consequences of those changes I would also add that we are glad that these changes are taking place, for, whatever may be thought or has been thought on other sides of the House, we have always been quite sincere in our desire that political power should pass into Indian hands at as early a stage as possible, and we realize that political power—Swaraj—is not really effective and full unless it carries with it a measure of economic *swaraj* and self-determination What, however, we ask is this Whenever British Commercial interests are involved, or their record in the past and in the present is being judged, or the future usefulness of the British community to India's development is being assessed we ask that our interests should receive a fair hearing, and I will say that having regard to India's well-developed sense of realism, and its sense of justice, we are confident that we will receive a fair hearing and that as a result of that fair hearing we will receive fair and equitable treatment in the India of the future You, Sir, have said on other occasions that we ask for no privileges, and I repeat that. It will be within your recollection that a few weeks ago the Leader of the House made a journey to Calcutta in spite of his many preoccupations, for the opening session of the Associated Chambers of Commerce We were greatly heartened by his presence there and I am sure that he would realize from the warmth of the welcome that he received from an audience of several hundred British businessmen that the greeting they gave him and the occasion which they asked him to participate in was more than a formal courtesy to the new Head of the Government I think I can safely say it was a recognition by both communities of a new relationship a relationship which differs fundamentally from the old one but which offers we hope and believe, scope for the establishment of a fruitful and happy future based on mutual trust, self-respect and an interchange of goods and services as

[Mr Geoffrey W. Tyson]

between Indians and Britons resident in this country On the part of the Honourable Pandit Jawahar Lal Nehru I think I may say that his presence on that occasion, when he addressed the Associated Chambers of Commerce, was an recognition that British business is in fact integrated into Indian economy in a very special and exceptional way That in fact its roots are deep in the historical past I both heard and read his speech I read it and I also wrote about it I think also, Sir, that it was a recognition that British business still has a role to play in the life of the community One might, indeed I did, disagree with some of his economic theories, but in essence what he said was a positive message of encouragement Now, Sir, what sort of message of encouragement does the resolution, which is now before the House offer British and other non-Indian enterprise Yesterday in the House we heard the Honourable the mover of the resolution supporting a motion couched with lucidity restraint and above all with clarity He told us I think that he had had the Bill at various periods before the House for something like nine years. While I am not going to say that he ought to have taken a similar period of time in the preparation of this resolution, I do feel that it would have left us with a good deal of clearer idea of what his intentions are If you look at the resolution, Sir, the first paragraph is I think unexceptional

"Whereas India is on the threshold of a big programme of industrialisation, etc"

It is unexceptionable

"Indian industrialists are planning a large scale expansion of existing industries and contemplating new industrial ventures,"

That is true

"Foreign financiers and industrialists have acquired whole or partial control of the capital and management of such undertakings

therefore, this Assembly recommends to the Governor General in Council to take executive, administrative and other measures effectively to check and, if possible, prevent any alien hold on Indian economy in the shape of control of Indian industry, etc . . "

My Honourable friend, Mr Manu Subedar, who I am glad to note has forsaken what he himself called a venomous and thunderous type of oratory poured out with alacrity that Section 111 or Section 121 of the Government of India Act of course ran right across the intentions of this resolution But leaving that aside, and it is an issue on which we will be invited in due course to express an opinion, I have seriously tried to understand what is the intention of this resolution as now framed I can only proceed by enquiring against whom are these measures that are proposed here primarily to be taken?

Prof. N. G. Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) Against some of your allies in India!

Mr. Geoffrey W. Tyson: May be They may be my allies and may be yours in due course! But it seems to me that they are directed against the Indian industrialist himself who might through a deed of partnership enter into an unholy alliance What conclusions are we allowed to draw?

Mr. N. M. Joshi: Do not trust them!

Mr. Geoffrey W. Tyson: There are only two conclusions in the mover's mind. The first is that either the Indian industrialist who is planning this big programme of industrial expansion is a fool who has to be protected against himself, or secondly, that the Indian industrialist is in some way less patriotic than other Indians, and that he is prepared to sacrifice the true interests of his country to some immediate motives of personal gain I along with my friend, Mr. Joshi and others reject both those inferences We both know the Indian industrialist much too well to believe that he ought to be protected against his own folly

Shri Mohan Lal Saksena (Lucknow Division Non-Muhammadan Rural): Good company!

Mr. Geoffrey W. Tyson: Also having had a pretty intimate acquaintance with him for a long period of years, particularly during the war years, the Indian industrialist is a practical patriot, whose patriotism is in no way inferior to any other section of the community. If it is accepted that he is a practical patriotic, I suggest that the resolution as it stands does him and his intentions a good deal less than justice The plain fact is that a resolution of this kind, as Mr. Manu Subedar has pointed out, and drafted in the way as it is, will retard and restrict and stultify Indian industrial development and not in fact encourage it The House is perfectly entitled to adopt a resolution of this kind The country is fully entitled to implement it as its industrial policy. But the consequences of it will be that India's industry will not progress in the way all would wish to see it progress and you will merely have cut off your nose to spite your face.

3 P.M.

[At this stage Mr. Deputy President (Khan Mohammad Yamin Khan) resumed the Chair.]

Foreign aid is impossible except upon some terms, and the resolution as it stands would seem to me to rule out most of the kinds of terms on which India will be able to import the goods and services she requires. I therefore suggest, Sir, that the House rejects, if not the sentiments, at least the wording of the resolution whilst maintaining in some form or another its spirit.

Khan Abdul Ghani Khan (North-West Frontier Province: General): It would look presumptuous for an ordinary citizen of India like myself to talk on such a highly technical subject (But everybody else in the House has spoken and I feel that I should also speak on this resolution from an ordinary consumer's point of view

This is by far the most interesting resolution that has come before this House It is beautifully and cleverly clad in khaki and patriotic fervour It has a colour of nationalism and a suggestion of noble ideas It is interesting to see such ingenious camouflage Having been a big game hunter in my young days, I am delighted and amazed at the subtlety of stalking For let us consider what this resolution says in plain language, which Mr. Tyson wanted to know, and I shouted to him that I would tell him It says that the Government is to pass a law and order that only Indian capitalists are to be allowed to rob the Indian people. The American and English robbers should not be allowed to share in the loot in the name of Mother India and patriotism Sir, it is not a resolution condemning exploitation but only exploitation by foreigners The resolution goes on the assumption that robbery can be stopped by giving official monopoly to local thieves There is no harm in using the capital of any country in the world to serve India provided the money is utilised for the benefit of India: provided a way can be found to assure that India is not robbed The problems before our country are tremendous food, health, roads, schools, factories, cattle-breeding, dams, cloth mills—are all decades behind the world, . . .

Shri Sri Prakasa: And Pathans also!

Khan Abdul Ghani Khan: No We are ahead of the world!

. . . and we have to fight malaria and inertia and poverty, under nourishment and communalism among 400 million people. That means a tremendous effort In a world that worships only one God—money—a tremendous effort cannot be made without a tremendous amount of money. With money you can do anything today and without money you can do nothing except make poems Today money can buy labour and ability as well as fidelity and brain.

Shri Sri Prakasa: But not a seat here!

Khan Abdul Ghani Khan: Oh, yes. The more money is utilised for the benefit of India, the better. The more horses you have the quicker your journey, but do not let any of them break your neck—Indian or foreign. A

[Khan Abdul Ghani Khan]

Kathiawar horse, Sir, if you let him buck and throw you will break your neck as surely as an English thorough-bread The point is, Sir, do not let him throw you—Indian or English

My proposal is to allow a reasonable margin of profit and invite all the money in the world to come and serve India—to come and build India What does it matter if the donkey that carries the load for India is brown or white, as long as it does the work on the assigned amount of grass

Sir, money has no nationality and unfortunately for the Muslim League, no religion either Even the snobbish American money has no colour bar. A Southerner in America would not allow the negro to share the same carriage or cinema with him but he lets his wife run a drug store for his benefit and allows thousands of white girls to work and sweat to produce the cigarettes for a negro to smoke or tooth paste that keeps his teeth white.

To refuse the services of foreign capital would be to go on foot and refuse to ride a horse because it had a foreign name On behalf of the national capitalists the patriotic capitalists the only point that is always exhibited is that the profits will go to Indians and not to foreigners All right What happens to those profits that go to Indians? They are turned into more profits and used in turn to produce still more profits Where is the gain to India? Just because the tiger has grown an extra claw is not a message of prosperity for the people If Ghani Khan and Balkrshna Sharma are robbed, what does it matter who has the money in his pocket—Mr Lallubhai or Mr Hirtzel? If it pays to serve India I know Mr Hirtzel would invest his money as readily as Lallubhai and if it does not where on earth could you find a man who invested in projects that promised a loss

Sir the sensible thing would be to invite all the capital in the world but make it agree to terms that are fair and kind to India We must use every drop of energy to lift India to the peak of the mountain Money is energy Suppose for a minute that one agreed with my dear friend Mr Lallubhai, it would be equivalent to agreeing that only brown cats can catch mice Sir, in my language there is a proverb which means "Let my beloved be cured with any doctor's medicine", The important thing is the cure and not the name of the doctor It does not matter if it is Lallubhai or Hirtzel The important thing is the growth and development of India, not the prosperity of Ahmedabad or the City of London That is why, Sir, I oppose this motion, in spite of its patriotic tinge and Swadeshi camouflage Control the capacity for profit, of all money Indian as well as foreign and open wide the door and let the gold, which means energy and genius, of every country serve India Invent a harness to control the horses and use them all to carry the load This is more true, especially if your own horse is not strong enough to carry all of it The essential point is control of profits, not control of investments The motion and its supporters have tried to muffle that issue and I have looked at it as an Indian and as a consumer and therefore I have to oppose it.

Miss Maniben Kara (Nominated Non-Official) Sir, I certainly did not intend to speak on this resolution because I did not think myself competent enough to speak on a resolution of this nature Very little remains to be said after the speech of the last speaker It is very heartening to see that one member sitting on the opposite benches has the courage of his conviction to oppose a resolution of this type, a resolution which has been sponsored by one of his own colleagues

India is certainly on the threshold of great changes. Nowhere in the world has such a situation arisen, where a foreign power liquidates itself. But let me tell you that the foreign power in India is not liquidating itself because of her tremendous love for this country: she is doing so under the pressure of changing

world conditions Britain is compelled to quit this country She is not quitting as a result of our struggle, She is quitting as a result of the entirely changed economy now existing between Britain and India.

Today, Sir, we know that England is a debtor country to this country to the extent of 1,609 crores. So let us no more talk of imperialism which is thus dead After all, profitable foreign investment is the basis of imperialism. Today we are not only politically free, but our country has a golden opportunity given to her to make herself economically independent. I certainly stand for industrialisation of this country But, Sir, let us realise the serious implications of industrialisation on the basis of its present feudal socio-economic structure of society where there is absolutely no home market; no internal market, means a contracting market Industrialisation on the basis of the present economy with the best of intentions cannot lead to any other economy but fascist economy Industrialisations on a large scale is not possible so long as we do not put money in the hands of the peasantry, which is today crushed under indebtedness, and landlordism. There must be the purchasing power of the masses We are not in a position to think of industrialisation on the basis of England and America Mr G D Birla himself when he visited America stated that such mass industrialisation is not suited to Indian conditions What did he mean? Did he mean that the starving and naked millions of Indians are sufficiently clothed, sufficiently fed and their needs all satisfied? Why should large scale industrialisation of our country not be possible? It is not possible for the simple reason that our industrialists are dreaming in terms of capturing foreign markets without creating internal market They are thinking of following in the footsteps of Japan They have made no secret of their intentions either They want to hold Japan as their ideal

I was rather surprised when Mr Lallubhai gave the example of Soviet Russia Soviet Russia has industrialisation on a large scale but the industries are not owned or controlled there by Lallubhai & Co's It was rightly pointed out by the last speaker, that investment is not a bad thing in itself whereso-ever from it may come Let us remember, Sir, that these are not the days of extreme nationalism where we can exclude international trade The world has contracted through the atom bomb We cannot therefore think in those terms today Industrialisation of the country must be for the benefit of the people. The sooner we realize that industrialisation on the basis of private enterprise in our present day economy cannot lead to the ever-growing internal market, the better for us Even though the Congress may not openly say that they have adopted the Tata-Birla plan, the implication of this resolution will only mean that I am of the opinion that all investments, foreign or Indian, should belong to the State, and that industries should be run by the State Immediate relief should be given to the peasantry in the form of wiping out their indebtedness and freeing them from landlordism to guarantee industrialisation. This resolution cannot create a home market and we cannot think in terms of capturing foreign markets Even today we see a struggle going on between one industrialialist and another for getting higher quota for exports of cloth, when in India cloth is rationed, and we do not get sufficient cloth Leave alone rationing, the people have no money to buy even the rationed cloth It is not proper on the eve of framing our constitution that, you congressmen think in terms of the people, you who are committed to lead this country, to a new era where the people will be prosperous? Let us not think any more in terms of running the State for the people, let the state be run by the people Let the people come into their own. Let the future constitution be such whereby the relation between the land and the peasant will be absolutely different This is a golden opportunity given to you This is the time which no country can ever get. Do not lose this chance that you have got. Let the constitution be so framed whereby economic freedom to the masses will be guaranteed. This sort of racial prejudice is not going to lead us any further. As I said once before I would repeat

[Miss Manibeu Kara]

that the world is getting smaller and we are interdependent. These are the days of science. I am not one of those who believe in the philosophy of *Takli* or the *charkha*. I certainly stand by industrialisation, but industrialisation in a way which would help the common man of this country Mere Indianisation of industry is certainly not the remedy to help the people. Just as Indianisation of the industries is not the remedy, mere Indianisation of the offices also will not free the people economically That is why, Sir, I say that this opportunity should not be lost. Let us be bold enough to come forward to reconstruct the entire social economic structure of our society and free the peasantry, and free the working man. Let us free the common man from slavery, bondage, poverty, disease and death from which he is suffering. This is the main problem before us There is no other problem. The problem before us is the poverty, starvation and death of the common man. Once that is tackled, all other problems will be solved. And that can be tackled by taking a bold step, a very courageous step, by changing the entire system of society. Liquidation of landlordism, and liquidation of indebtedness of the peasantry; are the immediate task. We can thus put more money into the hands of the debt relieved peasantry, so that our industrialisation may be far greater than American industrialisation India can stand that industrialisation when we have ever-absorbing home market We can absorb more and more goods in our own country. We cannot have large scale industries only on the basis of foreign markets

Sir, I am no economist, I am no business person. I am speaking from the commonsense point of view in the interest of the common man, and I hope Members in this House will accept what I have stated.

Dr. Zia Uddin Ahmad (United Provinces Southern Division. Muhammadan Rural): Sir, the resolution as it is printed on the agenda paper appears to me to be very vague It is not easily intelligible In fact I had an idea of giving an amendment to this resolution, but considering all the circumstances of the case I refrained from giving any amendment to this resolution In addition to this vagueness I have a few more difficulties in actually accepting the resolution In the first instance, the word 'foreigner' is not well understood in this resolution Repeatedly in our enactments, Indian States are always taken as foreigners We are debarred by the Acts of 1920, and 1935, to pass any legislation on the Indian States, so that sometimes when we talk of foreigners we include the Indian States and at other times we exclude them In this particular Bill I do not know what the intention of my Honourable friend is—whether the Indian States should be considered as foreigners or not In fact, as far as British India is concerned, the Indian States are greater rivals to us than all the foreigners who come from European countries In the first place most of our big industrialists put their plant in the Indian States and not in British India, in order to escape income-tax No foreigner will make an attempt to put his plant in some of the country outside India, in an Indian State, which most of the Indian industrialists are doing. I can quote a number of examples when some of our illustrious industrialists put their plant at the very end of an Indian State so that they can easily transfer all their goods from the Indian State to British India and at the same time evade income-tax by putting the plant there This is not the way of industrialisation of the country but that is the method of cheating This point, therefore, ought to be cleared whether 'foreigners' in this particular Bill do or do not include the Indian States And if they do, I would like to ask whether the Indian States were consulted before we pass any legislation in connection with this Although the states of Travancore and Cochin will be benefitted, but people of Patiala and Kashmir will be prosecuted presumably by their own magistracy. That is the second difficulty which I have in this particular resolution

My third difficulty is that my friend, Seth Lallubhai was suffering under great misgivings when he considered that money can create industries such

capital alone can create industries Capital is a very loose word, so also money. Nobody has yet successfully defined what money is except in a very abstruse language You don't need any money in order to do any work Look at Germany. They carried on a war for six years without having any money or credit in any country and without goods. In big undertakings money plays no part whatsoever What is money? By printing notes of one thousand or ten thousand rupees—whatever you like, you create money by this method. Money is a great delusion if you consider that industries are created by money of the capitalists who by putting a few printed currency notes which my Honourable friend the Finance Member can print as many as he likes in a few hours' time, you are mistaken Industry is flourishing on account of the work done by our workmen That is the first thing If the workman are not there, the notes alone cannot produce any industry The next point which I would like to emphasize, before I discuss other points, is this You cannot create any industry at this stage of your development unless you get your machinery from foreigners, experts from foreigners and also the assistance of the foreign Universities to train our own men You have to depend upon the generosity of foreign countries to sell you the machinery, to lend you the experts you want and also to train your men in the foreign Universities It is not wise to antagonise those people on whose money you depend at the present stage If you do, they will say—you go away from our country We won't give you the machinery and the experts, and we won't educate your men in our Universities. So this is not the way of dealing with this problem I do not like the spirit behind this Resolution It is absolutely impossible at the present stage to create any industries on a big scale without the machinery from foreign countries without foreign experts and without the assistance of the foreign technical institutions

The next thing I would mention is that during the last few years we have created a number of panels to discuss various things I must admit a mistake I made In 1944, I was under the impression that as soon as the war is over, most of these war industries created on account of emergency will disappear on account of the large import of foreign goods at cheaper prices In the year 1945, we noticed very clearly that that would not be the case Most of the foreign countries are in a worse position then ourselves and that we have to develop our own industries These plans were made mostly by capitalists and the interests of the country and especially of the consumers were neglected. The economists were not represented and even if they were they were mere tools in the hands of the capitalists for whom they piped the tune All those who were responsible for the production of the goods were not consulted and they were not included in any of the panels and I am sure we will have to revise most of the reports of these panels in order to bring them into line with our ideas. I happened to be the chairman of one of the panels and there I laid very great stress on this fact One of the things that was ignored and which it is very important to remember is that you must establish an intimate relation between the Universities and the industries I studied this problem as far as Germany was concerned as far back as 1906, before the 1st World War and I found that the rise and progress of the German industries was due to the intimate relations that existed there between the Universities and the industries In England, the industrialists considered the inventions to be their preserve and they kept it a secret and therefore no improvement in their position took place In Germany the case was reverse Every industry associates Professors of the Universities to advise them The Professor is an adviser to that particular industry and he gets his fee Whenever any problem arises, it is sent to the professor, who gives it to the students and the students obtain their degree of P H D by doing research work in the subjects entrusted to them. Thus regular intimate relation is established between the Universities and the industries by means of which progress is made rapidly and both the Universities and the industries are benefitted. Universities

[Dr. Zia Uddin Ahmad]

do not deal only with abstruse problems which have no practical value Most of them laboratories deal with problems which have immediate application. When I was studying in German University I was sent by Professor Simon to study a particular problem and though I was a foreigner they made no distinction The students are regularly sent to study the problems there The students apply their mind to the problems and whoever solves them get an employment immediately in that factory I remember one problem was given to me I did not solve it It was a question of six locks with one master key and six sets of locks with one master key It is really a question of 36 locks and one master key The master keys of the groups did not fit each other. The problem was what should be the combination in order to have one master key It is not an abstruse but a practical problem and a friend of mine who solved it got an employment immediately in the lock factory This is a very important thing which should be attended to—the intimate relation between the Universities and the industries

The next point to which I want to draw attention is this We are all in favour of the development of industries There are no two opinions about it The Fiscal Commission has recommended it and our legislature has admitted it It is our confirmed economic policy that we ought to have protection of our industries but we are not in favour of protecting the big capitalists, of making the rich man richer at the expense of the poor worker A hundred rupee share sells in the market for Rs 3,000 The other day I was attending a conference and I put a simple question to one of the representatives of Dalmia How is it that with Dalmia Rs 100 becomes Rs 3,000 and with Government it remains 100 What is the magic by which Rs 100 of Dalmia becomes 3,000 Take the Railways My friend Dr John Matthai, has not been able to make the railway shares go up to Rs 3,000 from 100 His 800 crores remained 8,000. I can give you a number of examples An industry is started with a capital of one lakh and they have a reserve of 40 lakhs What does all this mean It means that the workmen have got to work in order to give a dividend of 3 per cent and when it has expanded to 3,000, the workmen will have to work all the more in order to give a dividend of 3 per cent on 3,000 not on 100 It is not fair to our workmen to ask them to work in this way

I do not want to go on with the other arguments as time is short We have been considering the question of the development of one industry after another But in each of these problems if you study them clearly there is only one point before them and that is the interest of the capitalists and that they should continue to draw the same profits after the war as they had been drawing during the year That is the whole object of their economy

There is just one thing more which I would like to say We ought to establish some kind of planned economy Government appointed a Committee about two years ago and I was also a member of it, but the industrialists did not like that it should continue and it was dissolved or allowed to remain inactive But it is very important that we should have a planned economy If you have half a dozen industries by this method you cannot make India rich and self-sufficient There must be a planned economy by which everybody should be benefitted Attention was drawn to the case of the agriculturist labourers and also to the food problem All this shows that there must be a planned economy for the development of this country Without this planned economy, which is really for the benefit of everybody, it is absolutely impossible for us to reach higher stages of prosperity

I was rather amazed when a capitalist Honourable Member of this House quoted the example of Soviet Russia in support of his theory I thought that here was the devil quoting scripture. They are the last people who will help us because their ideology is just reverse to ours. I was, therefore, very much amused by this particular example

I will now confine my remarks to the planned economy It is said that Government must give protection but the protection will be only for a short period. Therefore, every industry must stand on its own legs and every industry must be in a position to compete with other countries If you give them artificial legs, they will break down after some time, they cannot continue for ever But if you have a planned economy by means of which every industry is developed, then they will be able to compete with world industries. This planned economy will not be for the benefit of those persons only who put in some currency notes in order to start an industry, but it will be for the benefit of those poor workmen who are chiefly responsible for the production and development of those industries. I would like to put it this way Government can provide money in the same manner as they have been providing money during the war time and as every other country did The same method can be adopted to provide the money for the development of industries on planned economy We should not develop, an industry, here and an industry there, but proceed with the whole, industrialisation in a planned manner Some industrialist may come to some Honourable Member and say that his industry needs protection The Honourable Member may take interest in him and as he has power in his hands he may help him But that is a short term need and cannot go on Your biggest enemies at the present moment are the communists and if you do not go in in a proper manner for the planned economy, then they are bound to come into power and you will not be able to stop them

Mr. K. C. Neogy (Dacca Division Non-Muhammadan Rural) Sir, the House I am afraid, may lose sight of the basic terms of this Resolution being carried away by Professorial profundity, Trade Union fervour and Pathan humour I would like to try, therefore, to bring the House back to the Resolution itself The principal object, as I read the Resolution, not that I am enamoured of the wording of it, is to prevent any alien hold on Indian economy in the shape of control of Indian industry,—such control, as may be possible to be assumed through capital and management of industrial undertakings. Now, if you strip Resolution of some amount of verbiage, it reduces itself to this particular proposition, and I should like to know from Honourable Members who have adversely criticised the Resolution so far, including my Honourable friend Mr Tyson, as to whether they can justly take exception to a demand of this character

I did not intend to participate in this discussion, but I was tempted to get up to say a few words particularly because reference was made by my Honourable friend Mr Manu Subedar to the Advisory Planning Board with which I had the privilege of being associated It is a great pity that although the report of this Board has been officially published, printed copies are not yet available to the public or even to the Members of this House due, I understand, to some difficulty in the printing press. Now, it is not a very exhaustive report that we have submitted to Government We were not, indeed, expected to make an exhaustive inquiry into the vast field of planning, but in the course of our brief report we touched upon this aspect of the question, namely, the control of foreign capital and management of Indian industrial concerns

Now, Sir, when we consider this Resolution, we have, first of all, to determine as to whether financial help from outside the country is needed for the purpose of our industrial development On this we have a very authoritative opinion, namely, that of the various industrial panels that were set up by the Government to consider the case of individual industries in connection with their planning programme. Now, these industrial panels on various industries came to the unanimous conclusion that the capital that would be needed for the development of these industries would be amply found in this country itself. Having regard to that authoritative statement, can anyone say in this House that we must necessarily ask for foreign capital for the purpose of aiding

[Mr K C. Neogy]

us in building up our industries? We, had also to consider the special case of certain industries where, for instance, their very foundation would depend upon certain conditions which foreign countries may be in a position to dictate Now, on this subject the Board came to the following conclusion. I am taking the liberty of quoting a very small paragraph from the report

"In the case of highly specialised industries, it may be necessary, where such a course is found unavoidable in the national interest, to acquiesce in an Agreement of Management which would leave the control of the management in foreign hands for a limited period In such a case, if participation in capital is made a necessary condition of association, there would be no objection to it provided that effective control is retained in Indian hands It should, however, be a condition of the Agreement that Indian personnel would be trained for all grades of the industry so that on the termination of the agreement Indian personnel could take over the entire management including the Technical Direction of the Company. Government should also exercise a general supervision over such Agreements"

Subjects to this, the Board came unanimously to the conclusion that there would be no justification for us to allow foreign capital to be brought in for the purpose of development of our industries, and that foreign management also has no reason to be allowed in connection with the management of any Indian industry Sir, it will be seen that in our report, just as much in this Resolution, stress is rightly laid upon control Do we or do we not lose control over our industries by either allowing participation of foreign capital, or by allowing foreign element to participate in the management of industry. That is the essential test I am not prepared to say that I would go to the extent that this Resolution expects us to go in completely banning foreign capital and foreign management I subscribe to the view that the Planning Board have unanimously expressed on this subject and I would ask the House not to adopt this Resolution in the form in which it stands, for the reason that it is of a rather sweeping character, and for another very valid reason and that is that the action which we are asking the Government to take would be unconstitutional having regard to the restrictive conditions that we find in the present constitution of the country, however much we may deplore it I would, therefore request my Honourable friend not to press this Resolution to a Division He has done a very useful service by raising an interesting point for discussion and various aspects of the matter have been gone into I dare say that on behalf of Government it would be possible to give some sort of assurance that the basic demand of this Resolution would be borne in mind when they come to consider, particularly, the Planning Board recommendations and while they declare their policy in regard to the future planning of industries in this country. If we can obtain a sympathetic assurance from the Government on this particular point, I think my Honourable friend will have done a real service to the country by raising this debate

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies) Sir, I am very glad to summarise the whole debate in this way, there is hardly any difference of opinion The object with which this Resolution has been moved has been stated very clearly by the last Speaker As to that object, nobody appears to have disagreed so far as the speakers have spoken Even the Honourable Member who spoke from the European Group accepts the object without any mental reservation as far as I could judge India should be free to control her economics as much as she is to control her politics and in this all of us are agreed Of course there is a further object Our idea is that we should achieve happiness as a result of these freedoms Nobody seems to have any difference of opinion on that subject Now, Sir, the particular form in which the Resolution has been brought before us makes it difficult for the Government to accept it The form has been analysed by various speakers and I need not take up the time of the House in doing it over again. The form is too sweeping and while the objective is accepted the manner in which the object is sought to be achieved, *viz.*, by a total ban cannot be accepted, as has been very fully explained by Mr Manu Subedar and Mr. Neogy.

The position today is not exactly what it was a few years ago Once upon a time it was enough for a petty chieftain to present an elephant or a couple of horses as a token of allegiance to the over-lord, but today the extraction of the tribute of an elephant or a couple of horses will not do at all Elephants and horses are not as important today as rifles and ammunitions In the same manner, once upon a time, capital was considered so important and it was in fact what controlled the industry, but today the position is quite different It is not only the question of the Finance Member printing Notes as was facetiously expressed by Dr Ziauddin Ahmad It is not that I am referring to I am referring to this What is most important today in industry is the technical skill, the know-how and the secrets of the processes in the more important and effective industries In regard to consumer goods, the position is quite different. We must not mix up what applies to production of bicycles or chocolates with what we are really having in mind in this Resolution In regard to machinery for the production of consumer goods or of more or less common machinery, there is no great point involved and India can stand on her own legs There is no need to go about with a hat for capital or for anything else There are certain industries which are very different in character from what I have just tried to describe There many secret processes are involved and high technical management is involved and previous knowledge and experience are involved In these matters, the question is different It is not merely a sweeping prohibition that can meet the situation

Then, again, it is not also a slogan or a formula that can solve the situation It is easy enough to say, we shall pay for what technical skill is available, we shall pay for the secret processes, but we will not take capital. Payment depends upon agreement on both sides, and it is not always possible to close the bargain on a unilateral slogan Therefore, it is not an easy problem. We are not dealing only with such matters, as, say, the production of cloth There is no need for anybody to go and borrow technical skill or pay for that purpose In fact, there is no need to go abroad for help in the management of such industries There are other industries which India must now organise and in those cases, we cannot ride on mere slogan We have to ride on something much more practical That is why, strange as it may seem, the note sounded today by Mr Manu Subedar and Mr Neogy appeared to be very different from the notes which they had been sounding on former occasions. We are in a different epoch altogether and we are having a different programme altogether before us What we have to do in the present situation is different from what we were used to passing or accepting on previous occasions

This question is before the Government As was pointed out by Mr. Neogy the Planning Advisory Board has furnished its report after examining the broad outline of the problem involved and that report is before the Government As Mr, Neogy said it has been published in the press, but printed copies are not yet available I would ask Honourable Members to read the report fully and carefully Important passages were read out just now by Mr. Neogy. The position is clearly explained there and Government has to consider the policy that they have finally to accept. The present Resolution will not carry us far in that respect except merely acceptance of the objective which everybody has already accepted Once upon a time as was pointed out by a Member we were spending long hours in talking about indianisation It would be absurd now to waste the time of the House speaking on indianisation of Government. In industry also I think the position is very much the same. If we spend our time merely on producing a formula as to how much percentage of capital should be allowed for outsiders and how much we should have, it would be a waste of time and energy. I submit the position is far more complex than merely a percentage question. The real object is to retain control and to be able to produce good material. The real object is the acquisition of that help which is necessary in order to build up these new industries. The matter was dealt

[Sri C. Rajagopalachari]

with in a question which I answered recently Unfortunately the question hour is so utilised that important questions are left behind and we spend all the time in putting supplementary questions on relating small matters. That question was not reached It is now there in the printed answer I have already said in that answer that this Advisory Planning Board has dealt with this matter and their advice is before Government It is under the anxious consideration of Government and the Government will frame its policy in an effective and practical way

I may also warn the House that it is not easy nor is it very useful if we do it at all, simply weaving a few words together in an attractive manner and put that forward as policy Generally the formulation of a policy would be quite unobjectionable but in application all the difficulty arises Government are therefore considering not merely the form of words in which to announce their policy but they are actually considering what is to be done in cases of one kind and what is to be done in cases of another kind It is this that has to be decided, and I may assure the House that Government will do everything that is possible to achieve the object which is the unanimous desire of the House, that India should be master of herself in industry as well as in politics Now, expressions were used—I think more from habit than deliberately—about the sympathetic attitude of Government It is absurd to use the word 'sympathetic' in this matter This Government is of the people and they are the trustees in this particular matter for all that is to be done for the country and mere sympathy is not what is to be expected of them We are all partners in one business and it is the anxiety and the concern of the House as well as the people outside It is a case of identity of interests, and therefore I deprecate the use of language applicable to old conditions of bureaucracy

As I said before, Honourable Members have referred to very important matters and there is nothing more for me to say except this that this question had been taken up some time ago, even before this Government took charge Sir Ardeshir Dalal had taken up the matter very earnestly in 1945 and Government had proposed to reduce this problem to a question of percentage of capital There were long discussions with His Majesty's Government but they were not able to conclude any agreement in that atmosphere of constitutional difficulties But today the constitutional difficulty is vanishing into thin air, it is no longer a question of anti-discrimination clauses being removed, they have removed themselves The whole situation has altered and even the British group does not worry to revive their memories about the commercial safeguards in the Government of India Act These safeguards, as was warned even at the time they were enunciated, cannot protect anybody The European group will have to be protected more by mutual arrangement than by any statutory safeguards At the present moment let Honourable Members not bother about constitutional difficulties, they are going to be removed as a result of the changes that are coming about in the political condition of

4. P M India The only difficulty is really that of production India today is most anxious about her production, every one from top to bottom is most anxious about the difficulties of production, of food, cloth and every other thing Every kind of article that we require is in short supply and we are anxious to produce them soon All the difficulties that Honourable Members constantly refer to in the matter of distribution, like corruption and black markets, arise out of short production that we are now stuck in. We have to get out of that, and in order to get that situation created we want the help of the whole world This is not the time for making a rigid formula of any kind While we must be very guarded and wary to see that our doors and windows are properly shut and opened, this is not the time when we can talk the language of narrow nationalism Unfortunately while the object of the Resolution is very good, it repeats the old language of isolationism which is

not very good That is why we have not been able to accept the Resolution as such. Otherwise we could have easily accepted it when the objective was common and when we all understood one another quite easily Therefore I request the Honourable Mover not to press it to a vote The object being accepted, Government are going to consider the whole position and I have no doubt they will arrive at wise decisions On the assurance given I request the Mover to withdraw the Resolution

Shri Sri Prakasa: Sir, the Honourable Supply Member has made my task easy I have no desire to reply to the debate at length, though it is always easier to reply after hearing some speeches than it is to initiate a debate I should have been happier if the Honourable Member could have given an assurance to this House that he intended, before the session was over, to enunciate the policy of Government and bring forward an official Resolution before the House along the lines of this Resolution I am sorry that the language of my Resolution has been castigated by friends from all sides I do not claim to be a master of a language that is not my own, but so far as I have been able to examine the Resolution from start to finish more than once, I do not find any grammatical mistake in it nor do I find even any mistake in punctuation Still it seems to me that the language is not regarded as very happy It is some comfort that the sentiments expressed in that language are regarded as unexceptionable I am glad that my Honourable friends of the European group have also accepted the principle of the Resolution, and I am happy that Mr Manu Subedar has taken a stand which we would not have ordinarily been expected from him sometime earlier It is something in favour of Government that Mr Manu Subedar also should have shed off his venom Sir, I am glad to be assured by Mr Neogy that he is labouring hard as Chairman of some committee

Mr. K. C. Neogy: That committee is *functus officio*, it has already reported

Shri Sri Prakasa: I am glad that Mr Neogy has reported, and I hope that his report is along the lines of my resolution and that it will not be thrown into the waste-paper basket as so many reports of ours are done at the police stations In any case I am glad that Government as it is constituted today feel at one with the rest of the House as they should; and I will, if I may, abide by the wishes of my Honourable friend the Supply Member and oblige him by asking for leave of the House to withdraw the Resolution

The Resolution was by leave of the Assembly withdrawn

RESOLUTION *RE* PROGRAMME OF CROP INSURANCE

Sri N. Narayanamurthi (Ganjam *cum* Vizagapatam Non-Muhammadan Rural) Sir, the Resolution which I have the privilege of moving runs as follows

"This Assembly recommends to the Governor General in Council that in view of the heavy loss constantly suffered by the agriculturists of this country, and in view of the fact that agriculture is the prime occupation of the people of this country, the Government should adopt an effective programme of crop insurance"

My Resolution is a simple and straightforward one and, if I may say so, it is a non-party matter on which I am sure every section of this House will agree to support me In fact we are all here on the basic assurance given to our countrymen that the economic amelioration of the peasants will be the first and foremost concern of this legislature, and in that respect I do not think there is much difference of opinion between one party and another I therefore expect every section of this House to accord its wholehearted and unstinted support to this simple and straight proposition.

[Sri N. Narayanamurthi.]

In bringing this Resolution I do not stand here as an economist or as an insurance expert with any definite or ready-made plan of insurance to be immediately ushered into being My idea is only to draw the attention of the Central Government and the Provincial Governments of today which are almost entirely national in character, in outlook, and in their programmes, that the economic amelioration of the Indian peasant should be one of the first and foremost in their programmes In this post-war period when we hear of so many post-war plans for the immediate industrialization of the country, for the nationalisation of all public utility concerns, and things like that, and it is a pity, there is not even a single programme which does directly touch the basic economic conditions of the Indian peasant I am not unaware of the fact that the Agriculture and Food Departments of the Government of India are under the control of our own illustrious countrymen and leader—Dr Rajendra Prasad—who has got his own programme of agricultural development which will very soon be brought into being But no programme of agricultural development or progress will really touch the Indian peasant in the village unless and until the individual basic economic condition of the peasant is ameliorated, because, in the first place, the first thing which directly touches him and which is most important for him is a proper, reasonable and adequate return for the agricultural produce which he produces The second thing is a minimum guarantee of return for his hard and honest and, if I may say so, honourable sweat shed right through the year It is the latter thing that is being attempted to be covered by the proposition which I am now bringing forward

It is wrong to think that simply because the agriculturist is producing something or other that he is satisfied and contented with the return that he gets Poverty, squalor, ignorance, and disease of the Indian peasant is too well known, and it is not necessary for me to expatiate on that aspect of the subject We want the Indian peasant to grow more food and not to raise commercial crops which actually yield him more cash If he is today producing more food crop it is at a sacrifice So unless we assure him a reasonable and adequate price for the crop which he produces and also unless we assure him that even under extraordinary circumstances, and extraordinary vicissitudes like famine, floods, pestilence, and things like that, he will get a reasonable return, we will be failing in our duty to the Indian peasant These famines, floods, windstorms, cyclones, and things like that are not of rare occurrence. Every year we hear of such vicissitudes in one province or another I will give only one or two instances In the year 1944, United Provinces was the victim of very heavy rains and ravaging showers of hailstorms which destroyed not only the standing crops but also bundles cut and stacked for thrashing The flood water reached a level unknown before affecting a total area of 4,767 sq miles, allowing 28,000 houses to collapse and affecting about 11,22,000 persons in two districts alone During 1946, over 120 villages with a population of about 300,000 were affected by floods—considered to be the biggest since 1931—according to reports from Nowgong, in Assam Under such circumstances what is our duty? Should we leave the people to their own fate and to the mercy of missionary organisations to distribute some doles and render some relief, or should the Government go to their aid and do everything to rehabilitate the economic condition of such people I know there are our Provincial Governments which give revenue remissions, but that cannot touch even the fringe of the problem, and therefore a scientific and methodical system of insurance should be evolved against such upheavals As I have said already I am not an economist or an insurance expert. I have no ready made scheme or formula It is for the Government to employ its experts and formulate a scheme on agricultural insurance and introduce it to the extent to which it is possible It may be of some satisfaction to some people to know that in more advanced western countries schemes of agricultural insurance are already in existence For instance, in the United States of America, which, as in the

case of every other progressive movement, is perhaps one of the first countries to take up progressive schemes of this nature, as far back as 1916-17 there was an Insurance Company which took up the work of insuring against such untoward events for every acre of the country cultivated by the agriculturists. By the year 1928 there were two or three companies which took up such work, but all of them were not successful to the extent to which they should have been successful, because the State did not directly take it up on a countrywide basis. But by about the year 1938 we are told that an Act entitled Agricultural Adjustments Act, which was otherwise known as Federal Crop Insurance Act, was passed and we are told that it is in operation in some parts and to some extent today There are other countries like Belgium which have followed the same example and they followed the practice of collecting premia and meeting the claims in kind, in the form of wheat for instance In our own country in a small State like Dewas Junior we are told that there is some form of insurance in vogue in certain areas All these have got to be examined and my purpose is only to draw the attention of the Central Government as well as the Provincial Governments to immediately take up this question, and do something which will rehabilitate the Indian agriculturist and make him feel that after all he is not a forsaken son of God, but there is his own National Government both in the Centre as well as in the Provinces to look after him even in case of such untoward disaster to his crop With these words, Sir, I move my Resolution

Mr. Deputy President: Resolution moved

"This Assembly recommends to the Governor General in Council that in view of the heavy loss constantly suffered by the agriculturists of this country, and in view of the fact that agriculture is the prime occupation of the people of this country, the Government should adopt an effective programme of crop insurance"

Seth Govind Das (Central Provinces Hindi Divisions Non-Muhammadan): Sir, I rise to support the Resolution. With the growth of time and civilization, Sir, the concept of social security has acquired a very wide meaning. The recent declarations of the United Nations with respect to their various peace aims have given a new emphasis and a new meaning to social security One of the advocates of this movement, Sir William Beveridge, in one of his recent reports has thus defined this concept

"Organisation of social insurance should be treated as one part only of a comprehensive policy of social progress Social insurance fully developed may provide income security it is an attack upon want But want is one only of the five giants on the road of reconstruction and in some ways the easiest to attack. The others are disease, ignorance, squalor and idleness"

The growth of social insurance has coined another slogan and that is "national minimum" Sir, with respect to this slogan, Sir William Beveridge, whom I have just quoted, says:

"The National minimum involves that the citizen of a democracy should be guaranteed as of right enough food to maintain him in health He should be assured of a minimum standard of shelter, clothing and fuel He should be given full and equal opportunities of education He should have leisure and facilities of enjoying it He should be secured against the risk of unemployment, ill-health and old age Above all, the presence of children should not be allowed to bring misery for the parents, deprivation for the children and poverty for all"

Now, Sir, in India we find that all the giants spoken of by Sir William are present Therefore, the need of social insurance has become all the more necessary in this country. Sir, the crop insurance is a part of the scheme of social insurance and the most important part, because 90 per cent. of our population directly or indirectly is dependent upon agriculture Sir, in this country, we find *anavrishty and ativrishty*: that is less rain and more rain, and that also not on rare occasions but frequently. There is very little land in this country which is irrigated and in the land which is not irrigated *anavrishty* spoils the crops. Then there is not less havoc of *ativrishty*

[Seth Govind Das]

also Besides these two, as the Honourable the mover has said, there is hail storm, there is frost, there is rust, there are insects and all of them play a great part in the annual harvests, both the *kharif* and the *rabi*.

In spite of such high prices of agricultural produce, there are places in this country where the population is as poor as it was before the war.

Prof. N. G. Ranga (Guntur *cum* Nellore Non-Muhammadan Rural): Even worse!

Seth Govind Das: Even worse, as my Honourable friend, Mr Ranga says, I shall give example of my own district Jubbulpore The House will be surprised to learn that since the year 1926 that district had not a single good crop In the last 21 years, we are having bad crops Under these circumstances, no economic planning in this country can become successful without crop insurance The idea of crop insurance is welcomed by many eminent persons of this country Sir P C Ray once said

"As the study of weather and the development of meteorology as a science have helped men to judge the vagaries of the monsoon to a certain extent agricultural insurance can be put on some sort of scientific footing "

Mr N R Sarkar said

"Agricultural insurance should be undertaken by an organisation of the mutualist or cooperative form with Government help "

And as the Honourable the mover said, in other countries also there is crop insurance He gave example of America We know that in America agriculture is on a very sound scientific footing, and still, Sir there is crop insurance in America For a year or so they abondoned this scheme but they found that they were mistaken and they have again gone back to it In Belgium also there is crop insurance In India too, in a small small State, Dewas Junior, there is crop insurance But small States like Dewas Junior cannot successfully go on with such a risky scheme and therefore Sir, I want that crop insurance should be on an all-India basis The Scheme should be applied both to more fertile and less fertile land I admit, Sir, that fertile and irrigated lands like that of the Punjab, do not require crop insurance to that extent, though crops fail even in those areas They will be put to a little expence also if crop insurance is made compulsory, but for the other areas of this country, I think fertile areas like that of the Punjab should themselves come forward and say that they will suffer alike for their brethren So, Sir, I say that it should be both in fertile and less fertile areas, and then, Sir, it should be made, in my humble opinion, compulsory We know that motor insurance to some extent has been made compulsory and if we make crop insurance compulsory we will find that very little will have to be paid by farmers and much benefit would be derived from it

The scheme will have to be worked out in detail, but as I am the humble author of this resolution, and I have given a little thought to it, I should like to place before the House some cardinal points which should be borne in mind when this scheme is formulated Those points I should like to read so that I may not miss them

(1) The scheme should be simple clear and straightforward from the point of view of those who will administer it, those who will pay for it and those who will benefit by it (2) The scheme must stick to certain well defined objectives and should not be very ambitious from the very beginning (3) The scheme should be financially sound and economic in working. (4) The scheme must minimise litigation and disputes. (5) The scheme must suit to the peculiarities of Indian conditions (6) The scheme should be flexible, leaving sufficient scope for subsequent alterations and extensions (7) The scheme should provide for a well organised publicity department (8) The principle involved in the scheme is to help small cultivators to begin with and therefore in the first instance, the scheme may provide for the exclusion of big farms. (9) The

scheme should be made compulsory as far as possible for the people for whom it is meant

As conditions are at present such a scheme cannot be made and executed only by provincial governments I therefore urge upon the Central Government to take this matter into their hands, invite opinions from different provinces and see what can be done in this respect on an all India basis I entirely agree with the Honourable Mr Rajagopalachariar that the Government has changed and the times have changed We here are not in opposition We are a part and parcel of the same Government and whatever we say here is only to request them and to draw their attention to certain matters I hope this resolution which is non-controversial will be accepted by the Government and something tangible will be done in this respect. Sir, I support the resolution.

Prof. N. G. Ranga: Sir, I wish to support this resolution It is high time that action on the lines suggested here is taken I agree with my Honourable friend Mr Govind Das that it should be undertaken as an all India responsibility Thanks to this war and the consequent food shortage, the nation has come to realise what a key function our peasants have been performing all these years in producing all the food that the nation needed and placing it at their disposal at such scales of prices as were being dictated to them by the consumers of this country How is it that India is suddenly face to face with this food shortage According to several of the agricultural economists who have contributed their valuable articles to this very useful book "Developing Village India" published by the Department of Agriculture, it is clear that because of the failure of the Government, not only of provincial but also Central, to discharge their duties towards our peasants this food shortage has come about If only our provincial governments as well as our Central Government had realised their duty to put down the ravages caused by these pests—I need not enumerate the various kinds of pests—and also by floods, cyclones, drought and various other natural calamities, there would not have been this trouble But the Governments were content to leave the poor peasants to their own wits end and shift for themselves and produce how best they possibly could all the food that the people needed and therefore today the peasants have found themselves incapable of coping up with all these natural and artificial calamities and we are in consequence faced with this food shortage

One of the reasons why this crop insurance plan should be instituted is to create the necessary sanctions to force the provincial as well as the Central Governments to attend to all their duties in regard to agriculturists in order to minimise the risks involved in crop insurance Once crop insurance is instituted, not as a sort of private concern but as a national and governmental concern, Government will come face to face with the almost calamitous risks that they would be undertaking to overcome in this country as well as the colossal financial risks that they will be running in order to assure the peasants a reasonable return for all the trouble that they take in carrying on their productive activities in this country

Sir we have nearly 300 million people in this country who are employed in agriculture Even if we estimate the per capita income at Rs. 100 for this population, it comes to this, that we will be assuring to them through this crop insurance 3,000 crores of rupees worth of income every year. That is nearly one third of the total estimated expenditure of the Bombay plan for ten years. Every year the Government will be undertaking this risk, they will be assuring this much of income to our peasants Will it be possible for the Government to do it at all? I maintain that it should be possible and it would be possible also, if every Government were to take upon itself not only the incidental financial risk involved in this undertaking but also the discharge of those ancilliary or auxilliary duties that they have to perform in order to assure reasonable, decent and stable conditions of life to our peasants

[Prof N G Ranga]

It is true that meteorology has made very great progress Even then cyclones and floods and even drought do not give us any chance of estimating their possible devastation and therefore large tracts of country are liable to be damaged with their standing crops, causing any amount of harm and loss to millions of our people Loss of human life as well as cattle is being suffered every year in some part of the country or other because of these natural calamities. In addition to this there is the loss sustained as a result of the pests. It is estimated by several authors and one of them I quote here, that in regard to one area, the North-West India, the yield of valuable orchards was estimated to have been reduced by 50 per cent and in some cases by as much as 90 per cent Also orchard owners in Sind are cutting off their citrus trees, because of the white fly pest Weevils destroy about 3½ million tons of grain every year, valued at about 80 crores of rupees and in quantity enough to feed about 15 million persons for one year All this has to be stopped It can be stopped in an earnest and effective manner only when crop insurance is undertaken by the Government Could crop insurance be undertaken by Government at all? In times past it would have appeared as a sort of revolutionary proposal if Government were asked to undertake crop insurance Things have changed and are changing Only recently Government has published their Prices Committee Report, which has suggested that Government could insure our peasants against the ravages caused by price fluctuations Therefore it is only another step forward for the Government to undertake crop insurance also

I know all sorts of administrative difficulties could easily be conjured up and I am afraid the departments of Food and Agriculture have been busy only in regard to these difficulties There are bound to be difficulties and I say that you can always trust the I C S officers to think of any number of them. But I wish to assure the Honourable Member as well as his I C S assistants that these administrative difficulties have got to be faced and overcome They can be overcome They might say that our peasants are ignorant and that it would not be possible either to collect the premiums from them or to distribute later on compensation for the losses sustained by them I may assure them that our peasants are coming to be organised and there will be an additional inducement for them to organise themselves even better in every village, if you were to develop crop insurance

Secondly, Sir, if you were to expect high officers to work in co-operation with the peasants' organisations—the special organisations brought into existence in order to work this crop insurance scheme,—it will be possible to insure our peasants against any kind of *sulum* or corruption from administrative officers

Coming to the question of the sharing of responsibilities as between different parties in this insurance scheme I wish to say that the whole burden of maintaining this insurance should not be placed upon the shoulders of our peasants alone. My Honourable friend, Seth Govind Das was thinking that the rich peasants or those possessing fertile lands would not need this insurance to the same extent I cannot agree with him. The Punjab farmer, the Bengal farmer as well as the Andhra farmers, who are fortunate enough to enjoy an excellent irrigation system, need this crop insurance as much as the farmers of Bijapur or Rayalaseema, or Orissa, or even Rajputana and other arid areas, because if the land is fertile and the crops raised costly, the risks also are correspondingly greater Therefore they will also need the protection of this crop insurance as much as the peasants of the poorer areas.

Then, Sir, the Provincial Governments also should undertake their responsibility in financing this. Just as in the case of the unemployment insurance scheme, the health insurance scheme, the family insurance scheme and various other things that you find in England—the State comes in there as one of the

three contributory partners—so also, in regard to this crop insurance the Provincial Governments as well as the Central Government should come into it and make their proper contribution How much this is to be has to be decided later on Whether it is to be one-third or half of the total contribution to be made towards this fund has to be decided later on But the general principle must be accepted that the Governments also should undertake their financial responsibility. It is not a novel suggestion that I am making In fact there used to be a practice in our own country for well over forty years to provide Rs 1½ crores from the general revenues of the Central Government towards famine relief and insurance scheme That contribution used to be made In 1919, as is usual with the British Government, in a light-hearted manner they dismissed that contribution Therefore since the inauguration of the Montford scheme this was stopped But I may tell the House that before the Central Government came to make that contribution, between 1880 and 1900, from the days of Lord Lytton's Viceroyalty a few taxes were levied on the masses of our own peasants in order to raise this Rs 1½ crores and even more Why do I say more ? Because in those days the Provincial Governments and the Central Government were spending Rs 6½ crores on famine relief in different parts of the country Therefore, Rs 8 crores they used to raise by special taxation from our own peasants in order to finance that insurance scheme But unfortunately those taxes were being collected and are being collected I daresay even now, but that particular contribution towards famine relief and insurance has been stopped This is how our peasants have been cheated It is then deserts Therefore I suggest that the Central Government also should undertake its responsibility in paying at least 25 per cent of the cost of this scheme It can be made to work and it will be made to work And it is bound to have very salutary effects upon our own peasantry The moment then lands come to be insured and their crops come to be insured they have an insurance of a stable income because they are insured against the vicissitudes of seasons and also against fluctuations in prices Once they have an assurance of a stable income then they will have an inducement to raise their own general level of efficiency to send their children to agricultural schools and colleges get them educated and find it profitable because educated farmers make much more efficient farmers and to that extent the premiums that they have to pay in future towards this crop insurance could also be reduced

Mr. Deputy President: The Honourable Member has got two minutes more

Prof. N. G. Ranga: They will also be able to fight these pests I therefore suggest that the Government should not shelve this matter any longer On the other hand they should take it up earnestly and give them best possible consideration to it and place before the country at an early date a feasible practicable and effective scheme of crop insurance

The Honourable Dr. Rajendra Prasad (Member for Food and Agriculture) I must say at once that I have my fullest sympathy with the object which the mover of this resolution has in view I think I know something about the condition of our peasantry and I know too with what great difficulty they are able to carry on in these hard times It would therefore be a matter of the greatest pleasure to me if I could do something to ameliorate their condition and to improve their life The resolution as it has been moved wants the Government to institute a system of crop insurance I think the peasant needs insurance against two kinds of risks there is always a chance of what he produces being sold at a price which is not profitable to him and there is the further risk of his labour not being rewarded with a crop at all or with a short crop So far as insurance against falling prices is concerned I take it that that is not covered by this resolution Recently we have had a committee to go into that question of stabilisation of prices and the report of that committee is under consideration at the present moment The other question of insuring against calamities affecting the crop is really a very difficult question I fully

[Dr. Rajendra Prasad]

realise the importance of instituting such insurance But when I take into consideration the difficulties which are not the creation of either I C S or of those of us who have now to work with them but which are inherent in the problem itself, I confess that it is not easy to find a solution Take for example the various kinds of risks which the cultivator runs in his everyday life of cultivating his land There is the risk of too much rain or of too little rain, there is the risk of hailstorm, there is the risk of cyclones, there is the risk of floods, there is the risk of pests, there is the risk of locusts. (*An Honourable Member* "And there are rats") These are the risks to which the crop itself is exposed There is the future risk of the cattle on which the cultivation depends, coming under some sort of epidemic, and we know there have been years when cattle have died like flies and also when our crops have failed not because of anything which the cultivator had done but because of something over which he had no control Any scheme of insurance therefore in a country like India will really be an insurance against whether It will really amount to nothing less than a gamble in rains If it is possible to gamble in rains and if a scheme can be developed which can insure against that kind of gamble I for one would not object to accepting that scheme The difficulties which the peasants has to face are no doubt there but it is not always possible to find a solution for all difficulties It has been said that it may not be possible for the Provincial Governments to undertake a big scheme like this and that the Government of India should undertake it If it is not possible for the Provincial Governments I sometimes venture to think that it may not be possible even for the Government of India to undertake it

Prof. N. G. Ranga: All together That used to be the old scheme

The Honourable Dr. Rajendra Prasad: I would just indicate some of the difficulties which we shall have to face in giving practical application to a Resolution like this Now, what is it exactly that we want to insure? Is it the crop that has to be insured? That is to say, if the crop does not come up to a particular standard the insured person has to be given compensation for that?

Prof. N. G. Ranga: That is right

The Honourable Dr. Rajendra Prasad: Or is it the investment which the peasant makes in the cultivation that has to be insured? That is to say, if the amount that has been spent on cultivation is not recovered by the produce, is the loss to be made good? or is it again the profit which he expects that has to be insured? The difficulty that we have to face in this country is this Most of our cultivators do not produce what they produce for sale What they produce they produce for their own consumption and it is only a portion of what the produce that is sold That makes a world of difference between the system of agriculture that we have in this country and the system of agriculture that they have in a country like the United States of America There agriculture is a kind of industry Here it is a sort of occupation Here men must cultivate, because they must cultivate for the sake of their daily livelihood It is not a sort of investment or a business proposition They cultivate because they cannot do without it That may be a reason all the more for insuring against risk but that makes the difficulty of insurance all the greater If you look into the details of any insurance scheme, you have to find the money which has to be paid by way of compensation Now who is going to pay that? As has been said, 80 per cent or as some speaker pointed out, 90 per cent. of our people are engaged in cultivation or are dependent on cultivation Now, if all these 90 per cent of the people have to be insured, who is going to pay the premium?. It is the cultivator who has to find the money which will be paid by way of premium and which in case of loss will have to be repaid to the cultivator. If the Government of India take up the responsibility, it only means realising from the cultivator in some way or other something which the Government of India may have to repay to him in time of difficulty We cannot have the burden

thrown on another party. There is no other party. (*An Honourable Member* "Consumers"). But the consumers can only bear a part. They cannot bear the whole burden They can only bear in proportion to their strength and that will be only 10 to 20 per cent. and the rest will have to be borne by the cultivator.

Now, let us see what kind of cultivators we have got The average holding of our people is very small—a few acres In some provinces it is 2 acres In Northern Bihar it is only 2 to 2½ acres In other provinces it may be ten acres The average for the whole country may not be more than 10 acres On a holding of that kind where is the premium to come from? It assumes that the cultivator is in a position to save something Insurance is some sort of compulsory saving Is the cultivator today in a position to save anything out of what he produces My own feeling is that in the vast majority of cases the peasant is not in a position to save anything either for the rainy day or for anything else (*An Honourable Member* "Why should not the Government of India pay the premium?")

Prof. N. G. Ranga: The whole of India is not affected by cyclone simultaneously.

The Honourable Dr. Rajendra Prasad: Seth Govind Das said that the Jubbulpore area has been suffering from drought for the last 21 years I do not know what scheme of insurance will succeed in an area like that As a matter of fact in this country, there is always a shortage of rain There is always failure of crop It is more or less chronic There is no full crop in any year That is the position If the premium has to be found by the cultivator, the position becomes very difficult

I was looking into some literature about America I find that the cultivator there has to contribute anything about 5 bushels to 4 bushels per acre as his premium That comes to a maximum of something like 2 or 3 maunds and about a minimum of half a maund per acre I do not know how many of our cultivators could contribute that amount as a premium for insurance The rent usually payable by the cultivator is not as much as that in many cases In some cases it is much less than that So this would be an additional burden on the cultivator which he will have to pay from year to year and from which he will derive benefit only occasionally It is true that they will all pool their own resources and the misery when it comes will be distributed over all and for that very reason it may not be as easily acceptable to the cultivator as is supposed I can say this with regard to life insurance Even life insurance where the risk is much more easily calculable has not become as popular in this country as in other countries The risk with regard to agriculture is much less calculable, it is much more difficult to calculate and I do not know how far it will be possible to draw up a scheme of insurance

As I have said, I have the fullest sympathy with the object of this Resolution I am prepared to examine this in detail I thought I must place before the House the difficulties which I have felt about accepting the Resolution as it is worded I trust that the members will go into the details of this subject with the care and attention it deserves and give us any suggestions which would help us in the consideration of this problem

It is not necessary in a Resolution like this to appoint a committee because a committee cannot do anything unless it has got the necessary data In this case we have not got the necessary data We have not even the data which will give us the information with regard to the crop yield The crop yield over a series of years will be required for determining what the premium can be in the case of insurance and it will have to be different for different areas, different crops and different kinds of land and, I should imagine, even with regard to different kinds of cultivators. So, in the first instance, we have got to make the collection of data on a very extensive scale When those data have become

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available it will be necessary to examine them and to see if it is at all practicable to introduce a scheme like this I know that there have been suggestions made like this in some reports by some Committees and I have looked into some of these reports too They all emphasise this fact that in the first place what is necessary is the accumulation and the collection of data Unless we get the data, it is not possible for me to commit the Government to any course of action except to say that we are prepared to consider this matter I hope this will satisfy the Members because I am sure they would not like to rush the Government into any decision or any commitment at this stage without knowing what the Government is committing itself to

Sri N. Narayanamurthi: Mr Deputy President, Sir, after the assurance given by the Honourable Babu Rajendra Prasad that the subject will have his most active and sympathetic consideration, there is nothing to be said except to withdraw the Resolution in the full confidence as the Honourable Member himself said just now that on subjects of national importance there is not much difference between the various sections of the House and the Government that is ruling the country In view of that assurance I am absolutely certain that whatever is possible in the interests of peasant will be done by the Government and therefore I beg to ask for leave of the House to withdraw my Resolution

The Resolution was by leave of the Assembly, withdrawn

POINT OF ORDER *RE* RESOLUTION *RE* RELEASE OF INDIAN NATIONAL ARMY MEN AND POLITICAL PRISONERS

Shri Mohan Lal Saksena (Lucknow Division Non-Muhammadan Rural) I propose that the Resolution regarding I N A should now be taken up because all the items on the agenda have been finished

Sardar Mangal Singh (East Punjab Sikh) I suggest that I should be allowed to move my Resolution which though not on the agenda was sixth on the list

Mr. Deputy President: The agenda is settled by the Honourable the President and he has put down five Resolutions on it So whatever was put down on the agenda paper has now been disposed of

As to Mr Saksena's suggestion I have already given the indication that I do not propose to give any ruling on that point The Honourable the President went thoroughly into this question and he ordered the agenda paper to be prepared in a particular manner which he will be able to explain to the House in detail later on

Shri Mohan Lal Saksena: My point was this Now that the agenda for the day has been exhausted at least the Resolution regarding the I N A could have come before the House automatically It was balloted for and it is already there

Mr. Deputy President: As I have already said, that is a point which the Honourable the President himself will decide

STATEMENT OF BUSINESS

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, as to the business for the next week an agenda has been circulated today for the first four days of the week They will all be devoted to official business

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th February, 1947

LEGISLATIVE ASSEMBLY

Monday, the 10th February, 1947

The Assembly met in the Assembly Chamber at the Council House at Eleven of the Clock, Mr Deputy President (Khan Mohammad Yamin Khan) in the Chair

MEMBER SWORN

Mr. Shah Nazar Hasan, M L A (Meerut Division Muhammadan Rural).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

COAL MINES WAGES INQUIRY COMMITTEE

148. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Labour Member please state

(a) if the coal mines wages Inquiry Committee has commenced its work and is likely to submit its report by the end of March this year,

(b) if the report of the Committee will be laid on the table of the House during this session, and

(c) if the Committee will also submit its recommendation on the minimum wages in the coal mining industry?

The Honourable Shri Jagjivan Ram: (a), (b) and (c) It was the intention of Government to set up a Committee to make recommendations in regard to reasonable rates of wages for different categories of workers in the coal industry. For unavoidable reasons, however, the Committee, could not commence its work The situation in the collieries has, meanwhile, deteriorated. Quick action has to be taken, if there is to be no epidemic of strikes in the coal mining areas Government have, therefore, constituted a Board of Conciliation under the Trade Disputes Act, 1929 composed of (1) Mr W R. Puranik, Retired Judge of the Nagpur High Court, Chairman, (2) Mr S. F. Tarlton, (3) Mr. D R Rathor,. (4) Professor Abdul Bari and (5) Mr P C Bose.

Pandit Sri Krishna Dutt Paliwal: Has this Board of Conciliation commenced its work?

The Honourable Shri Jagjivan Ram: Not as yet.

Mr. N. M. Joshi: When Prof Abdul Bari and Mr Bose were appointed to the Conciliation Board, were the labour organisations in coal mines consulted?

The Honourable Shri Jagjivan Ram: The Secretary of the Labour Department had been there and he contacted a number of labour workers there

Mr. N. M. Joshi: May I ask whether the Government are aware that under the Act of 1929, labour representatives must be appointed with the consent of the labour organisations and whether this has been done? Mere contacting labour in mines is not enough

The Honourable Shri Jagjivan Ram: As a matter of fact Prof Bari and Mr Bose represent the workers organisations as well

Mr. N. M. Joshi: May I ask whether there are not other organisations which are contesting the claim of Prof Bari?

The Honourable Shri Jagjivan Ram: The workers of those organisations also were contacted and consulted on this point.

WELFARE OF WORKERS IN TEA PLANTATIONS.

149. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Labour Member please state

(a) the steps taken or proposed to be taken in order to improve the lot of workers in tea plantations, and

(b) whether anything has been achieved so far in connection with their general welfare and the revision of their wages and improvement of their housing conditions?

The Honourable Shri Jagjivan Ram: (a) and (b) Steps have been taken to constitute a Plantation Labour Conference on a tripartite basis The first meeting of the Conference was held on the 8th and 9th January, 1947 As a result of the deliberations of the Conference, the employers have agreed to give—

(i) an *ad hoc* wage increase of two annas per day for men in the Assam Valley and for a *pro rata* increase for women and children and for similar increases in the Surma Valley and Bengal gardens,

(ii) Maternity benefit at the rate of Rs 5/4/- per week for eight weeks,

(iii) Sickness Benefit for periods of sickness upto two weeks in a year at a rate equivalent to two-thirds of the daily earnings

Agreement was also reached at the Conference that Government should prescribe and enforce standards regarding housing and medical services to be provided by the gardens and that steps should be taken to extend the Primary Education Acts to plantations The employers also agreed that a quick family budget enquiry should be conducted in certain selected gardens in Assam and Bengal to ascertain the requirements of the workers and that, on the basis of the results of this enquiry reasonable rates of wages should be agreed upon at the next Conference to be convened on the completion of the enquiry Steps have been taken to undertake the enquiry My Department is examining the question of drafting a Bill regulating conditions of work in the Plantations and giving power to Government to prescribe and enforce standards regarding housing, medical and health services The recommendation regarding the application of the Primary Education Acts has been brought to the notice of Provincial Governments

Mr. Sasanka Sekhar Sanyal: Who are the parties to this conference?

The Honourable Shri Jagjivan Ram: Employers, workers and governments concerned

Mr N. M. Joshi: How were the workers representatives selected for this conference?

The Honourable Shri Jagjivan Ram: We communicated to the provincial government to inform the workers organisations working in plantations We contacted these organisations and asked them to send representatives

Pandit Sri Krishna Dutt Paliwal: Has any date been fixed for the enquiry to be completed?

The Honourable Shri Jagjivan Ram: The enquiry is to be completed as early as possible, I think within two months

Babu Ram Narayan Singh: May I know the names of labour representatives at Jharia?

The Honourable Shri Jagjivan Ram: Jharia is not interested in plantation, as my Honourable friend must know

DEVELOPMENT OF NATIONAL SHIPPING

150 *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Commerce Member please state

(a) the steps Government have taken or propose to take to develop the national shipping; and

(b) whether competition in Indian coasts by foreign shipping has been stopped?

The Honourable Mr. I. I. Chundrigar: (a) The Government of India are committed to a policy of rapid expansion of the Indian Mercantile Marine and of assisting in its increased participation in the coastal and overseas trade of the country The ways and means of implementing this policy are at present under examination by a sub-committee of the Shipping Policy Committee The Sub-Committee is expected to submit its report very shortly and the whole question of the action to be taken for the development of Indian Shipping will come under examination after the report is received

(b) Due to conditions arising out of the war, competition in shipping was practically eliminated Demand for shipping requirements far exceeds the supply and competition has not, therefore, revived so far, but should it arise again and be found to be affecting India's interests adversely, Government would take adequate steps to deal with it

Mr. Manu Subedar: Will the Honourable Commerce Member tell this House something more about the nature of the expenditure incurred from the six million dollars which Government made available for the purchase of ships?

The Honourable Mr. I. I. Chundrigar: The companies to whom facilities for this dollar exchange were given by Government have not yet reported as to how much exchange they have utilised The figures can be compiled only after the companies submit their report

Mr. Manu Subedar: Will the Honourable Member tell the House what happened to the ships which India refused from the German reparations and whether any substitute ships are offered to us by His Majesty's Government or the Allied Council in place of those which were given to India and which India refused?

The Honourable Mr. I. I. Chundrigar: That question is entirely unconnected with this question I require notice

Mr. Sasanka Sekhar Sanyal: Have the Government of India any say in determining the rates and freights which are fixed by the various companies?

The Honourable Mr. I. I Chundrigar: The question of fixing rates and freights at present is a question between the shipping companies and their organisations on the one hand and the shippers on the other The Government have, under the law as it stands at present, no authority directly to fix the rates and the question is under examination as to the powers which Government can assume in this connection

Mr. N. M. Joshi: May I ask whether the Government of India have considered the general question of policy as to whether shipping, which is a key industry, should be nationalised or not? I want to know what is the policy of the Government as regards nationalising shipping industry?

The Honourable Mr. I. I. Chundrigar: The question cannot be considered piecemeal The whole shipping policy will be reviewed when the report which has been mentioned by me in reply to part (a) is received by government

Seth Govind Das: Is it a fact that the policy of the Government in this respect was announced as early as 1926 when Mr Haji presented a Bill in this House, and since then the movement of the Government has been very slow in this direction? Now as the Interim national Government has come into being will they see that this slowness of speed is abandoned and something is done soon?

The Honourable Mr. I. I. Chundrigar: Government will take quick steps to examine the report as soon as it is received and will reach a decision as early as possible

Mr. N. M. Joshi: Are Government aware that shipping companies are exploiting the passengers of these ships on coastal voyages and if so what steps are they taking to prevent this exploitation?

The Honourable Mr. I. I. Chundrigar: Government have received complaints about the alleged exploitation and the question is under examination

CONFERENCE OF ARCHITECTS IN NEW DELHI AND PLAN OF CHEAP MODERN HOUSES IN RURAL AREAS.

151. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Works, Mines and Power Department please state

(a) if the conference of Architects held at New Delhi in December, 1946 has evolved any style of architecture in keeping with Indian traditions and suiting the needs of modern India, and

(b) if Government have got any plan for cheap and modern houses in rural areas, if so, what?

Mr. B. K. Gokhale: (a) No The Conference of Architects was called to consider the desirability, if any to undertake legislation, to regulate the practice and profession of Architects in India

(b) No Sir

EXPORT OF BONES

152. *Seth Govind Das. (a) Will the Honourable the Commerce Member please state the quantity of bones exported from this country during 1945?

(b) Are Government aware of the fact that bones contain phosphates which are essential ingredient of manure?

(c) In view of the fact that we have no natural deposits of phosphates, do Government propose to take steps to prevent the export of bones and divert them to agricultural use which is more vital to us?

The Honourable Mr. I. I. Chundrigar: (a) 35,789 tons

(b) Yes, Sir

(c) Export of raw bones and bonemeal is totally prohibited but a limited quantity of crushed bones and bonegrists is being allowed because bones in these forms cannot be economically utilised for manurial purposes The use of bonemeal and superphosphate for manurial purposes is being encouraged by the Government of India and financial assistance is being given to Provincial Governments for subsidised distribution of bonemeal Bonemeal is a bye-product in the process of manufacturing crushed bones, and hence if bones are not crushed and exported, we shall lose our valuable supplies of bonemeal

Mr. C. P. Lawson: Is it a fact that the manufacture of superphosphates from bones was discontinued in Europe a hundred years ago as uneconomic?

The Honourable Mr. I. I. Chundrigar: If they had other materials from which they could get superphosphates in larger quantities they may have abandoned it But if our resources are such that it may be difficult for us to get superphosphates in large quantities from other materials we cannot afford to do so

Mr. C. P. Lawson: Is it not a fact that the primary use of bones is the extraction of glues and gelatines, and is it not therefore a fact that it is completely uneconomic to manufacture superphosphates from bones from which the glues and gelatines have not been extracted?

The Honourable Mr. I. I. Chundrigar: That is a technical question and will require examination But, as I said, we cannot at the present moment give up any article which gives us superphosphates which we need so badly here

Seth Govind Das: Will the Government consider the desirability of stopping the export of bonegrist, which is being exported every year?

The Honourable Mr. I. I. Chundrigar: The quantities for export are fixed only after fully considering the requirements of the country.

Sri S. T. Adityan: Are Government aware of the presence of large quantities of phosphate nodules in the Trichinopoly district of the Madras Presidency?

The Honourable Mr. I. I. Chundrigar: I shall require notice of that question

Shri Mohan Lal Saksena: What is the total sum of money granted to the various provincial Governments?

The Honourable Mr. I. I. Chundrigar: No money is given to them

Mr. Ahmed E. H. Jaffer: Will the Honourable Member consider the advisability of appointing a bona fide inquiry committee to consider all these questions?

(No reply was given.)

REUNION OF PEOPLE IN GOA AND OTHER FOREIGN POSSESSIONS IN INDIA IN THE NEW CONSTITUTION OF INDIA.

153. *Seth Govind Das: Will the Honourable Member for External Affairs be pleased to state

(a) whether Government are aware that the people of Goa, Damaun, Diu, and other foreign possessions in India, have expressed a strong desire for reunion in accordance with the principle of self-determination, in the new constitution for India, and

(b) the steps that have been taken or are proposed to be taken to have their claim considered?

The Honourable Pandit Jawaharlal Nehru. (a) and (b) Government are not in a position to say that the majority of the people of Goa, Damaun, Diu and other foreign possessions in India desire regarding a re-union with the rest of India under a new constitution. They are aware however that such sentiments have been expressed. They feel that the right time to consider the question of the foreign possessions in India will be at a later stage when the constitution of India takes shape

Mr. Sasanka Sekhar Sanyal: What is the attitude of these foreign authorities in the matter of these possessions? Are they prepared to offer these territories if the people there desire to come within the Indian fold?

The Honourable Pandit Jawaharlal Nehru: That is a question which the foreign authorities should answer and not the Government of India

Mr. Sasanka Sekhar Sanyal: Is it a fact that the French authorities have declared their willingness to give up their possessions in Chandernagore and Pondicherry if the majority of people of these places so desire?

The Honourable Pandit Jawaharlal Nehru: I believe it is a fact that the Governor of the French possessions in India declared in a speech some time back that France would abide by the decision of the majority of the people there

Mr. Sasanka Sekhar Sanyal: Have the Government of India made any attempts by this time to ascertain the views of the other foreign possessions?

The Honourable Pandit Jawaharlal Nehru: No, Sir. As I have said in reply to the main question, we think that this question should be taken up very much later when the time is ripe for it

EXPANSION OF INDIA'S OVERSEAS TRADE.

154. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Commerce Member please state:

(a) the step or steps Government have taken or propose to take for the expansion of India's overseas trade; and

(b) whether any trade commissioners have been appointed, any missions have been sent abroad and whether any commercial links have been established so far for the purpose?

The Honourable Mr. I. I. Chundrigar: (a) The following steps have been or are proposed to be taken for the expansion of India's overseas trade

(1) Progressive withdrawal of wartime restrictions,

(2) Appointment of more Trade Commissioners and the constitution of an Indian Trade Commissioner's Service,

(3) Re-organization of the existing machinery for the collection and compilation of commercial intelligence,

(4) Setting up of a well-equipped and specialised publicity organization at Government's headquarters and the appointment of Publicity Officers in the offices of the Indian Trade Commissioners,

(5) Participation in international trade fairs and exhibitions,

(6) Sponsoring of official and non-official Trade Missions to foreign countries for surveying foreign markets and establishing contacts.

(b) (1) In addition to the Trade Commissioners already functioning at New York, Toronto, Buenos Aires, London, Alexandria, Mombasa, Sydney, and Tehran, Trade Commissioners' offices have recently been opened in Colombo and Paris and are proposed to be opened shortly in Iraq, Burma, Czechoslovakia, Scandanavia, Milan, Hamburg, Shanghai and Singapore

(2) The Government of India have sponsored a Trade Mission to China in 1946. Arrangements have been made to depute very shortly a Trade Mission to countries in the Near and the Middle East

Mr. Manu Subedar: May I know whether Government have prepared a list of those articles in which India is in short supply and whether Government have communicated with various countries from which these articles could possibly be imported indicating to them that these are short supply articles which India would need, and also giving them a list of the surplus articles of India in order to find out whether an exchange on a barter basis could take place?

The Honourable Mr. I. I. Chundrigar: The question is being dealt with every day as occasions arise so far as import of articles in short supply and the export of articles which we have got in plenty are concerned

Mr. Manu Subedar: Have Government made any communication to the Governments of other countries on this subject?

The Honourable Mr. I. I. Chundrigar: As I said, the question is being dealt with from day to day as occasion arises We have been in touch with Governments, with Trade Commissioners and also unofficially through several sources.

ABOLITION OF DIRECTORATE OF RESETTLEMENT AND EMPLOYMENT

155. *Maharajkumar Dr. Sir Vijaya Ananda: (a) Will the Honourable the Labour Member be pleased to state whether Government are aware that the Directorate of Resettlement and Employment has been able to secure jobs for only slightly above two per cent of the total number of demobilised persons?

(b) If so, do Government propose to consider the question of abolishing this Directorate?

The Honourable Shri Jagjivan Ram: (a) The answer is in the negative. During the period 1st July, 1945 to 31st December 1946, the Resettlement and Employment Organisation found employment for 79,679 ex-servicemen and over 36,000 discharged war-workers About 87,000 more ex-servicemen were offered employment but they either declined the offer or did not appear for interviews

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

with employers In addition, during this period the Organisation admitted 7,143 ex-servicemen to its training centres, over 22,000 ex-servicemen have been posted to the training centres but have not yet reported at these centres.

Thus out of 4,58,598 ex-servicemen who needed employment assistance 86,822 or 18·9 per cent have already been placed in employment or admitted to the training centres

(b) In view of the fact that this Organisation, which is a new venture in this country, has been working under difficult and abnormal conditions and only for a short period, Government do not regard the results so far achieved as unsatisfactory Government proposes to expand the scope of this organisation with a view to developing it into a permanent Employment Service

STATEMENT BY MR J J SINGH ABOUT INDIAN IMMIGRATION INTO AMERICA

156. *Seth Govind Das: (a) Will the Honourable Member for External Affairs please state whether Government are aware of the statement given by Mr J J. Singh, in New Delhi about the Indian immigration into America?

(b) If so, what principle are the Government of India going to follow in recommending immigrants into America?

(c) Do Government propose to reopen this question with the United States of America State Department to increase the annual quota of Indian immigrants into the United States of America?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Immigrants to the United States of America from India will not be recommended by the Government of India but will be selected by the United States Government from applicants who possess the qualifications required by American Law This is in accordance with ordinary international practice

(c) No, Sir We do not propose to take any such step at present The provisions regulating these quotas apply equally to the immigrants of all nationalities and it will therefore not be feasible, to press the United States Government to relax them in favour of Indians

Mr. Manu Subedar: How does the Honourable Member reconcile with the answer given to me the other day by the Honourable the Home Member that those who have recently acquired Indian nationality will not take advantage of the Indian quota given for America if the United States Government is going to decide? What steps will Government take in order to see that only Indians who are born Indians will have the advantage of this immigration quota and that immigration quota will not be appropriated by those who have recently acquired the Indian nationality mostly Germans and Polish Jews?

The Honourable Pandit Jawaharlal Nehru: I am sorry I do not remember the exact contents of the Home Member's reply to the Honourable Member's question So far as I know no such question has arisen in the United States of America If it does arise, the matter will be dealt with in some way or other, but I cannot give any final reply without knowing the facts of the case

STATEMENT BY SARDAR SARDUL SINGH CAVEESHAR ABOUT SHOOTING OF NETAJI SUBHAS CHANDRA BOSE BY ALLIED TROOPS

157. *Seth Govind Das: (a) Will the Honourable Member for External Affairs be pleased to state whether Government are aware of the statement made by Sardar Sardul Singh Caveeshar at Jubbulpore on the 19th December, 1946, to the effect that Netaji Subhas Chandra Bose was recently shot dead on the Russo-Chinese border by allied troops?

(b) If so, have the Government of India got any information to this effect from the Allied military authorities?

(c) If the allegation has any basis, do Government propose to make proper enquiries about the said incident?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) No

(c) Government have no reason whatever to believe that the statement has any foundation in fact and therefore do not propose to take any further action. Such enquiries as Government have made tend to show that Shri Subhas Chandra Bose died as a result of injuries sustained in an aircraft crash in Formosa. The evidence of the doctor and nurse who attended on him confirms this conclusion.

Seth Govind Das: Are the Government aware that every now and then some sort of a statement comes out from some gentleman or leader in this respect, and then there is again a lot of confusion? So will the Government think it advisable to enquire into the whole matter and make a final statement in this respect?

The Honourable Pandit Jawaharlal Nehru: The Government are perfectly aware that some members of the public have made statements which can only be characterized as utterly and wholly irresponsible and without foundation. It is impossible to check such statements in the press. As for the proposal that Government should make an enquiry, we have made some enquiries and the result of those enquiries have more or less convinced us of the fact that I have stated in answer to the question. No further enquiry is called for, nor is it possible to hold any further enquiry.

Mr. Ahmed E. H. Jaffer: Shall we, therefore, take it that the gentleman is now finally dead?

Pandit Lakshmi Kanta Maitra: Provisionally dead!

PRINTING OF LEGISLATIVE ASSEMBLY DEBATES

153. *Mr. Manu Subedar: (a) Will the Secretary of the Works, Mines and Power Department please state if the Government of India Press, New Delhi is working as it was before?

(b) Are Assembly Debates printed in that Press?

(c) What was the time taken for the issue of these Debates after the date of the debate (i) before the war, (ii) during 1945-46 and (iii) 1946-47?

(d) Have the Debates of the last Autumn session been printed and sent round and if so, on which date?

Mr. B. K. Gokhale: (a) The Government Press is not as efficient as Government would like it to be. The volume of work in the Press has tremendously increased since the beginning of the war. This has caused severe strain on equipment and accessories which have worn out and there is little prospect of immediate replacement. There has also been a paucity of trained men to fill up the new posts created to cope with the work.

(b) Yes.

(c) (i) Two to three weeks.

(ii) and (iii) Four to 16 weeks.

(d) I lay on the table a statement giving the information desired.

Statement showing the dates upon which each day's Assembly Debates of the Autumn Session of the Legislative Assembly in 1946 were despatched to members of the House

Date of each day's Debates	Date of despatch to Member
1946	1946
October 28th	December 11th
October 29th	December 13th
October 30th	December 27th
	1947
October 31st	January 2nd
November 1st	January 10th
November 4th	January 10th
November 6th	January 10th
November 7th	January 10th
November 8th	January 10th
November 11th	January 16th
November 12th	January 16th
November 13th	January 24th
November 14th	January 24th
November 15th	February 1st
November 16th	February 1st
November 18th	February 1st

Mr. Manu Subedar. In view of the fact that in British Parliament, the debates are printed off in the course of three days and are available even to the public in the course of less than a week, will Government make a special effort to see that the proceedings of this House are available both to Members and to the general public as early as possible, and will they take some special steps in order to achieve this result?

Mr. B. K Gokhale: Government are doing their best to see that the proceedings are printed up as quickly as possible, but there are various circumstances beyond their control which make it quite impossible to do the work as quickly as was being done in pre-war days I have already referred to some of the reasons in reply to part (a) of the question

Mr. Manu Subedar: My point was not clear My point was that instead of regarding the printing of Assembly debates in the same light as the general printing work of Government—forms and so on—have Government examined the possibility of having some special arrangement in a section of the Press during the sitting of the Houses in order to print off and give absolute priority to the Assembly debates?

Mr. B. K. Gokhale: Assembly debates are already given very high priority. Ordinary and miscellaneous work is given very low priority, but there are certain other things like the Weekly Gazette which has to come out on a certain date and has to be given high priority All priorities are very carefully examined I can assure my Honourable friend that we try to give as high priority as possible to Assembly proceedings

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state why is it that printed copies of evidence of witnesses who were examined in the third week of November by the Banking Bill Select Committee could not be made available before the 20th of January, the day on which the Select Committee was finishing its business?

Mr. B. K. Gokhale: Presumably because it did not have a very high priority.

Mr. Sasanka Sekhar Sanyal: What is the reason for this delay?

Mr. B. K. Gokhale: The reasons are that the work in the Press has very largely increased The machinery has become very old We have not been

able to buy new machinery Orders, which have been placed, will take another year or two before they can be fulfilled Staff is inadequate, there is a great paucity of trained staff Last week there has been considerable difficulty over a certain type of operators who have suddenly gone on strike without notice and they have practically brought half the press to a standstill We are also having other labour difficulties That is really the reason why printing work has been delayed Every effort is being made to try and find out alternative means of getting the work done Considerable amount of ordinary work is being sent to Simla and other places where the Press is not on strike Every possible effort is made to get some work done in private Presses With all that, I am sorry that we are not able to cope with the work as expeditiously as we would like to

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member whether he is aware of the fact that we have not to this day received the index of the proceedings of the last budget session and may I know whether we may expect it or give up hopes altogether?

Mr. B. K. Gokhale: I am not aware whether this particular publication has not been printed yet

Mr. Sasanka Sekhar Sanyal: Is it not a fact that the Chairman of the Banking Bill Select Committee repeatedly requested the Honourable Member for getting the printing of evidence expedited, and may I know whether this acute state of things was represented to the Chairman?

Mr. Deputy President: The Honourable Member knows full well that the witnesses did not send in a signed copy of their evidence for a very long time

Mr. Manu Subedar: May I know with regard to the answer given to (a), whether even three weeks, which was the case before the war, is not considered too much, and whether some attempt cannot be made by Government to reduce these normal three weeks to about a week in the case of Assembly debates as such? One week is adequate for any efficient Government to produce this report if they could make the proper arrangements Will Government consider this matter?

Mr. Sasanka Sekhar Sanyal: Hand the work over to private Presses They will do it better

Mr. B. K. Gokhale: The actual time is four to sixteen weeks and every effort will be made to try and reduce it

Seth Govind Das: Is this rumour true that the Government is thinking to have an entirely separate Press for printing the material of the Central Legislature?

Mr. B. K. Gokhale: I have not heard of any such proposal

Seth Govind Das: Will the Government consider the advisability of having an entirely separate Press for the Central Legislature as the work is going on increasing?

Mr. B. K. Gokhale: I will certainly place the matter before the Government

Mr. Sasanka Sekhar Sanyal. Why does not the Government take the help of private Presses?

Mr. B. K. Gokhale: I have already said that every possible effort is made to put out printing work with private Presses

COMPLAINTS AGAINST THE WORKING OF INDIA HOUSE IN LONDON

159. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Commerce Member please state whether Government are aware of the complaints from various quarters against the working of the India House in London and if so, whether

Government propose to consider the question of improvements in the functioning of the India House?

(b) Are Government aware that there is dissatisfaction amongst students in London with regard to arrangements made for their accommodation in London and Provincial Universities?

(c) Are Government aware that scores of Indian students are experiencing inconvenience because of lack of accommodation and the strain of living in tents and camps under severe weather conditions?

(d) Are Government aware that queries are not properly answered by officials who make students wait for hours before granting them interviews?

(e) Are Government aware that there is no arrangement at the India House for proper information to be given to students and that the information that is given is often incomplete?

(f) Are Government aware that the students have asked for a room at the India House as a central meeting place for Indian students and if so what has happened to their request?

(g) What steps do the Government of India propose to take to satisfy Indian students in London in the above matters so that no inconvenience may be caused to them in any way?

The Honourable Mr. I. I Chundrigar: (a) and (b) It is difficult to make any general statement on this subject Complaints have however been received by the High Commissioner regarding the working of the General and Education Departments in his office, and these complaints are being investigated together with proposals for strengthening India House with a view to its adequately shouldering the greatly increased work and responsibilities that have developed on it during the post-war period Discussions to this end are proceeding with the Deputy High Commissioner who is now in India for this purpose

(c) and (c) Some students have expressed a certain amount of dissatisfaction regarding the arrangements made for their accommodation in London and Provincial Universities This is largely due to the difficulty in obtaining adequate accommodation for students in United Kingdom and is not peculiar to Indian students It is also a problem that is causing the greatest concern to educational authorities in Great Britain, and is mainly due to the general housing shortage in that country at the moment

(d) Not so far as Government are aware but they would be prepared to have any specific complaints that may be brought to their notice carefully examined

(f) The answer to this question is in the negative Very large numbers of students, particularly fresh arrivals, have to be interviewed by officers of the Education Department as well as the Deputy High Commissioner and the High Commissioner These interviews take time and in the nature of things students have to wait before they are called up A comfortable lounge has however been provided for the students in India House

(g) Not so far as Government are aware, but they would be prepared to have any specific complaints that may be brought to their notice carefully examined

Dr. Zia Uddin Ahmad: Is Government contemplating to have a special House in London for the accommodation of Indian students similar to 21, Cromwell Road?

The Honourable Mr. I. I. Chundrigar: Government is making efforts to secure another house in London for the use of Indian students. I am not in a position to say whether it will be similar to the Hostel at 21, Cromwell Road.

Mr. Ahmed E. H. Jaffer: If such is the sorry state of affairs for these Indian students already in London, may I enquire what steps will Government take to provide suitable accommodation for those students who are shortly leaving India for London?

The Honourable Mr. I. I. Chundrigar: Accommodation is very difficult to obtain, but every possible effort will be made to secure accommodation for these students when they reach London

RESOLUTION OF U. N. O AND INDIA'S RELATIONS WITH GOVERNMENT OF FRANCO SPAIN

160. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state if the Government of India as a member of the United Nations Organisation have acted on the recommendation of that Assembly that all members of the United Nations Organisation should cease to have diplomatic, commercial and other relations with the Government of Franco Spain?

(b) Will Government please state what is the extent of India's Commercial and Diplomatic intercourse with Franco Spain?

(c) Have Government passed any orders in this connection to Indian bodies concerned, in view of the Resolution passed by the United Nations Organisation Assembly?

The Honourable Pandit Jawaharlal Nehru: (a) The Resolution of the United Nations General Assembly recommended the withdrawal of Ambassadors and Ministers from Spain. As there is no Indian Ambassador or Minister in Spain, no action is required by the Government of India on this Resolution

(b) The Spanish Government have one Consul and two Vice-Consuls in India. There are no representatives of the Government of India in Spain. In 1945-46 goods to the value of Rs. 1,38,96,200 were exported from India to Spain, and goods to the value of Rs. 9,63,384 were imported from Spain

(c) Does not arise.

Mr. Ahmed E. H. Jaffer: Is the Government of India going to send any Ambassador to Spain in the near future?

The Honourable Pandit Jawaharlal Nehru: The Government of India have no intention of sending any Ambassador or Minister to Spain so long as the present conditions continue in Spain

Sardar Mangal Singh: Is there any representative from Spain in India?

The Honourable Pandit Jawaharlal Nehru: I have just answered that question. The Honourable Member was not following. I said "The Spanish Government have one Consul and two Vice-Consuls in India"

RELAXATION OF RULES GOVERNING IMMIGRATION OF INDIANS TO U.S.A.

161. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please place in the library of the House a copy of the Rules and Regulations regarding Immigration of Asiatics to the United States of America?

(b) What is the number of Indians permitted to enter the United States of America under the New Law governing immigration of Asiatics to the United States of America?

(c) What is the number of applications from India for emmigration to the United States of America during the last 12 months?

(d) Do Government propose to request the Government of the United States of America to further relax the laws governing Immigration of Indians to the United States of America?

The Honourable Pandit Jawaharlal Nehru: (a) A copy of the American Immigration and Nationality Laws has been placed in the library of the House.

(b) One hundred per annum

(c) Since the passing of the relevant Public Law in July last, it is understood that 66 applications have been received by the United States Government from Indians resident in India and 35 from Indians resident elsewhere.

(d) The attention of the Honourable Member is invited to part (c) of my reply today to Seth Govind Das on this subject

TREATY OF TRADE AND NAVIGATION WITH UNITED STATES OF AMERICA

162. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state

(a) the progress that has been made in the negotiation for the treaty of trade and navigation with the United States of America, and

(b) whether Government of India propose to move in the matter and expedite the completion of these negotiations at an early date?

The Honourable Mr. I. I. Chundrigar: (a) and (b) Neither of the Governments concerned has taken any step to revive the negotiations for the conclusion of a treaty of Commerce and Navigation between India and the United States The Government of India feel that the opportune moment for moving in the matter has not yet arrived

Sardar Mangal Singh: May I know, since this matter has been pending for several years, whether the Government of India contemplate to move in the matter and how will they move?

The Honourable Mr. I. I. Chundrigar: The Honourable Member may be aware that the International Trade Conference is to be held at Geneva and that at that Conference the United States of America desire to negotiate tariff concessions with the various countries including India Negotiation of a treaty on a bi-lateral basis does not therefore seem to be opportune at the present moment

QUOTA OF EMIGRANTS FROM INDIA TO U.S.A.

163. *Sardar Mangal Singh: (a) Will the Honourable Member for External Affairs please state what is the annual quota of emigrants from India to the United States of America?

(b) How the personnel of this annual quota will be determined and when the first instalment is likely to be selected?

The Honourable Pandit Jawaharlal Nehru: (a) One hundred per annum

(b) Selection is being made now by the United States Government from applicants who qualify according to the provisions of the American Law, applicable to all immigrants of any nationality

Sardar Mangal Singh: May I take it that the decision will be taken by the United States Government and the Government of India will have no say in the matter?

The Honourable Pandit Jawaharlal Nehru: This is entirely a matter for the United States Government, as of any other Government, as to whom they may take Questions may arise in regard to which the Government of India may like to put their view point before the United States Government No doubt if they feel that some matters should be brought before the United States Government or some other reference should be made, it will be done

ARRANGEMENTS FOR THE RETURN OF S AJIT. SINGH FROM GERMANY

164. *Sardar Mangal Singh: (a) Will the Honourable Member for External Affairs please state when the arrangements will be completed to bring back Sardar Ajit Singh from Germany?

(b) Whether Government are aware that Sardar Ajit Singh requested the Indian Military Mission in Germany to move him to a warm place before the winter came in otherwise his health would be seriously affected in cold weather?

(c) Whether the Indian Military Mission moved in the matter in time and if not, why not?

(d) What is his present state of health and what arrangements have been made for his treatment in Germany or elsewhere?

The Honourable Pandit Jawaharlal Nehru: (a), (b), (c) and (d) It is true that Sardar Ajit Singh requested the Indian Military Mission to move him to a warm place before the winter. The Indian Military Mission agreed to his request and forwarded it to the military authorities concerned. But, probably on account of his impending repatriation, he remained in his original hospital until he was sent to England on his way to India. At his request he was permitted to extend his stay in London where he has been receiving further treatment. He is expected to complete his journey to India soon.

INDIA'S QUOTA OF REPARATIONS FROM GERMANY

165 *Mr Vadilal Lallubhai: Will the Honourable the Commerce Member please state

(a) whether the Government of India have exhausted their quota of reparations from Germany, if so, how;

(b) if not, how much portion of it have the Government of India exhausted and how much remains and how do they propose to utilise it;

(c) whether the Government of India have received any report from private individuals and bodies as to the plant and machinery that would be available to India and would be useful to India in the development of her industries, if so, what action have they taken thereon;

(d) whether Government are aware that some of the German plants like rolling and ball-bearing plants, cycle manufacturing plant, Textile Machinery manufacturing plants, and big presses for making forgings which would be useful for India are available in Germany, and

(e) if so, whether Government will try to make them available by way of India's quota in German reparations?

The Honourable Mr. I. I. Chundrigar: (a) and (b) Under the Paris Agreement on German reparations, India has been allotted 2 per cent of general reparations called category 'A' and 2·9 per cent of industrial and other capital equipment called category 'B'. Against her category 'B' share of reparation India has so far been allocated two German plants and eight machines out of a third plant of the aggregate value of 2,429,800 R M. The total value of German reparation under both the categories has not yet been determined and it is, therefore, not possible to say what portion of India's category 'B' share of reparation has been exhausted and how much of it is still available. It is proposed to obtain capital goods to the fullest extent possible against India's share. No allocations under category 'A' general reparation—have yet been made to member countries of the Inter Allied Reparations Agency.

(c) Suggestion regarding plants and machinery needed by India have been received by Government from private bodies from time to time and due consideration has been given to these suggestions in making bids for German capital equipment declared available for reparation delivery.

(d) and (e) Three lists of German plants declared available for reparation delivery have so far been received by Government and a ball-bearing plant figures in one of these lists. The question whether this plant should be bid for is now under consideration. So far no cycle manufacturing plants, textiles machinery manufacturing plants etc., have been declared available as reparations from Germany. In view of India's great need for machine tool manufacturing plants every effort is being made to obtain as many of them as possible by way of reparation.

Mr. Vadilal Lallubhai: Is it a fact that other nations have already removed their plants which they got as reparations, whereas India has not?

The Honourable Mr. I. I. Chundrigar: India has not yet removed her plants. I am not aware as to how far the other statement of the Honourable Member is correct, *viz* , that other nations have already removed their plants

Mr. Vadilal Lallubhai: Will the Honourable Member enquire into the matter?

The Honourable Mr. I. I. Chundrigar: Yes, I shall inquire into the matter

Mr. Manu Subedar: Will the Honourable Member give some information to the House, if he has got it ready, as to what happened to the two ships which were offered to India, which India refused to take, because they were not seaworthy or otherwise useful and whether something really useful has been taken from the United Kingdom (who took away many more ships) for use by India in order to replenish her very slender commercial navy?

The Honourable Mr. I. I Chundrigar: This point was raised by the Honourable Member earlier to-day when I was dealing with a previous question As I said before I require notice of it and I shall certainly make enquiries

Mr. Vadilal Lallubhai: Is it a fact that the Technicians have made a report to the Government and will the Government of India make the report available to the general public for the benefit of the industries and commerce of this country?

The Honourable Mr. I. I. Chundrigar: The reports submitted to Government by the Technicians are somewhat of a confidential nature and it will not be possible to publish these reports at this stage As soon as the plants are allocated to India, it may be possible to give information about them to the public

Mr. Vadilal Lallubhai: Is it not a fact that other Governments have published the reports which they had received from their technicians for the benefit of the industries and commerce of those countries and in view of that fact, will the Government of India publish these reports for the benefit of the trade and industries of this country?

The Honourable Mr. I. I. Chundrigar: I am not aware of the correctness of the Honourable Member's statement but I shall gladly enquire into the matter

REPRESENTATIONS FROM INSURANCE COMPANIES FOR LOWERING THE LEVEL OF TAXATION

166. *Mr. Vadilal Lallubhai (a) Will the Honourable the Commerce Member please state whether Government have received representations from insurance associations for lowering the level of taxation from 60 pies in the rupee to 45 pies and to reduce the percentage of funds to be invested in Government and approved securities from 55 per cent to 45 per cent?

(b) Has the Secretary of the Commerce Department according to his promise recently made in Bombay urged Government in this respect?

(c) Is it a fact that foreign exchange banks refuse to accept policies issued by Indian Insurance Companies?

(d) If so, have the Central Government taken up the question with Foreign Exchange Association, London and if so, with what effect?

(e) If not, do Government propose to do so in the interest and prestige of the Indian Insurance business?

The Honourable Mr. I. I. Chundrigar: (a) and (b) Representations bearing on the points mentioned by the Honourable Member have been received and these are now under the consideration of Government

(c) and (d) Government have been informed that some foreign exchange banks have refused to accept policies issued by certain Indian Insurers. On

enquiry it has been ascertained that these banks have had no say in the matter and that they have only acted in accordance with instructions from their clients who open Letters of Credit The matter is however being taken up again with the Reserve Bank of India

(c) Though the question does not arise in view of what I have already stated, I may assure the Honourable Member that Government will do all that lies in their power to further the interests and uphold the prestige of Indian Insurance

Mr. Manu Subedar: May I know whether Government have not found cases (because I have found them) where a client wants to give the policy of an Indian company and the Exchange Bank says that they could not take up these policies, as the particular company is not included in the list of companies whose policies they could take? Will Government please inquire into the matter?

The Honourable Mr. I. I. Chundrigar: I have not come across a case of this type and if the Honourable Member supplies me with particulars of the case, I shall certainly look into it

EXPORT OF CHILLIES

167 *Shri D. P. Karmarkar Will the Honourable the Commerce Member be pleased to state

(a) whether the ban on export of chillies has been lifted, and if so, from what date;

(b) the quantity of chillies exported since the ban was lifted,

(c) whether Government are aware that the unrestricted export of chillies has tended towards increase in price resulting in hardship to the poor classes of the population; and

(d) whether Government propose to re-impose the ban to make chillies available at a cheaper price?

The Honourable Mr. I. I. Chundrigar: (a) The ban on export of chillies was lifted on 3rd November 1945 but was re-imposed on 22nd June 1946

(b) to (d). Do not arise

Shri D. P. Karmarkar: Is it a fact that after about four months the ban was again lifted in the month of September?

The Honourable Mr. I. I. Chundrigar: No, it was not lifted.

Shri D. P. Karmarkar: Is the Honourable Member aware that this fact was published in the *Indian Trade Bulletin*? Will the Honourable Member make further enquiries in the matter?

The Honourable Mr. I. I. Chundrigar: If the Honourable Member brings to my notice the publication he refers to I shall certainly make enquiries

EXPORT OF TAMARIND

168. *Shri D. P. Karmarkar: Will the Honourable the Commerce Member be pleased to state:

(a) whether it is a fact that the ban on the export of Tamarind has been lifted and if so, since when;

(b) the quantity of Tamarind exported since the ban was lifted and to what countries;

(c) whether Government are aware that unrestricted export of Tamarind has resulted in increase of prices of Tamarind within the country; and

(d) whether Government propose to re-impose the ban on the export of Tamarind with a view to making it available at a cheap price within the country?

The Honourable Mr. I. I. Chundrigar: (a) Yes. The ban on the export of Tamarind was lifted with effect from the 3rd November 1945

(b) Figures for export of fruits and vegetables other than potatoes and onions, are recorded together in the 'Seaborne Trade Accounts' as well as in the monthly returns sent by the Export Trade Controllers It is, therefore, not possible to give separate figures for exports of tamarind

(c) The only report in regard to increase in prices was received from the Bombay Government who were informed that control on this commodity as well as other unimportant food items was removed after the war was over in order to utilise the first opportunity of expanding the country's exports and to capture the foreign markets before other producing countries re-entered the export trade, and that small price fluctuations in the local market should not be allowed to stand in the way of India's commercial progress The Bombay Government have not approached the Government of India again in the matter

(d) The Government do not propose to re-impose the ban on the export of tamarind at present

IMPORT OF MR HICKS TO DESIGN CIVIL AVIATION BUILDINGS

1169. ***Maharajkumar Dr. Sir Vijaya Ananda:** Will the Secretary of the Works, Mines and Power Department be pleased to state if it is a fact that one Mr Hicks has been imported on contract for five years to design the Civil Aviation buildings on a high salary?

Mr. B. K. Gokhale: Mr Hicks has been appointed, as Senior Architect, in the Central Public Works Department on contract for a period of five years from October 1946 on a salary of Rs 1,400 per mensem *plus* £30 Overseas pay, for designing Civil Aviation Buildings

EXPORT OF JUTE

170 *Mr. Ahmed E. H. Jaffer (a) Will the Honourable the Commerce Member please state if it is a fact that on September 30th last the Government of India announced continuation of control over Export prices of Jute and Jute goods ?

(b) Is it a fact that one of the reasons given was Government's responsibility for the supply of packing material at a reasonable price to all countries of the world, so that a free flow of food grains from surplus to deficit areas may not be impeded ?

(c) What is the position at the present moment ?

(d) Has price control ended ?

(e) Is it a fact that the quota system has been continued by Government with the result that there is at the present moment a vast accumulation in Calcutta of the jute goods for which overseas markets are waiting ?

(f) Are Government aware that shippers are at present greatly hindered financially while mills' operations are greatly hampered ?

(g) What are the reasons for putting such restrictions on export ?

(h) Are Government aware that the goods lying idle in Calcutta could bring in dollars in vast quantity which India badly needs ?

(i) What is Government's policy regarding the export of Jute to world markets ?

The Honourable Mr. I. I. Chundrigar: (a) and (b). Yes.

(c) and (d) With the withdrawal by the Central Government of their Export Price Control Order on the 23rd October 1946, the position is that there is now no control, whether over internal or external prices, in respect of both raw jute and jute goods.

(e), (f), (g), (h) and (i) In view of the very short crop of jute in 1946 and the fact that available supplies, both of fibre and manufactured goods, was expected to fall considerably short of world requirements, the Government of India have found it necessary to continue the system of regulating exports

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

on the basis of destinational quotas with a view to ensuring equitable distribution of this essential commodity and also assisting the trade to preserve its contacts with its old markets Government received some complaints regarding accumulations of stocks but the latest review of the stocks with the mills does not disclose any abnormal accumulation and that the present position is by no means unsatisfactory if regard is had to the stock position in previous years I should like to add that in fixing destinational quotas for various countries, all relevant factors have been taken into account and that a very fair share of the supplies that are available has been placed at the disposal of countries in the dollar bloc

Dr. Zia Uddin Ahmad: What is the policy of the Government as regards the export of those commodities where the differences between the internal and external prices are very abnormal? Will the Government themselves undertake to export in that case or have they any other policy?

The Honourable Mr. I. I. Chundrigar: The question does not arise about jute, because there is no control on the price of jute in this country There is no control either on the internal or the export price of jute and therefore the question does not arise in this case

Dr. Zia Uddin Ahmad: I am not talking about control I want to know what is the policy of the Government where there is abnormal difference between the internal price of a commodity in this country and its external price, that is price in the country to which it is exported?

The Honourable Mr. I. I. Chundrigar: That is a hypothetical question so far as jute is concerned It may arise in the case of those articles over which there is a price control in the country That question is under examination.

Mr. Geoffrey W. Tyson: With reference to part (e) of the question and the Honourable Member's reply in which he stated that the position was not unsatisfactory having regard to the position in previous years, will he please say what previous years he has compared the present position with—whether they were war years or pre-war years?

The Honourable Mr. I. I. Chundrigar: The immediate comparison is with the figures of 1944 and 1945

Mr. Geoffrey W. Tyson: Does the Honourable Member regard as satisfactory the comparison with 1944 and 1945?

The Honourable Mr. I. I. Chundrigar: There was no complaint in 1944 and 1945 of the accumulation of stocks, and if the stocks today are lower than they were in 1944 and 1945 there is no reason why there should be a complaint now

Mr. Geoffrey W. Tyson: Will Government be pleased to re-examine the question and see whether there was in fact considerable complaint in 1944 and 1945 of an accumulation?

The Honourable Mr. I. I. Chundrigar: Government have examined the question and they do not feel that the complaint regarding the over-accumulation of stocks is justified

Mr. Geoffrey W. Tyson: I am asking whether Government will re-examine the question

The Honourable Mr. I. I. Chundrigar: Government have twice examined it only recently and there is no occasion to re-examine it

INDIAN EMBASSIES IN FOREIGN COUNTRIES

171 *Shri D. P. Karmarkar: Will the Honourable Member for External Affairs be pleased to state:

(a) the countries where Indian embassies have been established;

(b) the status of these embassies;

(c) the names of the countries where embassies will be established in the near future; and

(d) the functions with which these embassies have been entrusted?

The Honourable Pandit Jawaharlal Nehru: (a) United States of America and China

(b) Their status is the same as that of any other Embassy

(c) The question of exchanging Diplomatic Missions with the U S S R. and other countries in the near future is engaging the urgent attention of Government No final decision regarding the countries in which Missions will be opened has yet been reached

(d) The functions are similar to those of all Embassies, that is to say, all matters pertaining to India's relations with the countries concerned

Mr. Ahmed E. H. Jaffer: Is it a fact, Sir, that an Ambassador is going to be appointed shortly for Canada?

The Honourable Pandit Jawaharlal Nehru: There is no question of appointing an Ambassador in Canada But recently the Canadian Government announced that they are going to send a High Commissioner to India, and no doubt India will send a High Commissioner to Canada also later

Mr. Ahmed E. H. Jaffer: May I ask whether these High Commissioners and Ambassadors are appointed by the Honourable Member himself or by the Cabinet or by the Federal Public Service Commission? How will they be selected?

The Honourable Pandit Jawaharlal Nehru: The practice is that in regard to these appointments the External Affairs Department recommends the name to the Member in charge and the name is sent by him to the Viceroy for his sanction

Mr. Ahmed E. H. Jaffer: Is it the policy of the External Affairs Department to appoint Muslims who hold anti-Muslim League views in such appointments?

The Honourable Pandit Jawaharlal Nehru: It is our policy to appoint competent men, and the fact that a person is a Muslim Leaguer does not necessarily mean that he is competent

Mr. N. M. Joshi: Is the Government of India aware that Great Britain and America appoint Labour Attaches in their Embassies in various countries in order that they should collect information and keep contact with the labour movement, and do the Government of India propose to appoint similar Labour Attaches in U S A and China where Ambassadors have already been appointed?

The Honourable Pandit Jawaharlal Nehru: I am sorry I did not wholly catch the Honourable Member's question So far as the question of appointing Labour Attaches is concerned, we certainly would like to appoint such Labour Attaches wherever needed, wherever conditions warrant such appointment The Honourable Member will remember that the opening up of Embassies and Legations is something new for us and we have gradually to build them up And if we appoint too large a number of persons on the staff of each Embassy or Legation we might not consolidate the position in regard to work so easily and there may be overlapping and waste of energy But we certainly intend to appoint various types of Labour Attaches in countries where there is industrial development

Mr. Ahmed E. H. Jaffer: May I take it that the Honourable Member has not been able to obtain a competent Muslim Leaguer and that Muslim Leaguers are all incompetent?

The Honourable Pandit Jawaharlal Nehru: I may assure the Honourable Member that I meant no such thing If the House will recollect, so far there have been four appointments ever since I took charge of this office Of the four appointments two were those of Ambassadors and two other appointments One of the Ambassadors recently appointed, who has not taken charge yet, is a service appointment In fact it is a continuation of the person who was there, that is, Mr K P S Menon in Nanking He has been there for some years as the Government of India's representative, and he has been raised to the rank of Ambassador It is therefore the continuation of a service appointment Of the other three appointments, as the House knows, one of our colleagues in this House has been appointed Ambassador in the United States—Mr Asaf Ali Two other appointments were the representative in Burma and the representative in Goa Both those appointments, as it happens, have gone to Muslims—Muslim gentlemen who are unconnected with any party or with politics, one might say, who are eminently fit and competent and who during the short period they have been there have justified themselves completely

Mr. Ahmed E. H. Jaffer: Is it a fact that Mr Shafaat Ahmed Khan is going to be appointed High Commissioner for Canada?

Mr. Deputy President: Order, order

The Honourable Pandit Jawaharlal Nehru: Nobody has been marked out for Canada, but a person of the eminence of Sir Shafaat Ahmed Khan certainly will always be taken into consideration

Babu Ram Narayan Singh: May I take it that the Cabinet as a whole has nothing to do with these appointments?

The Honourable Pandit Jawaharlal Nehru: This matter has not been a Cabinet matter in the past

SUSPENSION OF POLITICAL AGENT, MALAKAND AGENCY AND DEPUTY COMMISSIONER DEHRA ISMAIL KHAN IN CONNECTION WITH INCIDENTS DURING THE HONOURABLE PANDIT JAWAHARLAL NEHRU'S FRONTIER TOUR

172 *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state if it is a fact that Khan Bahadur Nawab Mahbub Ali, Political Agent, Malakand Agency and Khan Bahadur Khan Dilawar Khan, Deputy Commissioner, Dehra Ismail Khan have been suspended?

(b) Is it a fact that they have been suspended as a result of Pathan Tribesmen's attack on the Honourable Member last year during the Frontier tour, as is reported in the *Times of India* of 9th January 1947?

(c) Is it a fact that the Government of India have asked the Madras Government to lend the services of Justice R Clark, Judge of the Madras High Court to inquire into the incidents during the Honourable Member's tour of the Frontier particularly at Malakand?

(d) What are the reasons for holding such an enquiry and whether the report when ready would be made public?

(e) Whether the public will be allowed to appear before his enquiry to place facts connected with the Honourable Member's tour, if not, why not?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Khan Bahadur Nawab Mahbub Ali has been suspended pending an enquiry into his conduct in connection with the attack made at Malakand during my visit to the Frontier Khan Bahadur Dilawar Khan, an officer of the N W F P Provincial Service has been suspended by the Provincial Government for reasons in no way connected with my visit

(c) Mr Justice Clark of the Madras High Court has been appointed to conduct a departmental enquiry into the conduct of Khan Bahadur Nawab Mahbub Ali Khan in regard to the incidents which occurred at Malakand No enquiry into incidents elsewhere is contemplated

(d) I have already stated the reason for the enquiry The result of the enquiry will be made public, but as it is a departmental and not a public enquiry the Presiding Officers' report will not necessarily be published

(e) The officer concerned is entitled under the rules to call such witnesses in his defence as he may wish

Dr. Zia Uddin Ahmad: May I know if charges have been framed against any officers?

The Honourable Pandit Jawaharlal Nehru: Obviously, Sir, there is no enquiry without charges

Dr. Zia Uddin Ahmad: If it is a departmental enquiry, as has been pointed out, and not a judicial enquiry, may I know why a judge of a High Court and not an officer of the department has been asked to conduct the enquiry?

The Honourable Pandit Jawaharlal Nehru: To ensure that the enquiry should be at the highest level

Dr. Zia Uddin Ahmad: Why not a judicial enquiry then?

The Honourable Pandit Jawaharlal Nehru: After full consideration of the subject we decided that this was fairest to all parties concerned and the quickest way of dealing with it In fact we gave all the advantages of a judicial enquiry to him without the disadvantages

Khan Abdul Ghani Khan: Is it a fact that Khan Bahadur Dilawar Khan's suspension is for corruption?

Mr. Deputy President: Order, order The question hour is over

(*b*) WRITTEN ANSWERS

LABOUR EXCHANGES IN INDIA

173. *Mr. Hafiz M. Ghazanfarulla. (a) Will the Honourable the Labour Member please state how many Labour Exchanges have been established in th United Provinces? What are their locations?

(b) What is the amount of expenditure on each of these establishments?

(c) How many people so far have got employment through these Exchange in each place?

The Honourable Shri Jagjivan Ram: (a) The total number of Employment Exchanges in the United Provinces is ten, and these are located at Agra, Allahabad, Almora, Bareilly, Cawnpore, Gorakhpur, Jhansi, Lansdowne, Lucknow and Meerut

(b) A statement showing the estimated expenditure for the financial year 1946-47 is placed on the table Under the Resettlement and Employment Scheme actual expenditure on Employment Exchanges in a province is shared between the Central and the Provincial Government in the ratio of 3 2 The share of the Central Government and the contribution to be made by the U P. Government has accordingly been shown separately in the statement

(c) A statement showing the number of persons registered at each of the Exchanges in the United Provinces and those placed in employment upto 31st December 1946 is placed on the table.

Statement showing the estimated Expenditure on various Employment Exchanges in the United Provinces during the year 1946-47

	Rs.
1. Regional Employment Exchange, Cawnpore	1,20,200
2. Sub-Regional Employment Exchange, Agra	37,800
3. Sub-Regional Employment Exchange, Allahabad	40,000
4. Sub-Regional Employment Exchange, Almora	42,400
5. Sub-Regional Employment Exchange, Bareilly	43,000
6. Sub-Regional Employment Exchange, Gorakhpur	48,300
7. Sub-Regional Employment Exchange, Jhansi	35,400
8. Sub-Regional Employment Exchange, Lansdowne	34,800
9. Sub-Regional Employment Exchange, Lucknow	44,700
10. Sub-Regional Employment Exchange, Meerut	32,100
Total	4,78,700

	Rs
Provincial Government's contribution at 40%	1,91,500
Central Government's share	2,87,200

Statement showing the number of persons registered at the Employment Exchanges in the U. P. and the number of persons placed in employment by those Exchanges upto the 31st December 1946.

Exchanges	Registration	Placings
1. Agra	5,346	940
2. Allahabad	6,821	2,099
3. Almora	4,477	772
4. Bareilly	5,957	980
5. Cawnpore	20,809	9,015
6. Gorakhpur	12,408	1,528
7. Jhansi	3,882	1,012
8. Lansdowne	4,230	889
9. Lucknow	9,305	2,006
10. Meerut	8,068	1,137
Total	81,303	20,378

Percentage of Placings to Registrations. . . 25%

EXPORT OF MINERAL ORES

174 *Mr. P. K. Salve: (a) Will the Secretary of the Works, Mines and Power Department please state whether it is the policy of Government to dig up the Mineral Ores and send them abroad?

(b) What quantities of Mineral Ores, Manganese, Coal, Iron, Bauxite, Mica Thorium, Titanium have been sent abroad from India during the last four years?

(c) Have Government made any plans to convert the raw mineral Ores into finished products in this country before sending them abroad ? If so, what are they ?

(d) Have Government designed any machinery to investigate our mineral possibilities by scientific prospecting ? If not, do Government propose to do so now?

(e) Do Government propose to adopt the policy that our foreign trade, as far as possible, must be limited to finished products and should not include convertible raw materials ?

Mr. B. K. Gokhale: (a) No Sir The policy of Government is to promote the conservation, exploitation and utilisation of the mineral resources of the country in the national interest

(b) The statistics of export which are readily available are noted below although their accuracy cannot be guaranteed

Manganese . .	1,468,915 tons	(1942-43 to 1945-46)
Coal . .	737,217 tons	(ditto)
Iron .	practically nil	
Mica . . .	542,528 cwts	(ditto)
Monazite . .	4,614 tons	(ditto)
Bauxite .	Not separately specified in the trade return.	
Titanium . .		

(c) A National Mineral Policy Conference was held at New Delhi on the 10th and 13th January 1947 This was attended by a large number of representatives of industry, commerce, labour and other interests as well as by representatives of Provincial and States Governments at Ministerial level. The question of formulation of a mineral policy is now under consideration But the conversion of raw mineral ores into finished products in this country depends on the progress of industrialisation and various other considerations over which Central Government have little control Nor is it easy to make detailed plans in the absence of expert assistance which might have been available if any such organization as a Bureau of Mines had been in existence

(d) Scientific prospecting of minerals has been carried out by Government for many years through the Geological Survey of India. This is being expanded to several times its pre-war strength, and new methods, such as geophysical prospecting and deep drilling, are being or will shortly be utilised Steps will soon be taken to carry out a Geological and Physico-Chemical Survey of the uranium bearing minerals of India by the Geological Survey of India in collaboration with the Council of Scientific and Industrial Research Government have also appointed a Committee to draw up a plan for a Central Geophysical Institute

(e) The question of policy is still under consideration, but I am sure most people will agree with the policy as stated by the Honourable Member, as far as possible

EXPENDITURE ON THE PROPOSED KOSI SCHEME

175. ***Babu Ram Narayan Singh:** Will the Secretary, Works, Mines and Power Department be pleased to state:

(a) whether the proposed Kosi scheme has finally been sanctioned ;

(b) the details of the work to be done according to the scheme ;

(c) the estimated amount of expenditure ; and

(d) the period within which it is expected to be completed ?

Mr. B. K. Gokhale: (a) The scheme has not yet been sanctioned Preliminary surveys and investigations are being carried out by the Central Waterways, Irrigation and Navigation Commission The scheme will be sanctioned if, on receipt of the project report, it is found that the scheme is technically and financially sound

(b) Details have not yet been worked out According to the preliminary report prepared by the Central Waterways, Irrigation and Navigation Commission, the main features of the scheme will be as follows

(i) Construction of a dam about 750 feet high across the Chatra Gorge in Nepal,

(ii) Installation of power plant at the dam site,

(iii) A barrage in Nepal across the Kosi some distance below its debouch into the plains,

(iv) A second barrage near the Nepal-Bihar border with two canals on the right bank,

(v) Provision of navigational facilities from the Kosi Reservoir to the Ganges

(c) Roughly Rs 90 crores

(d) About ten years

PROPOSED DAMODAR SCHEMES

176. *Babu Ram Narayan Singh: Will the Secretary, Works, Mines and Power Department be pleased to state

(a) the stage the proposed Damodar scheme has reached,

(b) the amount of expenditure that has hitherto been incurred,

(c) the attitude of the people to be affected by the Scheme,

(d) protest if any against the Scheme received by Government, and

(e) Government's reaction on receipt of the protest ?

Mr. B. K. Gokhale: (a) A preliminary memorandum on the Unified Development of the Damodar River was published early in 1946 Preliminary project reports in respect of three out of the eight dams proposed in the Schemes have since been completed Tentative agreement has been reached between the Provincial Governments concerned and the Central Government with regard to the financing of the Scheme, the resettlement of the displaced population and the setting up of a Damodar Valley Corporation by an Act of the Central Legislature The matter is expected to be finalised at a Conference to be held on the 15th February 1947 between representatives of the Government of India, the Governments of Bengal and Bihar and other interests

(b) About Rs 8½ lakhs

(c) Both Bengal and Bihar realise that the Scheme is in the ultimate interest of the people of these Provinces—although Bihar's approval is naturally subject to satisfactory arrangements being made for the resettlement of the population in areas which are likely to be submerged

(d) No direct protest has been received by Government There was, however, an adjournment motion on the subject in this House during the last budget session The motion was withdrawn on an assurance that, when Government had come to some definite conclusion, they would circulate a paper to the House embodying their conclusions This will be done as soon as agreement has been reached between the Governments concerned

(e) Does not arise.

FERTILISER FACTORY AT SINDHRI

177. *Babu Ram Narayan Singh Will the Honourable the Labour Member be pleased to state·

(a) the stage the proposed Scheme of establishing a Fertiliser factory at Sindhri near Dhanbad has reached, the estimated amount to be required, and

(b) the period within which it is expected to be completed ?

The Honourable Shri Jagjivan Ram: The question should have been addressed to the Honourable Member for Industries and Supplies It has accordingly been transferred to the list of questions for the 17th February, 1947, when it will be answered by the Honourable Member for Industries and Supplies

UNSTARRED QUESTIONS AND ANSWERS

DISABILITIES ON BRITISH INDIANS IN SOUTH AMERICA.

33. Seth Govind Das: Will the Honourable Member for External Affairs be pleased to lay on the table of the House a statement showing the total British Indian population and the social, political and other disabilities imposed on them as compared to Britons or citizens of other European countries in the various countries of South America?

The Honourable Pandit Jawaharlal Nehru: The Government of India has no up to date information on the number of British Indians in South America The latest known figures are as follows:

—	Population		Year of Estimate of Indian population
	Indians	Total	
British Guiana	157,185	361,754	1942
Dutch Guiana	54,353	191,628	1944
Brazil	2,000	43,250,000 (1941)	1931

2 There is no discrimination against persons of Indian descent Municipal and political franchise, rights of property and of citizenship generally are understood to be enjoyed by all, irrespective of race or creed But in British Guiana marriages performed by Hindu or Muslim rites are required to be registered by the parties if they are to be recognised by the State No such registration is required there in the case of marriages by a Christian Minister or a Civil Magistrate Bills to amend the law in regard to the marriage of Hindus and the marriage and divorce of Muslims are at present under the consideration of the Government of the Colony As regards the cremation of Hindus in British Guiana, the Government of the Colony have stipulated certain conditions in the interests of sanitation and hygiene, which in some respects are unacceptable to the local Hindu population Representation on their behalf has been made to His Majesty's Government

EXPENDITURE ON THE FEDERAL COURT

34. Mr. Sasanka Sekhar Sanyal: Will the Honourable the Leader of the House be pleased to state

(a) the number of cases that have come up before the Federal Court during the year 1946, separately mentioning the number of cases that have been actually decided by the said court during the said period;

(b) the number of days that the said court actually sat during the said period,

(c) the annual expenditure that is made for the maintenance of the said court and its offices showing roughly the heads and classes of such expenditure; and

(d) the steps that are being taken or are under the contemplation of Government for making the Federal Court a substitute Court for the Privy Council and for enlarging the powers of the said Federal Court?

The Honourable Pandit Jawaharlal Nehru: (a) Fifteen appeals were filed during the calendar year 1946 The Court actually heard 14 cases but delivered judgment in 11 cases

(b) 26 days

(c) The annual expenditure on the maintenance of the Court and its offices amounts to about Rs 3 lakhs and it is incurred on the sub-head given below —

(1) Pay of Officers
(2) Pay of Establishments
(3) Other Charges

(d) No immediate action in this direction is contemplated The Honourable Member is referred to the replies to his starred question No 188 of the 31st October 1946 and to Seth Govind Das starred question No 261 of the 6th November 1946

COPIES OF LABOUR LEGISLATION IN THE LIBRARY OF THE CENTRAL LEGISLATURE

35. Mr. Vadilal Lallubhai: Will the Honourable the Labour Member be pleased to state whether, in view of the fact that this Assembly is considering various pieces of Labour Legislation in this country, Government propose to make available in the Library of the Central Legislature for the use of all Members all pieces of Labour Legislation enacted in various countries?

The Honourable Shri Jagjivan Ram: The texts of the most important laws and regulations affecting labour adopted in the different countries are reproduced in the Legislative Series of the I L O and copies thereof are regularly supplied to the Library of the Central Legislature

ELECTION OF A MEMBER TO THE COURT OF THE DELHI UNIVERSITY

آنریبل مولانا ابوالکلام آزاد : جناب میں جو تجویز پیش کررہا ہوں وہ یہ ہے -

"دہلی یونیورسٹی ایکٹ ۱۹۲۲ (VIII of 1922) جو کہ دہلی یونیورسٹی اصلاحات ایکٹ ۱۹۴۳ سے ترمیم کیا گیا ہے اُسکے سیکشن ۱۸ سب سیکشن (۱) کی دفعہ (۱۴) کی رو سے جسکو یونیورسٹی Statutes کے Statute نمبر ۲ کی دفعہ (۵) کے ساتھہ جو آخری ایکٹ کے Schedule میں داخل ہے پڑھا جائے - اس اسمبلی کے چنے ہوئے ممبران کو اپنی تعداد میں سے ایک شخص کا جناؤ دہلی یونیورسٹی کورٹ کی ممبری کے لئے آنریبل مسٹر لیاقت علی خاں کی جگہ کرنا چاہئیے یہ انتخاب اُسی طریقے سے ہوگا جو آنریبل پریزیڈنٹ اسکے لئے منظور کر لینگے" -

جیسا کہ اس ہاؤس کے آنریبل ممبران کو معلوم ہوگا دہلی یو نیورسٹی ایکٹ ۱۹۲۲ء کی رو سے سنٹرل لیجسلیچرز (Legislatures) کو یہ حق دیا گیا ہے کہ وہ دہلی یونیورسٹی کورٹ کے لئے چار ممبران کا انتخاب کرے چنانچہ گزشتہ سال جو ۲۰ فروری کو آنریبل مسٹر لیاقت علی خاں کا اس فرض سے جناؤ ہوا تھا وہ اب مستعفی ہو گئے ہیں - انکی جگہ بقیہ term کے لئے اب ایک نئے ممبر کا انتخاب ہونا چاہئے

(English Translation of the above)

The Honourable Maulana Abul Kalam Azad (Member for Education and Arts) Sir, I move

"That in pursuance of Clause (xiv) of sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their own number to be a member of the Court of the University of Delhi *vice* Honourable Mr Liaquat Ali Khan resigned"

12 NOON. Honourable Members of the House are aware that Delhi University Act 1922 entitles the Central Legislatures to elect a few members to the Court of the Delhi University Accordingly, on the 20th February last year the Honourable Mr Liaquat Ali Khan was elected He has now resigned and a member should be elected in his place for the rest of the term

Mr. Ahmed E. H. Jaffer (Bombay Southern Division Muhammadan Rural) What about translation to the European Group?

Mr Deputy President: Order order Motion moved

"That in pursuance of Clause (xiv) of sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, one person from among their own number to be a member of the Court of the University of Delhi *vice* Honourable Mr Liaquat Ali Khan resigned"

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan) Have I to speak in Urdu, so that my Honourable friend may understand?

Mr. Deputy President: If any Honourable Member is acquainted with English to the extent that he can talk in English and he has been talking in English, then he should make his speech in English If he cannot speak English, then he is quite at liberty to speak in whatever language he chooses

Haji Abdus Sattar Haji Ishaq Seth: I want to ask a question of my Honourable friend I want to know whether he will understand it

Mr. Deputy President: I understand that the Honourable Member does understand English so much that he will be able to follow the question but he may not be able to speak in English

Khan Abdul Ghani Khan (North West Frontier Province General) Chaudhri Sri Chand used to speak in Hindustani, although he knew English very well

Haji Abdus Sattar Haji Ishaq Seth: The Honourable Member said that a member is to be elected for the balance of the period that was to be served by the Honourable Mr Liaquat Ali Khan What is the balance of the period?

آنریبل مولانا ابوالکلام آزاد: آنریبل مسٹر لیاقت علی خاں ۲۰ فروری ۱۹۴۶ء کو تین برس کے لئے دھلی یونیورسٹی کورٹ کے ممبر چنے گئے تھے - اب انہوں نے استعفے دیا ہے -

The Honourable Maulana Abul Kalam Azad: The Honourable Mr Liaquat Ali Khan was elected a member of the Delhi University Court for three years on the 20th February 1946 He has now resigned

Mr. Deputy President: The question is

"That in pursuance of Clause (xiv) of sub section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (5) of Statute 2 of the Statutes of the University

set out in the Schedule to the latter Act, the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their own number to be a member of the Court of the University of Delhi vice Honourable Mr Liaquat Ali Khan resigned"

The motion was adopted

Mr. Deputy President: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, for the purpose of election of a member to the Court of the University of Delhi

Date of nomination —12th February, 1947

Date for Election —14th February 1947

The nominations will be received in the Notice Office upto 12 noon on the date mentioned for the purpose 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.

INDIAN LEGISLATURE (PREVENTION OF DISQUALIFICATION) BILL

The Honourable Mr. Jogendra Nath Mandal (Law Member) Sir, I move for leave to introduce a Bill to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as or continuance as a member of either Chamber of the Indian Legislature

Mr. Deputy President: The question is

"That leave be granted to introduce a Bill to declare certain offices in the service of the Crown in India to be offices the holding of which does not disqualify the holder thereof for election as or continuance as a member of either Chamber of the Indian Legislature"

The motion was adopted

The Honourable Mr. Jogendra Nath Mandal: Sir, I introduce the Bill

IMPORTS AND EXPORTS (CONTROL) BILL

The Honourable Mr I. I. Chundrigar (Commerce Member) I beg to move for leave to introduce a Bill to continue for a limited period powers to prohibit or control imports and exports

Mr Deputy President: The question is

"That leave be granted to introduce a Bill to continue for a limited period powers to prohibit or control imports and exports"

The motion was adopted

The Honourable Mr. I. I. Chundrigar: Sir, I introduce the Bill

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Deputy President: The House will now proceed with the further consideration of the following motion moved by the Honourable Dr John Matthai on Wednesday, the 5th February 1947, namely

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration"

The Honourable Dr. John Matthai (Member for Railways and Transport) Sir, I do not want to make a speech at this stage, but there is just one matter that I would like to refer to The remarks which were made on this Bill last week by my Honourable friend Mr Sri Prakasa appeared to be based on a misunderstanding of the object of this Bill, and I want to explain very briefly

again what it is that we are aiming at It is not a Bill for reducing the liability of the Railways, as my Honourable friend thought, it is a Bill really for enhancing their liability In regard to most goods transported by railways, they have exactly the same liability as any person to whom goods are entrusted for a specific purpose under an agreement But there is a certain small class of articles shown in the Schedule in regard to which their liability is limited Here the general liability of railways is limited to articles not exceeding Rs 100 in value Beyond that, they will not be liable unless the articles are declared and insured The point of this Bill is to increase the minimum value of articles for which insurance is required from Rs 100 to Rs 300 in accordance more or less with the change in the level of prices since this limit of Rs 100 was fixed 57 years ago It is a non-controversial Bill and I hope the House will have no difficulty in having it passed into law

Mr. Deputy President: The question is

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration"

The motion was adopted

Mr. Deputy President: The question is

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, I move

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted"

Mr. Deputy President: The question is

"That in clause 1 of the Bill, for the figures '1946', the figures '1947' be substituted"

The motion was adopted

Clause 1, as amended, was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Dr John Matthai: Sir, I move

"That the Bill, as amended, be passed"

Mr. Deputy President: Motion moved

"That the Bill, as amended, be passed"

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I welcome this Bill as it corresponds to the suggestion that I have already repeatedly made on the floor of the House, namely, that the purchasing power of the rupee has now been reduced to one-third and I suggested that for each Rs 100 Government should read Rs 300 I am glad that Dr John Matthai has taken the lead in the matter that instead of Rs 100 we should read Rs 300, and I hope this noble example will be followed by the Finance Member and by his colleagues in other Departments I, therefore whole-heartedly support this Bill

Mr. Deputy President: The question is·

"That the Bill, as amended, be passed"

The motion was adopted

RAILWAYS (TRANSPORT OF GOODS) BILL

The Honourable Dr. John Matthai (Member for Railways and Transport): Sir I move

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, be referred to a Select Committee consisting of Mr M A F Hirtzel, Shri Sri Prakasa, Shri D P Karmarkar, Shri Jagannath Das, Pandit Balkrishna Sharma, Mr Muhammad Nauman, Khan Mohammad Yamin Khan, Sardar Mangal Singh, Rai Bahadur Devendra Mohan Bhattacharya and the Mover, with instructions to report on or before the 17th February, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

[Dr. John Matthai]

Sir, the purpose of this Bill is to secure legislative authority for continuing the control in regard to railway priority The present railway priority organisation, which was started in 1942, functioned until last September by virtue of powers conferred by rules passed under the Defence of India Act These powers expired last September, and since then the organisation has functioned by virtue of an Ordinance which was passed last September and which is due to expire on the 25th March We are now, therefore, asking the Legislature to give us authority to continue this organisation beyond that date Although it is proposed to continue the organisation, it is not proposed to continue it in the same fashion and on the same basis as at present There has been some improvement in transport conditions since the termination of hostilities While that improvement does not justify a complete elimination of control, it does justify a certain measure of relaxation of the control At present the way in which the priority organisation works is this It is a comprehensive control applicable to all articles Practically all articles which are likely to be moved by railways are divided into various categories in order of priority in accordance with their relative importance from the national point of view What is proposed now is, instead of a comprehensive control of that kind to have a limited and restricted control Priority will be accorded to a small group of articles, all other articles will be moved in the ordinary course without priority In other words, as against the present system under which practically all articles are accorded priority on a system of gradation, hereafter there will be one small group of priority articles all other articles being formed into a non-priority group The articles which are included in the priority group will be accorded priority on a concurrent basis, that is to say, there will be no distinction in the matter of priority between one article and another included in this group

It will, be necessary in view of the restriction in the scope of control to make certain changes in the organisation required for administering this control It may be possible to do with a less elaborate and less expensive organisation If the House passes this Bill, that is a matter which the Government will have to consider

I said, at the beginning, that the main purpose of this Bill, in view of the imminent expiry of the Ordinance, is to obtain legislative authority But there is incidentally also another reason for bringing this Bill before the House Any system of priority necessarily involves a certain amount of discrimination by the railways in the movement of goods As the House is aware, there is a definite provision in the Railways Act which prohibits the exercise of undue preference by railways in the movement of goods So that if the House passes this Bill, it would be necessary, during the period during which it is in force, to free the railways from the operation of the provision in the Railways Act which prohibits the exercise of undue preference

I am asking, Sir, that the matter should be referred to a Select Committee since it is likely there would be differences of opinion as regards the articles to be included in this priority group It is likely also that there might be differences of opinion as regards the scope and form of control to be instituted Since, however, arrangements will have to be made for administering the control before the Ordinance expires, it is necessary that Government should take them in hand at the earliest possible date For that reason, while I am moving that the Bill should be referred to a Select Committee I am suggesting that the Select Committee should submit its report at the earliest possible date. I have suggested the 17th February, as the time limit for the Select Committee.

I see my Honourable friend Mr Jaffer, intends to propose an amendment to the effect that this Bill should be circulated for eliciting public opinion. I hope he will realise that this measure is a very urgent one since the present powers expire on the 25th March and it would be necessary for Government to take in hand at the earliest possible date the arrangements required for future administration of control It the Bill is to be circulated for eliciting public opinion, there would be undue delay As a matter of fact, the points which are raised in this Bill are of a nature which the Select Committee itself would be in a position to examine fully I would therefore request my Honourable friend not to move his amendment.

So briefly the object of the Bill is to continue control over railway priority but at the same time to relax it in view of transport conditions having improved and being likely to improve further, unless unexpected developments occur Sir, I move.

Mr. Deputy President: Motion moved

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, be referred to a Select Committee consisting of Mr M A F Hirtzel, Shri Sri Prakasa, Shri D P Karmarkar, Shri Jagannath Das, Pandit Balkrishna Sharma, Mr Muhammad Nauman, Khan Mohammad Yamin Khan, Sardar Mangal Singh, Rai Bahadur Devendra Mohan Bhattacharya and the Mover, with instructions to report on or before the 17th February, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Mr. Deputy President: Does the Honourable Member Mr Jaffer wish to move his amendment?

Mr. Ahmed E. H. Jaffer (Bombay Southern Division Muhammadan Rural). Sir in view of the assurance given by the Honourable Member and the reasons and arguments advanced, I do not wish to move my amendment for circulation

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions. Muhammadan Rural) Sir, I do not like the system of controls whether in transport or in any other form The sooner we get rid of these controls the better for the country The Honourable Mover did not explain the difficulties which his department is facing which compelled him to move this particular Bill Is he still short of wagons and other vehicles necessary for transport? Is his stock still insufficient? I wish he gave us figures in connection with this Bill, we like to know whether the military authorities have already released the rolling stock which they commandeered during war time? I think military movement may not be so great at present and therefore the military must be in a position to release a good deal of the rolling stock These figures we must have before we make up our mind on this Bill We also like to know what attempts are being made to increase the rolling stock because if the rolling stock is released by the Defence Department or if an increase is made by fresh purchases, then the question of control in any form will not arise There will be room for movement of orders placed by the customers At present we should also consider the needs of the public There is not only the governments the central and provincial and States to be considered but the requirements of the ordinary citizens of the country should also be considered There is a good deal of control in road traffic as well There you have controls all over both in railways and road which is detrimental to civil population So, it is not only the requirements of the Government which are to be considered, but also the requirements of the civil population If the railways cannot meet the requirements of the people of this country then they should really allow greater freedom for the roads to meet these requirements It is not desirable there should be check both on rail and road The Honourable Member is in charge both of railways and road He must therefore see that at least one form of requirement for the civil population might also be available If you do not allow the needs of the civil population to be met in matters of transport then what means does he suggest for the country as a whole to advance They are pressing all round development of

[Dr Zia Uddin Ahmad]

industries, development of trade, development of civil amenities The need for building more residential houses is pressed on one side and on the other side, he places restrictions on transport of building materials To my mind these things are contradictory If you want to develop these things, it is the first duty of the Government to provide transport facilities without which trade and industry cannot prosper These restrictions on the movement of articles will stand in the way of development of all industries, trade and housing problems If the railways are not able to transport these requirements, then you should provide facilities on roads To impose restrictions both on railways and road is not really good in the interest of the people of this country This is a point which I wish the Honourable Member to deal in his reply He will answer particularly what are the difficulties, whether the difficulty is only rolling stock, or the difficulty of engines or there is further difficulty on account of which these restrictions are necessary During war time we understood these restrictions very well War requirements first and civilian requirements last, and nothing if necessary But in peace time, there is no emergency Why no steps have been taken to demand from the military authorities the release of rolling stock which they took possession of during the war Why not take more active steps to get more rolling stock in order to meet the requirements? Why not press the road transport authorities to increase their facilities for transport? These are the points to be looked into before we can give our consent to this Bill I of course understand that these things cannot be done in a day So if this restriction is placed only for a temporary period—I believe it would be a very short period—we can appreciate it But restriction on transport is really very unhealthy and it is surely not a good thing at all, so it should be avoided as far as possible

Shri D. P. Karmarkar (Bombay Southern Division Non-Muhammadan Rural) Sir I rise to speak at this stage because there are certain points in this Bill which seem to me to be rather anomalous and to which I should like to invite the attention of the House so that they may be gone into in detail by the Select Committee It so happens that the sting of this Bill lies not so much in the body but in its tail and I will limit myself to a few broad considerations regarding the Schedule The purpose of renewing the control on movement of goods is that in the abnormal times through which we are passing when railway transport is not in a position to meet the full civilian and other needs of the country, it has been found necessary to so arrange priorities in respect of railway traffic in the matter of goods as to be convenient to the State and to the public, specially the consumer public

On a close examination of the Bill I find several glaring anomalies It looks as if unconsciously—it may not be deliberate—certain interests are given absolute preference while certain other interests are absolutely ignored For instance, in serial No 8 of the Schedule I find, "Cotton or woollen piecegoods, blankets, twist and yarn", and special preference is to be given when transport is sponsored, and to find what is "sponsored" we have to refer to clause 2 It means that if the goods have to be covered by this category, every consignment is to have previous permission for being booked Here I find an anomaly—subject to correction—that there is no provision for handloom products or cottage industries They are not produced in mills and are thus not supposed to come under any priority Hand-spun and hand-woven khadi is not included, unless you define mill products as including every apparatus of manufacture of cotton or woollen textiles Then other things seem to be ignored, *e g*, the transport of *gur* and jaggery This occurred to me because it was one of the serious problems that arose in the constituency that I have the good luck—or, in respect of *gur* the bad luck—to come from In fact we get *gur* round about three or four hundred miles of Karnatak; and if this priority schedule is to be applied

then every manufacturer of *gur*—which is small scale manufacture—has to go to the particular authority concerned in order to get a priority certificate before he can send the consignment Things like *gur* and chilies which are badly required by the poor consumers in this country should not be subject to any restriction whatever

Then again I find cement included but not timber, as if timber is any less important for building purposes than cement Timber also is an essential building material and I think it should be included Then things of common interest like glass, for instance, are not included And the next complaint that we are likely to make here in the next session is that we are lacking in glass tumblers and chimneys for our lanterns, etc.

Then certain commodities which are important from the point of view of the agriculturists are not found here It may look very funny if, as I said, you mention chilies in this connection as deserving of preference But I know that in my own district there is one *taluka* which produces sufficient chilies for a number of districts You may of course say that it would not matter to the consumer if there are no chilies some would say that the absence of chilies would be a very good thing—but it substantially affects the interests of growers I may also mention the case of betel-nuts In certain parts of the country lots of small cultivators depend almost exclusively for their livelihood upon betel-nut growing

I would urge that all these things should be gone into, specially from the point of view of the poorer class of consumers as well as that of the growers, who are bound to be materially affected by this legislation

Sir, I support the motion

Mr. M. A. F. Hirtzel (Bengal European) Mr Deputy President, Sir, since this is the first opportunity I have had, I should like on behalf of the European group to pay a very warm tribute to the work which was done by the Honourable Member's predecessor and also to extend to the Honourable Member himself a very warm welcome from this side of the House Now, Sir, in moving this Bill he thought of a very ingenious manner of putting it before us He has represented himself as a liberator who is going to free us from control My objection in this matter, as was amply exemplified by the previous speaker, is that when the Honourable Member exercises any control at all that is a chance given to all concerned to say, "Here is a facility that is made available to us, how can we get into this Schedule?" And the Honourable Member, I think, did not quite fully take the House into his confidence, he did not as he perhaps, might have done, indicate that the pressure on him to extend his Schedule is likely to be very considerable indeed We shall have to do our best on the Select Committee to support his efforts to keep this Schedule small But even so, I am afraid I find it very difficult to accept the Honourable Member's point of view that all that is being done is to provide priority for a very small quantity of goods I notice that the Honourable Member was not specific in the matter of quantities, and I should be very interested if, in the very brief time that is now available and if it is possible, he could perhaps give us a quantitative evaluation of the amount of traffic already contained in his Schedule. The fact remains that in general I regard this Bill as most undesirable, however necessary the measure may be I regard it as undesirable because any measure that makes an inroad into the valuable rights which are secured to the public under section 42-A of the Railways Act must inevitably be regarded as objectionable Truly that section of the Act is one which entitles the railways to call themselves public utilities, that is to say, they are free to be used by any person who wishes to use them, subject to very minor restrictions, on payment of freight Any Bill which seeks to limit the rights conferred by section 42-A is, I suggest, removing the main characteristic of a public utility from Indian

[Mr. M A. F Hirtzel]

railways For that reason we must continue to object to this form of control As I said, however, we admit that it is inevitable under present conditions, and it is those conditions to which we take objection The Honourable Dr Zia Uddin of Aligarh University drew attention very pointedly and very rightly to the question whether the facilities which the Railways are providing are proportionate to the task they have undertaken, and I am very glad that the Honourable Member is able to bring a completely fresh mind to bear on this problem I have personally constantly sought assurances regarding programmes for rolling stock, wagons, locomotives, and so on, and I have repeatedly been assured that the situation is satisfactory as far as can be foreseen I fully admit that there is an element of individual judgment in a thing of this kind, and I certainly have confidence in the judgment of the Honourable Member and his advisers, but we shall be very glad to have an assurance that he is fully satisfied on this point The Honourable Member will have a further opportunity of discussing this question during the budget debates But, Sir, the Honourable Member should consider this point that if full facilities are not provided by the Railways what justification is there for imposing controls of a very tight and discouraging character on other types of transport particularly road transport I will say no more on that subject, but I would like to say a word about certain other sections in the Bill which I want to be considered when the Bill goes to the Select Committee

The Honourable Member stated that it was a very simple matter, you merely put this "small" section of commodities in the schedule and you give them equal priority, but the difficulty which the layman finds in that is—apart from any subsequent expansion of the schedule—that within the schedule further priorities will certainly have to be given That was my original understanding of the position The items appearing in the schedule were to be arranged in descending order of importance for the allotment of priority Then outside the schedule you have your general traffic The Honourable Member has, I think quite naturally, not drawn full attention to the significance of clause 3(b) of the Bill which confers on the Railway Administration powers 'to refuse to carry such goods or classes of goods as may be specified in the order The Honourable Member said that it was quite simple, but here we have in clause 3(b) a provision which enables you to say that certain traffic shall not be carried either absolutely or between specified places I am suggesting that the reason for that is to prevent congestion of railway godowns and that brings me back to the point that I was making Is the Honourable Member fully satisfied that his rolling stock, and his operations have reached the requisite standard or at least the highest standard possible under present conditions? Personally I am not fully satisfied on that point

The second point is, who is going to regulate these priorities? The Honourable Member hinted at some change in the organisation As I have understood it, and as it was represented to us in the Standing Advisory Committee, it is proposed to keep the Controller, or the Adviser, on Railway priorities in a hermetically sealed place here in the Secretariat where you can never get at him and where you can have no access to him I have already warned the Honourable Member that that will be an extremely unpopular position I dare say that the Honourable Member has not yet had an opportunity of seeing the railway administration on the Bengal-Assam Railway My experience and my information and the experience of others has been that complaints and so on do not always receive that attention which the public feel that they have a right to expect Now this Controller in the Secretariat issues a *farman* from a hermetically sealed place that umbrellas shall not be carried or whatever may be the article I am perfectly confident that when I go to the Bengal-Assam Railway and say I want to send this consignment of umbrellas, they will say 'Ha ha.

Delhi chalo!' That is the position in which the Honourable Member will put the public and which they will not find very much to their liking Therefore so far as control is concerned, we on this side of the House, and those whom we represent, would, I feel sure, like to see the Regional Controllers organisation continued We fully recognize that control over the movement of various types of traffic may have to be exercised in the present conditions, and I would suggest that one advantage of retaining the Regional Controllers' organisation will be that it will enable zoning of traffic to be made effective, and I commend that to the attention of the Honourable Member to the Select Committee Those I think are the main points which I would like to raise on the Select Committee if this motion is carried Sir, I support the motion

Mr. P. B. Gole (Berar Non-Muhammadan) I wish to make a few observations regarding this Bill, so that the points that I want to make should be taken into consideration by the Select Committee

Sir, I find from the schedule attached to the Bill that priorities are being given for certain articles which can be said to be articles of necessity but some other articles appear to have been altogether excluded from this list of priorities and those articles can be said to be articles of necessity As pointed out by my Honourable friend, Mr Karmarkar, glassware is an article of necessity, which has been excluded from the list of priorities I have received certain representations from the glass manufacturers and they say that their glasswares are lying in their factories for want of priorities, and their movement is so much restricted that they are not able to send the goods manufactured by them to their destinations although they have got orders on hand I may point out here that foreign articles are being dumped into Indian markets especially glassware Foreign glass is coming into the Indian market in such great quantity that it is likely to throttle the indigenous industry of glass Glass is an article of everyday necessity All kinds of glassware are at present being used, especially when there is so much dearth of metal articles and I find from this list of priorities that glassware is altogether excluded I would urge upon the Honourable Member in charge of this Bill to consider this question and give a place also for glassware in the list of priorities.

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural): That it may not break!

Mr. P. B. Gole: It may be pointed out that glassware is not allowed to be carried by bus and other such means of transport It is only the railways who are allowed to carry glassware and especially over distances of more than 100 miles It is necessary that that should be despatched by the railway My submission is that clearly speaking, in considering priorities there are also some other articles which might be classed as articles of necessity and which have not been included in the list of priorities

Another observation in regard to this Bill is in regard to goods like cotton and woollen piece-goods, blankets, etc., when they are despatched from textile mills Supposing there is a selling agent of a textile mill He receives orders from different consumers for despatch of goods Only the goods which are either sponsored or are despatched from the mills are on the priority list Then what is to happen to goods to be sent by managing agents or by an agent appointed by a mill who purchases the goods and sends them, especially cloth For instance, in Bombay there are certain merchants, wholesale dealers, who purchase or undertake to purchase the whole of the piece-goods manufactured by the mills They take the goods and they despatch them There is no provision for priority so far as those are concerned. It is stated only when the goods are sponsored or when the goods are despatched from textile mills That will create another difficulty in the way of transport of mill cloth when cloth is to

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much in demand in India I would draw the attention of the Honourable Member to see especially to this difficulty which may arise if this Schedule, as it is now, is passed without any amendment.

I also have some doubts as to the necessity of clause 3(b) As has been just pointed out by the previous speaker, what is the necessity of this clause "to refuse to carry such goods or classes of goods as may be specified in one order either absolutely or between places so specified I have not been able to understand the necessity of this clause This will create hardship especially for those goods which it may be necessary to despatch from one place to another and which will be at the sweet will of the railway authorities to check and to refuse As it has been observed these controls are unpalatable things so far as the consumers are concerned and this is in restraint of trade as has been observed by the Honourable Member in charge He is also very much concerned that these controls should be minimised and they seem to be minimised to a certain extent But I find that some of the essential goods which should be given priority have not been included I hope the Select Committee will take all this into consideration and include some other articles which are considered articles of necessity in the priority list I have given you one example of glassware With these remarks I support the motion

Mr. Deputy President: Does the Honourable Member wish to reply?

The Honourable Dr. John Matthai: I am grateful to Honourable Members for giving their support to this motion I shall be very brief in replying to the points raised

My Honourable friend Dr Zia Uddin, raised the question whether it is at all necessary to provide for this control If we ask for control, it necessarily means that the railway transport position is not as satisfactory as it might be. Well that unfortunately is the case The wagon position is certainly better but the locomotive position is not yet quite satisfactory and it might take some time before we should be able to provide sufficient traction power There is also this to be considered When we estimate the prospect of transport conditions in the near future there are certain developments which may entirely upset our calculations There is for example the question of labour disputes. There is again the question of civil disorders Any of these circumstances may throw our estimates out of gear But the duration of the Bill is to be limited to a period of one year It is a Bill introduced for the continuance of control over a very limited period and it will be open to the Government and the House to re-examine the position shortly

My Honourable friend, Mr Karmarkar, and also my Honourable friend, Mr. Gole, raised the question of the articles to be included in the schedule That is precisely one of the matters which I would expect the Select Committee to go into I anticipated that in regard to this there would be differences of opinion and it is for that reason that I have suggested a reference to a Select Committee, so that this matter might be left over at this stage for consideration by the Select Committee

My Honourable friend Mr Hirtzel, raised the question of the necessity for introducing a provision like Section 3(b) The point is this If you are going to accord priority to certain articles, you cannot implement that provision unless you have a negative provision of the kind indicated in section 3(b) At certain times, and in certain places it might be necessary to place some restriction over other articles, if the priorities are not to become ineffective The necessity for a limited restriction of that kind is an essential corollary to any provision for according priorities

Sir. N. V. Gadgil: Is that necessary? The power to grant also includes the power to refuse.

The Honourable Dr. John Matthai: The one goes with the other Mr. Hirtzel wanted some estimate of what the transport position is likely to be. I do not want, Sir, to commit myself to any statement on the subject but as I said at the beginning unless unexpected developments occur, I expect that the transport position would be a great deal better and we might be in a position, if not to eliminate control, at any rate, to relax it still further

1 P M.

Then, I think my Honourable friend Mr Hirtzel raised the question of the kind of organisation that we contemplate, in view of the restricted control proposed in this Bill At present we have four Regional Controllers to whom all local matters are referred and we have at the headquarters of the Government of India a Chief Controller Assuming that the House accepts the scope and the method of control proposed in the Bill the kind of organisation (which of course is a purely tentative suggestion on my part) we have in view is that local matters would be handled by the local railway administrations, subject to any general or specific directions which may be issued by the Government of India in the Transport Department with the assistance of a Central Adviser, who will be stationed at the Headquarters of the Government of India Now that necessarily implies that the control would be limited in scope on the lines proposed in this Bill If it is not of course the whole question will have to be reconsidered

I do not think there is any other point of importance to which I need reply now, because I think most of the matters which have been raised today by Honourable Members are matters which the Select Committee would be in a position to examine

Mr. Deputy President: The question is

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, be referred to a Select Committee consisting of Mr M A F Hirtzel, Shri Sri Prakasa, Shri D P Khaitan, Shri Jagannath Das, Pandit Balkrishna Sharma Mr Muhammad Nauman Khan Mohammad Yamin Khan, Sardar Mangal Singh, Rai Bahadur Devendra Mohan Bhattacharya and the Mover, with instructions to report on or before the 17th February 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

The motion was adopted

FOREIGN EXCHANGE REGULATION BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I beg to move

"That the Bill to regulate certain payments dealings in foreign exchange and securities and the import and export of currency and bullion, as reported by the Select Committee, be taken into consideration"

Sir, the Foreign Exchange Regulation Bill has been examined by the Select Committee and it will be seen from the amended Bill now before the House that the amendments are minor in character being mainly of a consequential nature with one exception This is the introduction of a new sub-section (4) to clause 1, limiting the period of the Bill for five years with powers for the Central Government to extend its operation by notification for a further period of three years In the opinion of the Central Government, the necessity to control foreign exchange is likely to be permanent both to enable this country to watch and safeguard its balance of payments and also to be in a position to take advantage of the facilities offered by the International Monetary Fund Under the rules of the Fund, foreign exchange may not be purchased from it to meet movements of capital and control of foreign exchange transactions is therefore necessary to enable Government to be able to certify to the Fund that any adverse balance of payments that may arise on Indian account is not due to any outflow of capital However, it was the opinion of the Select Committee that these wide powers to control exchanges should not be given to Government

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permanently, but should be restricted to early post-war years when it was appreciated that world trading conditions were likely to be difficult As a compromise, therefore, between the two views Government have accepted a proposal to limit the duration for which the Act should be in operation to five years, with powers retained by them to extend it by a further three years This will give the Legislature an opportunity of reviewing the position after the International Monetary Fund has established itself and the sister body, the International Trade Organisation, has come into operation

I would again emphasise that this Bill is mainly an enabling measure It gives powers to Government through the Reserve Bank to regulate all dealings in foreign exchange, to restrict the sale of particular currencies or to free transactions in certain currencies completely or for special purposes To appreciate how the Bill will operate it is necessary to give an indication of the policy in respect of exchange control which it is Government's intention to follow, and I will now endeavour to outline our aims

Under our obligations as members of the International Monetary Fund, we are called upon to allow freedom of exchange transactions for what are described as current transactions, that is, the normal payments resulting from international trade and in addition the transfer of items such as profits, dividends and family remittances Owing to the devastation of the war and the resulting unbalanced state of international trade, many countries will have great difficulty in being able to allow freedom of exchange transactions at once, and the Fund has therefore made provisions for such countries to postpone undertaking their full obligations Member countries are therefore permitted to take advantage of what are known as the transitional arrangements and for a period of three years to continue to maintain exchange restrictions both as regards the multilateral convertibility of their currencies as well as on payments for current transactions In view of the uncertainties as to whether India will, in the near future, be able to obtain full payment in convertible currencies for its exports to other countries Government have felt that they could not undertake as yet the full obligations of membership and have advised the Fund that India intends to take advantage of the transitional period However, this is only a safeguard to enable us to impose and maintain necessary restrictions, and our policy and aim is to achieve the multilateral convertibility of all currencies including the rupee as soon as possible and therefore to confine our restrictions to those necessary to ensure control and regulation of capital movements

Before I proceed further, I would like to define what I mean by "multilateral convertibility" as there seems to be considerable misunderstanding of what this term connotes "Multilateral convertibility" of a currency does not necessarily mean that any one can buy foreign currency for any purposes What it means is that any foreign currency acquired by any person can be converted by the holder into any other foreign currency For instance if rupees are multilaterally convertible, it means that if an American sells goods to India for rupees, he can use these rupees to buy goods from China, Iran or Siam and is not restricted as at present, to using the rupees for expenditure in India, or in other sterling area countries

Now, Sir, from the 15th of July of this year the United Kingdom have undertaken, under the Anglo-American Loan Agreement, to make sterling received by other countries multilaterally convertible for current transactions Other countries with a favourable balance of payments with the United Kingdom will, therefore, not have to hold such balances in sterling until such time as they are able to expend them on purchases from the United Kingdom or other sterling area countries, but will be able to use this sterling for the purchase of goods or the making of payments to any country whether inside the sterling

area or outside it' It should be noted, however, that sterling will not be multilaterally convertible for capital transactions The fact that sterling, a currency which is used to finance such a large proportion of world's trade, is to become multilaterally convertible so soon, is very satisfactory and should do a great deal to facilitate the recovery of international trade

With regard to our Bill, its scope is admittedly very wide, because in order to control movements of capital, it is necessary to supervise all transactions in foreign exchange Because powers have been taken to do this, however, it does not mean that it is the intention of Government or the Reserve Bank, acting in accordance with the policy laid down by the Government, to restrict all foreign currency payments As I have already stated, it is the policy of Government to aim at the removal of all restrictions other than those on movements of capital It is, therefore, our intention to continue the existing practice under which we allow payments freely for imports provided of course they are covered by import licences or are on the free list and also to give foreign exchange for other current business transactions involving the transfer of profits, interest, commission and insurance premiums to persons resident outside India, the remittance of reasonable amounts of foreign exchange for family remittances, travelling expenses and the transfer of provident funds and savings up to certain limits by persons leaving the country Facilities also will be given for the transfer of amounts by emigrants from India to other countries In fact, our intention is to permit nearly all transactions of a current nature subject to certain restrictions as to amount to ensure that capital is not being transferred in the guise of a current payment and in addition to allow moderate transfers of capital where such amounts are required for trade purposes such as for the establishment of overseas branches of Indian trading firms and for banking and insurance operations.

The main item in our foreign exchange expenditure is that required for the payment of imports, and aware as Government are of the inconvenience of restriction, Government adjudge it necessary to continue for the present import control so as to limit the expenditure of foreign currencies which are in short supply and in order to ensure that the foreign exchange resources of the country which are needed for the purchase of capital goods and industrial equipment are not fluttered away in non essential and luxury articles As foreign currencies become freely convertible, the necessity for distinguishing one foreign currency from another should gradually disappear In this Bill, we are not concerned with the import policy, as the powers given are only intended to enable the Reserve Bank to see that payments of foreign exchange against imports are in fact utilised for that purpose and to ensure that there is no wastage of foreign exchange by unauthorised payments The Bill is not concerned with the type or volume of imports that may be allowed in the future

We now come to the important question of the future of transactions in sterling and with other countries in the sterling area As I stated when introducing the Bill, apart from other considerations, it is impracticable to use in a permanent legislative measure a term such as the "sterling area" which, in the course of a few months, is likely to lose its present meaning In the United Kingdom Exchange Control Act which is drawn on very similar lines to this Bill, a schedule is attached to the Act listing the territories which comprise the present sterling area and the countries in the schedule are excluded from the restrictions imposed by the Bill The Select Committee considered adoption of a similar form in this Bill as certain members considered that with our vast holdings of sterling, the introduction of restrictions on payments to the United Kingdom was unnecessary It was finally decided, however, that in view of India's new status it was not desirable to include in a new Act a schedule of territories to which exchange control restrictions would not apply, as this might give the impression that India wished to continue permanently the system of pooling her foreign exchange resources which is a

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feature of the present sterling area arrangements. It should be noted, however, that in the Bill as drafted, care has been taken to give the Reserve Bank powers to exclude specified currencies and payments from the restrictions imposed by various clauses, so that by the issue of notifications, the Reserve Bank will be able to continue the existing arrangements under which transfers to the United Kingdom and other countries in the sterling area are allowed freely It may be noted that in the United Kingdom Act, the Treasury is given power to delete territories from the schedule or to add territories thereto, by notification so that in effect the two Bills are the same We can exclude a territory from the operation of our Act by a notification of the Reserve Bank, while the Treasury can delete a country from the list of territories to which the United Kingdom Act does not apply by an overnight notification

Now, Sir, I wish to say that the Act was not framed by Government with the intention of making any sudden changes in the existing Exchange Control system immediately it comes into force and it is the present intention of Government to instruct the Reserve Bank to issue the necessary notifications to allow payments to continue to be made freely to other countries in the sterling area It is only common prudence to recognise, however, that circumstances might arise or develop in which it may not be possible to continue this system indefinitely as freedom to allow capital payments as distinct from current transactions must depend on our having freely available to us sterling to meet any resulting adverse balance in payments

I am hopeful, Sir, that conditions will not emerge in which any restrictions on the release of sterling to meet the repatriation of British capital from India are called for But whatever the occasion or extent of any such restriction might be, I cannot foresee any set of circumstances, of which India has control, in which Government would deem it essential to apply such restrictions to transactions other than large transfers of capital and to place restrictions on normal remittances from India to the United Kingdom or on the transfer of provident funds and savings by British nationals returning to their own country I have tried to very carefully place the policy of the Government with regard to the enforcement of this measure when it is passed The House must have noticed that but for a short note by one of the members of the Select Committee Sir Cowasjee Jehangir the report is unanimous and I hope that the House will give its support to the motion which I have placed before it

Mr. Deputy President: Motion moved

"That the Bill to regulate certain payments dealings in foreign exchange and securities and the import and export of currency and bullion as reported by the Select Committee be taken into consideration"

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

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Mr. Manu Subedar (Indian Merchants Chamber and Bureau Indian Commerce) Sir I must congratulate the Finance Member not on getting an almost unanimous report on this subject but on getting a very excellent and reasonable statement explaining and glossing over both the work of the Select Committee and the objects of Government in the operation of the law as it will come out of this Bill Now, Sir, this is a vast subject but, as I said on a previous occasion we are all curbing our zeal in view of Government's heavy legislative programme I will, therefore, confine myself to two or three outstanding points only

I have ever since the International Monetary Fund and Bank proposals came to this country been pleading for going slowly into it and I am glad that Government have realised and have taken advantage of the transitory provisions anticipating exactly the remarks which I was constantly referring to namely, that India may not be quite ready to go in full-strength into the operation of such measures as the International Monetary Fund may require and that for some time at all events, it may be necessary for us to impose or to continue certain restrictions with regard to certain types of dealings When the International Monetary Fund arrangements came on the scene, one of the clauses thereon, which I felt would be very difficult for them to operate, was the distinction which was sought to be made between current transactions and capital transactions I still maintain that that distinction will not in practice in all cases be observed It is so difficult to observe it It is one thing to suggest that the exchanges arising out of the sale of current goods should be freely convertible into multi-lateral currencies and that any other exchange which may be with you on account of the previous years or on account of capital transactions should not be so convertible There is no distinction between one 10 rupee note in my pocket and another and if anybody gave me a third note and said "This particular note you shall not use for certain purposes", I can very readily make a promise with that particular piece of paper "I shall not use it for certain purposes" but that enables me to expand my finance and enables me to use other pieces of paper which I would have been obliged to hold up had I not received this particular accommodation In other words, I still feel that not only the authorities of our country but the authorities of the International Monetary Fund as well are going to have a large series of head-aches over this distinction which is sought to be made between current transactions and those that are not current There are bound to be carry-overs from one year to the other you cannot put a full-stop on the 31st December or any particular date that you have got There will be carry-overs; there will be outstandings, there will be suspense accounts and as I said, above all there will be capital amounts which may be easily disguised as current transactions In fact, the Honourable the Finance Member himself has in a statement indicated that while there will be no interference with normal amount and with remittances and allowances and so on Government will have to watch even if a particular currency is not declared as coming within the operations of this law Even then Government will have to watch whether there are capital amounts For example, we have now what is known as the 'flight from the rupee' This arises from the fact that certain parties in this country having heard that Government might change the power of exchange have transferred large funds to the United Kingdom in the hope that if the rupee was depreciated they could buy the pound at Rs 13-5-0 and they could still buy it back at Rs 15, Rs 18 or any other sum A certain amount of unhealthy transaction is taking place like that I am sorry my friend the Baronet is not present in the House or he would have confirmed my statement that a certain amount of unhealthy transaction is taking place at the hands of certain parties in Bombay I know about Bombay from my personal knowledge and the same may be happening elsewhere because people are worried and afraid as to what is going to happen to the political life of this country They feel, I think, most wrongly that there is greater safety in some outside country and they are removing their capital funds from here

Then, Sir, there is another flight from rupee in the form of speculative fund sent down by rich Marwaris and stock-exchange operators who having raised the Indian shares from a low value to a very high value and having sold them here, did not want to invest funds in India but felt that some of the London shares were lower and they would go and invest their money there and sell them off there and make money and also take advantage of any change in the value of gold These are the types of transactions which are taking place I

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have already suggested once before and I again take the opportunity of putting forward the suggestion that the Reserve Bank and the Government of the country ought to have full information even if a particular currency was not declared as coming within the operation of this law, just as the Honourable the Finance Member said that on account of the heavy stock of sterling which they have got there is no intention to prevent anybody from making remittances to England I agree with that entirely, but even if Government do not wish to restrict dealings in that currency, should they not have the information? I am glad that under clause 19 Government have power of getting all the information and I hope and trust that this power is capable of being utilised even when that particular currency is not definitely included in the operations of the law I shall be glad if this point is cleared when the Honourable the Finance Member replies In short my plea is this that the Government of the country should be wide wake and should get the fullest information of what is happening It may be that what is happening is nothing very harmful and not very mischievous and therefore it does not call for any interference On the other hand it may be that something is happening which is deleterious, which is disadvantageous to this country, it may give trouble to the government themselves later on in which case government may be able to find a timely interference in the course of things Sir, it is a great pity that the government of the country and the Reserve Bank which is the instrument for informing the government and for carrying out various other executive functions—some of these extra powers have been given in this Bill also—it is a pity that the Government and the Reserve Bank should not have fullest information as to who is buying sterling and for what purpose Today they have not got that information I feel that that is a very serious lacuna not necessarily in law, because there is an existing law under which they could get information, but they have merely not chosen to do so. I submit that that position ought not to continue any longer and that the Government should have the fullest information even with regard to the operations in currencies which are not necessarily declared as scarce currencies or which do not come into the restrictive field covered by this law

Now, Sir, as I said on a previous occasion I was glad that this Bill was carefully drafted It is a timely measure and it has not come a day too soon. I was glad that it indicates in my eye a freedom from control from London which some of us have been fighting for for very many years This freedom of control from London may appear sentimental but since we attach ourselves to the International Monetary Fund, the regulating factor will be both gold and dollar and not sterling If that is so, we must necessarily prepare to settle all these matters according to our lights without any chance of interference or compulsion or pressure from any other quarters in the world This objective would be achieved by this Bill

Sri M. Ananthasayanam Ayyangar (Madras Ceded districts and Chittoor: Non-Muhammadan Rural) How will this be achieved?

Mr. Manu Subedar: This will be achieved because Government under section 25 will be free to give directions to the Reserve Bank of India and under clause 3 of this Bill may be able to indicate any currency to which restrictions will apply As my Honourable friend Sir Cowasjee Jehangir has appended a Minute of Dissent, I would like to say one or two words about it. The law on the model of which we are basing this Bill is the British law The British law gives pre-eminent position to London which practically though less than it was before the war is still next to New York, the biggest financial centre in the world The British Government have to deal not only with direct dealings between United Kingdom and just those countries with which they are trading London is the clearing house, for a good many transactions which are done between various

parts of the British Empire and such other countries as have placed themselves voluntarily in the sterling area The British Government published a schedule enacting that in the scheduled countries it was not their intention to restrict the operation of this clause They very wisely kept the power to themselves to add to the schedule or to take out any countries from it The Honourable the Finance Member once said that sterling area has a connotation which is varying, countries which are included in it today may tomorrow voluntarily or for various reasons may go out In any case, sterling area is not a sufficiently definite term for us to use But apart from that, whereas London wanted to give the impression to the Empire and other countries that they are not going at any time and under any conditions to exclude them, though they reserve the power to do so, they were not going at all events, *prima facie* to apply these restrictive exchange laws to the Empire countries But we, on the other hand, who are emerging in a state of political and other transition, we have to be very careful what we do on the point I therefore commend the manner in which this Bill has finally emerged from the Select Committee But the point I wish to put before the House is this This is the foreign exchange law of India All of your laws do not find their place in the chancelleries of the world They do not necessarily get hold of legal provisions applicable to the country But they are all concerned with this law A copy of this law which we pass here will reach automatically every Bank in the world and every foreign exchange dealer in the world and every foreign office of every country in the world I do not want that we should also append a schedule in which we appear to be making a law which is applicable to all countries which are not only outside the British Empire but outside the sterling area It should not appear as if there is a fast link with London Because should it appear so, then our membership of the International monetary fund would be a very doubtful membership We would not have that independence which is expected from every member of the International monetary fund It is inconsistent with that position inconsistent as the Honourable the Finance Member said with the new international status which this country is acquiring rapidly and everywhere It is necessary that we should avoid giving them the false impression as to our position When my Honourable friend Sir Cowasjee Jehangir objects to this mode of legislation in which something is done by executive order he forgets that executive order equally applies to schedule Under the British Act by an executive order, the schedule is alterable We start with some kind of schedule, it will be published by executive order and it will be capable of being changed by executive order

Another little point I wish to make is that you cannot control foreign exchanges unless you do some kind of control over the trade from which foreign exchange emerges Really speaking the Bill for control of exports and imports which the Honourable the Commerce Member is bringing up and which he introduced this morning, is really a Bill which should go with this Bill They go hand in hand, whereas this Bill is put down for a period of five years first and then three years thereafter When occasion comes I should like to make it clear that you cannot control foreign exchanges unless you have some policy with regard to import and export trade of the country from which mainly the foreign exchanges emerge If you want to balance your foreign exchange then you may have to economise and see that unnecessarily articles are not bought, that trade in particular direction does not run away in order to restrict resources from which you can carry on trade in certain other directions I do feel that the operation of such a Bill would be extremely difficult if trade were left uncontrolled What is the object of foreign exchange control? That the central banking institution or the central authority which will regulate exchanges should be able to get hold of all the exchange which comes legitimately to this country that there should be no waste, leakage or restriction of such funds as arise legitimately and that these funds may be best utilised and given out for those purposes for which priorities have been settled The priorities question will not

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arise where we have got plentiful funds in any particular direction or in any particular year But it may arise very acutely and very soon in the case of India because we are selling very much less to the outside world than we are buying from it Therefore I say that the exchange control position has got to be supplemented by the trade control proposition, and that these two pieces of legislation which may run parallel are important to one another

Then the Finance Member has been conscious of the uncertainties of the world and he said, "Are we to be always receiving payment in currencies which will be convertible?" We may export to a country and that country may be in a weak position or may not be in a weak position when we start to export but may weaken thereafter, so that its currency is not immediately and readily convertible These are all contingencies for which we must be prepared, and therefore there are provisions under this law which will enable the central authority to act quickly and to act with vigour when the occasion arises

Sir, there is one more point that I should like to make before I conclude, and that is that I am glad that clause 25 emerges from the Select Committee in the form in which it was given This clause puts rather wide powers in the hands of Government, but I consider that it is extremely necessary and proper that this power should exist with Government The clause says

"For the purposes of this Act the Central Government may from time to time give to the Reserve Bank such general or special directions as it thinks fit"

Now, Sir, there is a spirit in this country against which I wish to raise my voice from this place and that is this There is a spirit of evasion abroad, during the war there has been too much utilisation of opportunities of evading laws, to the private advantage of individuals I want to say that this spirit is anti-social and should be put down In Russia and in other countries any anti-social practices are punished very heavily In this country unfortunately the courts on a tradition of giving the fullest benefit of doubt to every one go meticulously into the merits,—whether the party has actually broken the law, whether the law was properly passed, whether the particular rule was properly passed or whether it was issued by the proper authority I have seen very good cases of breaches of public morals—in my eyes at least they offended against public morals—which have been dismissed by the courts in this country on account of some little lacuna in some law somewhere I say that even the legal profession is not doing its duty when it helps the law-breakers to the extent to which it has been known to help them during the last five years in prosecutions against hoarding and profiteering, prosecutions in regard to corruptions and prosecutions in other directions This spirit of evasion which is anti-social must be put down, and I am therefore glad that there is this provision in clause 25 which as soon as the smallest doubt is thrown on any provision of this law or any rule made thereunder, will enable Government with a view to carry out the objective of the Act to issue directions, and these directions will have the effect of law This is to my mind a very necessary thing not merely in this direction but in other directions, but it is certainly extremely important with regard to exchanges There are clever people in this country who as soon as this law is promulgated will sit down to study it section by section and say "How can we evade section such and such? What can we do, while keeping within the wording of the law, to get round it, and how can we reap some advantage for ourselves?" Sir I would ask the Honourable the Finance Member to keep a special note and to get special reports if such efforts are made to defeat this law and to act promptly under the powers which clause 25 gives him

Sir I support the motion

Mr. P. J. Griffiths (Assam: European) Sir it does not seem to be necessary at this stage of the present Bill for me either to enunciate the general principles

which we in this group hold with regard to the whole problem of foreign exchange or on the other hand to discuss this present measure in any detail I merely wish to indicate very briefly the two principles which define our attitude towards this kind of problem and which, taken together, lead us to support this present measure The first principle is a self-evident one, that in the present difficulties and the future uncertainties of all problems of exchange, every self-governing country must in fact take the kind of powers which this Bill contemplates These powers have been found necessary already in most countries of the world including my own, and indeed even if the practical facts of the case did not necessitate their adoption the obligations of this country to other countries under the International Monetary Fund would make some measure of this kind necessary But quite apart from that there is, I think, an even more important aspect of a measure of this kind It is by passing this kind of measure that this House and this country exercises to the full, for the first time economic sovereignty Economic sovereignty is in fact attained far more by the passing of practical measures of this kind than by mere paper changes in constitution and in law This House, by dealing with this Bill, is asserting in unmistakable terms that this country claims—and has—complete economic independence, and for that reason alone we in this group regard it as a measure of the highest importance, a measure entitled to command our support

There is, however, one other principle which is also at the back of our minds when we consider the whole problem of foreign exchange, and that is that controls of this kind interposing as they must barriers—barriers to trade, barriers to exchange—must of necessity be in some sense an evil There are times when they are necessary evils, but evils they still remain And therefore whenever a control of this kind is to be applied Government must ask itself the question, "Are we satisfied that in the present circumstances and in the case to which we propose to apply this control the evil of control is a necessary one? Are we satisfied that we cannot do without the exercise of the control concerned?" And so today we want to ask very briefly the question, "Where and in respect of what regions is it necessary to apply the kind of restriction contemplated by this Bill?" But of course the first part of the answer is easy When you turn to the hard currency countries there is no room for doubt, there it is essential and we cannot do without it. So as far as those countries are concerned, the Finance Member can have an easy mind When we come to that group of countries which are loosely but conveniently called the sterling area, the problem is rather different I do not suppose anybody in this House would maintain that at this particular point of time, here and now, the control of exchange with regard to the sterling area is essential It may be that under some different circumstances, which have not yet arisen, that kind of control with regard to sterling might become necessary, but it is I think common ground that under the present circumstances existing today—the 10th February 1947—there is no need whatsoever for the exercise of any measure of control with regard to the sterling currencies I understand that in his speech this morning—at which unfortunately I was not present—the Honourable Finance Member did make that point clear, that as far as the present point of time was concerned, perhaps with certain exceptions, he saw no necessity to apply these controls and these restrictions to the sterling area I welcome that statement very much indeed But I still think it is a pity that effect was not given to that intention in a schedule to the Bill itself I think the intentions of the Government would have been far clearer if we had followed the

3 P.M. British model As Honourable Members know in the British Act there is attached to the Act a Schedule of Territories to which the operations of the Act do not apply That schedule roughly corresponds to the sterling areas It is perfectly true that in the British Act the Treasury has the power to add to, or subtract from, or in any way vary that Schedule, and so in a practical sense there is not perhaps very much difference between that form of legislation and the Bill before the House today But though the practical differences are not very great,

[Mr P J Griffiths]

the psychological differences are quite considerable and it does seem to me of value in a measure of this kind to tell the outside world in the measure itself what the intentions of the Government are This is what the British Government did by putting the sterling areas into an excluded schedule I agree with my Honourable friend, Sir Cowasjee Jehangir, that it would have been very much more satisfactory if in this Bill the same procedure had been followed and if the sterling areas had for the time being been excluded from the operation of the Bill by a Schedule Government would still have had the power to vary that schedule, but they would have told the outside world what their intentions were I do believe myself that in dealing with these international matters it pays in the long run to make your intentions clear and to tell the world what you intend to do You have to do it sooner or later and you very often avoid a great deal of nervousness and great deal of apprehension in foreign markets by making your intentions clear at the outset of legislation of this kind

That however is perhaps a theoretical point for draftsmen The important thing is that there seems to be a general recognition that in the present circumstances there would be neither rhyme nor reason in seeking to introduce restrictions on transactions of a general and *bona fide* nature inside the sterling area. We regard it of the utmost importance that that fact has been recognized by the Honourable the Finance Member, and I trust that in the months and years that lie ahead of him he will not be dissuaded from that point of view on account of ideological considerations which may be put before him from time to time Let us stand fast on the principle that this Bill has one object and one object only to assist India and to enable India to conserve the currency of those countries of which she is or is likely to be in short supply, and that it exists for no other purpose whatsoever,—let us stand fast on that principle Let us accept the fact that India must have the power to control her exchange, but in practice there would be neither sense nor necessity in using those controls in regard to currencies of which her supplies are more than adequate Subject to these considerations and subject to the belief that the Honourable the Finance Member will exercise his power of notification wisely and that the sterling areas will in fact be excluded from this Bill, we in this Group give our full support to the measure now before the House.

The Honourable Mr. Liaquat Ali Khan: I do not think I have to add very much to what I said this morning except to thank the House for the support which they have extended to this measure which I have placed before this House

With regard to the point raised by my Honourable friend Mr Manu Subedar, all that I can tell him at this stage is that the Government will keep a watch over all transactions in foreign exchange

With regard to the point that has been mentioned by my Honourable friend, Mr Griffiths, this morning I made the position of the Government very clear, with regard to the sterling areas I do not think I need add much to what I stated this morning We have no intentions at this stage to apply any restrictions on foreign exchange with regard to sterling areas. My Honourable friend has appealed to me that I may not be swept off my feet on account of some ideological considerations Sir, I am practically ideological and whatever is in the interest of my country will carry the utmost weight with me, and there will be nothing else that will make any effect on my policy.

Mr. President: The question is:

"That the Bill to regulate certain payments, dealings in foreign exchange and securities and the import and export of currency and bullion, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President: We will now take the Bill clause by clause. I find that Messrs Ayyangar and Reddiar have given notice of certain amendments to certain clauses The notice was received late and there was no time to have it circulated to the House, and I do not propose to

Sri M. Ananthasayanam Ayyangar: Sir, I discussed the matter with Government Members and I am satisfied, and I do not press those amendments I am not moving them

Mr. President: But I may generally state that I would not allow these last minute amendments to be moved except, of course, substantially agreed amendments They will stand on a different footing

Sri M. Ananthasayanam Ayyangar: May I request, Sir, that the present occasion may not be made the subject for this ruling You may kindly reserve this decision to some other occasion I do not press these amendments, and I accept the Act as it stands

Mr. President: I am not giving any ruling or decision, but I am informing the House so that the Members may be guided better for the future and nobody may plead later on that he did not know this

As there are no amendments, there is no point in putting the clauses separately. The question is

"That clauses 2 to 27 stand part of the Bill"

The motion was adopted

Clauses 2 to 27 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Mr. Liaquat Ali Khan: Sir, I move

"That the Bill, as amended, be passed"

Mr. President: The question is

"That the Bill, as amended be passed"

The motion was adopted

INDIAN NAVY (DISCIPLINE) (AMENDMENT) BILL

Mr. G. S. Bhalja (Government of India Nominated Official) Sir, I move

"That the Bill further to amend the Indian Navy (Discipline) Act, 1934, as reported by the Select Committee, be taken into consideration"

I am glad to say that the Select Committee has recommended that the Bill be passed without any change The Select Committee met twice and put to the severest scrutiny all the clauses of the Bill Several points were raised during the discussion and they were amended to the satisfaction of the Committee I shall briefly refer to the more important ones

It was suggested that the merchant seamen who would come under the Naval Discipline Act although they were doing so voluntarily, there would be an element of economic compulsion inasmuch as, if a ship was requisitioned during the war either the seamen concerned would have to join Government service and come under the Naval Discipline Act or they would be forced out of employment It was pointed out that although it was possible that on certain occasions a certain number of seamen may be thrown out of employment, that result did not follow from the provisions of this Bill I should make it quite plain that this Bill does not seek to take powers to requisition vessels of any kind. Its sole purpose is to bring under naval discipline men who voluntarily agree to serve His Majesty's Government The element of compulsion, if any, would flow from any legislation which would be introduced by Government to requisition vessels compulsorily.

The second point that was urged was whether seamen who would come under this Act would continue to exercise their privileges as members of a trade union, which they enjoyed before they accepted naval service. The Honourable the Leader of the House has given an undertaking on the floor of this House, and I

[Mr G S Bhalja]

repeat it, that there would be no objection to seamen entered under Section 90 of the Naval Discipline Act remaining as members of their respective unions for the purposes of furthering their interests in the merchant service But they would not be permitted to do anything calculated to embarrass the Navy Neither could they utilise their membership for the purpose of bringing about an alteration in the existing regulations, or customs or conditions of service in the Navy No combination can be permitted of seamen in the Navy for such a purpose I give a further assurance that this provision would be embodied into the Royal Indian Navy Instructions so that there could be no doubt as regards the intentions of Government in this matter

A suggestion was made that the operation of the Bill might be restricted to an emergency or war It was explained to the Members of the Committee that such an amendment would defeat the very object of the Bill Section 90 of the Indian Navy Discipline Act, as it would stand, if this Bill was not passed, already gave powers to Government to compulsorily bring under naval discipline men serving on ships which would be requisitioned by Government In fact, the Bill as it stands now is better from one point of view inasmuch as it gives discretion to merchant seamen to come under the Naval Discipline Act or not to do so This provision has been found particularly convenient in connection with the employment of skilled men for short-term engagements on particular occasions I shall mention only one instance Several merchant seamen who entered service during the war as what we call "hostility only ratings" have been employed on ammunition dumping operations about which, perhaps we shall hear more in a day or two, as there is a Bill standing in the name of the Secretary, Works and Mines, on that subject We could not bring these men under naval discipline if we did not have the powers which we have sought in this Bill

I wish to emphasize that the Bill is absolutely voluntary in every sense No man can be brought under naval discipline unless he performs two acts, both of which are of his own volition One is that he agrees to serve His Majesty's Government and the other is that he agrees to come under the Naval Discipline Act

With these words, Sir, I commend the motion to the House

Mr. President: Motion moved

"That the Bill further to amend the Indian Navy (Discipline) Act, 1934, as reported by the Select Committee, be taken into consideration"

Miss Maniben Kara (Nominated Non-Official) As one of the signatories to the report of the Select Committee of this Bill, I rise to support this Bill It has been pointed out by the Honourable Member in charge of the Bill that Section 90 in Clause 2 of the Bill is an improvement on the previous section By this section the merchant navy personnel certainly gets a choice to join or not to join the Royal Navy In normal peace times merchant navy personnel, not desiring to come under the Royal Navy has the choice to continue with his civilian job in the merchant navy as an employee of a private company What generally happens, Sir, in times of emergency like war, is that a Bill or an Ordinance requisitioning, the ships of private companies is promulgated If this particular section of this Bill, giving a choice to the merchant navy personnel of voluntarily joining, has to fulfill its object, then it follows that at the time of requisitioning of ships, a clause will have to be inserted whereby those who do not desire to come under naval discipline will get compensation from the Government Sir, I therefore think that this Bill will not be complete in itself so long as a safeguarding clause giving compensation to those who do not desire to come under naval discipline is not inserted in the ship requisitioning Bill that the Honourable Member may bring forward in future I personally think that, ship requisitioning Bill ought to have come first By this Bill he is free not to come under naval discipline But then, if his means of livelihood is taken away by another Bill, then you will appreciate that he will be compelled economically to come under the naval discipline. His means of livelihood will be taken away under the

emergencies of war This point was fully debated and discussed in the Select Committee and it was pointed out to us that this particular safeguarding clause can be rightly brought up at the time when a Bill comes before this House for requisitioning of the ships Therefore at this stage I express my view that at any distant date when such a Bill comes, this provision will be kept there, and its necessity will be taken into consideration in order to give effect to this Bill

I am glad that the right of the merchant navy personnel to belong to trade union organisations is also accepted by the Leader of the House and by the Honourable Member in charge of the Bill who has assured that the necessary provision allowing membership of trades union will be included in the Royal Indian Navy Instructions In view of these assurances I support this Bill as it has come from the Select Committee

Mr. President: The question is

'That the Bill further to amend the Indian Navy (Discipline) Act, 1934, as reported by the Select Committee, be taken into consideration"

The motion was adopted

Mr. President: The question is

That Clauses 2 and 3 stand part of the Bill'

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

Mr. G. S. Bhalja: Sir, I move

"That the Bill, as amended, be passed"

Mr. President: The question is

"That the Bill, as amended, be passed"

The motion was adopted

SUGAR (TEMPORARY EXCISE DUTY) BILL

Mr. K. L. Panjabi (Government of India Nominated Official). **Sir, I move.**

"That the Bill to provide for the completion of recovery of the temporary excise duty on sugar be taken into consideration"

The object of this Bill is a simple one It is to facilitate recovery of Government revenue from income accruing to dealers in sugar as a result of purely fortuitous circumstances This unearned advantage has been the consequence of the revision of the price of sugar On the 23rd October, 1946, Government raised the ex-factory price of sugar from Rs 16-10-0 to Rs 20-14-0 per maund throughout India, except in the Punjab and the North-West Frontier Province, where weighted prices were sanctioned Government took this step after carefully balancing the interests of the cane growers, the industries and the consumers The prices of cane supplied to the sugar factories in the U P and Bihar are regulated by the Provincial Governments These prices had not kept pace with the increase in prices of other crops The price index was only 205 as against 292 in the case of food-grains As a result of this disparity there was a decline in the area under cane In the U P this occurred to the extent of 13 per cent and it was reflected in the all-India production of sugar which declined from 12 4 lakh tons in 1939 to 9 48 lakh tons in 1945 This undesirable situation was considered by the Joint Sugar Control Board for the U P and Bihar, which includes representatives of the cane growers, the industry and the Provincial Governments Its recommendation was that the price of cane be increased from Re 0-14-6 in the U P and 15 annas in Bihar to a uniform rate of Rs 1-4-0 per maund This was endorsed by the provincial governments and the Sugar Control Advisory Board The Central Government felt that as sugar and *gur* are important articles of food very much in demand, further reduction in production would be undesirable The advice of the provincial governments and representative bodies of growers and manufacturers was that this could be checked only by increasing the prices of

[Mr K L Panjabi]

cane and sugar These had been raised in the past but not to the same extent as other crops It was therefore felt that there were special grounds justifying an increase which would bring them in parity with other crops

An increase in the price of sugarcane necessarily involved an increase in the price of sugar This was calculated at Rs 4-4-0 per maund and included an allowance for a slight increase in manufacturing costs due to shorter crushing season and also for increase in the cost of wages due to reduction in working hours in the factories The revised ex-factory prices of sugar were sanctioned with effect from the date of the notification This would have had the effect of benefitting the manufacturers and dealers who held stocks of sugar on that date The extent of the benefit was considerable and was estimated at Rs 180 lakhs There was no moral justification for letting this windfall accrue to the fortuitous holders of stocks and therefore in consonance with the practice in former years an Ordinance was issued on the same date levying an excise duty of Rs 4-4-0 per maund on sugar held in stock on that date The validity of the Ordinance, however, expires on the 23rd April and it is not practicable to complete the assessment of the demand and the process of recovery of the excise duty by that date The Bill is therefore introduced to enable Government to complete the recovery processes initiated under the Ordinance

The Bill follows the Ordinance in all respects except the provision under clause 3 This authorises the sellers to recover from the buyers an amount equivalent to the excise duty paid by them under the Ordinance They were precluded for a short period from passing on this burden to the buyers, because there was a time lag before the local prices could be revised by the provincial governments During this short period the sellers were at a disadvantage, for they were liable to pay the excise duty and could not increase the prices proportionately The alternative of waiving the excise duty during this period would have resulted in large scale evasions and would have rendered the collection of the excise duty difficult Normally the excise duty was made leviable from the date of the notification but the sellers are permitted to recover the increase from the buyers

This is not the first time that such revenue has accrued to the Government In 1943-44 and 1944-45 similar excise duties of 13 annas and Rs 1-7-0 respectively were levied The total revenue realised in these two years was Rs 195 lakhs Out of this sum 75 lakhs were earmarked for compensation that may have to be paid to dealers in future if prices go down A further sum of Rs 75 lakhs was earmarked for assisting provincial schemes of development of sugarcane and Rs 50 lakhs was earmarked for the development of the Imperial Institute of Sugar Technology This year the estimated revenue of Rs 180 lakhs will be credited to the general revenues The Government have already under consideration a scheme to subsidise the sugar factories to meet the cost of the increase in wages and other concessions granted to the labour employed in the sugar factories in the United Provinces and Bihar As I have mentioned the Bill is innocuous and in the interests of public revenues It will ensure recovery of unearned increment which legitimately belongs to the State It is essential that the Bill be enacted well before the 23rd April, when the life of the Ordinance will expire I commend this Bill to the House and trust that it will meet with its approval

Mr. President: Motion moved

"That the Bill to provide for the completion of recovery of the temporary excise duty on sugar be taken into consideration"

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) The story of the protection of sugar is very woeful from the point of view of consumers Sugar under normal conditions would have been sold at Rs 4 per maund or ten seers per rupee in 1927-28 Then we levied an import duty of Rs 7-4-0 in 1927 And unfortunately by the Second Finance Bill of 1931 we raised the duty, without any consideration as to how it was calculated, by 25 per cent by the mistake of the then Finance Member, Sir George Schuster, and

the protection was raised from Rs 7-4-0 to Rs 9-1-0 Now this was a protection which we thought at that time that the industry did not need, and the result was that a large number of these industries came into existence and they raised the price to such an extent and adopted such measures that the capitalists collected the entire capital which they invested within three years, at the sacrifice of the sugarcane growers and the consumers When we raised this question on the floor of the House and I brought repeatedly the terrors of these sugarcane manufacturers and the amount of pressure which they are bringing upon the sugarcane producers, the excise duty was levied at that particular time in order to equalise or balance the 25 per cent rise which we had made in 1931 But we were given assurance at that time that the duty which we are imposing is really a kind of loan from the consumers to the industry and this loan will be paid in the form of the cheap price of sugar in later years Then followed the war and everything was upset We never demanded anything during the wartime Whatever the Government did we allowed them to do as they always claimed that it was the war effort The Government measures in the Assembly in the name of war efforts were accepted Now that the war is over there is no justification for our continuing the same measure which we had allowed during the war, and that we should give the same profits as we have been giving them during the wartime The time has come when we should think over the matter That is the first point

The second point is that the present Government had been condemning the previous government for introducing so many Ordinances for the purpose of control Our present Government are, bringing those ordinances permanently on the statute book The very same things which they condemned before, for temporary enactment they are now doing permanently At least when the National Government came into existence, though it may be for the interim period, we expected that we would have a more peaceful time, that we would have a time of ease and that all those troubles and privations which we suffered during the wartime would now gradually cease to exist But our experience now shows that it is just the reverse The privations and the troubles of the poor people after the war are becoming more acute than they were during the wartime They are now taking each Ordinance one after another and putting them on the permanent statute book In the case of an Ordinance there was an opportunity to discuss after short intervals of about six months But in this case they are putting it permanently on the statute book There will be no revision unless somebody puts forward a Bill saying that the Sugar Excise Act should be repealed This is the point of view which we ought to consider and I hope my friend Mr Panjabi, who represents the Food Department, will do so

This system of changing the Ordinances into permanent legislation in the statute book should cease We would prefer that you extend this Ordinance for another short interval so that we may be able to exercise our judgment after a short time It is a great irony of fate on us that you are now changing this Ordinance about which we could not complain at that time on account of the war conditions, and putting it permanently on the statute book I think you ought yourself to consider what you would have done if the previous Government had brought it as a permanent measure.

Mr. President: I am afraid there is some misunderstanding unless I am misreading This Bill, I take it, is not for the purpose of continuing the levy of excise duty. That is not going to be continued Am I correct?

Mr. K. L. Panjabi: Yes

Mr. President: But it is to complete the recovery The levy is already there Demand notices are issued as the Honourable Member said and unless the provisions continue the recovery cannot be completed That is the whole position

Dr. Zia Uddin Ahmad: It ought to have been provided "This Act will be in force for so many years" Give a time limit If you had put it at one or two

[Dr Zia Uddin Ahmad]

years or more years it would have been intelligible But you are bringing this permanently on statute book There is no time limit here Will this expire after some time?

Mr. President: The point is, as I pointed out to the Honourable Member, that certain liabilities are incurred under that particular Ordinance Steps have to be taken to enforce the liabilities incurred, and it is only for the purpose of completing the recovery that this Bill is brought The moment all dues are recovered, this will automatically lapse That seems to me to be the position

Mr. K. L. Panjabi: May I invite the Honourable Member's attention to clause 2 of the Bill? That explains that the object of this Bill is only to complete the recoveries initiated under the Ordinance

Dr. Zia Uddin Ahmad: You have to mention that this Act will cease to operate after a certain period

Mr. President: It will cease to operate as soon as the recoveries are made

Dr. Zia Uddin Ahmad: Even if a small sum is left, this Act will continue on the statute book I want to know whether after some time it will be repealed or it will remain permanently on the statute book

Mr. K. L. Panjabi: It will remain permanently but it will cease to be operative as soon as its purpose is served

Mr. President: The position seems to be clear, that the Act will cease to operate as soon as the recoveries are made The recovery might take one year or two years It all depends on the official machinery going slowly or fast The moment the recoveries are made the Bill lapses It will remain as a historic piece on the statute book In that sense it will remain permanently It will be a spent force, a dead letter, on the statute book after some time

Dr. Zia Uddin Ahmad: I am not very pleased with this This is just like Regulation III of 1818 Though it may be a dead letter, it will be used later on I want a time limit to be fixed after which the Act will be repealed If that is not done it may be used again

Mr. President: The question is

"That the Bill to provide for the completion of recovery of the temporary excise duty on sugar be taken into consideration"

The motion was adopted

Mr. President: The question is

"That clauses 2 and 3 stand part of the Bill"

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

Mr. K. L. Panjabi: I move

"That the Bill be passed"

Mr. President: The question is

"That the Bill be passed"

The motion was adopted

INDUSTRIAL DISPUTES BILL

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I move

"That the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes as reported by the Select Committee, be taken into consideration"

As it is clear from the Title of this Bill, the Bill is intended to promote good relations between the workers and the employers At this stage I do not want to make any speech If necessary, I will meet the points that might be raised during the debate afterwards With these words, I commend the Bill for the consideration of the House

Mr. President: Motion moved

"That the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes as reported by the Select Committee, be taken into consideration"

Mr. N. M. Joshi (Nominated Non-Official) I rise to oppose this motion. When the Honourable Member made the motion that his Bill be referred to a Select Committee I had opposed that motion also I was opposed at that time and I am still opposed to the principles underlying this measure

The two main principles of this measure are compulsory adjudication and making strikes illegal, if they are resorted to without notice in public utility service, if they are resorted to during conciliation proceedings, during proceedings before tribunals and also during the period covered by either voluntary or compulsory settlement, voluntarily accepted or imposed by Government The Select Committee has not modified any one of these two principles in any material respects I have therefore no other course open to me but to oppose this motion

I do not wish at this stage to repeat the arguments which I adduced in opposing the principles of this measure I shall very briefly state that so far as compulsory adjudication is concerned, the working classes are opposed to it and would very much like to have a settlement made with the employers, to have any grievance which they may have against their employers being settled by voluntary or mutual agreement, the implications of which they know and which they have accepted, knowing all the implications and the effects of that agreement The working classes consider arbitration or adjudication as a leap in the dark You may take the grievances of the workers before a tribunal. They do not know what decision the tribunal will give and it is for that reason that the working classes always prefer a voluntary agreement, voluntarily entered into, the effect of which they know very well and the responsibility for which they also take, knowing all the effects Unfortunately, Sir, the Government of India and this legislature have approved of the principle of arbitration. After having considered all that was said in the Select Committee and all that was said here on the floor of the House I am still unconvinced that compulsory arbitration will do good to the working classes in his country It may also in my humble judgment not be useful in securing the object which the Government has in view in bringing forward this piece of legislation namely the establishment of good relations between the employers and the employees

The second principle of this Bill is to make strikes illegal Now, Sir let me make it quite clear that I am not a believer in the policy of strikes At the same time, I am not one of those people who would take away the strike weapon from the hands of the working classes I have known from my experience of many years that, although some of us may not like to resort to strike as a matter of policy, we have not yet converted either the employers or the Government to our view They still believe that nothing need be done if there will be no strike, and when strikes do take place, then only they try to put them down My experience shows that even Governments, when they are asked to appoint Boards of Conciliation do not appoint them unless and until they know that a strike will take place or unless and until a strike actually takes place Those who are dealing with railway labour know it very well that on many occasions they asked the Government of India to appoint either Courts of Inquiry or Boards of Conciliation to consider the grievances which they have against the railway authorities in this country On many occasions requests for the appointment of a Board of Conciliation have been refused Under these circumstances, to deprive the working classes of this country of the only weapon of which either the employers or the Government are afraid or the only weapon of which the employers or the Government will take notice of will be doing a great harm to the working classes of this country.

[Mr N. M. Joshi]

Besides these two principles to which I am opposed under the present circumstances, the Bill contains many clauses to which I also take objection. The Government of India is providing machinery for conciliation and also machinery for adjudication The period allowed to be spent in these two proceedings is, in my judgment, too long The Government of India by this Bill is providing that the conciliation proceedings may last even four months Now, Sir, many of us—I do not include you in that—have not got such a great patience as to wait for our grievances being removed for four months According to this Bill, as my Honourable friend Mr Griffiths says, you require minute patience because the Bill lays down a period of four months for the completion of the proceedings for conciliation Then, the Government may appoint a Tribunal for which no period is fixed at all to complete its proceedings Therefore, to expect the working classes to have faith in a machinery of this kind is to expect them to have patience which I, at least do not possess My fear is that if this Bill comes into operation and the working classes find that the removal of their grievances takes a long time, they will completely lose confidence in any proceedings of conciliation and also in proceedings for adjudication And you are likely to have more strikes then, than you are likely to have now I therefore, feel that it is wrong to enact a law which will not only not strengthen the confidence of the working classes in a peaceful settlement of their disputes but which will tend to sap their confidence and encourage them to resort to strike action Moreover, these methods of making strikes illegal, when people may not have patience to remain in a condition in which their grievances are unremedied, not only encourage them to take to strike action but my fear is that, when we encourage the working classes to strike action, we do greater mischief The working class in this country, though our country is not yet fully industrialised, is sufficiently large in number, and if you create a habit in the minds of these classes to go on strike, it will be difficult for Government to deal with those strikes You may make a law making strikes illegal, but it is not always very easy to enforce that law That is what pains me much more A man who believes in the principles of revolution does not mind the working classes imbibing a habit of going on strikes and breaking the law But unfortunately I am not a revolutionary, I believe in constitutional methods I, therefore, feel that if you pass a law, which you will not be able to enforce, you will be encouraging a revolutionary tendency in the minds of the working classes of this country That is what has happened many times in our country and that is what is exactly happening even today in our country Strikes are illegal even under the present law, the Defence of India Rules Can anybody say that strikes are not taking place in India at present? Everybody has said in newspapers and in this Legislature that there are more strikes today in spite of the existence of the Defence of India Rules than they were ever before Today strikes are taking place a large number of which are illegal They are taking place everywhere in every province and the governments find themselves helpless Very recently I heard of a strike that took place in Cawnpore I heard also that the Government had declared that strike to be illegal but the strike went on for 17 days or perhaps more and the U P Government helplessly watching that strike What is the use of such a law? A revolutionary likes a law which people get into the habit of breaking every day so that his revolution may come earlier But Sir, again I repeat, not being a revolutionary, I am opposed to Government passing a law which will encourage people to be revolutionaries I want respect of law to be maintained But if you pass a law which people cannot obey, you destroy respect for law People resort to illegal action You are unable to check it and you therefore encourage a spirit of revolution which you may not like and you may not be able to prevent it That is why I do not like strikes being made illegal so lightheartedly

4 P. M

Besides, the delay, there are one or two other matters to which I should like to draw the attention of the House at this stage Sir, in this Bill the Government have not realised the relative positions of the two parties, the employers and the employees It seems to me that they regard them as being equal under the present circumstances, in all respects In this Bill in some clauses penalties have been imposed by way of fine to an equal extent on the employer and on the representatives of labour

[At this stage, Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

Sir, the Government of India must realise that a fine of Rs 100 or Rs. 500 or even Rs. 1,000 imposed on a capitalist is not going to have the same effect as a fine of Rs 1,000 imposed on a representative of workers Such provisions are at present found in this Bill in spite of revision by the Select Committee Then, Sir, the Government of India makes strikes illegal without notice In order to show that they treat the employers and the employees alike, they make lockouts illegal To make lockouts illegal does not really bring about equality between employers and their employees We do not hear of lockouts so much these days as we hear of strikes Why? Because in the case of an employee when he does not approve of the conditions under which he is working he has no other remedy His only weapon is to stop work, but his employer is not in that helpless condition If an employer does not like the conditions under which his employees are working, if he wants to reduce the wages if he wants to increase hours of work he can do these things himself If he wants to do something else, he can do it himself He does not require a lockout in order to change those conditions

Mr. Vadilal Lallubhai (Ahmedabad Millowners Association Indian Commerce) How can he increase the hours of work?

Mr. N. M. Joshi. He cannot exceed the maximum laid down by law, but he can certainly increase the hours of work if they are below the maximum laid down Therefore the employer is not compelled to lockout his men in order to secure the changes which he wants to make But an employee has no other course His only weapon is to cease work Therefore if we want to bring about equality between the employee and the employer, then when you make strike illegal what you must make illegal is not only lockout by any change in the conditions of work to the disadvantage of the employee That to some extent will bring about equality between the two parties But this Bill is not doing that

These are some of the points which I wanted to bring to the notice of the House at this stage I have several other things to say about this Bill but I shall allude to them when I move my amendments Sir, I oppose the motion moved by the Honourable the Labour Member

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Sir, at the time when this Bill was referred to the Select Committee, many considerations were urged in this House with the expectation that they would be taken into consideration by the members of the Select Committee Now, Mr Deputy President, I have worked in many Select Committees in the course of the last twelve years But when I read the report of this Select Committee, I came to the conclusion that it was a category by itself If the House were to refer to the report the House will find that there are no less than five Minutes of Dissent Out of 17 Members, there are only six who have supported the Bill as reported by the Select Committee without writing anything like a Minute of Dissent Curiously enough what these six people have agreed to is given to us as the report of the majority Now, Sir this is evidence to show how, I do not say exactly party interests align themselves but how class interests, political interests in a modified sense align themselves—even in the common and informal atmosphere of the Select Committee Mr Deputy President you will find that the first Minute of Dissent is signed by

[Sjt N V Gadgil]

the Honourable Member in charge of the Bill, the Chief Commissioner for Labour and two other non-official Members of the House Of course their point of view is worth considering There is no doubt about that Then the other Minute of Dissent is signed, I do not say by the Three Musketeers', because one of them happens to be a lady, by the three representatives of labour, Mr Joshi Miss Maniben Kara and Mr Guruswami The third Minute of Dissent is added by the Members of the European Group, and the greatest subtlety one would find in that The fourth is by Sir Cowasjee Jehangir—he is alone by himself, and the last one is by the representative of the Millowners' Association from Ahmedabad, my esteemed friend Mr Vadilal Lallubhai Having gone through these five Minutes of Dissent and the main report the ordinary layman who takes some kind of interest in labour disputes is really confused, and he has great trouble to think out for himself what particular line he should follow I therefore propose to take that line which I call the line of common sense, although it is very uncommon nowadays I look upon this problem as not essentially a problem between employers and employees but a problem which has a high social significance, a problem which involves not only industrial peace but peace at large in society Matters which are now happening and which have happened in the course of the last 12 years make it necessary even for those who were ordinarily in great sympathy with labour movements and labour aspirations to cry halt and move rather cautiously hereafter, so that whatever happens may happen more peacefully and in a more orderly manner

Now, Sir, in the year 1946 not less than 935 strikes occurred in the first six months, from January to June I tried to ascertain the latest position but could not do so, but I will not be far from truth if I were to say that things have not improved even since then Take any newspaper the first thing one meets is news of a strike, and in the next line we find the Chief Commissioner of Labour, Mr S C Joshi, flying now to Karachi now to Calcutta now dipping into the coalfields of Bihar sometimes in the tea plantations and sometimes elsewhere In these days, specially when the times are so unsettled and tempers are not what they used to be if strikes are not tactfully handled anything may happen I do confess that this situation is not a speciality of our country, in fact, as I said, if you take any newspaper you will find a transport strike in England another strike in America and a third in France, all over the world it seems that strikes are the order of the day And the loss in point of and in terms of production which it entails on the community is very difficult to estimate But apart from the loss in terms of production, the entire system of distribution is affected to the disadvantage of the consumers For example, there was a strike in the marine transport department of the U S A a few months ago The result was that India which was to get some food-stuffs from that country could not get them in time and so this country has had to pass through a hard period of scarcity and even now that period is not over Therefore when I say that this is a problem which has assumed a very high social significance in the context of circumstances which exist today, it is all the more necessary for us to tackle it not in a mood of fun or frivolity but with the highest sense of responsibility for it means that either we make our future or we mar it for good

Now in the course of the last six years, and particularly while the war was on, I know, because of the provisions of the Defence of India Act, that labourers were suppressed, they had no opportunities, although occasionally some of their grievances were sought to be redressed or removed by the provincial Governments, or the Central Government, or by private employers at the instance of or under pressure from Government. But as soon as the war was over and there was some sort of freedom to move about, the result has been that there has been labour trouble all over I know and I appreciate the fact

that prices have not shown any tendency to come down, on the contrary, if anything, they still continue to go up The result is that whatever additional or interim relief the private employers or Government may have been pleased to give, whenever possible, it has always been found insufficient, and the grievance remains as it is In these circumstances some way has to be found, and unless there is an atmosphere appropriate for the consideration and settlement of disputes nothing is possible, and mere shouting and slogans will not either reduce the price or add one grain to the production of cereals in this country My Honourable friend Mr N M Joshi knows very well that in the course of the last six or seven years the urgency of some such legislation was pressed on Government, not so much by those who represent the employers but by various trade union interests and trade union organisations In fact the justification for such a measure is that labour is not organised everywhere and, that being so, it is impossible to make the employer agree to anything unless there is a power under which it can be done In the Bombay Presidency a similar Bill has been already passed in the lower House it has been considerably improved in the Council, and I understand that in a week's time it will be put on the statute-book in that Presidency While that Bill was in the third reading stage my friend Mr Dange than whom you cannot find a stronger and more insistent advocate of the rights of labour said that now that the Bill was going to be put on the statute-book he would be the first man to take the utmost advantage of it It was pointed out to him by the Minister in charge of the Bill in the Bombay Legislative Assembly that Government were asked to arbitrate and interfere on behalf of labour for whom they had nothing but sympathy, but Government must be armed with the necessary power under which it would be made compulsory for the employers to accept arbitration, and the result of that arbitration would then be enforced by Government Unless there is some such power conciliation, or even a board of conciliation or, for the matter of that, even a court of inquiry will be of no avail The Conciliation Officer can only move within certain limits, but when the parties do not come to any understanding, however tactful he may be however considerate he may be he is not bound to succeed beyond that Al that he can seems is less abuse between the employers and the employees I might say that the same thing applies to the Board of Conciliation The members may do their best but whatever the members may do unless it is accepted by the employers on the one hand and accepted by the employees on the other, it remains merely a pious wish

As regards the Court of Enquiry, Mr Deputy President, it has only limited role It is a fact finding machinery, if any fact or facts are in dispute between the two contestant parties, the Court of Enquiry has undoubtedly place in the whole machinery because the facts as they may be found will be taken into consideration in ultimately arriving at what would be a fair settlement of the whole affair But what is really important is that there must be arbitration and the decision of the arbitrator must be fairly binding on both the parties Now, this Bill was circulated to ascertain public opinion by a Executive Order and from the opinions circulated to the Members of this House I find that the two important labour bodies, namely the All-India Trade Union Congress and the Indian Federation of Labour, have sent in their view They have taken a number of objections, they have also suggested many improvements but they have not gone so far as to oppose the whole Bill lock stock and barrel as seems to be the attitude of my Honourable friend Mr Joshi here Now I will only refer to the main objections taken by these two bodies The first objection and which to me seems to be the most important is that under this Bill the right to strike is taken away This is what the Indian Federation of Labour says

"The proposed legislation will therefore be highly prejudicial to the workers strike and thus weaken their bargaining power in all disputes the employer

[Sjt N V Gadgil]

The same thing is suggested by the All-India Trade Union Congress which says

The General Council is opposed to this provision as the right to strike is a legitimate weapon in the hands of the workers to secure improvement of their conditions'

Now what is sought to be done in this Bill and what has been done in the Bill to which I made a reference, namely the Bill that has been passed by the Bombay Legislative Assembly, is not to take away the right to strike In fact, Sir, by the passage of that Bill in the Bombay Legislative Assembly and by the passage of this Bill in this House the right to strike will be secured Otherwise will my Honourable friend, Mr Joshi, point out any law here under which this right to strike is given? There is no law

Mr. N. M. Joshi: We do not want any law to restrict that right

Sjt. N V. Gadgil: Inasmuch as there is no law and it there is any law which takes it away—may not be directly but indirectly—of such a right and prescribes conditions under which it can be exercised, one thing clearly comes out of that namely that the right has been admitted and only its use has been restricted Now, in this Bill what is done is not to take away the right to strike it is perfectly open to any worker or any combination of workers to use it but this right has got to be exercised for certain definite purposes not for the mere fun of it Why people strike? If we analyse the causes for which this extreme weapon is resorted to, leaving aside political strikes which now-a-days are not infrequent nor very few but leave aside those strikes and let us confine to strikes which are really for the furtherance of trade union purposes or *bona fide* removal of grievances and improvement of conditions of work, I then say that if the objective of any strike is to improve conditions of work to secure addition in wages you must admit that all these are possible either by voluntary action of the other party to the bargain, namely the employer or under some law these things are secured otherwise the right to strike becomes a meaningless thing altogether Now if you want to improve the conditions to secure addition in wages I know that both these Associations namely the Federation of Labour and the Trade Union Congress have referred to radical remedies One of them has referred to the minimum wage

"This meeting of the General Council therefore requests the Government of Bombay immediately to legislate for an immediate wage and decent working conditions and in view of the fundamental drawback of that Bill ask the Bombay Government to withdraw it"

I agree, Sir, that there must be a law of minimum wage in every industry, every section of the industry, in every area in which one can suitably have it, but it we cannot do it now it does not mean that we should not try to improve the position by some other method, and as a matter of fact my Honourable friend, Mr Joshi, knows that the Bill for regulating wages, for fixing minimum wages, is already on the Order Book and a reference to Select Committee will be made in due course of time Now so far as the radical remedies are concerned, the House will agree with me that some such thing is coming, and I have no doubt the House will give its support to that But so long as that is not possible, what shall be our approach to the problem Shall it be that we do nothing, and allow things to move in the old way A few years ago the Government never thought that it was their concern to interfere in labour disputes I quite remember that about 15 years ago the Governor of Bombay stated that the business of the Government is to see that law and order is maintained and the two parties, namely capitalists and labour, fight within the ring "We will clear the ring", he said, "and allow them to fight inside, and we do not mind what fate awaits them" Curiously enough it is the same attitude which has been expressed in the Minute of Dissent written by the two members of the European Group where they say

" In our view it is right that conciliation proceedings should be made compulsory but if they fail employers and employees must have the right to fight out their dispute "

Now an attitude of that kind is not the right one, nor is it a right approach for the solution of that problem I submit, Sir, that it is the duty of the Government to interfere in labour disputes, firstly to secure industrial peace and avoid strike But that alone cannot be the object of the Government Government can, with increase in their forces of law and order silence the voice of labour It can declare all labour unions as unlawful assemblies It can go still further and shoot down labourers if they combine and picket and indulge in other activities which are not to the taste of the Government, or of the capitalist or of the employers But that is not the objective and should not be so . The objective must be that industrial peace should be secured by securing justice to the labourers That should be the objective and I would not rest at mere industrial peace unless I am sure that it is the result of fair wages, fair conditions and the result of contentment and satisfaction at least on the part of the labourer Now what shall we do in these circumstances? Can we all of a sudden nationalise all our industries? It is impossible Let us be practical and accept the economic facts of the capital system today for the simple reason that we can not with a magic wand turn the whole thing into what we want On the assumption I think this Bill is based I do not think the author of the Bill claims that it is so radical that it is going to revolutionize the life of the worker or revolutionize the entire system of production I do not think he make that claim He simply accepts the economic facts of the capital system today and is trying his honest best to improve matters with a view to give a fair deal to the labourer Now in this Bill, right from the time when there is the apprehension of a dispute, machinery is devised whereby at every possible stage, at every possible step attempts are being made to have an amicable settlement There is the provision for works committees The precise function which they are to perform is described in the relevant sections Every work committee shall as far as possible try to establish an atmosphere of goodwill and amity and petty matters which often are magnified into industrial disputes leading to cessation of work, will be avoided I know that in the History of England it is said that a war started because some Jenkins ear was cut, with disastrous results Often it happens that because a certain secretary of some union was not granted an interview with the Manager that becomes a *casus belli* for the union to press its claim and then there is a strike and all other things happen Therefore, these petty matters which often happen and which lead to such consequences will be avoided by the institution works committees which will consist of representatives of the workers and there is a good provision as I find from the report of the Select Committee that these workers' representatives will be appointed after consulting relevent registered trade unions I do not think any member, representing labour here, any man who has the real interests of the labour movement, will object to this proviso, namely that they should be appointed in consultation with register trade unions The other day a question was asked of the Honourable Member in charge of Labour as to the exact number of trade unions and how many of them submitted accounts Out of 1251 registered trade unions for the year 1945, because that is the year for which latest figures are available, only 7 submitted their accounts That is not a very happy state of things If there is a provision also that if accounts are not given registration may be cancelled In view of this, if you want to improve the standard of work conditions, you must at the same time improve the organization which is supposed to look after the interests of workers Therefore if some such provision is made that representatives of work committees should be appointed after consulting trade unions which are registered I think no exception could be taken

Then at the second stage, the machinery provides that if there is again dispute or a dispute is apprehended, the Conciliation Officer will call the parties together and will try to bring about some sort of settlement If

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settlement is arrived at well and good Otherwise he will make a report. The Government may, and in some industries it must appoint a Board of Conciliators, the constitution of which is also given in the relevant clause That Board will also try at the third stage to secure peace I am reminded of what Churchill said when Neville Chamberlain flew to Munich three times "Fly, fly again". So in this case, let us try try again Try conciliation once, twice and even thrice And unless Government comes to the conclusion that it is no longer possible merely by voluntary negotiation to reach a settlement, only then Government will and must have a right in the interests of public peace and in the interests of consumers to refer the matter to arbitration and the award of the arbitrators should be binding on the parties concerned If during these three stages—either by obstinacy, or even by honest intention—I put it on both grounds—the parties do not come to some settlement, will you not concede this much right to the State which of course by its very hypothesis is supposed to look after the interests of the labourers and the capitalists, the producers and the consumers, that it should have the right to interfere, or should it merely become a police State charged with the maintenance of law and order not to interfere in labour disputes and remain indifferent till there is bloodshed? Is that your idea? I think, Sir, we have moved much further There will be nobody here to dispute the right of the State to interfere There may be objections, very honest and very valid objections for the matter of that as to under what circumstances and under what conditions the States ought to interfere I am personally of the opinion that in the interests of the labourers, especially Indian labourers when they are not properly organized—only 8,83,000 are members of the 1,251 trade unions registered in 1945—nobody can object And when we see that out of these not even 40 per cent know how to keep their accounts, or do not keep them, it is in the interests of the labourers themselves that I would ask the Government to interfere and especially, Sir, when we find in this country that certain political parties are out to do all sorts of mischief The parties want to use labour unrest for their own ends, when they know certain things to be facts and yet they misrepresent them in such a manner as to create panic in every sphere of industry, I think, Sir, that it should be the business of the Government to see that on the one hand honest trade unionism is encouraged and on the other hand to see that as many conflicts which are likely are avoided and avoided in time As I said in the beginning of my remarks it is not a question between the employers and the employees alone It is a question which has a social significance Suppose the textile workers down tools Already there is a shortage of cloth If for one reason or another they down tools and if you only say that there is voluntary arbitration and there is no provision for bringing the employers—or the millowners—and the labourers together to accept compulsory arbitration, I want to know what will be the position of this country My friend Mr Joshi may have half a dozen suits to go on with for the rest of his life and he may not be very much worried But what about those in the mofussil? Is it not the business of the Government to see that production of essential articles is kept up and they are supplied at least in a fair measure to every citizen in this country They should see that those things are produced and production ought not to suffer because of the obstinacy of one party or the other I will go a step further Supposing the textile interests or the millowners do not accept it, as was done in America during wartime, the Government should take possession of the mills and run the industry at least for the time being till sense dawns on the millowners because the need of the consumer or the general public is supreme All other things must stand down if the exigencies of the State in other words the exigencies of the population, require it In such abnormal circumstances if compulsory arbitration is not resorted to I want to know what is the alternative remedy? I see none

I know that there is some theoretical objection to compulsion Yet in emergent or abnormal circumstances resort must be had to such a course Compulsory arbitration is not so unknown in this world It is already in existence in some of the Latin American countries and in some States in Australia It is not such a thing that this Bill introduced it for the first time I am not prepared to give that much credit to my Honourable friend Mr Jagjivan Ram I therefore submit that the objection raised by the two labour organisations, *viz* , the right to strike is taken away, is not well founded It is not taken away But even if it is restricted it is restricted in their own interest, because it cannot operate in a vacuum without certain limiting circumstances If a strike has started and it is there, when the ultimate stage is reached, *viz* , the Government interferes and refers the matter to the arbitrator, it is only fair that both the parties must put their respective points of view before the arbitrator and the arbitration proceedings should work in an atmosphere as peaceful as possible Therefore from that date the strike ought not to continue In other words the continuance of the strike is illegal The strike is not illegal *ab initio* but it becomes illegal because the Government at a certain stage interferes and promises an alternative method, whereby the workers can get their grievances redressed Therefore to say that the right to strike is denied or taken away is wide of the facts

Other people may object and ask why should there be notice to strike It will become impossible in this world to carry on any industry or trade if the employer does not know that his men will turn up on the morrow He must have some security and some confidence that what is happening today will continue to happen tomorrow Otherwise the very basis of society is undermined I know that I can safely come from my quarter to this place because I know that there is the police in charge of the traffic and there is the police to secure my safety But if the police were to say "Yesterday we did it but today we are on strike without notice", then there will be no security or confidence In fact all social relationships can only work in conditions of some security or faith that people will continue to obey or carry out each other's obligations, that they will continue to discharge whatever obligations circumstances cast upon them Therefore if you allow the workers this right to strike without notice and if the consequences, as I said, were confined only to them and their employers I would not have minded it very much, although I do not like it but the consequences are social and production suffers and the people at large are inconvenienced Suppose tomorrow the employees of my Honourable friend Dr John Matthai go on strike I cannot go and attend my daugther's wedding The train will not take me The telegraphist will not even put my message on the lines, because they may also be on strike If everybody were to do that without notice life will become impossible Therefore it is incorrect to say that because the Bill lays down that there must be some notice of 10 or 14 days it takes away the right to strike On the other hand the period of notice is usually utilised to investigate the grievances and if possible to come to some understanding It is utilised also in the investigation of certain facts which ultimately may be referred to a court of enquiry as is provided in this Bill

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural) What is the difference between indentured labour and compulsory arbitration?

Sjt. N. V. Gadgil: Indentured labour has no voice anywhere Compulsory arbitration is only a phase in a scheme which is based on co-operation of the two parties.

Dr. Zia Uddin Ahmad: You are gradually leading to indentured labour

Sjt. N. V. Gadgil: I think my Honourable friend would do well to refresh his memory about the meaning of these two words from the latest Oxford Dictionary No right to strike is taken away On the other hand this Bill helps the labourer and at the same time safeguards the interest of the consumer

There are other matters which are referred to in the various minutes of dissent but I do not want to take the time of the House further There are certain other matters in the clauses but I would rather prefer not to say anything at this stage but may offer my remarks if and when they become necessary

Sir, I support the motion

Dr. Zia Uddin Ahmad: I had no idea to intervene in this debate, but on account of the advocacy of my friend who has just taken his seat I am compelled to say a few words We have been condemning—and I think he will also condemn—this question of indentured labour We have passed several resolutions and Bills against indentured labour This compulsory arbitration which he is advocating is really one step towards indentured labour I admit it is not exactly like indentured labour but it is leading to it if it is not properly safeguarded against every danger My friend is appealing to the consumers whose interests he is safeguarding It is really a question between an employer and an employee, and both of them exploit the poor consumer, so that he does not come into the picture at all It is a question between them

Diwan Chaman Lall (West Punjab Non-Muhammadan) Workers are also consumers

Dr. Zia Uddin Ahmad: My friend says that workers are also consumers in the same manner as Sir Joseph Bhore said on the floor of the House, when I asked him that consumers interests were not represented, that he was the representative of the consumers He is a very poor representative of the consumers who neither belongs to one party or the other In this sense everybody would be a consumer in whatever position he may be By consumer we mean a person who is not an interested party, who is neither an employer nor an employee Therefore his interest does not come into the picture at all This is the point which I have been pressing that we must consider in all these cases, namely the consumers' point of view When an appeal is made to the consumers' interests it is ignored altogether I pointed out the other day that the putting of a certain number of bank notes does not help an industry very much The industry flourishes on account of the work put in by the worker Unless you make the workmen contented and pay them their due wages, unless you make the workman feel that he is a business partner you cannot get the best work out of him, because he has no interest in the industry at all The capitalist inherits some money in the shape of securities or high denomination bank notes Because he earned some notes from his forefathers he thinks that he is improving the industry by investing this money He is not The industry is really improved by the hard work of the labourers themselves I like to emphasise to these capitalists with all the force at my command that they should really banish from their minds this fact that their notes or bank deposits are promoting the industries They are the persons who are trying the formula that money attracts money They do not care how the labourers live They only care about fat dividends And they only prepare their accounts in order to evade the income-tax officers In fact, as was pointed out, they have three systems of accounts one a private account for themselves another for the shareholders; and a third for the income-tax officers So I think in this case unless the capitalists use their resources for the good advantage of the country—and the major portion of the country consists of the workmen—you may take it for granted that the manipulation of accounts evasion of income-tax and cheating the shareholders will not pay in the long run It may be successful for the time being, but in the end it will not

You will see that those people have been pressing very hard that the land should be divided among the people who cultivate it What right have the landlords got to own so much land is the plea that has been brought forward in order to annihilate the landlords But the same principle is neglected when they come to the question of the capitalists in the industries If it is a sin for one man to own a hundred villages is it not equally a sin for an industrialist to own hundred different factories? Is it not a sin for him to own practically all the newspapers of the country? Now most of the newspapers of the country are owned by two or three big businessmen Do you call it a fair use of the bank notes that you monopolise public opinion in this manner? If the owning of a hundred villages is a sin, then I think it is a greater sin to own so many newspapers and to really occupy a position of having the monopoly of the whole of public opinion by having all the newspapers And it is equally a sin to have a large number of factories and employ a large number of labourers and refuse them reasonable hours and freedom of action You must be consistent throughout I would press this very hard Abolish the capitalists, not only the capitalists who posses land but the others who really monopolise all the industries for themselves They dictate the prices, they rule the markets and do everything else They are really doing a charity—charity not to the people but in this case charity at home My friend who represents labour, does he represent the labourer or the capitalist? I put this question to him Let him put his hand on his heart and reply me whether he is safeguarding the interests of labour or of capitalists

The Honourable Shri Jagjivan Ram: I know where I stand

Shri Mohan Lal Saksena (Lucknow Division Non-Muhammadan Rural) May I know whom my Honourable friend Dr Zia Uddin represents?

Dr. Zia Uddin Ahmad: Poor consumers, neglected by the capitalist, neglected by the Government, whatever that Government may be I thought probably the old Government only was neglecting the consumers but the present Government is proving no better

Shri Mohan Lal Saksena: Why don't you consume the government?

Dr. Zia Uddin Ahmad: But for you

Mr. Deputy President: Order, order The Honourable Member must not be interrupted in his speech

Dr. Zia Uddin Ahmad: There ought to be some consistency My Honourable friend the Labour Member should put his foot down on everything which is not for the benefit and advantage of the worker The only one thing which I suggested and pointed out repeatedly—and I think he should take it up with both his arms—is that in every industry, whatever it may be, the labourers should be treated as business partners They should have a share in the profit They should come to regard it as their own firm and not the paid employees of a capitalist who has no other interest in the industry itself except to have his own dividend Unless this thing is done I am afraid this legislation will not bring contentment among the labourers It will create some troubles, and one trouble may lead to another trouble Therefore I am afraid that this Bill will not solve the question My Honourable friend should raise the position of labourer who should be treated as business partners.

Mr. Deputy President: Does the Honourable Member want to continue?

Dr. Zia Uddin Ahmad: No

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th February 1947

LEGISLATIVE ASSEMBLY

Tuesday, 11th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr. G V. Mavalankar) in the Chair

MEMBER SWORN

Mr Harold George Russell, O B E , M L A (Government of India Nominated Official)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RASHTRIYA SEWAK SANGH

178. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Home Member please state whether Government propose to appoint a committee to investigate the activities of the Rashtriya Sewak Sangh?

(b) Have Government received any representation in regard to the recent activities of the R S S ?

(c) Is it a fact that the Sangh has branches all over India?

The Honourable Sardar Vallabhbhai Patel: (a) Government have no intention of appointing a Committee to investigate the activities of the Rashtriya Swayam Sewak Sangh

(b) No

(c) The Sangh has branches in several Provinces

Mr. Ahmed E. H. Jaffer: Have the Government of India made inquiries or do they propose to make enquiries regarding the activities of this organisation?

The Honourable Sardar Vallabhbhai Patel: There are many organisations of which reports are being received from the Intelligence Bureau and from the Military Intelligence

Mr. Sasanka Sekhar Sanyal: May I know the nature of the relation that exists between the Rashtriya Swayam Sewak Sangh and the Muslim National Guards Organisation?

The Honourable Sardar Vallabhbhai Patel: I do not think between the two there is any relation

Mr. Ahmed E. H. Jaffer: May I know whether the Government of India was consulted by the Punjab Government before they declared both these bodies unlawful?

The Honourable Sardar Vallabhbhai Patel: The Central Government knew nothing about it till they read it in the Press

Lala Deshbandhu Gupta: May I point out that these bodies have not been declared unlawful. The allegation of my friend is not correct

Mr. President: Order, order.

Mr. Ahmed E. H. Jaffer: I am referring to the Punjab Government activities.

Lala Deshbandhu Gupta: Have the Government of India received any reports about the activities of the Muslim National Guards in Delhi?

The Honourable Sardar Vallabhbhai Patel: The Government is getting reports about all organisations

REQUEST FROM BIHAR GOVERNMENT FOR A SUBVENTION OF A CRORE OF RUPEES TO HELP REFUGEES

179. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable the Finance Member please state if the Government of India have received a request from the Government of Bihar for a subvention of one Crore of Rupees to help them in meeting the expenditure involved in the maintenance and rehabilitation of refugees in the affected areas of the Province?

(b) Have Government considered this request and come to any decision?

The Honourable Mr. Liaquat Ali Khan: (a) No

(b) Does not arise

SELECTION OF MR COMPTON MACKENZIE TO WRITE THE HISTORY OF INDIA'S WAR EFFORT.

180. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please state under whose authority Mr. Compton Mackenzie was selected to write the history of India's war effort?

(b) Is it a fact that a representative of the Government of India was sent to London and was empowered to make a decision in the matter?

(c) What are Mr Mackenzie's special qualifications for this work?

(d) What is the estimate of expenses to be incurred?

(e) Was any effort made to secure the services of a competent Indian for this work?

(f) Who are to be the publishers of Mr Mackenzie's work when ready?

(g) Are expenses to be paid by the Government of India, if so why?

Mr. G. S. Bhalja: (a) Under the authority of the Government of India

(b) Yes, Sir

(c) I would refer the Honourable Member to my answer to Lala Deshbandhu Gupta's Short Notice Question on the 16th November 1946

(d) As already explained, the cost will be limited to travelling and halting expenses, which it is not possible to estimate accurately

(e) Yes, Sir

(f) Messrs Chatto & Windus & Messrs Collins

(g) Only the travelling and halting expenses of Mr Mackenzie will be met by the Government of India because the work is being undertaken at the request

Mr. Manu Subedar: May I know whether Government have given any special instructions so that the heavy financial cost of joint measures which were wrongfully thrown on the Indian exchequer may be brought out in the course of this book?

Mr. G. S. Bhalja: I do not see how it arises out of this question

Mr. President: He wishes to know whether any instructions have been given as to the contents of the book.

Mr. G. S. Bhalja: The book is intended to describe the war effort of India. It will be known as the Epic of India.

Mr. Ahmed E. H. Jaffer: Was there no suitable Indian available for this work and why was this gentleman troubled unnecessarily?

Mr. G. S. Bhalja: I answered this question at great length during the last session of this Assembly and pointed out that no suitable Indian author came forward to undertake this task.

Mr. Manu Subedar: Among the qualifications of this gentleman, was the understanding of finance one of the qualifications? May I again ask what steps Government are taking in order to bring out in the whole story of the war effort the enormous financial burden thrown on this country?

Mr. G. S. Bhalja: I do not think this book is concerned with the financial liability of India or the financial arrangements between India and H M G. in the U K

Dr. Zia Uddin Ahmad: May I know whether the Government of India have assured themselves that he will perform the duties of a real historian and that he will record facts and not express them through a telescope of his own?

Mr. G. S. Bhalja: I have no reason to think that he will not record the facts accurately and bring out the war effort of India effectively, to the satisfaction of the Indian people

Shri Sri Prakasa: In view of the fact that the Honourable Member said last session that he was very proud of India's war effort, has he made sure that this gentleman who is going to write this history is also of the same opinion?

Mr. G. S. Bhalja: With your indulgence I shall read out two sentences from the statement made by Mr Compton Mackenzie himself, which will demonstrate what sort of a gentleman he is He observed

"In my favour, however, there is one thing and that is inflexible belief that a united India with sovereign right to forge its own future is vital not merely to the future of Asia but of the whole world

* * * * *

Let me conclude by declaring with complete sincerity that I shall feel I have wasted time, energy and art if the completed book in English and in translations fails to please the people of India, whatever esteem it may enjoy elsewhere"

Shri Sri Prakasa: May I know the exact relevancy of these excerpts so far as the writing of a history of war effort is concerned?

Mr. G. S. Bhalja: They show the spirit in which the author approaches his task

Mr. Manu Subedar: Is it a fact that this gentleman is a very famous fiction writer?

Mr. G. S. Bhalja: I answered this question last time In addition to being a fiction writer, he has also written works of history

Mr. Ahmed E. H. Jaffer: What are his views about a divided India?

Mr. President: Next question

DETENTION OF INDIAN SOLDIERS IN SINGAPORE FOR ALLEGED CHRISTMAS MUTINY IN 1942

181. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please state if it is a fact that 8 Indian soldiers are being detained in Singapore as prisoners while British army authorities study possible action against them for the part alleged to have been taken by them in the Christmas Mutiny in March 1942 in which one British officer is stated to have been killed and four other ranks were murdered?

(b) Do Government propose to call for a report and place it on the table of the House?

(c) Have Government made any arrangement for the defence of these men at the trial?

Mr. G. S. Bhalja: The soldiers referred to belong to the Hong Kong pore Royal Artillery, which is a unit not of the Indian Army but of the East Asia Land Forces, and are subject to the British Army Act Th therefore no concern of the Defence Department but of the Common Relations Department The question has accordingly been transferred list of questions for the 18th February 1947, when it will be answered Honourable the Leader of the House

REMOVAL OF REMAINS OF LATE RAJA RAM MOHAN ROY, FROM LONDON TO

182. ***Seth Govind Das:** Will the Honourable Member for Education state if Government have been approached, and if they have taken ne steps to secure the removal of the remains of the late Raja Ram Moha the founder of the Brahmo Samaj, from London to India?

بدل مولانا ابوالکلام آزاد:—اس وقت تک گورنمنٹ آف انڈیا سے کوئی درخواست

کی نہیں کیگئی ہے کہ راجہ رام موہن رائے کی نعش کا بقایا ہندوستان لایا جائے تجارات کے ذریعہ معلوم ہوتا ہے کہ لندن کی تیگور سوسائٹی اس بارے میں کاروائی ہے- راجہ رام موہن رائے اُن لوگوں میں سے تھے جنھوں نے نئے ہندوستان کی بنیاد ، اس صورت حال میں یہ بات مناسب ہوگی کہ اُنکے فانی جسم کا بقایا زمین میں واپس لایا جائے-جب یہ معاملہ گورنمنٹ کے سامنے آئیگا تو ضرور اسکے انتظامات کے لئے گورنمنٹ غور کریگی—

The Honourable Maulana Abul Kalam Azad: The Government of Inc not so far been approached about the removal of the remains of the late R. Mohan Roy From the newspapers it however appears that the Tagore of London are moving in the matter Raja Ram Mohan Roy was one founders of modern India and it is in the fitness of things that his remains should be brought back here The Government will consider n steps at the appropriate time

ے سوی پرکاش :—اس بات کو نظر میں رکھتے ہوئے کہ راجہ رام موہن رائے کی

لائی گئی تھی نہ کہ گاڑی گئی تھی- کیا جناب یہ بتلا سکینگے کہ اُنکی نعش کا ے اینگ بچا ہوگا جو یہاں آسکیگا ؟

Shri Sri Prakasa: In view of the fact that the body of Raja Ram Roy was cremated and not buried, will the Honourable Member stat part of his dead body remains which could be removed to this country

یل مولانا ابوالکلام آزاد :—اس بارے میں اگر کوئی بات معلوم کی جاسکتی ہے تو

گل کے تاؤن کلرک سے معلوم کی جاسکتی ہے میرے لئے مشکل ہے کہ جواب دوں

The Honourable Maulana Abul Kalam Azad: If anything c ascertained in this respect, it could probably be ascertained from tl Clerk of Bristol It is very difficult for me to answer this question.

، گوبند داس :—کیا یہ سچ ہے کہ اُنکے خاندان نے اس بات کی گورنمنٹ سے

ی ہے کہ انکی نعش کا جو باقی حصہ ہے یا جو کچھ وہاں پر ہے وہ جلد از جلد ، میں واپس لایا جائے؟

Seth Govind Das: Is it true that his family has made a reque Government to remove the remains or whatever there is of his body as early as possible.

آنریبل مولانا ابوالکلام آزاد :—نہیں گورنمنٹ آف انڈیا کے علم میں کوئی ایسی درخواست نہیں آئی

The Honourable Maulana Abul Kalam Azad: No, the Government of India e no knowledge of such a request

Dr. Zia Uddin Ahmad: Those of us who try to follow Maulana Abul Kalam d should try to speak the same type of language that he is speaking. It ıot desirable to destroy the language

Sri V. O. Vellingiri Gounder: Are we to remain in the dark, Sir? I can lerstand an Honourable Member if he speaks in Hindustani, but we, the drasi Members, are not familar with the Hindustani that Mr Sri Prakasa l other gentlemen are speaking I want your ruling on the subject

Mr. President: I will consider the matter

POSITION OF DEATH DUTIES AND THE REPORT OF TAXATION ENQUIRY COMMITTEE

183. Seth Govind Das: (a) Will the Honourable the Finance Member please te whether Government are aware that during the last Budget speech a posal was made to set up a Taxation Enquiry Committee?

(b) If so, when is it going to be set up?

(c) Do Government propose to introduce measures like Death Duties after recommendations of the proposed Enquiry Committee are published?

The Honourable Mr. Liaquat Ali Khan: (a) Yes

(b) The matter is under consideration and Government have not come to final decision

(c) An Estate Duty Bill is already before the House I am unable to say ything at this stage about any future measures

Seth Govind Das: Can the House expect the Honourable Member to make statement on this subject before the termination of this session?

The Honourable Mr. Liaquat Ali Khan: A statement on what?

Seth Govind Das: A statement as to when this Inquiry Committee is going be appointed or not?

The Honourable Mr. Liaquat Ali Khan: About this matter I should inform House that the Government had offered the chairmanship of the Committee to Sir N Gopalaswami Aiyangar He is of the view that unless the future institutional set-up and the allocation of resources between the Centre and e Provinces were clear, it would be futile to have a Committee of this nature

Sjt. N. V. Gadgil: May I know as to what is the decision of this Government th respect to the further progress of the Estates Duty Bill which has already en introduced?

The Honourable Mr. Liaquat Ali Khan: As I have already stated, the matter under consideration

Shri D. P. Karmarkar: With reference to the answer to part (b) of the question, apart from the question of appointing a Committee, the various taxes posed during the abnormal times of the War must have been reviewed by the overnment of India, and if they have not yet been reviewed, may I ask hether the Government of India propose to review these taxes?

The Honourable Mr. Liaquat Ali Khan: All the taxes are reviewed at the ne of the Budget proposals

Dr. Zia Uddin Ahmad: With reference to the answer to part (c) of th question, may I ask whether the Honourable Member knows the views of th Musalmans, who consider this Bill to be an interference with their religion'

The Honourable Mr. Liaquat Ali Khan: The Government have receive several opinions with regard to this measure including those from the Musalmans

Sardar Mangal Singh: May I know whether the Government of India agree with the opinion expressed by Sir N Gopalaswami Aiyangar that no taxatio measures should be taken before the future constitution is settled?

The Honourable Mr. Liaquat Ali Khan: It is not that no taxation measure should be taken He has said that no inquiry should be held, and I am inclined to agree with the views that have been expressed although I would no like to commit myself at this stage

Sjt. N. V. Gadgil: Is the Honourable Member aware of the fact that in Turkistan and in some other Muhammadan countries the Estate Duty, as a system of taxation, is already available to them?

The Honourable Mr. Liaquat Ali Khan: Sir, I am not aware about all the Muslim countries As a matter of fact, inquiries are being made on that point But I know that in Egypt, when I was there, I found out that they have the Estate Duty there

ACQUISITION OF AMERICAN HOSPITAL NEAR WILLINGDON AIR PORT, DELHI

184. *Seth Govind Das: (a) Will the Secretary of the Health Department please state if any hospital started by the Government of the United States of America during the war, near the Willingdon Air Port in Delhi, has been acquired by the Government of India? If so, at what cost and when?

(b) Has this hospital started functioning, what is the estimated annual cost of maintaining and running the hospital, and what is its capacity of accommodation?

(c) Has any other hospital been acquired by Government from the Government of the United States of America in Delhi Province? If so, where is it located, at what cost has it been acquired, and has it started functioning?

Mr. S. H. Y. Oulsnam: (a) Yes, in April 1946 The price of the equipment of the hospital is Rs 3,50,000 The land and buildings belong to Government

(b) Two wards have been opened and additional wards will be opened as required to meet the demand for accommodation The Outpatient department has also been opened

The estimated annual cost is Rs 2,25,000

The capacity of the hospital is 150 general beds and 12 family Wards

(c) No

COMPENSATION SCHEME IN CONNECTION WITH THE BOMBAY EXPLOSIONS

185. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member be pleased to state if Government have urged on His Majesty's Government and other Allied Nations to reimburse to the Indian Exchequer an equitable share of the cost of nearly Rs 16 crores compensation scheme in connection with the Bombay, Explosions? If so with what result?

The Honourable Mr. Liaquat Ali Khan: The matter has been under correspondence with His Majesty's Government who have, however, declined to accept liability for any portion of the expenditure The Government of India have not accepted this decision

Mr. Manu Subedar: May I know what further steps Government will take to enforce this very clear liability on the Allies, as the explosion in Bombay, with very disastrous consequences to the people, was entirely the outcome of the Allies operations?

The Honourable Mr. Liaquat Ali Khan: All the steps that it is possible to take

Shri Sri Prakasa: Will the Honourable Member enumerate the steps?

Mr. President: Order, order next question

PUBLICATION OF THE REPORT OF THE COMMITTEE TO ENQUIRE INTO THE ROYAL INDIAN NAVY DISORDERS

186. *Mr. Manu Subedar: (a) Will the Secretary of the Defence Department please state when was the Committee headed by Justice Sir Syed Fazl Ali appointed to enquire into the Royal Indian Navy disorders and when was the report submitted by them?

(b) What portion of the report has been published and when?

Mr. G. S. Bhalja: (a) The Committee was appointed in April 1946 Its report was received by Government in August 1946

(b) I would invite the Honourable Member's attention to the press note on this subject issued on January 20th, 1947

Mr. N. M. Joshi: May I ask whether the Government of India will supply copies of this report to the Members of the Assembly?

Mr. G. S. Bhalja: Two copies of the report are already placed in the Library of the House and any Honourable Member who wishes to refer to them can certainly do so

Mr. N. M. Joshi: I did not not ask the Honourable Member to give me advice as to where I should find a copy of the report to read My question was whether the Government of India propose to circulate copies of the report to the Members of the Legislative Assembly?

Mr. G. S. Bhalja: As is pointed out in the press note, the report consists of 600 typed sheets and it was not considered desirable to print numerous copies of it However, a short summary has been published and copies of this summary, I undertake, will be supplied to the Honourable Members of this House

Mr. Manu Subedar: May I ask which portions of the report have been deliberately kept back from the public and for what reason?

Mr. G. S. Bhalja: No portion of the report has been deliberately kept back from the public

Shri Sri Prakasa: Could the Honourable Member give us an idea as to the number of copies that have been published?

Mr. G. S. Bhalja: I am afraid I do not remember the number at the moment.

Shri Sri Prakasa: I want to know the number of times the 600 sheets have been printed?

Mr. G. S. Bhalja: It has not been printed, it has been cyclo-styled I think about 20 or 25 copies have been so cyclo-styled

Mr. Manu Subedar: Has a copy of this report been made available to some of the parties who are concerned with it and there are two or three organisations which are now trying to celebrate the annual date when this so-called Mutiny broke out?

Mr. G. S. Bhalja: I must again refer the Honourable Member to the press note which says that copies of the report have been sent to the Directors of Information in the provinces and will be available here in the office of the Director of Public Relations

Mr. Manu Subedar: My question was whether the parties who were concerned and the officers who were mentioned by name in this report, those who had been locked up and subsequently let off, those who have been already called up and tried, those whose cases are before the Defence Consultative Committee,—may I know whether these men have been supplied with a copy of the report in order that they may see the whole picture?

Mr. G. S. Bhalja: I think it has never been the practice to supply copies of such reports to all those who may have given evidence or who may have been concerned with the incidents But if there is a general desire on the part of the House that this report should be printed, Government will have no objection in doing so

DEMOBILISATION OF TROOPS IN INDIA

187. *Mr. Manu Subedar: (a) Will the Secretary of the Defence Department please state how many troops have arrived in India from abroad since the beginning of the year 1946-47?

(b) What were the causes, which slowed up the process of demobilisation of troops in India?

(c) How many troops were demobilised month by month and how many still remain to be demobilised?

(d) On what basis is the selection made of companies, battalions or divisions for demobilisation?

Mr. G. S. Bhalja: (a) Between 1st January 1946 and 31st December 1946, 4,30,072 Indian personnel returned to India from overseas commands

(b) On the whole, the demobilisation of the Indian Army has not fallen far behind the programme

(c) Since the beginning of the financial year 1946-47 the following reduction has been made month by month These figures include Indian Officers, V.C Os, I O Rs and Others (excluding non-combatants Unenrolled) in the Indian Army and in Indian State Forces units under India Command

Month	Reduction
April	1946 92,725
May	„ 124,035
June.	„ 80,477
July	„ 106,892
August	„ 76,052
September . . .	„ 73,183
October	„ 73,560
November	„ 72,390
December	„ 60,977
Total .	760,291

A further reduction of about 376,000 has to be made in the strength as at 1st January 1947, to get down to the contemplated post-war interim strength.

(d) The following is the order of selection of units for demobilisation

(i) those raised during the war,

(ii) those which are not required for the post-war Army

Mr. Manu Subedar: May I know whether the organisations concerned with demobilisation and their strength are now being revised in view of the very small number of troops now remaining to be demobilised and whether attempts are made to reduce the cost which is being incurred thereon?

Mr. G. S. Bhalja: Yes, Sir I think the organisation for demobilisation also will be reduced *pari passu* with the reduction which will take place in the strength of the armed forces?

Mr. Manu Subedar: May I know whether the Defence Department is making any effort to release the tank wagons for petrol and other rakes of trains and carriages which they have reserved and which they are using for this purpose and whether this quantity is now less than it was when demobilisation was proceeding briskly?

Mr. G. S. Bhalja: I submit, that does not arise out of this question I want notice

Seth Govind Das. Is any recruitment still going on?

Mr. G. S. Bhalja: Recruitment is going on to a small extent

Seth Govind Das: When on the one side demobilisation is taking place, why is recruitment going on on the other side?

Mr. President: This question was answered more than once in the House

Sardar Mangal Singh: Have the Government come to any decision about the peace time strength of the army?

Mr. G. S. Bhalja: Government have not yet taken any final decision as regards the post war strength of the army in India

Sardar Mangal Singh: Are Government going on with demobilisation without any idea about the size of the future army?

Mr. G. S. Bhalja: I have said that Government are working to the demobilisation programme so as to reach the contemplated post-war interim strength

Sardar Mangal Singh: I want to know what is that contemplated strength?

Mr. G. S. Bhalja: 434,405 is the contemplated figure for Indian personnel in the Indian Army likely to be reached by 1st April 1947

Seth Govind Das: May I take it that in the post war army there will not be any discrimination between martial and non-martial races and that every race will be represented in the army?

Mr. President: That hardly arises out of this question

British and Indian Officers Demobilised or Retired

188. *Mr. Manu Subedar: (a) Will the Secretary of the Defence Department please state how many British officers have been taken in the service of the Defence Department during the year 1946-47?

(b) How many British Officers have been sent away, demobilised or retired?

(c) How many Indian officers have been sent away, demobilised or retired?

Mr. G. S. Bhalja: (a), (b) and (c) I lay on the table of the House a comprehensive statement for the period 1st January 1946 to the 1st January 1947.

Service	Number of officers granted permanent commissions		Number of officers granted emergency commissions		Number of officers on loan or temporary attachment		Number of officers released, retired etc.,	
	British	Indian	British	Indian	British	Indian	British	Indian
Royal Indian Navy	11	145	3	2	18	Nil	782	697
Indian Army	Nil	839	Nil	731	*See note below	Nil	29,000†	4,000
Royal Indian Air Force.	Nil	269	Nil	127	Nil	Nil	Nil	288

*No record has been kept of the transfer of British service officers between British Army units and Indian Army units but figures are available of the number that were present in India, attached to the Indian Army, on the 1st January 1946 and 1st January 1947. The numbers are 2,053 and 9,241 respectively

† Includes officers who were serving with British Army units in India Command

Mr. Manu Subedar: May I know under what circumstances and for what reasons British officers are still being taken in the Indian army, while the Indian officers are being sent out?

Mr. G. S. Bhalja: No British officers are now being appointed in the Indian army

Mr. Manu Subedar: In answer to part (a) the Honourable Member said that he was laying on the table some statement which means that there must be some figures of British officers taken during the year May I take it that no British officer has been invited and offered a place in the Indian army since 1st April 1946?

Mr. G. S. Bhalja: A statement can show the figure as 'nil'! The statement refers not only to the Indian army, but also to the Royal Indian Navy and the Royal Indian Air Force I can make a categorical statement that no British officer has been recruited to the Indian Army since 1st April 1946

Diwan Chaman Lall: What is the comparable rate of demobilisation of British officers and Indian officers?

Mr. G. S. Bhalja: The statement refers to the number of officers released retired, etc , in the Indian army—29,000 British and 4,000 Indian

Mr. Manu Subedar: What is the percentage of these two to the relative strength of the British and Indian? The British were undoubtedly in a large majority

Mr. G. S. Bhalja: I have not got the figures I must ask for notice

REDUCTION OF TIME GIVEN TO ENGLISH TALKS, MUSIC, ETC , BY ALL INDIA RADIO

189. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Information and Broadcasting please state the progress that has been made in the reduction of time given to English talks, music, book reviews, discussions and children's hour in the several stations of the All-India Radio?

(b) Have Government considered the desirability of increasing the time given to the provincial languages, which are understood by the bulk of the population?

(c) Do Government propose to appoint a small committee to advise them on this subject?

The Honourable Sardar Vallabhbhai Patel: (a), (b) and (c). Proposals for the readjustment of the proportions are still under consideration and a decision is expected to be reached shortly Honourable Member will no doubt appreciate that the All-India Radio in such matters has to take into consideration not only the point of view of the general public but also the preferences of listeners. There is a substantial body among the latter and by no means a negligible section of the general public who are interested in English programmes Hitherto we did not have any scientific means of ascertaining the preferences of listeners but with our Listeners Research Section now at work, we hope to arrive at a satisfactory adjustment between the conflicting claims of English and Indian programmes bearing in mind also the general public point of view I do not consider that the appointment of a Committee on this subject will serve any useful purpose

Mr. Manu Subedar: May I know whether the Government have examined the reasons why the radio is not spreading faster amongst Indian population and whether they have not come to the conclusion that the prevalence of English talks at the most attractive periods when people listen is putting off large sections of Indian population?

The Honourable Sardar Vallabhbhai Patel: There are several classes of people who have preference for English programmes and they are such as could not be neglected

Shri D P. Karmarkar: With reference to part (b) may I ask if representations have been made during the last two or three years to include Kannada in the news broadcasts along with other languages? If so, will Government sympathetically consider the matter?

The Honourable Sardar Vallabhbhai Patel: I believe this question has been put several times and the matter is now being considered

Shri Sri Prakasa: May I know if the process of consideration to which the Honourable Member referred is in the English language or in the Indian language, and whether the decision that he will take will be in the English language or in an Indian language?

The Honourable Sardar Vallabhbhai Patel: I do not think the process has any language

Mr. Manu Subedar: Will Government consider the advisability of increasing the time devoted to talks and music in Indian languages every day and at every centre without disturbing the talks in the English language?

The Honourable Sardar Vallabhbhai Patel: I have already said that after the research section's report is received as to preferences the matter will be looked into

Shri Mohan Lal Saksena: Will that report be placed before the Standing Committee of the House?

The Honourable Sardar Vallabhbhai Patel: I do not think the Standing Committee will be interested in this at all

Sri M. Ananthasayanam Ayyangar: Is the Honourable Member aware that if larger time is given to local languages there will be a larger number of persons who will buy receiving sets?

The Honourable Sardar Vallabhbhai Patel: I do not agree with the implication in the question because the larger part of the programme is given in Indian languages. But a large number of listeners who have preference for English have proportionately larger number of radio sets, *e g.*, English knowing section, Anglo-Indians, Christians, Europeans, Parsis and educated Hindus and Muslims.

Haji Abdus Sattar Haji Ishaq Seth: Arising out of the answer to Mr. Karmarkar, will the Honourable Member consider the advisability of giving more time to Malayalam also along with Kanarese?

The Honourable Sardar Vallabhbhai Patel: Malayalam will be considered along with other languages according to its importance

Lala Deshbandhu Gupta: Have Government considered the advisability of improving the village programme section with a view to increasing the educative value of the same?

The Honourable Sardar Vallabhbhai Patel: Proper and adequate place is given to the rural programme also

Mr. Manu Subedar: Have Government examined the question that wives and children do not know the English language in many families and that it is impossible to provide a luxury like the radio if the family cannot enjoy the programme?

Mr. President: I am afraid we are entering into arguments over the question now Next question

POLICY IN CONNECTION WITH RELAYING OF TALKS FROM B B C

190. *Mr. Manu Subedar: (a) Will the Honourable Member for Information and Broadcasting please state what is the policy of Government with regard to relaying talks from the B B C ?

(b) Is it a fact that some of these B B C talks take a partisan view so far as other foreign countries are concerned?

(c) Have Government considered the desirability of relaying the B B C. music and saving the money of the Indian taxpayer on the production of English music in India?

(d) Do Government propose to investigate this matter?

The Honourable Sardar Vallabhbhai Patel: (a) The B B C have granted a general permission to All India Radio to relay or record and rebroadcast certain parts of their programmes The selection of talks for relays is determined by their programme value

(b) Care is taken to select for relays talks which are not of a partisan character

(c) and (d) The attention of the Honourable Member is invited to the reply given by me on the 13th November 1946 to his unstarred question No 71

Mr. Manu Subedar: In view of the fact that the English music given by the B B C is of a very high order as compared to the same music that can be given here is it not desirable to consider whether Indian money cannot be saved by reducing British music in India and merely by relaying the better type of music from London and other European centres?

The Honourable Sardar Vallabhbhai Patel: I have not considered that question from the economic point of view, but the matter will be examined

APPLICATIONS FOR ARREARS OF PAY, ETC , FROM INDIANS IN THE I. N. A. WHO WERE DETAINED OR MADE PRISONERS BY THE BRITISH

191. *Mr. Sasanka Sekhar Sanyal: (a) Will the Secretary of the Defence Department be pleased to state how many applications have been received by Government asking for arrears of pay and allied dues, from Indians in the army who were captured by the Japanese and made prisoners of war and who then became members of the Indian National Army of Netaji Subhas Chandra Bose and then became prisoners in the hands of the British and were then released from detention?

(b) What is the attitude of the Government of India with regard to such applications?

(c) What is the policy of Government in the matter of such arrears in respect of (i) the period prior to the capture of these Indians by the Japanese, (ii) the period during which they were prisoners in the hands of the Japanese, and (iii) the period during which they were prisoners in the hands of the British prior to their eventually being set at liberty and removed from the Army?

(d) Have Government consulted the laws of other countries in this matter?

Mr. G. S. Bhalja: (a) No record has been kept of the number of such applications.

(b) Orders have been issued that all applications for settlement of the pay and allowances of personnel discharged from the Forces should be examined and replies furnished Accounts of Indian personnel are maintained by the Field Controller of Military Accounts, Poona, in respect of officers and by Regimental Centres located throughout India in respect of Indian Other Ranks. Periodical returns are submitted in regard to the number of claims outstanding. Practically all outstanding claims have been dealt with

(c) (i) The balance of pay of all military personnel for periods prior to capture, irrespective of whether they joined the "Indian National Army" or otherwise, is paid to the individual or, if he is since deceased, to his next-of kin

(ii) and (iii) Those who were *dismissed* forfeited the balance of pay and allowances to their credit less any family allotment or money paid out on their behalf from the date of capture by the enemy to date of *dismissal*

Those *discharged* from the service for misconduct whilst prisoners of war forfeited the balance of pay and allowances less any family allotment or money paid out on their behalf, from the date of capture by the enemy to the date of *recovery by Allied Forces* and received their pay and allowances for the period from the date of recovery to the date of discharge

(d) Yes, Sir

Mr. Sasanka Sekhar Sanyal: With reference to the answer to part (c), may I know if the policy enunciated by the Honourable Member was placed before the Defence Consultative Committee for examination and discussion?

Mr. G. S. Bhalja: No, Sir

Mr. Sasanka Sekhar Sanyal: May I know why?

Mr. G. S. Bhalja: The decision was taken by the late Government and they did not think that it was necessary to place the matter before the Defence Consultative Committee then

Mr. Sasanka Sekhar Sanyal: Was this decision of the late Government taken after advice was given by the Defence Consultative Committee then existing?

Mr. G. S. Bhalja: I said that this question was not placed before the Defence Consultative Committee

Mr. Sasanka Sekhar Sanyal: Is it a fact that a desire was expressed in a letter written by a member of the present Defence Consultative Committee to the Secretary of the Defence Department that this matter should be brought before the meeting of the Defence Consultative Committee?

Mr. G. S. Bhalja: Yes, and I replied on the last occasion that unfortunately the request of the Honourable Member was received too late for inclusion in the agenda that was placed before the last meeting of the Defence Consultative Committee.

Mr. Sasanka Sekhar Sanyal: In view of this unfortunate accident may I know if the Honourable Member is prepared to refer this matter to the present Defence Consultative Committee at its next meeting?

Mr. G. S. Bhalja: It will certainly be placed on the agenda of the next meeting.

Khan Abdul Ghani Khan: With reference to part (a), is the Honourable Member aware that *jagirs* and *inams* given to soldiers for gallantry before they joined the I N A have been confiscated?

Mr. G. S. Bhalja: I shall require notice of that question

Shri Sri Prakasa: Was joining the I N A by a prisoner of war regarded as an act of misconduct?

Mr. G. S. Bhalja: Misconduct arose from the way in which prisoners of war joined the enemy

Pandit Lakshmi Kanta Maitra: What is the number of people dismissed for misconduct?

Mr. G. S. Bhalja: I shall require notice of that question

Shri Sri Prakasa: What are the various ways in which prisoners of war became members of the I N A ?

Mr. G. S. Bhalja: Certain prisoners went over to the enemy

Mr. President: The questioner is not talking of the enemy, he is talking of prisoners joining the I N A

Mr. G. S. Bhalja: The implication is that some of these prisoners joined the forces which were set up by the enemy

Shri Sri Prakasa: The I N A was not, so far as I know, set up by the enemy I am not enquiring about such prisoners of war who joined the enemy, but such prisoners of war who joined the Indian National Army which was not set up by the enemy at all.

Mr. G. S. Bhalja: It was sponsored by the Japanese

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say 'joined the enemy' or 'became the enemy'?

Mr. G. S. Bhalja: There is a clear distinction between 'becoming an enemy' and 'joining an enemy'

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether in the matter of granting of arrears of pay and allowances there has been any question which required any reference to His Majesty's Government?

Mr. G. S. Bhalja: Yes, Sir To the Secretary of State for India

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether the members of the Defence Consultative Committee will get the benefit of seeing such correspondence at their next meeting?

Mr. G. S. Bhalja: No correspondence on the subject of refunding forfeited emoluments has been made with the Secretary of State

Shri Sri Prakasa: Has the Honourable Member received any definite reply from His Majesty's Government?

Mr. G. S. Bhalja: I said no correspondence has been made with His Majesty's Government on the question of refund

Khan Abdul Ghani Khan: In view of the fact that any soldier who left the soil of India was paid by His Majesty's Government, how has the Honourable Member come to any decision without any correspondence on this subject with His Majesty's Government?

Mr. G. S. Bhalja: The question asked by the Honourable Member was whether this Government have entered into correspondence with His Majesty's Government with regard to the repayment of the amounts forfeited from these prisoners and I replied that on that question no correspondence has been made with His Majesty's Government

Shri Sri Prakasa: But in view of the fact that the Honourable Member said that a reference was made to His Majesty's Government, may we know

in what manner that reference was made? Was it made orally or by means of a letter?

Mr. Ahmed E. H. Jaffer: Or by telephone?

Mr. President: On what points the reference was made to His Majesty's Government?

Mr. G. S. Bhalja: If the Honourable Member so desires, the correspondence on the question of forfeiture of emoluments will be placed before the next meeting of Defence Consultative Committee

Shri Sri Prakasa: Was not the matter of payment of arrears of pay and allowances one of the matters referred to His Majesty's Government?

Mr. G. S. Bhalja: It was, Sir, and the forfeiture took place with the consent of the Secretary of State

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member if he is in a position to inform the House whether or not this matter of payment of compensation or payment of arrears has been finally disposed of by Government or is it still awaiting decision?

Mr. G. S. Bhalja: Government have no intention of raking up old matters as in this particular case.

REPORT OF THE NAVAL ENQUIRY COMMITTEE

192. *Sardar Mangal Singh: In view of the reply given by the Honourable Member to a previous question, I do not propose to put part (a) of the question.

†(a) * * * * *

(b) What action, if any, has been taken against Commander King and Admiral Godfrey?

(c) Whether the Government of India contemplate to take any disciplinary or other action against officers and Naval ratings connected with the February Naval happenings at Bombay, Karachi and elsewhere or has the idea of such action been dropped?

Mr. G. S. Bhalja: (b) Commander King was tried by court-martial and sentenced to be dismissed his ship and to be severely reprimanded As regards Admiral Godfrey, I would invite the Honourable Member's attention to the debate on this subject held in this House on the 23rd February 1946

(c) Government have taken disciplinary action against one officer and 528 ratings who were proved to have taken an active part in the mutiny

Mr. Manu Subedar: May I know whether a dismissed officer gets any gratuity, pension, return passage, or any other advantages which the normally retiring officer gets, and if so which of these advantages were given to Commander King?

Mr. G. S. Bhalja: My Honourable friend is under some misapprehension I did not say that he was dismissed from the service I said he was dismissed his ship which means that he was deprived of his particular position in that particular ship

Mr. Manu Subedar: May I ask whether it is a fact that the reprimand given to Commander King meant that he is now financially better off in the job that he is now holding?

Mr G. S. Bhalja: I must ask for notice of that question I should be surprised if he is financially better off as compared with his previous appointment.

† Part (a) of the question was not put by the questioner.

Mr. Manu Subedar: May I ask my Honourable friend what reason there was for not dismissing him from service?

Mr. G. S. Bhalja: The Court Martial, as I said, Sir, recommended that he should be dismissed his ship There were two charges against this officer—one was "an act to the prejudice of good order and naval discipline in using insulting language", and, secondly, "neglect to the prejudice of good order and naval discipline in failing immediately to investigate and settle complaints made to him by the fourteen ratings of H M I S TALWAR" He was acquitted of the first charge and he was found guilty only under the second charge for which the Court Martial recommended that he should be dismissed his ship and severely reprimanded

Mr. Manu Subedar: May I know whether the finding of the Court Martial was prior to the report of the R I N Enquiry Commission or whether it was later than that?

Mr. G. S. Bhalja: I think, Sir, prior to the receipt of the report of the Commission

Mr. Manu Subedar: May I know whether in view of the public opinion expressed in this House and in the press of the country throughout and the findings of the Commission, Government will examine the question of continuing this man in Government service any longer?

Mr. G. S. Bhalja: The officer concerned has been duly tried by a duly constituted Court in accordance with the Naval Law, and I submit that it would not be proper to pursue the matter simply because there has been an expression of certain comments in the press

Mr. Manu Subedar: Has the Honourable Member perused the proceedings of this House when this was being discussed on an adjournment motion and does he realize the strength of the feeling against this man—Commander King—throughout this country and in view of this may I again put it whether Government will not examine—not through the Court Martial, but in their executive capacity—the desirability of continuing such a person in Government service and paying him from the taxpayers' money?

Mr. G. S. Bhalja: No, Sir The matter cannot be re-opened But Government have duly considered the question of appointing him to a post in which he is considered suitable taking into consideration the incident which took place in connection with the R I N mutiny, for which he was punished

Mr. Manu Subedar: Have Government offered this man's services to His Majesty's Government in the manner in which they are offering the services of 700 other officers?

Mr. G. S. Bhalja: The Government of India cannot compulsorily transfer the services of any of their officers to H M G What the Government can do is to give certain of their British officers who wish to join the British Service the option of applying for transfer to that Service.

Dr. Zia Uddin Ahmad: May I ask whether the Government are contemplating instituting a new offence in the Criminal Procedure Code submitting in evidence the public opinion expressed in newspapers of this country? If so, what class of newspapers?

Mr. G. S. Bhalja: No, Sir New offences cannot be created in that manner.

Dr. Zia Uddin Ahmad: Not by trial; by the expression of public opinion in papers.

Pandit Lakshmi Kanta Maitra: As a result of his dismissal from his ship, is Commander King commanding a bigger ship?

Mr. G. S. Bhalja: No, Sir.

Diwan Chaman Lall: May I ask my Honourable friend whether it is not a fact that the findings of the Court Martial are reviewed by the Commander-in-Chief in each and every case where the matter warrants such a review, and was it not within the competence of the Commander-in-Chief to order the dismissal, or the findings of the Court Martial proceedings against this particular individual?

†**Mr. G. S. Bhalja:** My Honourable friend is right in saying that the proceedings of the Courts-Martial are reviewed by His Excellency the Commander-in-Chief In this particular case the Commander-in-Chief did not think it desirable to alter the sentence

Sardar Sampuran Singh: When a person is reprimanded and sentenced is he still considered by the Government to be retained in a responsible post like the one Commander King is holding?

Mr. G. S. Bhalja: Like any other officers of Government who are punished by a trial, a departmental enquiry or in any other way a certain punishment was awarded to this officer A punishment having been awarded, it is not considered proper to pursue the matter further

Mr. Ahmed E. H. Jaffer: In view of the fact that several questions have been put to the Honourable Member about this gentleman, is he not satisfied that this man should be removed from service altogether?

Mr. President: That is a matter of opinion

Sri M. Ananthasayanam Ayyangar: What disciplinary action has been taken against those ratings?

***Mr. G. S. Bhalja:** The punishments varied from dismissal and imprisonment to discharge

Sri M. Ananthasayanam Ayyangar: How many dismissed? How many imprisoned?

Mr. G. S. Bhalja: The Honourable Member should put a fresh question

Sri M. Ananthasayanam Ayyangar: May I know what the present position of Commander King is, what office he holds and what is his salary?

Mr. G. S. Bhalja: I would ask the Honourable Member to put down a question

Sardar Sampuran Singh: Was this action with regard to the ratings taken after the report of the Enquiry Committee was received?

Mr. G. S. Bhalja: The enquiries were held before the report was received by Government To the best of my recollection the sentences were also awarded before the report was received

Mr. Manu Subedar: May I know whether Government will issue a press note reconciling the action they took against Commander King who caused all this difficulty and the action which they took against the poor ratings who were merely the victims of the process started by Commander King himself?

Mr. G. S. Bhalja: That is a matter of opinion and argument

POLICY *RE* APPOINTMENT OF I N. A. MEN IN OTHER THAN THE ARMY DEPARTMENT

193. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Defence Department be pleased to state:

(a) whether there is any bar to appointing the men of the Azad Hind Fauj (INA) to (i) the Army, (ii) any department of the Government of India other than the army;

(b) whether any such appointment has been made in respect of the above, and

*(c) the policy of Government with regard to the above?

†*See* correction to this reply at page 495 of L A Debates, dated 12th February, 1947

Mr. G. S Bhalja: (a) No, Sir, there is no bar specifically directed against the I N A

(b) No, Sir, no such appointments have been made in the Armed Forces

(c) It is not the policy of Government to re-employ in the regular forces men who have been discharged or dismissed

Seth Govind Das: With respect to clause (a), the Honourable Member has said that there is no bar Has any Azad Hind soldier applied to the Government and has he been reinstated or given an appointment?

Mr. G. S. Bhalja: It is too general a question I said that there was no bar specifically directed against the I N A

Seth Govind Das: Therefore has any man applied from the I N A and has he been appointed?

Mr. G. S. Bhalja: So far as the Armed Forces are concerned no such appointment has been made

Seth Govind Das: Has the application of any Azad Hind Fauj man been rejected?

Mr. G. S. Bhalja: I do not recollect that there have been any applications received from any of the ex-I N A men for re-employment in the Armed Forces.

Shrimati Ammu Swaminadhan: Has there been a case in which anyone in the I N A applied for any Government job and had been refused that job because he belonged to the I N A ?

Mr. G. S. Bhalja: I can only speak for the Defence Department and I have made the position quite clear that no such appointments have been made so far as the Armed Forces are concerned I cannot speak for other Departments of the Government of India or the Provincial Governments

Mr. Krishna Chandra Sharma: Has any application been refused for this post?

Mr. President: The same question is being repeated He has already answered it

Khan Abdul Ghani Khan: In part (a) of the answer the Honourable Member says that there is no bar, but in answer to part (b) he says no such appointments have been made These are two inconsistent replies

Mr. President: They are not necessarily inconsistent replies

GRIEVANCES OF THE HAV. CLERKS AND COMBATANTS OF S. P C. & R., FEROZEPUR CANTONMENT

194. *Pandit Thakur Das Bhargava: Will the Secretary of the Defence Department please state

(a) if it is a fact that Hav clerks and combatant of S P. C and R. Ferozepur Cantonment resorted to hunger strike to get their grievances redressed and various demands of the strikers were conceded and an assurance was given that there will be no victimisation of strikers and their leaders;

(b) if it is a fact that in spite of such assurances being given, T. C Verma, H S Sodhi and Bahadur Singh were proceeded against, a Court Martial summarily convicted them and sentenced them to imprisonment;

(c) if it is a fact that the accused were not given proper time for their defence and their request to call Col G. S Dhillon of the I N A as a Defence witness was turned down by the general Court Martial;

(d) if it is a fact that the real reason why these persons were prosecuted was that there was a suspicion against them that they secretly sent subscriptions to the I N A Fund;

(e) if it is a fact that the Commandant had at first handed these accused over to the Civil Police under Sections 38 and 34 of Defence of India Rules and the police returned the case after investigation with the remarks that sufficient proof was not available against these accused and thereafter the accused were court martialled, and

(f) whether Government will call for the records of the case and examine the same and remit the sentences awarded under the peculiar circumstances mentioned above if the allegations are well-founded?

Mr. G. S. Bhalja: (a) On the 10th March 1946, some 693 clerks of the Supply Personnel Centre and Records Ferozepur refused their food to get their grievances relating to food leave and other conditions redressed A Durbar was held by the Commanding Officer on the 11th March 1946 and some of the alleged grievances were settled on the spot An assurance was also given to these men by their Commanding Officer that no victimisation would take place as a result of this incident

(b) No men were arrested or punished as a direct result of this incident It was only after the incident that the Civil Police accompanied by a magistrate visited the unit lines and the three men mentioned by the Honourable Member were identified and taken into police custody in connection with a letter which had been printed and circulated calling all men to mutiny These three men were tried and sentenced by Court Martial for conspiring to cause a mutiny

(c) The accused were given sufficient time to prepare their defence

They were represented by Mr Asa Nand, Advocate, Lahore High Court, and Mr Khushwant Singh, Barrister-at-Law, Lahore

There is no record in the proceedings of any request having been made by the accused to call Mr G S Dhillon of the I N A as a defence witness

(d) No, Sir

(e) No, Sir The three men were taken into police custody for interrogation only They were not tried by the civil court as the military authorities claimed them for trial by Court Martial

(f) The proceedings have been examined and are legally in order One of the three men has since been released The sentences of the remaining two will be reviewed in due course

RULING OF U P. HIGH COURT *RE.* EXEMPTION FROM INCOME-TAX OF THE AMOUNT OF LOCAL TAXES ON IMMOVABLE PROPERTY

195. *Pundit Thakur Das Bhargava: (a) Will the Honourable the Finance Member please state if it is a fact that the amount of local taxes on immoveable property is exempted from income tax in the case of U P Assessees in accordance with the judgment of the Allahabad High Court delivered in 1945 under section 9 of the Income Tax Act whereas such amount is not exempted in the case of assessees of the Punjab?

(b) Whether the said judgment of the Allahabad High Court is under appeal to the Privy Council?

(c) Do Government propose to consider the advisability of keeping the assessment cases and appeals in which the question of such amount being exempted arises pending till the decision of the Privy Council in case he is not prepared to give effect to the interpretation of the Allahabad High Court ruling for non U.P. Assessees?

The Honourable Mr. Liaquat Ali Khan: (a) The amount of local taxes on immovable property is not exempt from income-tax nor is it allowed as a deduction under section 9 of the Income tax Act. But the recovery of tax in respect of such local taxes, where income-tax in each case exceeds Rs 10, has

been postponed in the United Provinces only pending the decision of the Privy Council in the appeal against the judgment of the Allahabad High Court. In provinces other than United Provinces where the Allahabad High Court ruling is not binding, the Income-tax authorities are following the decisions of the Madras and the Bombay High Courts

(b) Yes

(c) It is not practicable for the Department to keep all such assessments pending, but it is open to the assessee to file an appeal against such a dis-allowance and have it kept pending awaiting decision of the Privy Council The Appellate Assistant Commissioners and the Appellate Tribunal have inherent powers of a Court to postpone an appeal where a similar point is referred to a higher Tribunal

Mr. Manu Subedar: In view of the fact that Municipal taxes are compulsory payments to be made in the case of house owners, and that these taxes tend to increase in several parts of the country now, will Government examine the question whether in all provinces in India under Section 9, the deduction of legitimate municipal taxes paid may not be given?

The Honourable Mr. Liaquat Ali Khan: Sir, we must wait for the decision of the Privy Council before the Government takes any further step

Shri Sri Prakasa: How long does the Government expect the Privy Council to take? And how many years does the Honourable Member expect us to keep these taxes pending? And will the Honourable Member expect us to pay after ten years a huge accummulated sum?

The Honourable Mr. Liaquat Ali Khan: I wish the Honourable Member would help me to find out how long the Privy Council would take to decide the case

Shri Sri Prakasa: May I inform the Honourable Member that I am helping him by getting my tax in any case suspended

SCHEME FOR THE RECRUITMENT AND TRAINING OF PERSONNEL FOR CENTRAL ADMINISTRATIVE SERVICES.

196. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Home Member please state if Government propose to place before the House the details of their new scheme for the recruitment and training of personnel to the proposed Central Administrative Service and also the details of the scheme of compensation for the Indian Civil Service and the Indian Police Service consequent on their proposed abolition before taking any decisions thereon?

The Honourable Sardar Vallabhbhai Patel: The details of the scheme for the formation of All-India Administrative Service to take the place of the I C. S are being finalized in consultation with the participating Provinces Briefly, the Government of India and all Provincial Governments except three have agreed to form an All-India Administrative Service to man their administrative posts Recruitment to this Service will be made by a competitive examination conducted by the Federal Public Service Commission and the recruits will be trained at a Central Training School

The Secretary of State's final proposals in the matter of compensation for his services are still awaited, and I am not yet in a position to make a statement on the question

(b) WRITTEN ANSWERS

RECRUITMENT TO THE I. C. S. AND THE I. P. S.

197. *Shri D. P. Karmarkar: Will the Honourable the Home Member be pleased to state·

(a) whether it is a fact that recruitment to the I.C S and I P. will hereafter be made by the Government of India and not by the Secretary of State for India; and

(b) whether it is a fact that negotiations have been going on in respect of compensation for persons in those services who may like to go on premature retirement and whether any decisions have been taken in the matter?

The Honourable Sardar Vallabhbhai Patel: (a) As the Honourable Member is aware, under the Government of India Act the recruitment to the I C S. and I P is made by the Secretary of State The Secretary of State has decided not to fill the war-reserved vacancies in the I C S and I P and it is unlikely that recruitment to these Services will be resumed The question of recruitment to these Services by the Government of India does not, therefore, arise.

(b) I would refer the Honourable Member to the reply which I gave on the 6th February 1947 to starred question No 103 put by Professor N G Ranga.

STERLING BALANCES BELONGING TO RESERVE BANK

198. *Shri D. P. Karmarkar: Will the Honourable the Finance Member be pleased to state

(a) the latest figures of sterling balances belonging to the Reserve Bank;

(b) the date when the question of sterling balances is likely to be finally settled, and

(c) whether it is a fact that differences have arisen between His Majesty's Government and the Government of India regarding the time when this question should be finally settled?

The Honourable Mr. Liaquat Ali Khan: (a) On the 31st January 1947 the balances amounted to Rs 1,605 23 crores

(b) As the House is aware preliminary talks are now proceeding and I trust the final settlement will not be long delayed

(c) No, Sir

SCHEME FOR THE PROTECTION OF NON-SCHEDULED BANKS FROM FAILURE.

199. *Mr. G. B. Dani: In view of the recent Bank crisis in Bengal will the Honourable the Finance Member be pleased to state

(a) whether Government have any scheme for the protection of the Non-scheduled Banks from failure,

(b) whether Government propose to take steps to get such Non-scheduled Banks admitted to the second Schedule of the Reserve Bank of India after selecting out only such Non-Scheduled Banks who have already acquired the necessary qualification of Scheduled Banks after fulfilling the conditions as laid down in Section 42 (6) of the Reserve Bank of India Act and also those Banks now on the border line of such minimum requisite qualification,

(c) whether the Government propose to take steps to assist the Non-Scheduled Banks which are lagging behind and which are facing a post-war crisis to enable them to qualify themselves for a Scheduled Bank's standard; and

(d) whether Government propose to take adequate Legislative measures in the direction of affording general protection to all Banks in India by removing the classification "Scheduled" and "Non-scheduled" Banks, thereby treating all Banking Companies on the same footing and standard?

The Honourable Mr. Liaquat Ali Khan: (a) I would invite the Honourable Member's attention to part (c) of my reply to Mr Manu Subedar's question No. 80 on 6th February 1947

(b) No, Sir. Only those banking companies which satisfy the requirements of Section 42(6) of the Reserve Bank of India Act can be included in the Second Schedule to the Reserve Bank of India Act. It is open to any non-scheduled

bank which considers that it satisfies these requirements to make an application to the Government of India for inclusion in the Second Schedule to the Reserve Bank of India Act

(c) The Reserve Bank has given and is always prepared to give advice to Non-Scheduled Banks as stated in my reply to part (b) of Mr Manu Subedar's question No 80 on 6th February 1947 It is, however, for the banks themselves to acquire the necessary qualifications for inclusion in the Schedule.

(d) No, Sir Government do not consider that the mere removal of the distinction between scheduled and non-scheduled banks will automatically create a stable banking structure in India

DISPOSAL OF BUILDINGS AND LANDS NOT REQUIRED BY MILITARY IN UNITED PROVINCES.

200. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Secretary of the Defence Department please state the progress made in the disposal of buildings and lands which are not required by the Military in the United Provinces?

(b) How many buildings and lands have been disposed of so far?

(c) What is the progress made in the disposal of buildings and lands in Allahabad and Lucknow Area?

(d) What is the method of disposal? Which Department deals with the disposal work of these buildings and lands?

Mr. G. S Bhalja: (a) and (b) The position at the end of December 1946 of release of requisitioned properties in the U P was as follows —

	Released	Balance held	Percentage released
Buildings . .	56	8	88%
Lands	50	124	29%

(c) The position of release of requisitioned properties at the end of December 1946 was as follows —

(1) In Allahabad Sub Area

(i) Buildings . . .	Released .	22
	Balance on charge .	4
	Percentage of release .	85%
(ii) Lands	Released .	13
	Balance on charge	12
	Percentage of release	52%

(2) Lucknow Sub-Area,

(i) Buildings . .	Released . . .	17
	Balance on charge .	Nil
	Percentage of release .	100%
(ii) Lands .	Released . . .	8
	Balance on charge .	10
	Percentage of release	44%

(d) The method of disposal of created assets is by negotiation with the owners of the land, or, if the assets are not required by the owners, then by public auction by Government or by advertised tendering. The disposal of buildings

NUMBER OF NON-INDIANS EMPLOYED ON HIGH SALARIES UNDER THE CENTRAL GOVERNMENT

201. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state.

(a) the total number of non-Indians employed under the Central Government (including attached and subordinate offices);

(b) the number of such non-Indians drawing salary (i) between Rs. 500 to 1,000, (ii) between Rs. 1,000 to 2,000 and (iii) above Rs 2,000,

(c) the number of temporary, permanent and tenure employees in the various salary groups referred to in part (b) above,

(d) the number of technical and non-technical officers in various groups referred to in part (c) above,

(e) the steps taken to Indianise the above posts,

(f) whether Government propose to lay on the table of the House in future six monthly statements on the above lines to show the progress made in the Indianisation of services and in reducing the number of non-Indians,

(g) whether Government propose to give details regarding names emoluments and designation, and special qualifications of all new appointments of non-Indians in future with the above statement, and

(h) the reasons for such appointments, and whether the Federal Public Service Commission was asked to recruit through advertisement and if not, why not?

The Honourable Sardar Vallabhbhai Patel: (a) Information is readily available only as on the 1st January 1945 when the total number of non-Indians employed was 2,553

(b), (c) and (d) The information is being collected and will be placed on the table of the House when it is complete

(e) I would invite attention to my answer given on 6th February 1947 to unstarred question No 22 put by Professor N G Ranga

(f), (g) and (h) Government are prepared to place the information on the table of the House, but consultation with the Federal Public Service Commission arises only in those cases in which it is required by the Consultation Rules.

WOMEN EMPLOYED UNDER THE CENTRAL GOVERNMENT

202. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state

(a) the number of ladies employed under the Central Government (including all attached and subordinate Offices);

(b) the number of ladies drawing Rs 150 and above,

(c) the number of Anglo-Indian and European ladies drawing Rs 150 and above and if all of them are fully qualified educationally and otherwise,

(d) the steps taken to replace unqualified Anglo-Indian and European ladies by qualified persons;

(e) whether any posts are reserved for ladies, and if so, their number and designations?

The Honourable Sardar Vallabhbhai Patel: (a) (b), (c) and (e) The information required in respect of the Secretariat and Attached Offices is being collected and will be placed on the table when ready The time and labour involved in collecting this information in respect of Subordinate Offices, would be disproportionate to its utility

(d) All appointments to Class I and Class II Services and to ministerial posts in the Subordinate Service in the Secretariat and Attached Offices are required to be made through the Federal Public Service Commission During the war however it was necessary to relax this requirement and to give appointing authorities discretion to make temporary appointments without reference to the Commission In exercise of this discretion some persons, both men and women, not possessing the minimum educational qualifications were appointed. Instructions are being issued that unqualified persons should be replaced by qualified persons as soon as possible

RESERVATION OF POSTS OF STENOGRAPHERS, PERSONAL ASSISTANTS AND PRIVATE SECRETARIES TO HIGH OFFICERS FOR ANGLO-INDIANS AND EUROPEANS

203. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state

(a) whether the posts of stenographers, personal assistants, or private secretaries to high Government officials are reserved for Anglo-Indian and European ladies,

(b) if not, whether Government are aware that European lady Private Secretaries have been attached to Secretaries of Home Department, Finance Department, Cabinet Secretariat and the Joint Secretary of the Home Department,

(c) whether Government are aware of the strong public feeling against such appointments, when fully qualified Indians are available to fill these posts, and

(d) whether Government propose to replace these private secretaries by suitable qualified Indians, if necessary by recruitment through Public Service Commission?

The Honourable Sardar Vallabhbhai Patel: (a) No Sir

(b) Only the Private Secretary to the Home Secretary is a European but she is a domiciled European

(c) Government do not agree that these particular appointments give any legitimate cause for complaint on the ground mentioned

(d) The Private Secretary to the Home Secretary is likely to vacate her appointment in March Of the remaining three officers one is an Indian Christian and the other two are Anglo-Indians Recruitment to these posts will be made through the Federal Public Service Commission

GRANT OF LEAVE TO EUROPEAN I C S AND I P OFFICERS WITH COST OF AIR AND SEA PASSAGES

204. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state

(a) whether it is a fact that European I C S and Indian Police Officers are being allowed six months leave in the United Kingdom, cost of Air and Sea Passages for them and their families being paid by Government;

(b) if so, whether this treatment is being accorded only to the European members of the service, and

(c) whether Government propose to consider the discontinuance of these concessions?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) The arrangement is merely an extension of the discrimination which has existed in the rules as a result of the recommendations of the Lee Commission. The Key Leave Passage concessions were granted on the ground that the period of the key leave was limited This limitation was considered necessary, because officers requiring leave would not all be given leave within a reasonable period of time unless its duration was limited in each case The then Government,

therefore, felt that European officers required recuperative leave in their own country and that they should not be made to expend any passage, to which they were entitled under the rules, on leave limited in duration on account of war conditions.

(c) The question of stopping of these concessions is under consideration, and Provincial Governments have been consulted

COMMUTED WAR LEAVE TO SUPERIOR OFFICERS

205. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state

(a) whether it is a fact that recuperative leave otherwise known as Commuted War Leave is being allowed to all superior officers both Indians and Europeans,

(b) whether it is a fact that European Officers can in addition to the Commuted War Leave avail themselves of Key leave to the United Kingdom; and

(c) if so, why this additional advantage has been given to European officers?

The Honourable Sardar Vallabhbhai Patel: (a) and (b) Yes

(c) The Honourable Member's attention is invited to the answer to his previous question No. 201

AMENDMENT OF SECTIONS 41 AND 42 OF THE RESERVE BANK OF INDIA ACT

206. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Finance Member be pleased to state whether Government propose to amend Sections 41 and 42 of the Reserve Bank of India Act now that the par value of the rupee has been notified in terms of Gold and Dollar to the International Monetary Fund and if so, when?

The Honourable Mr. Liaquat Ali Khan: I presume the Honourable Member refers to Sections 40 and 41 of the Reserve Bank Act. The question of amending these sections is under the consideration of the Government of India

EMPIRE DOLLAR POOL

207. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state what is the amount standing to the credit of India in the Empire Dollar Pool at present?

(b) What has been the total contribution of India to the Pool and the drawings of India therefrom during the war and thereafter?

(c) What steps are being taken to liquidate the Dollar Pool and to obtain India's share into its own hands?

(d) Are Government aware that the United Kingdom has been keeping its Dollar acquisitions separately from the Dollar Pool and if so is it permissible under the arrangement?

(e) If the answer to the foregoing is in the affirmative, do Government propose to claim a share in it?

The Honourable Mr. Liaquat Ali Khan: (a) (b) and (c) I would invite attention to the reply given by me to Mr. Manu Subedar's starred question No. 77 on the 6th February 1947

(d) The answer to the first part is in the negative. The second part does not arise

(e) Does not arise.

SETTLEMENT OF INDIA'S STERLING BALANCES IN TWO PARTS

208. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether the attention of Government has

been drawn to an Associated Press of India message published in the *Statesman* of 30th January, 1947 to the effect that India's Sterling Balances will be settled in two parts?

(b) To what extent that information is correct?

(c) Do Government propose to appoint an *ad hoc* Committee of the members of this House to be associated with Government in the negotiations with regard to the settlement of Sterling Balances?

(d) Do Government propose to place before this Assembly a draft of the terms before finalising them for consideration of the House?

(e) Do Government propose to take necessary steps so that the final negotiations are carried on in India and not in the United Kingdom?

The Honourable Mr. Liaquat Ali Khan: (a) Yes.

(b) I am sure the Honourable Member will appreciate that it is impossible for me at this stage, when purely exploratory talks are taking place, to make any pronouncement on this subject.

(c) Government do not consider that the appointment of an *ad hoc* committee of this House for association with Government in the negotiations would be feasible or satisfactory.

(d) Government do not consider that a discussion of the proposals in the Assembly before a final settlement would be a satisfactory method of conducting the negotiations. Government will certainly notify to the House any conclusion reached which they consider satisfactory.

(e) Government have every desire that this should be so but they cannot bind themselves as the choice of the venue will be determined by a number of considerations.

INTERNATIONAL MONETARY FUND

209. *Sri M Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether the International Monetary Fund has started its operations? If not, when is it expected to start?

(b) Have Government received any report on the progress made by the Fund from India's representative and if so, whether a copy of the same will be circulated among the Members of the House?

The Honourable Mr Liaquat Ali Khan: (a) The International Monetary Fund has announced that it will begin exchange transactions on 1st March 1947. This fact was published in a Press Note on the 19th December 1946.

(b) Two copies of the proceedings of the First Annual Meeting of the Board of Governors of the International Monetary Fund and the Bank of Governors of the International Bank for Reconstruction and Development are being placed in the Library of the House.

CONTROL OF THE RISING PRICE OF GOLD IN INDIA

210. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether Government propose to take any steps to control the rising prices of Gold in India and the speculation on the Bullion Exchange?

(b) Has there been a demand from the United States for the return of the silver lent by her to this country? What, if any, are the steps that are being taken to return that silver?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir. I would invite the Honourable Member's attention to my reply to Mr Manu Subedar's short notice question on 16th November 1946.

(b) *First Part* No, Sir.

Second Part Does not arise.

INCOME-TAX DEPARTMENT, BENGAL

211. *Hajee Chowdhury Mohammad Ismail Khan: Will the Honourable the Finance Member be pleased to state in regard to the Income-tax Department in Bengal during the period from the 1st April, 1939 to the 31st December, 1946

(a) the total number of resignations of (i) Income-tax Officers, (ii) Examiners of Accounts, and (iii) Inspectors and the number of Muslims in each class,

(b) the total number of discharges and removals from service of (i) Income-tax Officers, (ii) Examiners of Accounts, and (iii) Inspectors and the number of Muslims in each class,

(c) the total number of deaths in active service of Income-tax Officers and the number of Muslims,

(d) the total number of Income-tax Officers who reached efficiency bars and the number of Muslims and the total number held over at efficiency Bars and the number of Muslims,

(e) the total number of promotions to the post of Income-tax Officers from the post of Examiners of Accounts from the 1st April, 1939 to the 31st March, 1946 and the number of Muslims, and

(f) the total number of supersessions of Examiners of Accounts in promoting them to the post of Income-tax Officers from the 1st April, 1939 to the 31st March 1943 and the number of Muslims?

The Honourable Mr. Liaquat Ali Khan: (a) to (f) I am having the information collected. A reply will be laid on the table of the House in due course.

SHORT NOTICE QUESTIONS AND ANSWERS

STATEMENT BY THE RIGHT HON'BLE MR. ATTLEE ON DEFENCE OF INDIA

Lala Deshbandhu Gupta: Will the Honourable the Finance Member be pleased to state whether his attention has been drawn to an assertion made by Mr Winston Churchill in the course of a question addressed to
12 Nov the Chancellor of Exchequer in the House of Commons on the 10th February 1947 and the reply given to same by Dr Hugh Dalton as published in the *Hindustan Times* of 5th February 1947, page one column 3? If so, will he enlighten the house by making a statement on the subject?

The Honourable Mr. Liaquat Ali Khan: I invite the Honourable Member's attention to paragraphs 22 and 23 of the Finance Member's Budget Speech for the year 1943-44, which fully explain the position and embody all the information at the disposal of the Government of India

Mr Manu Subedar: Will the Honourable Member please state whether it was not as a result of some such suggestion that the joint measures (that is to say, measures for which the cost must partly fall on India and partly on the United Kingdom) were instituted and whether the amount of burden to be thrown on India in respect of defence was not widened by these measures and whether that did not cover all that was intended to be covered?

The Honourable Mr. Liaquat Ali Khan: I have said that the speech of the then Honourable the Finance Member explains the position fully

Sri M. Ananthasayanam Ayyangar: Will this House and the Standing Finance Committee be consulted before the terms are finalised?

The Honourable Mr. Liaquat Ali Khan: That, I am afraid, does not arise out of this question.

Lala Deshbandhu Gupta: May I know from the Honourable Member if that communication was considered by the Executive Council at that time and, if so, what decision was taken by the same?

The Honourable Mr. Liaquat Ali Khan: All that I can say is that I have not seen any communication and I am afraid I cannot answer whether any communication was considered at the time or not

Lala Deshbandhu Gupta: Is the Honourable Member prepared to entertain the counter-claim from Britain, as suggested by Mr Churchill?

The Honourable Mr Liaquat Ali Khan: I am not prepared to entertain any claim which is not just

Lala Deshbandhu Gupta: Will Government make it quite clear that in view of the fact that Britain had declared war on the Axis Powers without consulting India and India was subsequently tagged on to Britain in the interest of the British Empire, no counter claim lies against India?

Shri Sri Prakasa: On the other hand, they must give back all our lost lives!

The Honourable Mr. Liaquat Ali Khan: I do not know whether I have to answer one or two questions

Mr. President: Not even this one because it is suggestive of its answer

Mr. Manu Subedar: May I know whether Government have examined the position that no such claim has been made by Britain with reference to Australia and South Africa, which were also in danger of Japanese occupation and in view of the claim being made against India due to India's inferior political status at that time, whether Government will take vigorous steps to counteract such a claim?

The Honourable Mr. Liaquat Ali Khan: I am not aware that any such claim has been made

Shri D. P. Karmarkar: Is the Honourable Member aware that the agreement regarding the allocation of expenditure arrived at with the then Government of India and the British Government was highly unjust and unfair to India, and, if so, may I know whether the Government do propose to reopen the question and set to the British Government's debit all that is due to India from the conduct of this war?

(No answer was given)

Lala Deshbandhu Gupta: May I invite the Honourable Member's attention to the reply given to this question by Mr Dalton: "The preliminary discussions were taking place with India to be followed by similar discussions with Egypt and Iraq" Mr Dalton gave the assurance that no arrangements will be finalised until they are presented to the House of Commons. He said that this communication to which Mr Churchill referred was forming the subject matter of the talk that is now going on between the Government of India and the representatives of Britain now in India

The Honourable Mr. Liaquat Ali Khan: For one thing, I do not remember that Dr Dalton said that no agreement will be finalised unless the House of Commons approved of it I think what he said was that when an agreement satisfactory to the Government has been concluded, the House of Commons will be notified, which is quite different from what my Honourable friend has said.

LIQUIDATION AND STERLING BALANCES

Diwan Chaman Lall: Will the Honourable the Finance Member please state:

(a) whether the Legislative Assembly will be taken into confidence before any decision is arrived at regarding the allocation or liquidation of the sterling debt at present due to India;

(b) whether Government are aware that according to the report of the Select Committee on National Expenditure of the House of Commons 1914-15 it was admitted that the prices paid for purchases made in India, giving rise to these sterling balances, were generally lower than the British prices, most of these being controlled by Government,

(c) whether it is the policy of the Government of India to keep a certain amount of the sterling balances in the shape of securities with the Reserve Bank of India for currency purposes as well as for working capital in the Banking Department, and whether it is their policy also to utilise the balance—(i) for the purchase by Government of British concerns in India which to-day are rapidly changing hands, and (ii) for funding the balance, and if so, at what rates of interest;

(d) whether the Government of India is entering into discussions with the British Delegation on the lines suggested in this question with a view to obtaining the maximum benefit for India in the settlement of the problem of our sterling balances; and

(e) whether an estimate has been prepared by the Finance Department regarding the total amount necessary for the purchase of British concerns in India and part liquidation of the Sterling Balances?

The Honourable Mr. Liaquat Ali Khan: (a) I would invite the attention of the Honourable Member to the reply given to part (b) of question No 166 on the floor of this House on the 4th November, 1946

(b) Yes

(c) and (d) Government will consider all aspects of the problem of sterling balances with a view to arriving at the most beneficial and equitable settlement

(e) No data are at present available

Sri M. Ananthasayanam Ayyangar: May I know what that answer is to which the Honourable Member has referred so that we may put some supplementary questions?

The Honourable Mr. Liaquat Ali Khan: I think it would save the time of the House if the Honourable Member took a little walk to the Library and studied the proceedings of the Assembly of that date But if the House wants that I should read that answer I am quite willing to do so

Diwan Chaman Lall: May I know whether Government is prepared to issue a clear statement regarding the prices paid by them for the purchase made during the war of commodities, which have given rise to these sterling balances and whether a comparative statement of those prices will not show that they were lower even than the prices that were paid by the people in this country for similar commodities?

The Honourable Mr. Liaquat Ali Khan: Sir as a matter of fact the Honourable Member in his question in part (b) has made that assertion and I have stated in my answer 'Yes'

Diwan Chaman Lall: The question was in reference to the report of the Select Committee on national expenditure of the House of Commons I am now asking my Honourable friend whether we have any facts which we can make public showing that the prices paid were much lower than even the prices prevailing

in the country such as prices for tea and hessian and whether it is not a fact that the prices paid, giving rise to sterling balances, were something like 200 per cent lower than the prices preventing at the present moment.

The Honourable Mr. Liaquat Ali Khan: Sir, the prices were certainly lower, but I cannot give exact information about it

Mr. Manu Subedar: May I know, Sir, whether in these negotiations Government will keep in mind the desirability of having one and final termination of this question and not split it up into two parts—temporary settlement for a year or two and leaving the other settlements later on—as has been suggested in a recent British message?

The Honourable Mr. Liaquat Ali Khan: Sir I am grateful to the Honourable Member for his suggestion which will certainly be considered

Sir M. Ananthasayanam Ayyangar: May I know if the entire negotiations will be concluded in India or a portion of them will be carried on to England?

The Honourable Mr. Liaquat Ali Khan: Sir, as a matter of fact, there was, I think, a question on this very subject, and I had given a reply in which I had stated that it is the desire of the Government of India to have all negotiations in this country But I can not commit the Government of India absolutely and finally that under no circumstances the negotiations will be carried on outside India But it is our intention to have the negotiations in India

Mr. Manu Subedar: May I know whether Government at any stage propose to associate non-officials or Members of this House with the very important negotiations which are going on?

The Honourable Mr. Liaquat Ali Khan: Sir I greatly appreciate the point which has been made, but I would like to remind the Honourable Member that the Government of today is different from the Government of the past The Government today consists of representatives of the political parties in this country.

Diwan Chaman Lall: May I ask my Honourable friend whether Government has decided to take any steps to stop further sale of British concerns in India under present conditions, giving rise to the fattening away of sterling balances, which benefit only private enterprise?

The Honourable Mr. Liaquat Ali Khan: Sir I have stated that this question was raised in the last session also and the Government are quite aware about this aspect of the question which has been put by my Honourable friend

PAPERS LAID ON THE TABLE

Mr. S. H. Y. Oulsnam (Government of India Nominated Official) Sir, I lay on the table a copy of the following papers

(i) Final Act of the International Health Conference

(ii) Constitution of the World Health Organisation

(iii) Arrangement concluded by the Governments represented at the International Health Conference

(iv) Protocol concerning the Office International d'Hygiene Publique

(v) Summary relating to the World Health Organisation

Mr. President: The House will now proceed with the further consideration of the motion moved by the Honourable Shri Jagjivan Ram yesterday that the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, as reported by the Select Committee be taken into consideration

Mr. P. J. Griffiths (Assam: European) Mr. President, when this Bill was discussed by the House in the last session prior to its reference to Select Committee, we in this group entertained certain serious misgivings with regard to it. It seemed to us, in at least two important respects, to be misconceived In the first place, it aimed at establishing a highly elaborate, complex machinery for conciliation which, for its adequate operation would require a standard of organisation and of education of labour far beyond what has yet been achieved in this country, and we felt that this Bill must have been framed by men who, whatever their knowledge and their abilities might be, had little practical contact with the labour forces of India They could have had no conception of the difficulty of guiding labour, as it is at present Once has to understand the subtle and complex establishment ranging from conciliation officers, through boards of conciliation up to tribunals and again through courts of enquiry. Not very long ago it fell to my lot to attend a labour conference and in that conference it was maintained by labour representatives—and their contention was supported by some of the Provincial Governments—that labour was so backward and so illiterate that the labourer himself was unable to know whether he was being cheated when the products of his labour are weighed and it was essential, they contended, to have some outside representative present so that the labourer, because of his illiteracy and his ignorance would not be cheated Yet we are asked to believe that labour so backward, so illiterate, so easily capable of being cheated, will be able to understand and to operate the vast, elaborate intricate machinery laid down in the present Bill In the sphere of engineering, Sir, you do not set up elaborate machinery unless you have trained mechanics to operate it So in the sphere of labour it is no use laying down procedural machinery if such procedure is too elaborate for the men who are working it We felt, therefore, that in this matter Government were devising the scheme desirable and commendable in itself but perhaps more elaborate than was justified by the facts of labour today

The second respect in which we were worried was that the Honourable the Labour Member was a man of too great faith He had too more faith that the machinery of conciliation would bring peace into the industrial world. He seemed to feel that if you laid down some well thoughtout machinery, somehow or other, by itself, whether it was wanted or not by the parties concerned, that machinery would at once solve all our labour troubles He seemed to overlook the fact that peace in the labour world depends on two factors The first of those factors is a good spirit on the part of the employers, and the second factor as responsible leadership in the world of labour As far as the first factor is concerned, there are signs now that a new spirit is dawning amongst employers and that there is more recognition of the rights of labour than was apparent before the war When we turn to the other factor, labour leadership, one is compelled to say that there are no signs yet of an emergence of that kind of leadership which is essential if a Bill of this kind is to operate satisfactorily The greatest difficulty in all labour legislation in India today is the lack of the right kind of labour leadership Given that kind of labour leadership, legislation of this kind would be more easily workable, and perhaps would be less necessary But in the absence of that kind of leadership it is going to be very difficult indeed to work any of this machinery which my Honourable friend the Labour Member is now in process of planning For these reasons we felt that this measure

[Mr. P. J. Griffiths]

wanted a great deal of examination There were some features which seemed to be particularly undesirable or impracticable One of these, which I shall deal with later on, was the proposal that the awards of tribunals, if accepted by Government, should be made binding on employer and employee alike It is easy in this House to talk about awards being made binding What are you going to do if labour does not accept the finding? It is easy as far as the employer is concerned—for you can force them to accept it But what about labour. What does my Honourable friend think he can do if a binding award of a tribunal is not accepted by labour? In practice he can do nothing and that is one reason why I say that there are in this Bill features which, though well intentioned, bear little relation to practice I shall return to that specific point later The point I am trying to make at the moment is this It is no use introducing machinery if that machinery is too far in advance of the ideas and ideals that are accepted by the parties concerned

It seems to me that both the misconceptions, implicit in this Bill, proceed from one common cause That cause is the error—it is becoming almost a habit now, not merely an isolated error,—the habit of assuming that what suits the West, suits this country Slavish imitation of western practice seems to be one of the greatest dangers in legislation here today We tend to assume that because some form of machinery is considered useful in Europe or is recommended by the International Labour Organisation, it follows that that kind of machinery should be introduced in this country. I was very apprehensive on this point last year when I heard my friend's predecessor, Dr Ambedkar, point out that although this country had given effect to most of the recommendations of the Royal Commission on Labour it had done practically nothing about implementing the decisions of the I L O I had hoped that with the emergence of a new Government there would be greater recognition of the need to break away from recommendations arrived at by bodies which have no practical knowledge of conditions in this part of the world For my part the less we have to do with somewhat unreal academic bodies like the I L O the better I should be pleased as I believe that in that case this country would have a chance of getting legislation of a sound practical type

So, with these views in our mind we were very unhappy when this Bill was introduced last session, but in spite of that unhappiness, in spite of those objections, we still felt bound to support the reference to the Select Committee because with all its defects and unwise assumptions this Bill nevertheless did contain one sound practical core It did endeavour to set up some kind of conciliation machinery which, whatever the defects of that particular machinery might be, seemed to us to be necessary in the circumstances of India today.

No one who looks at the labour situation of this country at the moment can fail to be worried at the constant growth of industrial unrest It is not difficult to understand the causes of that unrest They are partly economic, partly ideological and partly the result of the very intense and intelligently planned activities of the Communist Party But be those causes what they may, this industrial unrest, unless checked, is likely to prove the greatest obstacle to India's progress We talk of post-war planning We talk of industrial expansion How can you have industrial expansion if the employers concerned in that expansion cannot depend upon a regularly attending labour force? We agree therefore with the Honourable the Labour Member that some attempt had to be made to establish a procedure for conciliation We felt therefore that we must support this reference to Select Committee, in spite of our profound misgivings with regard to certain important parts of the Bill

The Bill went to Select Committee and it has returned from that Committee not very greatly improved So we find ourselves still in the position in which

we were in the last session We are bound to support the Bill because the principle of conciliation machinery is a good one, but yet there is much in it which we regard as unsound and doctrinaire

We approach the problem of industrial disputes from the standpoint of three principles The first of those principles is that the only right, proper and lasting way for the settlement of industrial disputes is by voluntary discussion between the two parties concerned and that nothing else can take the place of such discussion I know my friend the Labour Member also takes the view that nothing can take the place of voluntary discussion and voluntary settlement between the employer and the employed. No machinery must be allowed to operate in such a way that discussion is displaced by the processes of law governmental interference should not come into play, before those processes of voluntary discussion have had their full chance to operate

The second principle is, that where one of the parties is not willing to discuss where voluntary discussion is therefore impossible, some kind of conciliation machinery should be introduced, some kind of procedure for discussion shall be made obligatory We agree that it is entirely wrong that labour should go on strike or that an employer should be able to lock out his men, before the processes of discussion have been exhausted and in so far as the Bill says that when a dispute takes place conciliation will be compulsory, we regard it as a sound and wise measure

Then the third principle is this When you have exhausted the processes of conciliation, when you have compelled parties to get together but they have not agreed and they have failed to reach a settlement, then in the last resort you must, however unpleasant it may be, however serious the social consequences may be, allow them to fight it out We say that for two reasons There are two reasons why you must not take away the right to strike One is a matter of principle and the other of practicability The first reason is one that will commend itself to my friend Mr Joshi The right to strike is the only effective weapon the worker has You must not take away that weapon from the worker It is not very often that in labour matters I find myself in agreement with Mr Joshi When I do, I know he is right On this matter, we see eye to eye We both feel that it is wrong in principle to take away the right to strike and if it is wrong to take away the right to strike in the last resort, it follows that it is equally wrong to make the award of a tribunal binding What you do in effect, when you make the tribunal's award binding is that you say to the employer and the employed alike—you shall not strike against this award and you shall not lock out against this award That seems to me wrong in principle

But quite apart from the question of principle, there is a practical aspect to this question Binding awards and imposed settlements simply will not work in practice They won't work for two reasons The first reason is one which I have already mentioned You have no means of enforcing them against labour That applies with particular force in industries where you have no organised unions If there is a union, you may do something about it, but what are you going to do in the case of an unorganised industry, in an industry without unions If labour says 'this is an interesting award but we do not propose to accept it', you can do nothing about it. That part of the Bill, in so far as it concerns labour, means nothing at all It does mean something as applied to the employer As applied to labour, it is meaningless but even apart from that . . . .

Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I interrupt my Honourable friend?

Mr. P. J. Griffiths: Not at this stage. If you allow the parties to fight it out, some kind of settlement may be arrived at, which may be accepted by

[Mr P J. Griffiths]

both parties Otherwise you may leave a sense of grievance among both parties If you impose an award, it merely means that the parties who were not allowed to fight it out they will say 'we will find something else to fight about' You transfer the grievance to another issue You have got in practice to leave them to fight it out Surely the right line to take, is to insist in all cases upon the operation of the conciliation machinery Let us say—there will be no strike, no lock out till those processes have been exhausted When these processes have been carried out, if there is still disagreement, let there be no question of imposing an award Let us recognise that we shall have to put up with the disagreeable consequences of the parties fighting it out In these days we do not like to force unpleasant facts We are so appalled at the consequences and the disasters that have come from great industrial disputes that we are apt to shut our eyes to their inevitability We are apt to pretend that if we devise some simplified machinery by this means we can put an end to strifes and disputes But I do not believe that to be the case I do not believe that any scheme for imposed awards will in the last resort stop labour and the employer from fighting it out if they cannot be persuaded on rational grounds to come to some common agreement

From these general principles two conclusions follow with regard to the Bill itself The first is, of course, that clause 15 of the Bill, the clause which deals with the awards of tribunals and which makes these awards in the general case binding, seems to us to be unsound We do admit that the clause, as it has emerged from the Select Committee, is at least better than it was before it went to the Select Committee Before it went to the Select Committee, it was left to Government, at its own discretion to accept or not to accept the award of the tribunal We feel that at all costs we must avoid the final power of settlement of industrial disputes being left in the hands of the Government—for this good reason, that you cannot guarantee that, when Government is dealing with matters of this kind, political considerations of one kind or another will not enter into their consideration If a final award is to be given in this matter, that award must be given by persons with judicial training and by persons whose position is such that they are not likely to be influenced by this or that current of political feelings, persons who will arrive at their decision purely on the merits of the case We, therefore, view with satisfaction the change that has been made Much as we dislike these binding awards, we would prefer them in the form now emerged from the Select Committeee to the original form In this particular clause there is a proviso, in which a case is laid down where the award of the tribunal is not to be binding. That is the case where the Government is the employer, and the argument in favour of that proviso is something like this If a tribunal thinks that wages have to be increased and it so happens that the employer is the Government, Government cannot so increase wages without coming to this House for budgetary sanction In other words, we are asked to recognise the fact that Government is not in a position of a private employer that this House has the right to tell the Government what it thinks about wage increases for Government employees Therefore, the Government must have the right to ask for the re-consideration of the tribunal's award by this House The tribunal will consider the matter purely on the merits of the dispute When Government as employer does not agree to the award it will come to this House and this House may have wider considerations than those which were before the tribunal We do not like very much that proviso, but we accept it as necessary It follows that we cannot accept the amendment put down by my Honourable friend which would extend that proviso, not merely applying it to the case where the Government is the employer but applying it to any case where Government considers that it should not accept the award of the Tribunal. We do not follow the logic of this

amendment The only argument in favour of the proviso is the embarrassment to Government if Government as employer had to accept wage increases without coming to this House for financial sanction We cannot see the logic of proceeding that, to say that a similar discretion must be given to Government, not only in cases where the Government is the employer, but whenever Government thinks that an award should not be accepted That, in effect, is the real change made in this Bill by the Select Committee We, in this Group, are not prepared to accept Government as the final arbiter in the ordinary class of industrial disputes We much prefer to pin our faith to the decisions of judicial tribunals and those decisions would be made meaningless if Government were to have the right to say that the tribunal was wrong for this or that reason We are prepared to accept these decisions as final If this is not to be what person of the status of a High Court Judge will agree to sit on a tribunal whose decisions can be lightly upset by the Government This proposal is not sound either in theory or in practice and we therefore find ourselves compelled to oppose the amendment to this effect which has been put down in the name of my Honourable friend

The principles which I have tried to put forth also lead me to another conclusion and this time it concerns clause 23 This clause deals with notice of strikes and it appears to us to be too narrow and restricted Our view is that a strike notice should be required in all industrial disputes where a strike is contemplated and not merely with regard to such cases as are mentioned in this clause that is when public utility concerns are in question We do not see the logic of setting up a machinery of conciliation laying down that all disputes must be amicably discussed, unless notice has to be given before strike actually takes place Otherwise how is this elaborate machinery of conciliation to come into action? Surely if machinery is to come into operation, somebody has to press a button or pull a lever You want strike notice so that somebody may save time to pull the switch of conciliation My Honourable friend wants all the disputes to be dealt with by the conciliation machinery How is he going to have that done unless it is always known when a strike is about to take place? It is all right to say that as soon as the Labour Member knows that strike has taken place, he will use his conciliation machinery and thereafter the strike will be illegal In that case the damage will have been done There will not be an atmosphere in which conciliation proceedings can be undertaken with ease It seems to us most important that before a strike or a lock-out is started notice of it must be given, so that the Government can get busy and public opinion can get busy and in the meantime atmosphere of a kind in which conciliation may succeed can be preserved We, therefore, very much regret that in dealing with this clause my Honourable friend the Labour Member has not gone far enough This is not like him—he generally goes too far—but in this case he has not gone far enough

There is one other consideration of a somewhat different nature from the arguments that I have put before the House so far I refer to clause 3, the clause which makes the appointment of a Works Committee obligatory That clause seems to us to be unsound We do not believe that the machinery of this Works Committee is universally suitable in the conditions of labour in this country. There may be some industries where this machinery is suitable, but there are great many more industries and concerns where we are convinced—and I say this not merely on theoretical grounds but as a result of practical experience—that Works Committees will lead to friction and they will be a source of disputes rather than of peace I do not know if it has been generally realised that the operation of Works Committee demands far more tact, far more strength, far more mutual toleration, than the operation of a Union. If you have two men who hold radically divergent views about something, particularly if those two men happen to be mutually antagonistic, it is much easier for those two me-

[Mr. P. J. Griffiths]

to meet frankly as opposite parties than for them to sit from day to day as members of a Joint Committee There are endless causes of friction when you bring people of this type together as members of the same Committee It is a fairer and sounder procedure to let them recognise that they hold divergent views and let them sit on opposite sides of the table when occasion demands instead of compelling them to be in each other's company day by day These Works Committees have been tried in various places and as far as I am aware, in this country they have seldom been successful It is not to be expected that they should be successful After all let us face the facts as they are In this country the social gulf between the employers and the employees is far too wide to make it possible for employers and employees to sit down at the same table for the discussion of every day affairs It may be urging that this social gulf should exist, but it is there. We are concerned today with the planning of new Heavens and earth,—though I suppose next week we shall have a Bill for that purpose—we are concerned today with machinery which will work under present social conditions I do not believe anybody who has experience of labour in this country will believe that it is wise to force the employer and the employee to sit round a common table to discuss things, as is done in more advanced countries Does my Honourable friend the Labour Member think that he could do it? I want to put this question to the Honourable the Labour Member, if he will answer it Is my Honourable friend prepared to apply this very principle to the people who work under him? Does he seriously think that he or his Secretary, Mr Lal or Mr Joshi should sit down regularly, with his chaprasis in the Secretariat, round a common table [illegible] or work out discussions about day to day matters? Does he believe that this system would work? He knows that it would not work He knows he would be unable to maintain office discipline afterwards, that there will be heart-burning and friction in the office He knows that, for the first few days the chaprasis would be embarrassed and very unhappy and after the unhappiness and embarrassment have passed, the chaprasis would be on the top of him He knows that he would be compelled to come to this House frequently and ask for sanction to increase of pay to the chaprasis He knows this system of consultation would not work He would not dream of practising it in his own office, for my Honourable friend is a practical man He is far too practical to try unpractical schemes of this kind in his own Secretariat (Interruption) Perhaps I am giving him too much credit for practicality He wants us to bring in a scheme of this kind which nobody believes in Neither the workers nor the employers believe in it He wants to entertain a fantastic theoretical scheme of this kind and make it obligatory on the employers and employees to sit together round the same table and work out the scheme

As I said a little time ago, it is not very often that labour and capital as represented by my Honourable friend Mr Joshi and myself agree. But when we do agree, there is no doubt that we are right Here neither the representatives of labour in general nor those of capital, consider that this should be made obligatory. They both said so.

Diwan Chaman Lall: Where? May I ask my Honourable friend to give chapter and verse for the statement that he is making that workers—labour—are against this scheme?

Mr. P. J. Griffiths: Unfortunately I cannot refer to Select Committee proceedings I am not allowed to do so in the House If the Honourable Member wants chapter and verse outside the Select Committee proceedings, I can give him press cuttings tomorrow morning In this House, I can only say that I cannot quote from Select Committee proceedings.

Diwan Chaman Lall: I am not asking my Honourable friend to quote from Select Committee proceedings When my Honourable friend is making this categorical statement, I am asking if he can give us evidence either on behalf of the Central organisation of workers, or the all India Trade Union Congress, or the Central organisation for Railwaymen, or the Central organisation for posts and telegraph workers, can he give any facts to bear upon his statement that workers are against this scheme I challenge him to do so He cannot produce any evidence to that effect

Mr. P. J. Griffiths: If the Honourable Member wants evidence, I can give from newspaper cuttings

Diwan Chaman Lall: We have got three organisations in India which are all all-India organisations of a very important nature and all these organisations represent the working classes by the million I want to ask him whether he has any evidence that any one of these organisations has given its opinion against this scheme

Mr. P. J. Griffiths: If my Honourable friend wants me to believe that he is the main representative of all the working classes in this country

Diwan Chaman Lall: That is a cheap argument My Honourable friend knows it

Mr. P. J. Griffiths: He may assert that he represents all the workers

Mr. President: Let there be no conversation across the table The Honourable Member will proceed with his speech

Diwan Chaman Lall: I am interrupting my Honourable friend I am asking him to give chapter and verse for his statement that labour organisations in India are against work committees

Mr. P. J. Griffiths: I can give him chapter and verse tomorrow morning I do not carry all these cuttings with me now My Honourable friend shall have them In the meantime let me refer to the Honourable Labour Member's remarks He himself knows that he had to go round India, trying to convince organised labour that these work committees were desirable, but that he has not succeeded in doing it No one who has practical experience of dealing with labour believes in these committees

Mr. President: I would ask the Honourable Member to address the Chair

Mr. P. J. Griffiths: I am sorry, Sir The point I was trying to make is this These work committees depend for their success on the existence of a great degree of restraint, education and experience which do not yet prevail amongst labour in this country Do not therefore make them obligatory I do not say that they are necessarily bad things Let them be regarded as something experimental, something to be tried out by those who feel competent to handle them. They have not succeeded in this country in the past where they have been tried, the results have not been successful In many cases, men who were initially most enthusiastic have found that they do not work I do not say, they will never work. All I say is we are not ready for them yet Do not therefore make them obligatory If the idea of work committees is as my friend says, good for both employers and employees, surely it is reasonable to suppose that the experiment will be tried in a good many places Let my Honourable friend wait for the trial of this experiment Let him satisfy himself that he has honestly tried the experiment on a large scale and then say whether it is practicable or not When he has done that he can come back to this House and ask us to arm him with powers to make these committees compulsory In the meantime, this proposal has been put in this Bill simply out of slavish imitation of what is being done in other countries We do not believe in slavish imitation of what takes place in other countries Let us work on the good foundation of our own experience of India as regards labour legislation

[Mr. P. J. Griffiths]

Well, Sir, these are the some of the main points that I have to make on this Bill They leave us with an uneasy feeling in our minds We feel ourselves bound to support the measure, because we have to recognise the need for some conciliation machinery, so we feel that this Bill is better ab any rate than nothing At the same time, we feel, as I have explained that it is misconceived in many important directions We find ourselves powerless to cover these misconceptions We have therefore to choose between rejecting this Bill or supporting it as it is In these circumstances, we have no alternative but to accept it as it is and it is indeed our intention to support this measure I should however like my Honourable friend the Labour Member to think carefully of what I have said, not to take it too much for granted that the form which he has enshrined in this Bill is a form of legislation suitable for this country

One last point I want to make—and it is not so much a point as a request I speak now about an industry with which I am particularly concerned, the tea industry In that industry, we no doubt need machinery for conciliation but we suggest my Honourable friend that we want something far simpler than the machinery which is envisaged in this Bill The machinery proposed in this Bill would be completely beyond the comprehension of tea garden labour, because that labour at the moment is unorganised, untrained and uneducated This machinery could not work among tea garden labour At the same time some sort of machinery is required What I want to ask the Honourable the Labour Member is this Will he consider, I do not say now, but at the appropriate time, when he frames a separate plantation code which I understand he is in the process of doing, will he consider putting in there some machinery for conciliation in the tea industry and at that stage, removal the application of this Bill to that industry I do not expect him to commit himself in detail or as regards the form, but I should like to know from him in his reply, if he does feel there may be need for something rather simpler than this for special industry—and the plantation industry is the one which I myself have in mind With these remarks, in spite of much heart-searching and diffidence, I support this Bill

Miss Maniben Kara (Nominated Non-Official) Sir, I rise to oppose the Bill which has far reaching consequences on the entire trade union movement Not only that, it will set the pattern for similar legislation in other provinces That being the case, this Bill requires very serious consideration before it can be passed into law Sir, the proposed object of this Bill is industrial peace and growth of healthy trade union movement in the country Similar was the object of the Bombay Industrial Disputes Bill which was passed in 1938 by the Congress Ministry After all the Bombay Industrial Disputes Bill of 1938 has not in any way helped the growth of trade union movement in this country The history and records of the trade union movement will go to show that the Bombay Industrial Disputes Bill, the object of which was to help the healthy growth of the trade union movement, really did not help its own object If we have learnt any lessons from past experience I feel that the passing of this legislation will not only not help the growth of the trade union movement but it will also not give us the much desired industrial peace in the country This Bill supposes that the workers do not desire industrial peace Let me assure you that the cause of industrial peace is greater and dearer to the workers than to any other section of society The workers do not want industrial disturbances because you all know that during the strike period they have nothing to fall back upon They are thrown on the streets; they have no bank balances, no insurance, and they have not got any big funds in their unions which can support them during the strike. The worker of his own choice does not really want to go on a strike The Bill sounds as if the workers are out for a strike, that they like disorder and chaos: Sir, it will be a very grave charge against the working classes of this country if you say that they do not want industrial peace. If you want industrial peace there

are ways and means of achieving it One of the ways of achieving the gratitude and good wishes of the working classes will be to secure for them human conditions of work and existence Let progressive pieces of legislation be brought before us which will help to raise the standard of life of the workers and will help them not to want to go on a strike, so that our object of getting industrial peace will be achieved by progressive legislation and not by a Bill like this which encroaches on the fundamental right of citizenship Sir, as one of the representatives of labour I may say that we are not against any machinery of conciliation, we are not against any conciliation board or against any courts of inquiry or against adjudication awards Let that machinery be provided, but why do you want to make it compulsory on the workers? Why do you not have confidence in the working classes that if such a machinery is provided for them the workers will make the best use of it? Why do you want to deprive them of their right to use that machinery or to reject it? After all, Sir, the Bill does take away the workers' right to strike The restrictions imposed amount to taking away a person's right to go on strike Not only that, there are other serious implications of this Bill, and I would expect my Honourable friends who are lawyers to study this very carefully An attempt is being made to turn a breach of civil contract into a criminal offence Sir, when a man goes to his employer and agrees to serve him on a particular term of wages he enters into a civil contract with his employer If the worker so desires he can choose his employer and he can also leave one employer and go to another At the most he can be sued for a breach of civil contract and the employer will be entitled to claim damages from him At present nothing more can be done, but the implications of this Bill will be that if an employee chooses to withhold his labour from one particular employer for a certain period he will be considered to be a criminal It means that you are turning a breach of civil contract into a penal offence, and it will amount to a grave violation of natural justice I appeal to you, Sir, to give very serious thought to this After all we are contemplating such legislation for no other section of society If a doctor chooses to close his dispensary or consulting room he cannot be criminally prosecuted My Honourable friend Dr Deshmukh cannot be prosecuted because he has come here leaving his patients behind in Bombay

Dr. G. V. Deshmukh (Bombay City Non-Muhammadan Urban) I do not keep a dispensary

Miss Maniben Kara: Chemists and other shopkeepers are not to be treated as criminals if they close their shops and the public are thereby inconvenienced Have you forgotten the *hartals* that take place even now for this and that reason? If these people who keep shops can close them if they like why should you penalise one section of society which chooses not to continue to work with the employer for a very serious and grave reason? As I said, I will once again reiterate that the employee does not desire industrial unrest, he does not want to go on strike, He strikes simply because in the existing condition he has no other machinery at his disposal, no means of making representations and negotiations, and no machinery for bargaining with the employer It is when he is absolutey frustrated that the worker is compelled to go on strike That is why, Sir, on behalf of labour I say that we are not against this machinery We only say do not make it compulsory We stand for voluntary agreement between the employer and the employees, we do not want external interference, we want internal settlement of disputes

1 P. M

The Honourable Shri Jagjivan Ram (Labour Member) But you want external interference in so many things.

Miss Maniben Kara: Coming to the question of the workers committee, I am surprised that my Honourable friend, Mr Griffiths think that a worker will feel most uncomfortable in sitting around the same table with his employer In the present condition of inequality it may happen, but I am surprised that a progressive man like Mr Griffiths should still continue to think that a

[Miss Maniben Kara]

Chaprasi can never sit across the table with his employer to discuss his legitimate grievances

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) The employer will feel uncomfortable!

Miss Maniben Kara: Also, Sir, we welcome the formation of this Workers Committee inside the industry We feel that such committees should be formed not only in one particular industry, but in all the industries because we believe that by negotiation and by bargaining with the employers and having some voluntary agreement between the employer and the employees, the industrial peace will be guaranteed in this country

My Honourable friend, Mr Griffiths, also talked of imitation of the West I do not know if Mr Griffiths is not aware that in a highly industrialized country like England, where the Trade Union movement can be considered to be very strong, there is no such legislation, and to that extent I give credit to my Honourable friend, the Labour Member that he is bringing forward something which does not exist in most highly developed industrial countries This legislation is injurious to the workers and it does not exist in England If the Honourable Member followed the example of the highly developed industrial countries, we would welcome it We from the labour do not reject everything that comes from the West, we judge everything on its own merits, we do not stand for any racial prejudice, if Western legislation is good for this country we shall certainly have it, but we are far from any of the privileges which are enjoyed by the Western countries I would expect the Honourable the Labour Member to bring forward those legislations first so that the necessity of such a legislation will not be there any more, and industrial peace can be guaranteed In England where the Trade Union movement is so well organised, where the workers have got all the facilities and benefits, even in those countries there are strikes The rulers of that country have not taken into their head that they will take away or deprive the workers of their right to strike Even there the workers' right to strike has not been taken away from them I do not understand why it should be found necessary in this country where workers have got very few privileges, to take away the right of strike, not only this, but if the workers go on strike, it would be considered to be a criminal offence, It is not only an injustice to the working classes alone, but it is a warning to the other sections of the society which way you are going

My Honourable friend, Mr Joshi, yesterday very ably pointed out regarding the question of lockouts In this Bill it has been attempted to show that there is not much difference in attitude of the Government towards employers and the employees Sir, the employer has in his palm the lives of a thousand or two thousand employees working under him, plus the families and dependants of his employees He is in a position to change the conditions of work with a stroke of his pen Sir, talking of equality between the employers and the employees when there is no economic equality between the two will be ridiculing the workers Under the present day society where there is economic inequality between the employers and the employees we from the workers would expect the State to come to the help of the employees They must have legislation passed in favour of the workers so long as there is economic inequality between the employers and the employees What is our experience when the workers are on strike? The police is brought to safeguard the factories, or the mills, to give all protection to the employers What is the workers' lot during that strike period? The worker is not only thrown on the streets, the worker is not only starving, but he has to face arrests, he has to go to jail, he has to face lathi charges, and he has also to face the bullets Is this equality? In a society where there is no economic equality, to talk of equality is nothing but adding insult to injury as far as the workers are concerned An employer is in a position economically and in every other respect to play with the lives of the

workers as he has been doing so far

At this stage, Sir, I do not intend to discuss the Bill clause by clause I will only content myself by saying that if the object of the Bill is to help a healthy growth of the trade union movement, and it the object of the Bill is to have industrial peace in the country, then I am afraid that by this Bill the Honourable Member will not be able to achieve either of the two objects. For the healthy growth of the trade union movement we will have to encourage machinery for voluntary settlement of disputes in order to ensure industrial peace in the country We will have to free the worker from the present misery of a low standard of living, bad housing, insurance against unemployment and various other amenities which are urgently needed for the employees When a worker is satisfied of his daily needs, I assure you, Sir, that he is not at all anxious to go on strike and create unrest in the country On this subject, a liberal man, like my friend, Mr Joshi, who himself made it very clear that he is not a revolutionary, and yet he felt that a Bill like this is not going to help us to bring industrial peace in the country Sir, I am a revolutionary and as a revolutionary I am a realist and as a realist I believe that by hooliganism the workers do not get anything Because I am a revolutionary, I know that these are not the tactics and methods of improving the lot of the workers As a revolutionary I believe that what we want is a change of social order, and for a change of social order the old tactics of revolution must be given up The old tactics of revolution cannot go on in these days That is why we want that new legislation should be brought in order to avoid hooliganism, but if you fail to do that you will be responsible for the chaos in the country and not the working classes The sponsors of this Bill will be responsible for industrial unrest, strikes and various other hardships in this country by the passage of this Bill Sir, I am quite sure it will not be a practical proposition for the simple fact that to pass any law is easy, but to maintain it is very difficult Do not pass such laws that cannot be maintained We have known from our experience that any such laws passed in the past have not helped either the growth of th trade union movement nor the workers have respected such laws I would therefore appeal to you not to bring in any such legislation because the workers cannot—not that they do not want to do so—but they simply cannot abide by such restrictions put on them The workers have no other weapon with them to strengthen their bargaining power Sir, we talk of bargaining power with various other people, but what has the worker got with him The only threat which he can hold out in order to get a few pennies more from the employers is the threat of a strike This is the only weapon he has He has no other weapon and this is an attempt to take away the only weapon left open to the workers I would, therefore, Sir ask the Honourable Member not to proceed with this Bill any further but to bring in such more progressive legislation whereby the industrial peace so dear to the workers can be assured to this country

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock Mr President (The Honourable Mr G. V Mavalankar) in the Chair

Mr. Vadilal Lallubhai (Ahmedabad Millowners' Association Indian Commerce): Sir, from the trend of the speeches I find that there is controversy on the principle of arbitration, on the right of labour to strike and the right of employers and employees to settle their disputes without the interference of the State. I do not think that any one could take exception to the principle of arbitration. I will come to it later on but so far as the principle of the right of labour to strike or the right of the employers and employees to fight out their disputes is concerned, I wonder whether it would be morally right or just for one party by sheer brute force to cow down the other by the method of strike or lockout. If any party succeeds in putting down the other by sustained effort,

[Mr Vadilal Lallubhai]

by sustaining either a strike or a lockout to the bitter end it would not be correct to call it justice. I would say that if any strike or lockout succeeds, then it means that might is right and not that right is might I would be surprised if Government does not come in (specially at a time like this, when there is such a heavy shortage of goods all round) to stop either labour from striking or the employers from declaring a lockout There is the want of matches, the want of oil and want of cloth There is an acute shortage all round and at that time it would be criminal on the part of any party, whether it is labour or the employer or the Government to allow a strike to interfere in the production of the necessities of life that are in such short supply these days When a strike or lockout is there it is not so much that the employer or the employee will suffer the greater sufferer will be the consumer and the country at large. When there is such scarcity of goods I would tell you that it is not the employer who suffers, the employee also suffers and more than both, the consumer suffers, if a strike or lockout is allowed to take place Whenever there is shortage of goods, it is common knowledge that the cost of production goes up Those costs are put up on the selling price We have had many strikes during this year and also during the last year and if we are to consider the profit-making capacity of the industry or the profits allowed to the industry, all those items have to be taken into account, so that the industry would run and the profits would be maintained I would therefore say that it is the consumer and the employee who suffer most when strikes take place I have been born in the atmosphere of Arbitration in Ahmedabad and I know what benefit and advantage arbitration has done both to industry and labour I know what a difference it has made to the prosperity of labour in Ahmedabad and what a disadvantage it would have been had there been no system of arbitration in that centre As I said last time, Ahmedabad labour during the last six years of war got 15 crores of rupees more than what Bombay labour obtained and even today that is the situation in which Ahmedabad labour is reaping the fruits, though these are days of peace and it is all due to this system of arbitration If there was not this system of arbitration in Ahmedabad, there would have been many clashes between labour and employer and labour would not be as strong as it is today Labour there has been able to obtain higher wages as compared to labour wages in other parts of the country, specially Bombay, where there have been labour strikes which harmed both industry and labour there specially at this time when the shortage of goods is so acute, and it is the consumer and the country which suffers the most

I would say to the Government that if they could not accept the principle of arbitration for all time to come, at least they should consider that so long as the shortage lasts, the Government should see that all industrial disputes are referred to arbitration At least for three or four years, as long as the present situation lasts, if all disputes are taken to arbitration, I think the country would benefit, also the consumers and labour would benefit

India is an undeveloped country and we are on the threshhold of industrialisation Industries will be started in every nook and corner of India, where labour wages are naturally lower than in highly industrialised cities If labour is to be protected in those parts of the country and if labour is to get just wages, it is not strikes that would help them It would be the principle of arbitration that would come to their help

I do not want to dilate upon this matter very long and I shall try to finish my points as soon as possible The other point is that if there is to be arbitration, I do not see why Government would not agree to a proposition that wherever there are strikes to be declared a strike notice ought to be given. If a strike notice of fourteen days or so is given, then within that time it would be possible for the employer and employee to come together and for the Government also to intervene, so as to save unnecessary loss in production.

Thirdly, if the matter is to go for arbitration I do not understand why when the arbitration proceedings are going on, the strike or lockout should continue There is no meaning in keeping the struggle going while the arbitrators are trying to find out ways and means of settling the dispute

I would therefore urge the Labour Member to consider these three points and to see that peace is maintained in industry for at least some years to come so that the country at large may not suffer

Dr. P. G. Solanki (Nominated Non-Official) Sir, the Bill brought by the Honourable Minister in charge has been brought with the laudable object of bringing about goodwill and peace between the employers and employees by the methods that have been put in the Bill The present situation or the condition of labour in Bombay and in a city like Ahmedabad has to be considered in this connection There is a difference between the Bombay labourers and the Ahmedabad labourers Just now my Honourable friend Mr Vadilal Lallubhai spoke about the Ahmedabad labour and he led us to believe that it is only by arbitration that everything has been done between the employers and the employees But, Sir, what I have heard about Ahmedabad is different The labourers of Ahmedabad are mostly Gujeratis who belong to the down-trodden and the backward classes of Ahmedabad city and the villages near about Ahmedabad, and the uppermost feeling in the minds of these workers is the feeling of respect and high sense of gratitude towards our beloved Mahatmaji It is in fact due to the great adoration in which Mahatmaji is always held by these people that everything which comes from the lips of Mahatmaji is conceived by these labourers as a sort of mandate or a message of love towards them I have been in contact with the labourers who are nearer to me, and I have heard from them "Yes we look upon Mahatmaji as our saviour" At the same time sometimes it happens that amongst us, between the employees and the employers, disputes arise and those disputes continue for some time Negotiations go on about the fifteen per cent of bonus which we have claimed It was some years back Now, Mahatmaji appointed one arbitrator who was from Bombay That arbitrator is known very well in Bombay for his impartiality and all that But, Sir, whenever these big men go to Ahmedabad city they are naturally always the guests of the millowners You can well imagine the feelings of the arbitrator, however impartial and honest he may be, when he is under the roof of these rich people, that naturally he would have some sense of obligation in his mind and he will think more partially towards the millowner than towards the labourers, yet because the mandate was there from Mahatmaji he cannot budge an inch from that duty which is laid upon him by the authorities Twice or thrice the decision given by the arbitrators was in favour of the millowners These poor workers were helpless They could not disobey Mahatmaji They kept quiet During the last year there is a counter movement to start another union, and if it is so there may be within a year or two a clash among the workers themselves One fortunate thing in Ahmedabad is that all are Gujerati-speaking labourers belonging to the scheduled castes numbering 20 to 30 thousand These labourers are very loyal to Mahatmaji But when once third party goes there things may change In Bombay the labourers are mostly from Mahrashtra Konkani and Deccan These people are more for independence and at the same time for fighting out for their rights as labourers They do not believe much in hero worship They believe in getting bread for their own people and to live in a decent way by hard work Gujeratis of course, are very economical They can live in a plain way, and their expenses are not so much as the expenses of their neighbours in Bombay city That is why there is dissatisfaction amongst the labourers of Bombay and contentment among the labourers of Ahmedabad city and the surrounding villages

My Honourable friend, Mr Vadilal Lallubhai said that arbitration is the only thing which brings about these good feelings and good results I for one, am not for arbitration and not for any compulsion from the Government, under the

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present condition of the trade unions, the leaders of the trade unions, barring certain honourable exceptions, who come upon the public platform as public workers, take advantage of the illiteracy of the labourers and exploit them. These leaders make themselves happier and comfortable at the expense of these ignorant labourers This sort of existing affair I strongly resent Such men of doubtful character and honesty ought to be shut out or removed from trade unions Such men ought to be taken away or wiped out from the activities of this trade union business Registration of the trade union and everything is all right But I have got certain suggestions to make During the riots and the communal strifes the Government and the police holds responsible the man who is the leader of the affected area and locality and who is supposed to be the person to whom the people go for advice and guidance If special precaution is taken by the Government that only those leaders of the union who are honest and in whom Government can have confidence after proper inquiry as to their antecedents should be allowed on the board of trade unions Those who are of doubtful or suspicious conduct and are out to exploit the workers and labourers should not be allowed to take advantage of the trade union and create mischief It will be better If a deposit of some amount be taken from such men of doubtful action, a threat should be given that if anything happens which is not lawful, then those persons will be held responsible instead of the workers, I think that would be a way of checking strikes to certain extent

My Honourable friend, Mr Vadilal Lallubhai said that the consumers suffer when a strike comes on He always has been pleading and I have heard him many times that the shortage of working hours, closing of mills during strikes and all disturbances bring about the sufferings of the consumers I know that the godowns of millowners in distant places far away from the mill area are packed up to the ceiling with cloth in Ahmedabad and Bombay Black marketeers are there, who get all these things directly or indirectly from the authorities concerned It is these Controllers and the officers in charge of these departments who instead of keeping a check upon them, allow a free exchange of money and goods and the result is shortage of cloth for the citizens Every day we are threatened with shortage of cloth and shortage of food Food and cloth are both essential for living human beings I for one, am not in agreement with Mr Vadilal when he says that the shortage of cloth is due to strikes and the short hours of work Cloth is hoarded up by black marketeers An appeal must be made to these black marketeers by influential leaders and by businessmen and they must be told that 'For God's sake, for humanity's sake, give up your greed and be generous, throw open the doors of your godowns and let the goods come into the open market' If this happens I think there will be no complaint from the public The fight goes on between the penniless people and the men who are over rich The man with the money defies these poor men stating that how long can these men go on strike Strikes will fizzle out when they will starve and come to us begging for bread They will come on their knees begging for services The workers are not prepared to yield to such threats The Deccan and Konkani labourers are made of sterner stuff and they would not yield In Bombay I have watched the strikes in the past which have gone on for weeks and months Even though they starved, they did not yield To add fuel to the fire, leaders of the unions go on encouraging the men to prolong strikes Such dishonest leaders exploit the illiterate workers They address the crowds of workers on strike and say that we are fighting for you and it is for your sake, that we and our children and families are undergoing hardships and starvation Such leaders do not think of the sufferings of these penniless workers but think of themselves The workers think that he is fighting for them and they collect *chanda* or money for the leaders of the union. These leaders get the necessary money and thus they carry on their children's

maintenance. The very same men go to the employer and say that they are trying to bring about peace among the workers They tell the employer that they will try their best to persuade and bring round the workers to go back to their work, although they cannot give an assurance They may or may not listen to us. The employer when he finds that his mills are closed for weeks and weeks he is apprehensive that his machines will go out of order and he will have to undergo the expense of keeping special staff in order to keep machines in good state With this view, the employers listen often to the conditions proposed by some of the leaders of the labour unions Thus the exploiting leader of the strikes gets money from the employers also This is most objectionable and undesirable existing state of affairs I for one am in favour of retaining the right of the workers to strike under the guidance and advice of healthy trade unions It is the most powerful weapon that the labourers have to get their grievances redressed and to get their just and legitimate demands

I believe this Bill has been brought here not as a permanent measure If nothing better is coming out of this Bill, I am sure my friend Mr Jagjivan Ram who is in charge of Labour portfolio will see his way to bring a further legislation with more stringent clauses in the new measure to control illegal strikes

Honourable Miss Maniben Kara referred to the right of the workers to strike I do agree with her there At the same time I must say that the workers should not be misled and exploited by mischief mongers from outside It is the outside third party which comes in between the workers and the employers and creates much misunderstanding and mischief I went into the division lobby the other day against the introduction of this Bill After reading the report of the Select Committee, I do feel that at present this measure is necessary in the interest of the workers Let the workers form healthy unions by themselves in which the workers and the employers will have confidence Let healthy unions come into existence in large numbers to guide the workers on saner and sounder lines of action

I believe in conciliation, in mutual talks between the workers or committees formed by themselves and the employers Let them sit together and try to understand one another without any prejudice and bias and come to final settlements. Millowners and other employers of labour should come in direct touch with the workers Sir, there is a proverb in Gujrati which says that "without master the cattle do go astray" The Ahmedabad millowners are very shrewd in their business line and they have kept the thing going so smoothly and amicably that they do not expect strikes in their mills But this is not the case in Bombay The mills which belonged once to the Parsees and the Jews have gone into the hands of our friends like Dalmia Seksarias Birlas and

3 P M. others in Bombay City. All my sympathy and good wishes are with the workers and the labourers because my own kith and kin are mostly workers in the fields in the villages, workers in factories, workers in workshops, railways and mills I am in close touch with these workers every day I am glad that the present Government which represents the people of the country, especially the Honourable Mr Jagjivan Ram, who comes from the working classes, have brought this Bill Surely, the Honourable Member must be feeling more for the working classes and the labourers' welfare and benefits He is the person who knows and understands the difficulties of these people on his side of the country

Sir, I do believe honestly that the Government have done a good thing by bringing in this legislation for bettering the conditions and by such measure I hope the relations between the employers and the employees are bound to be more amicable and friendly. Even after such measures if matters go to an extreme, surely Government ought to interfere and they ought to defend and protect the interests of the poor workers. They ought to come in time to stop struggle and strike and bring about amicable settlement between the employers and the workers and give relief to the employees. Reluctantly, I am giving my

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support to this Bill hoping with the hope that this Bill might have a healthy reaction upon both sides But if it does not, then, as I have already said, the present Members who are at the helm of affairs in this Interim Government should bring some other legislation which will be more suitable and effective

Finally, I again request the Government to keep an eye upon the undesirable mischievous leaders of the trade unions Those who are of a doubtful and suspicious character, bind them down by such necessary conditions that they will be held responsible for any illegal and uninvited struggle and strikes They should be ordered to keep some deposits as has been done in other cases of riots and disturbances in Bombay city where the leaders are held responsible In the same way, these trade union leaders who do not enjoy the confidence of the employees and of the employers should be debarred or should be bound down With these words, I support the Bill

Diwan Chaman Lall: Sir, the Honourable the Labour Member as well as some of his critics are to be congratulated He for the assiduity with which he has laboured to bring this measure before this House and they for the moderation that they have shown in their criticism of this measure I have no doubt in my mind that there are genuine fears on the part of the labouring classes in India in regard to certain provisions of this measure, and if the House would consider the origin of this measure, it would realise how these fears originate Many a bomb-shell has burst on the floor of this House, but it has generally been a dialectical bomb-shell in the course of debates and discussions But over this particular measure a real bomb-shell burst on the floor of this House in the year 1929, and, Mr President, if you will look at that particular pillar over there, the last pillar in the official gallery, I believe you will find that it still carries the marks of that particular bomb that was dropped here immediately after the discussion of this Bill had terminated That showed the strength of feeling in regard to this particular measure But unfortunately it has a very sinister history behind it

In 1927, after the general strike in Great Britain, the Conservative Government of that day thought it fit to bring in a measure of this kind in the House of Commons and they passed it It is known as the Trade Disputes Act of 1927 Immediately following upon that with the wave of unrest that there was in this country, the then Government of the day took that measure adopted some of the sinister provisions of that measure, dropped some of the safeguards that were to be found in that measure and brought it before this House The debate that went on on that measure in 1929 was a very acrimonious debate It was not confined to a day or a day and a half, it continued day after day on the floor of this House And as I happened to be a Member of this House in those days, the burden of moving most of the amendments fell on my shoulders But the Swaraj Party, which represented the Congress in the Legislature in those days, unanimously agreed to reject that measure. There are, I believe, about six members of the old Swaraj Party, who are still members of the Congress and who are sitting on various Benches I find from the division lists of those days that they all voted against that measure The reason was this With a Government which was irresponsible and an Executive which was irremovable, not reflecting the opinion of the public, there was a weapon that was being forged and placed in the hands of the Executive and it was feared that it might be utilised for the purpose of defeating labour That was the main fear at that time The Labour Government in Great Britain now having at that time pledged themselves that if they came into power, they would repeal this measure, have taken the immediate step to honour their bond and they have repealed this measure in Great Britain But unfortunately the measure that we had had some good things in it and some things that were bad and we are obviously not in a position to take action on the lines taken by the Labour

Government in Great Britain There the machinery for conciliation is of a statutory nature in many enactments We here have no other statutory machinery except the machinery which is provided for in this particular measure Now it is agreed, as far as I can understand the debate, on all sides—even the critics of the Honourable the Labour Member agree on this—that there is a necessity for conciliation machinery to be adopted in this country In fact, even the Lady Member, a revolutionary as she confessed herself, is in agreement with the meek and mild Member for Labour on this particular issue They all agree that it is necessary that we should have conciliation machinery The fear that labour entertains has been expressed by my Honourable friend and old colleague Mr N M Joshi, namely that you are taking away the right to strike, a right that is inherent in the working classes and that you have no business to take away that right As was explained by my Honourable friend Mr Gadgil, that right to strike has not been taken away, the right to strike subsists, it exists All that is happening is this Under the provisions of this measure, conciliation machinery has been installed and after the conciliation machinery has exhausted itself, then if the workers in any particular industry desire to go on strike, then they have an absolute right to go on strike As far as that particular principle is concerned, if we are going to accept conciliation, we will have to accept certain limitations on that particular right for a particular period to go on strike or indulge in a lockout It is necessary because conciliation means nothing else than this, that if there is a possibility of dispute, attempts should be made on a statutory basis to try and prevent that dispute, to bring the parties together in order that they may agree and avoid a lockout or a strike During that particular period, I believe I have some knowledge of labour matters and of labour organisation, it is to the interest of the working classes that there should be no disputes that there should be no lockouts and that there should be no strikes If after the conciliation machinery has exhausted itself, it is found that complete satisfaction has not been obtained by either the one party or the other, then each party would be free to take whatever action they like We must look at this measure therefore from that particular point of view

There are certain aspects of this measure, I believe three aspects of this measure, which must be kept separately in view The first aspect, as I have explained is the aspect of conciliation Now, Sir, conciliation machinery, as is contained in this measure is of a four fold nature First of all it is suggested that there should be works committees in industrial establishments My Honourable friend the Leader of the European Group said from knowledge that he possessed that the working classes would not welcome works committees My experience has been a little different. I hope my Honourable friend will take it from me that my experience has been pretty vast in these matters, but he will take it from me that the working classes with whom I have been in close touch for more than a quarter of a century, would, and have always welcomed works committees Then fear has been something entirely different Let me explain to my Honourable friend how the fear arises There was a time when trade unionism was on the up grade in India At that time the employer classes were afraid of trade unionism and they wanted to avoid the development of a spirit of organisation among the working classes But they could not always avoid contact with the working classes, grievances had to be placed before the employers and some sort of machinery had to be created for the purpose of the employers becoming aware of the grievances of the working classes. They then designed a particular system which was a Machiavellian system, in some cases, of getting representatives of the working classes through some committees which would then go to the employer and listen to the point of view of the employer and being committees created by the employer would naturally accept whatever the employer did. That was not genuine representation That was not a real works committee designed for the purpose of conciliа-

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tion it was a works committee designed for the purpose of enabling the employer to get his way easily and with some semblance of consent of the working classes The works committees suggested in this measure are of a different nature altogether They are entirely of a different calibre and they follow practically the suggestions which my Honourable friend Mr. N. M Joshi and myself and our colleagues on the Royal Commission for Labour made You will find, Mr President, that on several occasions during the course of the preparation of this report, in the body of this report references are made to works committees References are made in connection with the coal mining industry, in connection with the railway industry and finally in connection with the Ahmedabad mill industry I do not want to take up much of the time of the House, but it would be of interest for the House to know exactly what was said regarding the Ahmedabad mill industry and the machinery for conciliation, by the Royal Commission on Labour On page 337 of the Report it is said

"In the second place, the scheme seems to us to have depended largely on the unique position of Mr Gandhi whose influence in Ahmedabad both with the employers and workers is very great Both parties have confidence in his sense of fairness and sympathy towards them and either party would be faced with serious difficulties if it finds itself in direct opposition to his views"

They go on to say that the system is admirable in its intention and has had a substantial measure of success Right through wherever they refer to the question of works committees, they come to the final conclusion, it is a unanimous conclusion of a Commission on which the Government of India was represented, the British Government was represented, Indian labour was represented and the Indian capitalists were represented, in fact it was an all comprehensive commission which took evidence throughout India and even in Great Britain, and after a couple of years of hard labour roaming round every nook and corner of India, Burma, Ceylon and Great Britain came to this conclusion, they say definitely that the system of works committees should be engendered and should be supported because it is a system which brings the grievances of the working classes into the limelight as far as employers are concerned Let me say to my Honourable friend, do not be misled into the belief that it is something inherently opposed by the working classes, that the works committees were only opposed by the working classes, if they were found to be substitutes to trade unions in the labour movement Now, for instance, in the railway department although we suggested in 1930 that there should be a similar method of conciliation adopted on the railways, yet the railways to this day have not adopted the suggestion that we made in the report of the Royal Commission on Labour Instead of that, they had what they call welfare committees, they were hand picked committees set up by employers or the General Managers or the Managerial staff with the result that there was no confidence placed in these committees by the working classes That is the sort of thing to which the working classes objected Here, however, in the body of this Bill you will find the suggestion is made that the works committees should be represented in equal numbers by employers and workers and obviously wherever there is a trade union, the workers would be representatives of trade unions. I take it that that is the intention of this measure

Mr. S. C. Joshi (Government of India: Nominated Official): Yes

Diwan Chaman Lall: Therefore these works committees would be based on the foundation of trade unionism, and I do not think any one of us can possibly take exception to this particular matter

Now, Sir, the second stage of conciliation out of the four stages is the Court of Enquiry Then we have a Board of conciliation and finally we have adjudication Now Sir, there is nobody on the floor of the House, I take it not even my Honourable friend the Lady Member, nor my esteemed colleague Mr. Joshi

who would object to conciliation In fact it has been pointed out quite correctly that it is not to the interest of the working classes to indulge in fruitless strikes. The sufferers may be the consumers, the sufferers may be the capitalists who lose their profits, but the real sufferers are the hungry women and children of the working classes whenever they have to go on strike Therefore if we can find some method, some way of avoiding fruitless strikes either due to obstinacy on the part of employers or due to some misunderstanding that has been created or due to the dilatory tactics employed by officials, it is necessary that such machinery should be established for the purpose of avoiding all these difficulties And this Bill therefore provides that particular machinery.

Now having exhausted all these four stages of conciliation suppose a dispute is not settled and there is no possibility of arriving at a settlement between the employer and the worker Then there is nothing in this Bill to prevent the working classes from going on strike and showing by their strength and solidarity that their demands are just, and obtaining justice for their demands Therefore let it not be misunderstood that this measure is throttling the liberty of the working classes at the final stage to declare a strike There is, however, what I might call a very serious defect in this particular measure which I hope at the proper stage will be put right, and that refers to this If at any stage a reference is not made to conciliation and the workers then go on strike, you must not make that strike a penal offence and then say at that stage, "You shall not go on strike because we have made a reference to arbitration or conciliation" I think it is a very important right of the working classes which is thus sought to be taken away from them If employers are willing, and if workers are willing conciliation takes place But if the working classes ask for conciliation and conciliation is denied to them, and no reference is made to conciliation machinery either of the one kind or of the other, and if after that the working classes decide to take to direct action, you must not step in at that stage and say, "You shall not continue your strike for a single day because if you do your strike will be illegal We are going to make reference now to adjudication or conciliation" In regard to what I have just said my Honourable friend will find it in clause 10(3), and I think that matter is capable of adjustment But there is another very important matter which should be brought to the notice of this House, and that is in reference to what may be called sympathetic strikes There is no reason whatever for limiting the action of the working classes to the particular industry in which they are engaged A strike outside that industry or outside that industrial dispute would according to this particular measure be regarded and considered to be illegal There is no justification for that Today the trade union movement is striving towards a synthesis, even the employers' organisations are striving towards a synthesis Instead of stray employers all over the country they are working towards provincial organisations, from the provinces they are working towards federal organisations And the same tendency is apparent in the trade union movement In 1920 when I had the honour of founding the Trade Union Congress which has been shepherded and brought to maturity by my Honourable friend and colleague Mr N M Joshi we did strive towards this federalism and centralisation of the working class movement The tendency has become a little more accelerated at the present moment The interests of the working classes are not isolated If we were to take the coal mining industry or if we were to take the services—the transport services or the communication services—we find that we cannot confine, for instance, the telephone exchange operators on the one side and the telegraph people on the other, or the postal people again on the other It is necessary to take a comprehensive view in these matters, and if there is a dispute—let us say—in the telegraph department, we cannot penalise the postal people for wanting to assist their own men in the telegraph department when they declare a strike The reason is simple enough The pay

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Commission, of which my Honourable friend Mr Gadgil was a very honoured member, has found that the basic aims are more or less common among various classes of workers who may not be engaged in the same industry but have common interests in the protection of their own particular privileges and rights It that is so, if we are now striving at an equalisation of the basic standard of wages, let us say for railway workers or postal and telegraph workers, and a dispute arises in the case of one which may affect the standard of life of the other, and if one goes out on strike the other goes out in sympathy, what reason and justification is there to penalise those who go out in sympathy? Ultimately their own conditions of service are going to be affected by decisions taken by the strikers or against them Therefore I suggest that the proviso to which my Honourable friend the Leader of the European group referred is a proviso to be very carefully considered Now he gave an argument in favour of that proviso and said that where a dispute has reached a final stage and the appropriate Government has not accepted that dispute either in part or in whole, the matter must be placed before the legislature, and the argument he advanced was this, that there are budgetary responsibilities that devolve upon Government in these matters and that they must come before the legislature for financial sanction Now the argument that my Honourable friend advanced was, if I may say so, a bit far-fetched

Mr. P. J. Griffiths: Sir, on a point of personal explanation, it was not my argument I did not like it I said we could not resist that argument and so we would accept the proviso, though we did not like it

Diwan Chaman Lall: But he liked the argument, and there is a lot of difference between proviso and an argument, and it was not only tolerated by my Honourable friend but advanced with a great deal of eloquence and vigour which I enjoyed

Now it is obvious that there is no substance in that argument You are going to make your conciliation machinery dilatory and of no effect whatsoever. You are aware that these legislatures meet infrequently, the province that I come from has a legislature that meets once in about 12 months, and are we going to wait 12 months for a matter in dispute of a very grave nature if Government does not accede to the decisions arrived at by the conciliation machinery? Are we going to wait 12 months before the legislature gives its opinion and this particular matter is settled? No class of employer, much less would any class of workers, be prepared to accept a proposition of this nature And it would not be a practicable proposition, it will not work The essence of conciliation machinery is that it must be prompt and it must work, and if it is not going to be prompt and if it is not going to work, what is the use of machinery of this nature?

I submit these are the main essential features of this measure, and I should like my Honourable friends to remember this, that when they are voting for this measure they are voting for certain things that they do certainly object to and which I object to But the main basic thing regarding conciliation is acceptable to every one And if—as I hope—a measure suitably amended, with the defects that have been pointed out taken out of it, is placed on the statute-book, it will not be a bad measure to have under the present circumstances What is it that we want to aim at? We have seen recently during the last twelve months a wave of strikes in India The matter was referred to on the floor of the House It must be remembered that after the first world war there was a similar wave of strikes in India involving hundreds and thousands of people. In the city of Bombay,—as you, Mr President, will remember,—

there were strikes of a colossal nature which continued not for months but practically for a year and a half The same state of affairs is evident today as a result of the economic distress following on the last world war And there is a tremendous amount of distress visible amongst the working classes It is therefore necessary to find some way or method by which the working classes would be able to get their grievances adjusted in time so that the wave of unrest may not spread and lead to revolutionary outbreaks It is no earthly good, as was done by a previous Government in India, to take strong measures, let us say against the communist movement as they did in the olden days and started the Meerut conspiracy trial, merely because they were afraid that labour unrest was getting out of hand Those are not the methods to adopt, the methods to adopt are very simple Face up to the difficulties, realise the difficulties of the working classes, and if you are not prepared to grant the demands of the working classes hand the matter over to conciliation machinery and stand by it When you are appointing unprejudiced independent men as Chairman, of the stature of High Court Judges, you may expect—and we do expect—that we may be able to get justice from them These matters are of such great importance that it is necessary that we should get this machinery working on a practicable basis and that this machinery should be such as will give confidence and create confidence—give confidence to the working classes on the one side and employers on the other, and finally to the public that justice will be done whenever demands are put forward which cannot ordinarily be adjusted without conciliation machinery. What is the inevitable result otherwise? Otherwise the inevitable result is that there will be chaos in the country, and it is not, as has been pointed out even by labour representatives on the floor of the House, the object of the working classes to create any sort of chaos because they are the main sufferers if there is chaos Economic distress hits the poor man much more than it hits anybody else, and it is not to his interest that there should be a state of affairs of this kind in the country which would lead to disturbances or lead to strikes or lead to cessation of work in which naturally everybody suffers but the working classes suffer more than anybody else Therefore this particular portion of this measure should be acceptable to everybody who has the interest not only of the country but equally of the working classes at heart

In regard to the penal clauses, as I said, there were some portions taken out of British legislation and others left out For instance, we come to the last stage of this measure where there are prohibitions and penalties imposed in regard to act on to be taken either by the employers or by the workers Now in British legislation you will find that it is necessary to prove when you are proceeding criminally against a particular individual who has violated a provision of this measure that he did so wilfully, that there was a question of *mens rea* That is absent from the provisions of this particular measure You take it for granted that he has caused a certain amount of inconvenience, general hardship and so on and so forth, to the State or to the people, you don't then go further and find out whether he has done it deliberately, intentionally as was pointed out many years ago on the floor of this House by Pandit Thakurdas Bhargava when he was dealing with this particular measure when it came up on the floor of this House in 1929 There are certain safeguards that might have been put in, but I take it that as soon as the first opportunity comes to consider the working of this particular measure that those provisions will be tightened up if there is found to be any latitude given to the authorities to take action without due regard and without due care

Now I would like only to say one more word with regard to this matter. Sections 22, 23 and 24 are, if I may so call them, the penal sections of this measure. The penalties are laid down, but if, as I have stated, we take out those two particular provisions—one regarding sympathetic strikes and the other regarding the penalising of a strike which has taken place when no notice has

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been given or no conciliation proceedings have been started but when the strike has actually started and then orders for conciliation are given and the strike is declared illegal—if these two matters are satisfactorily settled, I think it will meet generally the point of view of the most rabid critics of this particular measure (Interruption) I thought I heard a note of dissent

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural): Perhaps 'rabid critics' is too strong a word

Diwan Chaman Lall: The criticism was rabid, the critics were not rabid

If that is done, then my Honourable friend would have achieved a very great measure of success In these circumstances I do not desire to take too long a time of this House as it is necessary that we should get through our business as quickly as possible Circumstances having changed from the olden days I commend the points that I have raised in my speech to Honourable Members and particularly to the Honourable the Labour Member for such action as may be necessary in order that this measure may become acceptable to all classes of workers and all classes of employers in the country

Mr. S. Guruswami (Nominated Non-Official) I rise to oppose this Bill very reluctantly in spite of the arguments advanced by my Honourable friend, Diwan Chaman Lall I would only like to remind this House about the arguments that were submitted by Diwan Chaman Lall when the Trade Disputes Bill of 1929 was discussed on the floor of this House He rightly reminded this House about the fact that the workers' protest was registered by the dropping of a bomb on the very floor of this House Nothing has transpired now to make this Bill become more virtuous than it was then

Sjt. N. V. Gadgil: He has become virtuous!

Mr. S. Guruswami: On the other hand more fetters have been forged in this Bill than was the case in that Bill Unless we have a Government wedded to a policy of undiluted socialism we cannot trust in the *bona fides* of any executive Government Until then any fettering of the weapons of the workers will be resisted by the workers with all the means that are open to them

Shri Sri Prakasa: Even then the situation will be the same

Mr. S. Guruswami: That you will see But what I wish to submit is this Personally I have no reputation of being a good striker I have always discouraged strikes, but I cannot resist my criticism of the fact that on principle it is conceived on wrong lines Firstly there is no obligation on the part of the Government to have either compulsory arbitration or voluntary arbitration whenever wanted Under the Trade Disputes Act if both the parties apply for a Court of Enquiry or a Conciliation Board, those applications used to be accepted Now there is a clause in the Bill which says that Government must be satisfied that the applicants represent the majority of the party and satisfy other procedure prescribed under the Act before they can even accept the application for appointment of a Court of Enquiry or a Board of Conciliation Apart from that, there has been reference to works committee Eloquent speeches have been made by both Mr Griffiths and Diwan Chaman Lall I am inclined more to support Mr Griffiths in this matter With due respect to Diwan Chaman Lall I would resist any imposition of works committees as they are now functioning on the Railways in any industry They are known as 'Yellow Unions' in the United States of America, and therefore I say that instead of approving them I would request that a clause be added in this Bill which will render these committees illegal, because in actual practice they have been used to break sound unions with the result that the workers have no confidence in these works committees There are no statutory powers

provided in the Bill for the works committees to function efficiently and in the interests of the workers

Diwan Chaman Lall: May I interrupt my Honourable friend? Is he not aware that the difference between the Railway Welfare Committees and these Committees under this measure is that these will be formed in consultation with Trade Unions

Mr. S. Guruswami: If it is only in consultation with trade unions, it means nothing If these are formed with the approval of trade unions, it is quite a different thing That is why I have tabled an amendment which I hope my Honourable friend, Diwan Chaman Lall, will be able to support If that is done, then the objection would not be the same He has rightly referred to another objectionable feature in this Bill, namely, penalizing sympathetic strikes I am glad that Diwan Chaman Lall had to register that protest. I go a step further This Bill penalises political strikes Last year when Pandit Jawaharlal Nehru was arrested, there was a wave of spontaneous strikes—unorganized but spontaneous strikes—throughout the country This Bill proposes to penalize such strikes today the working classes are becoming more politically conscious and this Bill is curbing those tendencies and will not legalise such spontaneous activities, registered in righteous indignation against the autocratic attitude of any Government or big officer And then there is no automatic provision at all for compulsory conciliation boards in case of non-public utility services Even for public utility services there was a protest throughout the country about the clause which fetters the right to strike by asking the employees to give long notice to enable employer to prepare to break the strike. That should be removed Even that clause of the old Trades Disputes Act did not provide for treating all service in the railways as public utility service It said that any service of the railway which may be declared by the Governor General as public utility may be considered as such If there is a workshop strike it is not a strike that will harm the public or hinder the public in any way Why should such strikes be treated as special and brought under the penalties imposed in the Bill? In that way this Bill by including more services as public utility services imposes greater restrictions than contemplated by the most reactionary Government that preceded this Government Therefore, I protest against the inclusion of all railway services as public utility services under this Bill Unless there is an assurance from the Honourable Member in charge of this Bill that the public utility services definition will not be applied indiscriminately to any railway service unless there is an assurance that he will not tolerate the working of the Works Committee on the railways as today, unless he is prepared to give an assurance that necessary amendments will be made to illegalise such committees or to recognise the right of a sympathetic strike and acknowledge the right of a political strike if there is no proper labour legislation,—for it is one of the birthrights of the workers to go on strike to bring about social security and that is an illegal strike under the provisions of this Bill Unless he is prepared to undertake the necessary social security legislation the penalties imposed and the fetters proposed under this Bill are premature and unjustifiable And on this ground I have no hesitation in expressing my opposition to the Bill

With these words I again ask the Honourable Member in charge of this Bill to reconsider the position especially in the light of the comments made by Diwan Chaman Lall and tell us what his attitude is so that we may decide to approve this Bill or reject it so far as the workers are concerned

Sjt. N. V. Gadgil: The question be now put

Mr. President: The question is

"That the question be now put"

The motion was adopted

The Honourable Shri Jagjivan Ram: Sir, the Bill as it has emerged from the Select Committee is a definite improvement, I will say, from the workers point of view I must congratulate the Honourable Members who rendered considerable assistance in the Select Committee I have very carefully heard Sir, the arguments and points made out by my friends who claim to represent labour against this Bill But I must confess, Sir, that the arguments that have been advanced on this occasion are the same that were advanced when the motion for reference of this Bill to the Select Committee was made by me I am afraid, if I shall try to meet all these points, I shall be simply repeating that very argument which I advanced at that stage Therefore, Sir, I shall not attempt a reply to all the points that have been raised

Broadly speaking, the opposition centres round only one point There is agreement, and as my friend Mr Chaman Lall has remarked, even the most revolutionary lady representative in the House agrees to most of the provisions of the Bill except one I do not claim myself to be a revolutionary Nor do I claim this Bill to be a revolutionary measure It is a very simple measure and I personally feel that it is more in the interests of the workers than in the interest of the employers My Honourable friend, Mr Joshi, who has devoted the major portion of his life among a section of the labouring classes in this country—when I say a section of the labouring classes I mean that he has worked, and worked rather hard for the industrial labour only—has failed to be convinced But, Sir, nobody can convince him if he does not choose to be convinced When he criticises the measure, I am afraid, Sir, he considers this measure only from the point of view of industrial labour, rather factory labour only, the labour which is to some extent more organised than other categories of labour in this country But I want to make it clear that only the factory labour does not represent the labouring classes of the country There are other categories of labouring classes much more in number than the workers employed in factories We cannot lose sight of those labourers who are not at all organized Very few of the labour leaders have ever cared to look into their condition and try to organize them with a view to improving their conditions While considering this measure we must keep in view those vast multitudes of labouring classes of the country who have so far been neglected by the Government and by the Labour leaders I am afraid, Sir, for the workers who are a bit organised, who are in a position to place their demands and grievances before the employers, before the public, before the Government, this measure might not be so necessary But it is very necessary for those workers who are not organised, who cannot think of standing on their own legs, who cannot think of making their demands and grievances effectively heard by either the Government or the employers For them it is very essential and necessary that Government should go to their help and try to improve their condition regarding their wages and conditions of work, when there is a conflict between them and their employers If I were to make it more clear, there are vast multitudes of workers employed in mines, in plantations and above all in lakhs of villages of this country in Agricultural Labour The condition of the workers, as my esteemed friend the Leader of the Opposition has rightly remarked, is very unsatisfactory from the point of view of their illiteracy, ignorance and weakness I was very carefully listening to the points raised by my friend Mr Griffiths but I found that he contradicted himself in the later portion what he made out in the earlier portion of his speech He began by saying that we were trying to imitate the pattern of the western countries, which are far more industrialised than India He began by remarking that the workers in India were illiterate, ignorant and weak This is one argument which necessitates the formation of the Works Committees If the workers are illiterate, if the workers are ignorant, if the workers are weak, there is all the more justification that they should not be left to fight out their cases with the employers who are much more advanced, enlightened and strong

If I were to agree to the arguments of Mr Griffiths, it will mean that the Government should throw away the workers, illiterate, ignorant and weak as they are, at the mercy of the employers and Government if it has the welfare of the workers at heart cannot agree with that view

Miss Maniben Kara, Sir, resented any external interference in the relation between the workers and their employers But I am afraid she pleaded in the same breath for interference by Government in many other things She wants Government to interfere in order to bring forward more social security measures, improve housing conditions and do many other things Why does she resent then when there is some interference by Government in order to restore good relations between the employers and the employees If you do not want any interference you should not demand any interference by the Government in any case

Mr Griffiths complained of the complicated nature of the machinery envisaged in this measure I wish to submit that the machinery that has been contemplated in this measure has been tried to be made as simple as possible I have carefully gone through a similar measure which has been recently adopted by the Bombay Legislative Assembly and I found that the machinery provided there is much more complicated than the one we have provided in this measure But I may just assure my friend Mr Griffiths who, at the concluding portion of his speech raised the point regarding labour in the plantations, that the Bill as it stands at present is applicable not only to industrial workers but all sorts of workers It wants to interfere, wherever necessary, in the relation between all employers and employees and as such the labourers in the plantations are covered by it As I indicated in reply to a question in this House, Government is contemplating to bring in a legislation for the regulation of labour in the plantations I shall certainly ask my department to examine the point raised by my friend Mr Griffiths

The most vehement objection that has been raised by the workers' representatives in this House was on the point of compulsory adjudication So far as conciliation is concerned opinions in this House are not divided The intention of the Government is certainly to encourage voluntary conciliation as far as possible, and so the intention of this Bill is to encourage voluntary conciliation between the workers and the employers The first step towards that is the setting up of the Works Committees, by which ample opportunities will be accorded for the workers and employers to come together and discuss their points of differences, carry on mutual negotiations and try to settle their differences as far as possible It has been sought to make these Works Committees really representative of the workers I would draw the attention of the Honourable Members who have raised objection on that point to the clause which makes provision for the setting up of the Works Committees The Works Committees are to consist of the workmen alone and where there are unions of the workers in the industry, the representatives of the workmen are to be selected in consultation with the Unions The obvious effect of this provision will be that the workers will try to unite and organise themselves and this will act as an incentive for the workers to form their unions Therefore I personally hold that this provision will encourage the growth of trade unions in this country

The second point was voluntary conciliation by the Conciliation Officers then by the Conciliation Board And then there is provision of the Court of Enquiry It is at the last stage that compulsory arbitration comes in and in many cases it will be to the interest of the workers My friend, Dr Solanki, has made it amply clear that in many cases these conflicts (conflicts between employers and employees) arise due to undesirable labour leaders and examples are not wanting where on point of prestige of the Union leaders or to maintain the prestige, not of the workers, but of the outsider office-bearers and executives of the trade unions, strikes have been prolonged at great trouble, difficulty and inconvenience to the workers themselves

[Shri Jagjivan Ram]

[At this stage Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

I may make it clear, Sir, that if a plebiscite were to be made on this point by referring it to the working classes at large, I am sure an overwhelming majority of the working classes will welcome this measure because it provides a machinery and a remedy which will curtail the prolonged agony to which they are put when a strike is prolonged due to the obstinacy or false sense of prestige of some labour leaders

The point has been raised by my able friend Diwan Chaman Lall, who has devoted more than a quarter of a century to labour movements, that when a strike has been started it should not be declared illegal If one were to refer to sub-clause (3) of clause 10, to which he presumably refers, it will be seen that in some cases where due to some unavoidable circumstances conciliation machinery could not be set up and the workers go on strike and if at a later stage Government feels that interference by Government is necessary, may be in the interest of the workers themselves or in the interest of the society, and if adjudication machinery has been set into motion, only in that case workers are asked to discontinue the strike—and not in all cases It has been left at the option of the appropriate Governments, and if the exigencies of the situation demand their use then and then alone the appropriate Governments will make use of these provisions

4 P M.

The other objection taken is to sympathetic strikes or to political strikes, by whichever name you prefer to call it In this connection I would like to draw the attention of Honourable Members to the proviso to clause 26 of this Bill It has been advanced that such strikes have been made penal It is not so as is clear from the proviso to section 26

A point has also been raised about the question of the award of adjudicators being binding I personally hold that Government should be given the power not only in those cases where Government itself happens to be the employer but in other cases as well to examine the consequences and effects of the awards and if they feel after thorough examination of the awards that the enforcement of the awards might lead to serious consequences or might upset the economy of the country, in that case the power to the Government should be there to modify the award, to revise it But in the Select Committee the question was thoroughly examined and it was thought necessary to limit the scope of the Governments' power by reference of the award to the legislature of the government concerned The Legislature, Sir, is the ultimate authority from which the government derives its power, and if the government wants to interfere, in the interests of the economy of the country or in consideration of some vital consequences, that the enforcement of the award may lead to, the government may refer the whole case to the legislature, and in that case the award approved of, amended or modified by the legislature should be given effect to I think it is a wholesome procedure Of course the question of delay is there But the government will try to take the earliest opportunity of placing it before the legislature and get its approval The power to the government should be there It has to examine what consequences it will lead to if it is enforced An adjudicator or arbitrator may not consider the award which he gives in relation to its effect on other things with which he might not be concerned when the question was referred to him In that view of the thing this general power should be given to the government, with the limitation that government cannot modify it without the approval of the legislature concerned

Some other points were raised Some heat was generated too. We have heard on this measure talks about revolution, talks about changing the economic set-up of the country, bringing in socialism, profit-sharing bonus, limiting of dividends and so many things I do not think, Sir, all these points are rele-

want at this stage or to the discussion of the measure which we are discussing. Therefore I shall not attempt a reply to all those points I may make it clear that such social security measures as are calculated to improve the condition of the working classes in this country Not only the working classes which are working in the factories or railways or organised industries only but all working classes which have so far been neglected by the Governments, by the labour leaders and also by the society even, will receive sympathetic and considerate attention of the present Government and every effort will be made to improve their condition But as I have remarked on previous occasions as well, government as representative of the community cannot afford to be a silent spectator of any prolonged conflict between labour and employers to the detriment of the general society With these words, Sir, I commend my motion that the Bill be taken into consideration

Mr. Deputy President: The question is

"That the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, as reported by the Select Committee, be taken into consideration"

Mr. Deputy President: Will the Honourable Members who oppose the motion rise in their places?

Mr. N. M. Joshi (Nominated Non-Official) May I say one word before you give your ruling? It is the right of every member of a legislature to ask for a division when an important Bill is involved and this right is not fulfilled by your asking us to stand The object of asking for a division is to know who are the members who have voted against We have no roll call here so that we shall not know how many were present and how many are in favour of the motion and how many against If you refer to May's Parliamentary Practice you will find that in the House of Commons the Chairman refuses a division only when he finds that it is asked for frivolously or in order to obstruct proceedings Our opposition to this Bill is known and has been expressed on all occasions I am sure you will not consider that we are asking for the division in a frivolous manner or in an obstructive manner There are so many clauses of this Bill and if we want to obstruct, we could go on for days talking on them That is not our intention It is only because this is a crucial occasion that we ask for a division As you must be convinced that our action is not frivolous or obstructive, I hope that you will allow a division which is our right

Diwan Chaman Lall: May I point out for the benefit of my Honourable friend Mr Joshi that this point was raised only the other day and the settled practice of this House, going back to the time of Sir Frederick Whyte, has been that if in the opinion of the Chair a division is unnecessarily claimed then according to Standing Order 30 (2) the Chair can ask those members who desire a division to stand up in their places This is the procedure followed in the House of Commons and there has been no challenge of this procedure so far

At the same time I would like to point out that taking part in a Select Committee on a measure entails a responsibility upon an Honourable Member who thereby is considered to have accepted the principle underlying the Bill Either the Honourable Member was a member of the Select Committee or was not My Honourable friend was a member of the Select Committee. He therefore accepted the principle of the Bill and in the consideration stage it is only the principle of the Bill that is involved and my Honourable friend cannot therefore challenge a thing that he has already accepted

Mr. Deputy President: I have heard both sides of the case The Honourable Member (Mr. Joshi) is one of the oldest members He sat along with me on the inauguration day in 1921 and he knows what the procedure is. There is lot of force in what Diwan Chaman Lall has said Once the principle

[Mr Deputy President]

of the Bill is accepted and a division is called that the Report of the Select Committee be taken into consideration, the Chair is perfectly justified in concluding that it is not the general desire of the House to divide But if there are a few members who are anxious to get the House divided, the Chair can ask them to stand in their places, to see what the number of members asking for a division is If I find there are 7 or 8 or 10 members getting up then there is some justification for the division to be recorded but if they are only two or three there seems to be no justification for a division They have already recorded their protest in the shape of their speeches In such cases the recording of names had been disallowed But in one case a few days ago the Honourable the President allowed a few names to be recorded and I see no reason why the names of the dissenting members should not also be recorded in this case I take it that every other member is in favour The three names may be recorded The names of the dissenting members are Mr N M Joshi, Miss Mamben Kara and Mr Guruswami I take it that the House accepts that the Bill be taken into consideration That is my decision

The motion was adopted

Mr. Deputy President: Clause 2 I shall take the Schedule along with this because they are interconnected with each other They may therefore be taken together Mr Joshi has an amendment to clause 2

Mr. N. M. Joshi: I move

"That for sub clause (n) of clause 2 of the Bill, the following be substituted, namely — '(n) public utility service means—

(i) undertakings which supply water light, food or medical relief to the public, and

(ii) a system of conservancy or sanitation

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority' "

Sir, the Bill which has been introduced by the Honourable the Labour Member contains a definition of public utility The object of introducing this definition and this distinction between a public utility service and other occupations, industries and callings is that in the opinion of the Government and in the opinion perhaps of some others a difference should be made between a public utility service and the other industries in certain matters regarding the giving of notice and regarding the right of strike I have no doubt in my mind that if certain services are stopped without notice, especially if these services are essential for human existence, there will be great inconvenience to the public There may also be a danger to human life and there may also be a risk of human beings losing their lives I agree that the public will be inconvenienced and there will be a danger to human life if certain essential services are stopped suddenly For instance, in a big city if the supply of water is stopped and the stoppage continues for a number of days, there will be a great danger to human life Similarly, there may be a danger also especially for the safety of the human life, if suddenly the light is stopped Suppose there is a strike in a hospital and there are patients suffering from serious diseases it will be wrong for a doctor or a nurse to stop work suddenly I, therefore, recognise that there are services which are essential for the safety of human life, and therefore in the case of those services there should not be a sudden stoppage Therefore, on account of this there is a special responsibility on those people who are working in public utility services I recognise that there is a special responsibility on those who are working in certain essential services But you and all other Members here must also recognise that if the work of certain persons is absolutely essential for human existence,

those persons must be somewhat better treated than others if certain additional responsibility is to be placed on them If we do not want sudden stoppages in essential services, we should pay those people who are working in essential services much better than others We must give them better conditions, and that has been the practice in many countries For instance, in England gas has been used for lighting and heating Therefore, people who were working in the gas industry were always treated better than people in the other industries It was quite necessary and very rightly so You will find from the discussion on this Bill that there is no clause in this Bill which says that the workers in public utility services should be given 25 per cent more wages for their hours should be 25 per cent shorter or they should be given certain measures of social security There is nothing in this Bill of that nature I can understand a Government making that distinction between people who are working in an essential service because I have no doubt in my mind that there is a greater responsibility on them But Government should bear in mind that there is greater obligation on the Government to treat these people better and give them more wages They may be paid 25 per cent or even 50 per cent more wages or their hours of work should be shorter, they should be given social securities, such as, unemployment insurance and things of that kind I do not see any clause in this Bill by which the Government of India is doing that However, I shall deal with that subject later on For the present, we are dealing with a definition of public utility

My view is that in India we have been defining public utility too widely We bring in any kind of services as a public utility In my judgment that service should be regarded as public utility the deprivation of which causes danger to human life or puts human life into risk That is the only ground on which a service should be treated as public utility Therefore, I have defined public utility service as a service the deprivation of which will endanger human life Judging by this test, I think the undertakings which are mentioned by me are the only ones, undertakings, which supply water, light, food or medical relief to the public In my judgment they are essential services I also include among essential services any system of conservancy or sanitation

Then, Sir, I also mention another thing If a public utility is a public utility in the sense that it is essential for human life, I maintain that it is a wrong thing to allow this service to be put in private hands I, therefore, insist that all these services should be in the hands of either the Central Government or any one of the Provincial Governments, in the hands of a municipality or in the hands of a District Local Board or in the hands of any other statutory local authority When a Government is willing to place these essential services in the hands of private persons, they themselves are taking the risk of these services being stopped some day Is it right that these services should be allowed to be run by private capitalists or private persons for the sake of profit? Suppose a private capitalist makes these services very costly, human life will be in danger all the same There are many people in the city of Bombay who cannot afford the charge of electric light and who cannot even afford the charges of gas light and they therefore burn kerosene lamps This is the effect of leaving these public utility services in the hands of private bodies I, therefore, put two tests to a public utility My first test is that it should be essential for human life, and I have mentioned which are these undertakings My second test is, that these essential undertakings must be controlled by Government If they are in the hands of a private employer, he will not only exploit his own employees but will also exploit the poorest class of consumers That undertaking should not then be regarded as public utility I have therefore proposed this amendment Unfortunately the Government of India has defined public utility service too widely Sir, this Bill has been introduced by the Government of India as a sort of improvement on the old Act of 1929 which was opposed by my Honourable friend Diwan Chamanu

[Mr. N M Joshi]

Lall, and perhaps I would have opposed it then had I been present on that particular time Now, Sir, the definition in the original Act itself is very much wider The original definition includes, a system of railway which is notified to be a public utility Then similarly, water transport service is declared by the Government of India to be a public utility service, posts, telegraphs or telephone service, any industry or business or undertaking which supplies light, water to the public any system of public conservancy or sanitation Now Sir, these are services which were regarded by the Act of 1929 as public utility service Now the Government of India goes a step further and it has now decided in this Bill to declare some of these utility services as public service Any railway service—I shall come to railway service and deal with it at greater length later on—then they say any section, of industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends, any postal, telegraph or telephone service, any industry which supplies power, light or water to the public They have included power, which in my judgment is not necessary Power can be used for any purpose You may employ power to run a factory which produces luxury articles for the rich Why should that power be regarded as public utility If power is used to supply light, water to the public, I can understand that power being considered is a public utility But the Government of India have gone much further and now they have included a new clause by which even cotton textile industry becomes a public utility

The Honourable Shri Jagjivan Ram: For the time being.

Mr. N. M. Joshi: I do not know whether it is for the time being or for a longer period It is not stated explicitly in the Bill Your Bill does not make it clear whether it is for the time being or for a longer period Then coal industry, any transport industry is to be public utility Well, Sir, a bullock cart or a horse carriage or anything which is a means of transport is to be a public utility Coal, food stuffs, iron and steel Now, Sir, the extension of the definition is too wide Suppose we are short of cloth, I do not say we shall not be short of cloth, to be short of cloth is a great inconvenience, but it certainly does not danger human life We used to consume much smaller quantity of cloth some years ago and we were living a healthy life Therefore the health of human beings does not depend upon the length of the cloth This is what the Government of India have done I do not like this definition of public utility It should be confined to the undertakings which I have mentioned If you study the English law, you may find that English law restricts this sort of legislation only to those concerns which are first owned by the statutory local bodies which supply light and water and which also applies to a system of conservancy to the towns Beyond that, the British Act does not go and the British industry has prospered with this sort of small legislation It has prospered for a number of years The British people have not suffered any inconveniences with a small definition of that kind Why should we be afraid of the public being inconvenienced if our definition of public utility is a very restrictive one as in Great Britain I, therefore, feel that the Government of India is doing the wrong thing in extending the definition of public utility I do not wish to go into the question of why the Government of India have extended this definition A worker serving in a public utility cannot go on strike without giving a fortnight's notice That is the restriction which is specially put on public utility workmen There may be something else but I do not wish to take up the time of the House on those points

With these words, I put forward my amendment in the hope that the Government of India will accept it as being quite sufficient for the purpose they have in mind Sir, I move

Mr. Deputy President: Amendment moved

' That for sub clause (n) of clause 2 of the Bill, the following be substituted, namely — '(n) public utility service means—

(i) undertakings which supply water, light, food or medical relief to the public, and

(ii) a system of conservancy or sanitation

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority' "

Miss Maniben Kara: Sir, I rise to support the amendment moved by my Honourable friend Mr Joshi Sir, the correct definition of public utility service is the crux of the Bill before us My friend Mr Joshi has very ably pointed out to this House that public utility should be only that service the stoppage of which endangers the life of the people If we enlarge the definition of public utility services to embrace other services than those which are essential for the safety of human life, then the danger of compulsory arbitration and all other implication in this Bill, to which the labour representatives here are opposed, will be subjected to all other industries Even in the old Bill the definition of public utility service was not so wide as in this case If we look into the schedule, food stuffs, iron and steel etc, are regarded as public utility I really do not know why many of the other industries are also not included in the schedule by my Honourable friend the Labour Member to make the list complete I do not know why he has included iron and steel as one of the essential service for human existence Sir, if we accept this definition of public utility service, then anything and everything which the public uses can be defined as public utility Even a motor car can be regarded as public utility If we accept the definition as has been put in the Schedule by the Labour Member, then I fear that anything can come under public utility A line will have to be drawn at a particular stage, and that line has been suggested by my Honourable friend Mr Joshi The very fact that we have moved this amendment shows that we are not acting as irresponsible agitators The safety of the life of the public and the convenience of the public have certainly been taken into consideration by the mover of this amendment Sir, those things which are really essential for the existence of the public can alone be included in public utility services

There is another point, that if public utility services are those services which are essential for the public as a whole, we will be justified in demanding that those services should be controlled by the public But what do we see today? Those very things which are scheduled as public utility services, *viz*, coal, cotton textiles, foodstuffs, iron and steel, are all today owned by private enterprise If we include them in public utility services the result will be giving protection to private enterprise, and private enterprise makes no secret of the fact that they run their industry for profits Private enterprise presupposes profit to private individuals, and the return of the industry does not go towards the benefit of the public as a whole but goes towards the benefit of a few individuals who control these industries If that is a fact, why should the State intervene at this stage to give protection to these extra industries which have been mentioned in the Schedule by putting them in the category of public utilities? My Honourable friend Mr S C Joshi says that cotton textiles will be treated as a public utility for a temporary period only, but who knows Mr. Joshi may be here, may not be here to-morrow, and once a law is made it is made for good It is not very often that laws are changed.

[Miss Maniben Kara.]

That is why I would suggest that grave as is the implication of the restrictions imposed on public utility services the greater is the necessity for us to reduce as many industries as we possibly can out of the definition of public utility services The very words 'public utility service' suggest that if it is for the use of the public it must be owned by the public, and in the absence of its being owned by the public I do not think it will be right for us to put them among public utility services

I have to bring to the notice of the Honourable House that workers in public utility services are paid lower wages than other workers Take for instance the workers in coal mines, they are very poorly paid and their lot is miserable Similar is the lot of workers in municipalities Workers in such services are so badly paid that the only way to improve their lot will be through their organisation, and, if the organisation so decides, to resort to strike methods The inclusion of these various services in public utility services automatically places them under the restriction of public utility services which are embodied in this Bill Therefore I appeal to the House to accept this amendment

Mr. P. J. Griffiths: Sir, I rise to oppose this amendment, and in doing so I am only concerned to make clear what its implications would be if it were accepted Mr Joshi's amendment would in effect remove from the definition of public utilities, amongst other items, railways, posts and telegraphs and the safety sections of industrial establishments The most important relevance of the definition of public utilities is with clause 22 Under clause 22 in public utility concerns notice of a strike has to be given. There is no question of saying that people employed in such a concern shall not go on a strike, it merely lays down that they have to give notice The question we have to ask ourselves is, what is the class of industries with regard to which it is reasonable to expect that a notice of strike shall be given? Clearly the answer must be that it is that class of industries the sudden cessation of work in which entails grave public hardship, inconvenience or dislocation of public life My Honourable friend Mr Joshi would have us believe that there is no reason why workers on railways, posts and telegraphs or—even more important still—the safety sections of industrial establishments should not go on strike without notice I do not for a moment believe that that point of view can commend itself to this House It is I think quite clear that strikes in these particular industries or sections of industries, if given without notice and without a chance to the public of making preparations to deal with them, must entail a grave degree of hardship and dislocation of public life It is therefore not unreasonable to say that in those particular industries notice of a strike must be given I want to emphasise that that is all that the Bill does say. The Bill does not say that workers in these industries shall not go on strike, but merely says that when they propose to go on strike notice must be given Is it unreasonable to say that notice must be given before the railway system in this country is brought to a standstill? Is it unreasonable to say that I must know today whether tomorrow I can or cannot send a letter or a telegram? Is that a very unreasonable demand to make from a worker in these industries? I feel quite sure that the House will disagree strongly with Mr Joshi and will consider that in industries of this kind notice is essential

Then there are two other points In the proviso to Mr Joshi's amendment he has raised the question of the ownership of public utilities Now whether public utilities should be owned by the State or by private enterprise is a very important and a very difficult question, a question on which there is reasonable room for difference of opinion But it is wholly irrelevant to the question of giving of notice of a strike On the question of strike notice we are only concerned with the hardship which the community will suffer if this

notice is not given, and the hardship to the community is just the same whether the undertaking is owned by the State or by private enterprise. Let Mr. Joshi on some suitable occasion advocate the taking over of public utilities by the State, that is a different matter But in the meantime whoever owns these public utilities, it is essential in the interest of the public that notice of a strike should have to be given

My last point is this Mr Joshi's amendment would also remove the schedule which is provided in the proper clause of this Bill The effect of that schedule is to divide public utilities into two classes, there is one class of industries, such as railways and posts and telegraphs and the like, which are to be automatically *ipso facto* public utilities And there is another class of industries—those mentioned in the schedule—which Government can under certain circumstances declare to be public utility services Mr Joshi's amendment would remove that Schedule In dealing with the Schedule he says that it contains for example transport which includes bullock carts, and it is fantastic, said Mr Joshi, that bullock carts should be made public utility Miss Manben Kara takes cotton textiles and says how can you make cotton textiles public utilities, perhaps she says it may be all right to do so for a short time just now, but this is a permanent Bill Both these speakers seem to me to overlook the overriding provisions of the clause itself If they will read part (vi) of sub-clause (n) of clause 2 they will see that the wording is this

"Any industry specified in the Schedule which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the official Gazette declare to be a public utility service for the purposes of this Act, for such period, if any, as may be specified in the notification,"

None of these industries in this Schedule are going to be normally, or automatically, or *ipso facto* public utilities They become public utilities only when Government, having been satisfied that some public emergency demands it, declare them to be so, and in its notification Government will have to specify the period for which they shall be treated as public utilities This Schedule today includes cotton textiles and foodstuffs Is there any Member of this House prepared to say today that Government would be wrong in now regarding foodstuff industries as being public utilities? Is any member of this House prepared to say today that a worker concerned in a foodstuff industry should be allowed to go on strike tomorrow without giving any notice of any kind whatsoever? That is the only issue concerned in this amendment—the right to strike without notice—and it seems abundantly clear to me, and I am certain it is equally clear to other Members, that in these fundamental industries notice of strike must be given I have therefore no hesitation whatsoever in opposing this amendment and in asking the House to vote against it

The Honourable Shri Jagjivan Ram: The industries in this Bill have been divided into two categories—the public utility and the non-public utility The difference between the two in the application of this Bill in their respect is as has just been explained by my Honourable friend, Mr Griffiths, that in the case of the public utility services a notice is required whereas in others it is not required I need not go into the details why a notice is required in the case of public utility services That is quite obvious If you analyse the effect of Mr Joshi's amendment, it is that railways should be dropped out of it, also the postal, telegraph and telephonic services Mr Joshi has agreed that those services the stoppage of which may endanger human life or cause serious inconvenience thereto may be regarded as public utility services

Mr. N. M. Joshi: I did not talk of inconvenience.

The Honourable Shri Jagjivan Ram: All right I take the first one On that very logic I fail to understand how Mr. Joshi can think of dropping Railway service and Postal and Telegraph Services from the utility services.

[Shri Jagjivan Ram.]

The second point is that he agrees to the inclusion of the other things, as the Bill itself provides, owned by public bodies. That raises a very vital question That leads us to the consideration about the ownership of property by individuals I am afraid I shall not attempt to discuss that problem at this stage or in the context of this Bill This Bill attempts to have good relation between the employers and the employees in the present economic set up of the society One will certainly welcome the idea of public utility services being in the hands of public corporations or public bodies, but unfortunately in many municipalities they take power from private owners or private generators for their own purposes If these private bodies are to be exempted from the scope of this definition, I am afraid that will necessarily create not only great inconvenience but certain danger to human life in those municipalities In many of the hospitals, in many of the water works, the power is taken from private generators, from private companies and if we are to exempt them the works in municipalities will come to a standstill thereby causing danger to human life Therefore without dilating on this point, I do not see my way to accept the amendment and I oppose it

Mr. Deputy President: The question is

"That for sub clause (n) of clause 2 of the Bill, the following be substituted, namely :—

'(n) public utility service means—

(i) undertakings which supply water, light, food or medical relief to the public, and

(ii) a system of conservancy or sanitation

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority' "

The motion was negatived

Mr. N. M. Joshi: My first amendment having failed, I shall now try to improve the Bill by moving some other amendment I move

"That in clause 2 of the Bill, part (i) of sub-clause (n), be omitted and the subsequent parts be renumbered accordingly"

In the printed list you will find that my amedment consists of two parts I propose to move only the first part

Mr. Deputy President: Is the Honourable Member not moving part (b) of his amendment?

Mr. N. M. Joshi: Not for the present.

This amendment proposes that the Railways should not be treated as public utility service My Honourable friend Mr Griffiths said what will happen if the Railways are not declared to be public utility service and notice is not made compulsory The Honourable Member in charge said the same thing But, Sir, in Great Britain and in America the Railways are not put down as public utility service, there is no law in Great Britain which lays down that a notice of strike should be given by the Railwaymen, notice is not made compulsory for the Railways in Great Britain and therefore if there is any inconvenience due to the lack of the provision it would have been felt by the people of Great Britain and by the people of America They are not in greater danger, and therefore I think it is not necessary in India People say what will happen to us if there is a Railway strike, life will be upset India's life was not upset for many centuries when there were no Railways.

Sjt. N. V. Gadgil: What will happen if they are made public utility?

Mr. N. M. Joshi: Sir, if all the Railways are stopped for a few days life will not be upset The Government of India in the matter of compelling people to give notice and making strikes illegal is going further and further. The

Act of 1929 does not say that every Railway was a public utility service, the Railway before it became public utility had to be notified by the Government of India, but the present Government says that they are not satisfied with that and they have no time even to notify any railway as a public utility, and they are going to remove the restrictions which existed in the previous Act. Sir, I think the Government of India is making a mistake There is no necessity of treating Railways as a public utility service; Railways are not treated as public utility service in Great Britain and in America Therefore, Sir, I hope my amendment will be accepted by the House Sir, I move.

Mr. Deputy President: Amendment moved

"That in clause 2 of the Bill, part (i) of sub-clause (n), be omitted and the subsequent parts be renumbered accordingly."

The Assembly then adjourned till Eleven of the Clock on Wednesday the 12th February 1947

LEGISLATIVE ASSEMBLY

Wednesday, the 12th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

DEVELOPMENT OF RURAL ROADS

212. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Transport please state

(a) the steps Government have taken or propose to take to develop and improve the rural roads, and

(b) if Government have any plan for the purpose, if so, do Government propose to lay a copy of the plan on the table of the House?

The Honourable Dr. John Matthai: (a) and (b) It is for each Provincial Government to take necessary steps for the development and improvement of rural roads The Central Government are, however, taking the following general action to assist in this—

(1) They have offered large central subventions for post-war development under Provincial subjects which will *inter alia* cover the execution of the Provincial plans for the development of rural roads

(2) They have advised the Provincial Governments that it is desirable for them to allocate to rural roads a large percentage of the total funds available for the post-war development of roads other than National Highways The Provincial road plans so far received show that the Provincial Governments are generally acting on this advice

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether it is the practice of the Government of India to get posted with information from Provincial Governments as to the latest improvements made in rural areas for connecting with the National Highways?

The Honourable Dr. John Matthai: Yes The Government of India is in constant touch with Provincial Governments on the subject

Shri Sri Prakasa: Are Government taking any special steps for the improvement of roads in the centrally administered areas?

The Honourable Dr John Matthai: Yes Substantial grants have been allotted to the centrally administered areas

Pandit Sri Krishna Dutt Paliwal: Has Government fixed a percentage for the rural roads?

The Honourable Dr. John Matthai: That is a matter for the Provincial administrations to decide

BASIC MINIMUM PAY OF POSTAL AND TELEGRAPH EMPLOYEES

213. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) whether Government propose to adopt the principle that Postal and Telegraph employees should also be treated on the same footing as other Government servants; and

(b) whether Government propose to fix their basic minimum pay on a two unit family basis and grant additional family allowance on the basis of the number of children being added to the salary?

Sir Harold Shoobert: (a) and (b) The points referred to by the Honourable Member are under enquiry by the Pay Commission Government will take their decision after examination of the Pay Commission's Report

ABNORMAL RISE OF PRICES OF FOOD ARTICLES

214. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Food Department please state

(a) whether Government are aware of the fact that the Economic Adviser's All India index of wholesale prices of food articles for the week ending November 23rd, 1946, worked out to 263·4 as compared with 262·8 for the previous week and 234·5 for the corresponding week of the previous year,

(b) whether Government are also aware of the fact that during the same week the graph index for "pulses" further advanced by seven points to 86, and

(c) the steps Government have taken or propose to take to check this abnormal rise of prices of food articles?

Mr. K. L. Panjabi: (a) and (b) Yes, Sir

(c) As regards the steps taken by Government to stabilise the prices of foodgrains and other foodstuffs, the Honourable Member is referred to the Memorandum on food position and development of policy circulated at the commencement of this Session

Pandit Sri Krishna Dutt Paliwal: Will Government consider the advisability of supplying the necessities of agriculturists at cheap rates in order to stabilise prices?

Mr. K. L. Panjabi: Is the Honourable Member referring only to foodgrains?

Pandit Sri Krishna Dutt Paliwal: I want to know if growers are supplied the articles needed by them, such as agricultural implements, clothes, etc

Sir Pheroze Kharegat: May I reply?

The question of making available necessities such as iron and steel, of bricks, or coal and cement, and things like that for agriculturists is under the consideration of Government in the Department of Agriculture

Shri D. P. Karmarkar: May I ask the Food Secretary whether Government propose to consider the advisability of selling back cereals at the same price at which they purchased them and bear all the expenses of management and distribution themselves?

Mr. K. L. Panjabi: No Sir

Dr. Zia Uddin Ahmad: Is it not a fact that the Government gave an assurance on the floor of the House that neither the Government of India nor the Provincial Government will make money on foodstuffs?

Mr. K. L. Panjabi: I do not know to which assurance he is referring

Dr. Zia Uddin Ahmad: On the occasion of the food debate several times your predecessor gave the assurance that the Government of India and Provincial Governments were not going to make any profit on the foodstuffs

Mr. President: Perhaps the Honourable Member is not aware of it and he would like to have notice of it

Dr. Zia Uddin Ahmad: With regard to part (c), I would like to know what steps he has taken and if there are any chances of success for checking the high price level of the foodstuffs

Mr. K. L. Panjabi: The Government are endeavouring to stabilise the prices of foodstuffs by subsidising the sale of imported grains The Provincial Governments also subsidise the sale of grain imported from other provinces By this means the price is kept as low as possible

Sri R. Venkatasubba Reddiar: Is there not a great demand for an increase of price by producers?

Mr. K. L. Panjabi: Some representations have been received

Shri D. P. Karmarkar: Is the Honourable Member aware that in the rural parts of the country there is bitterness for the simple reason that corn purchased by the authorities from agriculturists is resold to them at a much higher price—even higher than 12 per cent ?

Mr. President. The Honourable Member is perhaps referring to Provincial administration Is it a centrally administered area?

Sjt. N. V. Gadgil: May I know whether it is not the policy of the Government not to make profit out of the sale and purchase of foodstuffs?

Mr. K. L. Panjabi: It is the policy of Government

Sri R. Venkatasubba Reddiar: In Delhi itself they have made Rs 10 lakhs in the past two years by the sale of these foodgrains

Mr. K. L. Panjabi: There is a separate question on the subject and it will come before the House

Dr. Zia Uddin Ahmad: May I ask whether the reduction of price by subsidies is not a reduction? It is just a transfer from consumers to taxpayers

(No answer)

CROP INSURANCE

215. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Department of Agriculture please state

(a) the steps Government have taken or propose to take to protect the peasants from ruinous losses due to natural calamities, and

(b) whether Government propose to institute a national policy of crop insurance?

Sir Pheroze Kharegat: (a) Provincial Governments grant remissions of rent and revenues whenever natural calamities occur

(b) Crop insurance has not been tried in India and the feasibility of introducing it will have to be carefully examined before any national policy of crop insurance can be instituted

Mr. Sasanka Sekhar Sanyal: What about the rent payable to private landlords and not to Provincial Governments?

Sir Pheroze Kharegat: I do not know the state of affairs prevailing in Bengal, but in certain other provinces I know that when land revenue remissions are given to the landlords similar remissions are given to the tenants in respect of their rent

Pandit Sri Krishna Dutt Paliwal: May I know if the question of the national policy of crop insurance is under the active consideration of Government

Sir Pheroze Kharegat: Yes, Sir, as the Honourable Member announced when the resolution was under discussion a few days ago, the Government are giving considerable attention to the matter and hope to arrive at their conclusions before very long

Sri R. Venkatasubba Reddiar: May I know the proportion the land revenue bears to the cost of raising the crops?

Sir Pheroze Kharegat: I am afraid I cannot give a reply to that question

MANUFACTURE OF NEWSPRINT IN INDIA

†**216. *Seth Govind Das:** Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether Government are aware of the acute shortage of newsprint in this country;

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

(b) whether Government are aware that in the forests of Tehri Garhwal State and some other parts of the country raw material for newsprint is available, and

(c) the steps Government are taking or propose to take to start the manufacture of newsprint in this country?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir, there is shortage of newsprint in this country

(b) Raw material in the form of certain kinds of wood which can yield mechanical wood pulp suitable for the manufacture of newsprint is understood to be available in the forests of Tehri Garhwal, Kashmir and certain other parts of the country

(c) A certain amount of research work has been carried out in the Forest Research Institute Dehra Dun The high cost of transportation and power are the two chief obstacles in the way of utilizing the raw materials from the forests mentioned above for the production of newsprint on a commercial scale Government are making investigations with regard to a suitable site where a mill can be worked on economic basis A firm in Hyderabad has made arrangements for the production of Newsprint from Boswellia Serrata (Salai) This is expected to come into operation by the end of 1948 The possibility of using certain species of wood available from the Andamans is also being investigated

FUEL SHORTAGE IN INDIA

†217. ***Seth Govind Das:** Will the Honourable Member for Industries and Supplies please state

(a) why there is so much of fuel shortage in the country, and

(b) the measures that Government propose to take to ensure sufficient supply of fuel to meet the needs of the country?

The Honourable Sri C. Rajagopalachari. (a) Confining myself to coal, with which the Central Government are concerned there is a gap between supply and demand estimated at about 4 million tons per annum Although the present raisings are much above the average for the decade before the war the existing demand is at a level about 5 million tons above the highest prewar figure

(b) The demand for coal in the country is expected to grow steadily in the coming years and the Indian Coalfields' Committee, which recently submitted a comprehensive report to Government have recommended that coal production should be increased at the rate of 1½ million tons per year over the next decade, transport facilities being developed to keep pace with the increased production Government have accepted these recommendations and are now considering the detailed steps that should be taken both to increase production and to expand transport capacity

Sjt. N. V. Gadgil: Many are interested about the supply of newsprint (Qn No 216)

Mr. President: I am afraid that question has now been passed over

APPOINTMENT OF BOOKING AGENTS FOR PASSENGER TRAFFIC ON RAILWAYS

218. *Mr. Manu Subedar: (a) Will the Honourable Member for Transport please state on what basis are booking agents for passenger traffic appointed by different Railways?

(b) Have Government fixed any policy in making such appointments, or is it left to the Railways?

(c) Are Government aware that there is a large number of old booking agents, who are not Indians?

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

(d) Are Government aware that Indian applicants who may be otherwise reputable firms, are not permitted to be registered now on the plea that no new booking agents could be registered"

(e) What steps Government propose to take to see that reputable Indian parties get a legitimate share in this trade?

The Honourable Dr. John Matthai: (a) Tourist agents for passenger traffic are appointed by railways from amongst reputable firms engaged in the business of handling tourist traffic both within India and to and from other countries

(b) Yes The Indian Railway Conference Association approves firms for appointment as tourist agents, with whom Railways subsequently enter into agreements for the issue of tickets to the public

(c) Government are aware that the present list of authorised tourist agents includes a number of companies which are not Indian firms

(d) During the war, no additions were made to the list of authorised tourist agents since railways were not in a position to encourage passenger traffic The question of extending the list of approved tourist agents is however now under active consideration by the Indian Railway Conference Association

(e) Government will see that the claims of reputable Indian firms for appointment as tourist agents receive due consideration

Mr. Manu Subedar: In view of the fact that these booking agents on the railways were useful when the traffic was small and that at present they are not necessarily so useful would not the Honourable Member examine the whole question and reorganise the system of giving out licenses to booking agents?

The Honourable Dr. John Matthai: Although at present the conditions with regard to passenger accommodation are difficult, we anticipate that in the near future these conditions will improve In that case it would be desirable I think to have a system of booking agents I do not think it is in the public interest that the present system should be dropped altogether

With regard to the particular question raised by my Honourable friend I may say that the whole matter is under the examination of the Indian Railway Conference Association Their Commercial Committee is now sitting at Lucknow and they are going into this question

Mr. N. M. Joshi: Will the Honourable Member please state whether Government is not put to a loss by adopting this system of authorising private agents to sell tickets, in view of the commission which Government have to pay to these agents?

The Honourable Dr. John Matthai: That is one of the reasons why during the war period the Railway Board did not add to the list of authorised agents, because at a time when you do not want to increase the passenger traffic, it is certainly not worthwhile for Railways to pay the commission due to these booking agents

Mr. N. M. Joshi: May I know whether even in peace time Government can afford to lose the revenue which they can get by directly selling their tickets instead of through these booking agents?

The Honourable Dr. John Matthai: If by offering these inducements it is possible to increase the aggregate traffic the question assumes a different phase

Mr. N. M. Joshi: What is the proportion of revenue which Government receives through these booking agents selling their tickets?

The Honourable Dr. John Matthai: I want notice

Sri V. C. Vellingiri Gounder: If the object of the Railways is to increase the railway earnings, are Government aware that as the trains are already overcrowded how agents are increasing the earnings?

The Honourable Dr. John Matthai: That is precisely one of the questions under consideration,

Mr. Ahmed E. H. Jaffer: Is the Honourable Member aware that some agencies charge certain extra charges by way of service to the passengers and certain other companies do not? May I know what is the exact position in regard to this matter?

The Honourable Dr. John Matthai: I am afraid I do not follow the question Would the Honourable Member kindly explain his question?

Mr. Ahmed E. H. Jaffer: Is the Honourable Member aware of the fact that certain travelling agencies charge certain charges extra over and above the railway fare by way of service charges whereas certain other travelling agents do not charge anything extra? I would like to know what is the exact position, whether passengers are expected to pay any service charges extra to these travel agencies

The Honourable Dr. John Matthai: The solution lies in the hands of the customers who go to these agents They ought to avoid them

Mr. Manu Subedar: In view of the heavy corruption in the issue of tickets from which the public have been suffering will the Honourable Member for Transport take an early opportunity to have the whole system carefully examined, amongst other things, with a view to see that Indian firms who wish to do this type of business are given reasonable opportunities?

The Honourable Dr. John Matthai: I shall have the question examined

Mr. Ahmed E. H Jaffer: The Honourable Member has not understood my question I want to know whether the travelling public are expected to pay any extra charges to the travel agents by way of service charges over and above the railway fare

The Honourable Dr. John Matthai: With regard to these tourist agents the practice has been that the Railways give them a commission which in most cases, average 5 per cent of the value of the tickets I am not aware of the circumstances which my Honourable friend has mentioned

Shri Sri Prakasa: Is the Honourable Member aware that Messrs Thomas Cook & Sons do not charge anything extra while Messrs Govan Bros do and may I know whether Messrs Govan Bros do not receive any commission from the Railways, while Messrs Thomas Cook people do?

The Honourable Dr. John Matthai: Since this question has been raised, I would suggest that particulars of these cases might be communicated to me

INEFFICIENCY IN THE POSTAL SERVICE

*** 219. *Mr. Sasanka Sekhar Sanyal:** Will the Secretary of the Communications Department be pleased to state

(a) whether attention of Government has been drawn to the serious irregularities and inefficiency in the Postal service in so far as it relates to catering to the public,

(b) the reasons for such irregularities and inefficiency, and

(c) whether Government are aware that one of the reasons is that efficient employees who have controlled and regulated postal work in particular stations over a considerable number of years are being, after the termination of the last general postal strike, subjected to quick transfer from place to place leaving things to be done by comparatively new staff having little knowledge of the locality and of the public to be served?

Sir Harold Shoobert: (a) Yes

(b) The disturbed conditions prevailing in many parts of India during the past year have caused great dislocation in postal arrangements from time to time, but the main reason for the deterioration in the service is a rapid expansion of the activities of the Department as a result of the war and post-war development with consequent employment of large and inexperienced temporary staff The quality of the men who have been recruited in recent years is generally lower than that

available before the war—which is, to no small extent due to the claims of other considerably more attractive employment Many of these men are unqualified and partly because a number of them are liable to be displaced by war service personnel, they take little pride or interest in the work of the Department The same difficulty is felt in varying degrees in all Departments, but in the Post Office unfortunately it comes to notice more prominently, because any failure of service there affects the daily life of the general public Government are anxiously striving to effect improvement

(c) Certainly not

Mr. Sasanka Sekhar Sanyal: What are the steps that are being taken by the Government to remedy this inefficiency in the postal service?

Sir Harold Shoobert: The steps that are being taken are stricter supervision, opening of training classes and recruitment of men of better quality, as far as we can get them We are also waiting for the report of the Pay Commission and for all we know the terms of service may be made a little more attractive

Sjt. N. V. Gadgil: Will the Honourable Member please state whether it is not a fact that these inefficient people who were recruited on a temporary basis are paid more than their corresponding numbers in the permanent cadre?

Sir Harold Shoobert: I think my Honourable friend has in mind certain appointments which were made during the period of the war, when we were very short of men in certain big centres and where owing to competition from other departments and from private employers it was impossible to get men on a short term basis without paying them more than the men who enter in a permanent capacity and in pensionable posts

Mr. Sasanka Sekhar Sanyal: Are Government taking any steps for giving training to their existing employees in the matter of efficiency?

Sir Harold Shoobert: As far as existing employees are concerned those who are likely to become permanent will when training schools are opened, be given further training in them as necessity and opportunity arise

Sreejut Rohini Kumar Chaudhuri: Will the Honourable Member please state why letters sent by air mail reach their destination later than letters by ordinary mail?

Sir Harold Shoobert: As I replied to an identical question in this House about four days ago I would refer the Honourable Member to my reply to that question

Shri D. P. Karmarkar: May I know whether after the Honourable Member's attention was drawn to particular instances in Bombay, any action has been taken by him to warn the Bombay office?

Sir Harold Shoobert: It is not a matter of warning to the Bombay office It is a matter of tracing where the fault lies and I explained to the House the other day what steps were being taken and what the difficulties were I do not think the Honourable Member wants me to waste the time of the House by continually explaining it day after day

Sreejut Rohini Kumar Chaudhuri: May I take it that the Honourable Member does not dispute my assertion that generally air mail letters reach their destination later than ordinary post?

Sir Harold Shoobert: Sir, I do dispute the assertion because I referred the Honourable Member to the reply which I gave the other day in which I said, if I have to repeat, that in a few isolated cases the fact is as stated by the Honourable Member, but it has to be remembered that the post office carries very many thousands of millions of letters during the year, and to me personally it has always been a wonder not that a few letters go astray or are delivered late but that the numbers that are delivered up in due time are delivered

Mr. Manu Subedar: May I draw the attention of the Honourable Member not merely to the delay but to the complete disappearance of air mail letters which

are posted from New Delhi in post boxes, and may I enquire whether he will set some traps or some such thing for the postmen who are tempted by the twelve anna stamps affixed to the letters? '

Sir Harold Shoobert: If my Honourable friend Mr Subedar could give me specific instances or a few details I shall be most happy to ask the Director General Posts and Telegraphs to have traps set and for special investigation to be made But it is possible if this is a matter of foreign correspondence, upon which valuable stamps are affixed, that the fault may not lie with the postal service but somewhere else

POLICY IN THE MATTER OF TRANSFER OF POSTAL PEONS AND OTHER MENIAL STAFF

220. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Communications Department be pleased to state

(a) the policy and practice of Government in the matter of transfer of postal employees of the peon and menial grade,

(b) whether it is a fact that after the last general postal strike postal authorities have transferred quite a large number of such employees and other employees of the clerical cadre from place to place, and

(c) whether Government are aware that there is a feeling that such transfer are being made as a sort of penal measure in respect of those who are supposed to have taken a prominent part in the strike?

Sir Harold Shoobert: (a) Postal peons and menials are liable to transfer within the Sub-Divisions in which they are employed and this is the practice followed

(b) The reply is in the negative The number of transfers of officials in the clerical and other grades have been quite few and generally made in the normal routine of administration

(c) Strict orders have already been issued that there should be no victimisation of men who went on strike

PENALISING OF SALE OF VANASPATI GHEE

221. *Pundit Thakur Das Bhargava: Will the Secretary of the Food Department please state

(a) if Government have ever launched any test case against the sellers of vegetable oil for selling the same as Ghee, under Section 420 of the Indian Penal Code,

(b) whether Government have ever considered the feasibility of stopping the sale of vegetable oil known by name of Vanaspati Ghee by penalising such sale by proper legislation, and

(c) if the answer is in the negative whether Government propose to consider the advisability of enacting such a penal measure?

Mr. K. L. Panjabi: (a) No, Sir

(b) Yes, Sir The Vegetable Oil Products Control Order enjoins that on all containers Vanaspati is described either as "Vanaspati", or "Vegetable Oil Product", or "Vegetable Product" and by no other name

(c) Does not arise

Mr. Manu Subedar: Sir, in the last Assembly the Honourable Member s predecessor gave me a definite assurance here that he would examine the possibility of making the use of the word 'ghee', which is misleading the public and is the cause of their being cheated, an offence Has the Department taken this matter up, and will the Honourable Member tell us when they propose to eliminate the use of the word 'ghee' which is misleading?

Mr. K. L. Panjabi: As I have explained, Sir, a penalty is provided if any container containing vanaspati describes vanaspati as ghee.

Mr. Manu Subedar: The position is not merely of the nomenclature on the tin The position is of what the shopkeeper uses both in making bills, in selling the article and generally in pretending that this is ghee to the unwary purchaser and the ignorant consumer

Mr. President: Is the point clear to the Honourable Member?

Mr. K. L. Panjabi: The Honourable Member wants action to be taken against dealers who sell vanaspati as ghee while the container describes the contents correctly I think if any specific instances are brought, the action can be taken by the Provincial Governments

Mr. Manu Subedar: I am sorry to persist in this point May I make it clear that it is not merely a question of what is on the tin It is of what the dealer sells

Mr. President: The latter part of the Honourable Member's answer perhaps clarifies the position he refers to the Provincial Government so far as that aspect of the matter is concerned

Mr. Manu Subedar: I do not think there is any controversy in this House on this point We are all unanimous that the use of the word 'ghee' in connection with a vegetable product at any stage of the transactions should be prohibited and should be penalised May I therefore enquire whether the Honourable Member will look further into this matter?

Mr. K. L. Panjabi: I will, Sir

Dr. G. V. Deshmukh: Could the Honourable Member tell us what is the meaning of the word 'vanaspati'?

Mr. Ahmed E. H. Jaffer: Is it the brother of Ganapati?

Sjt. N. V. Gadgil: May I know from the Honourable Member whether he is not aware of the fact that there is extreme shortage of oil supply in the country, and whether in view of this fact he will not consider the advisability of putting a stop to the manufacture of vegetable ghee altogether?

Mr. K. L. Panjabi: Sir, the manufacture of vegetable ghee does not reduce the available oil supplies, it only converts oil into another cooking medium So, if the use of oil by the vanaspati factories were stopped, the demand will still remain the same

Mr. Vadilal Lallubhai: Is the Honourable Member aware that there is such an acute shortage of oil that people do not get even half a pound of oil after standing in queues and hundreds have to stand in queues all over the country?

Mr. K. L. Panjabi: I have seen reports in the press that in certain areas there is temporary scarcity of oil But the matter is under active consideration of the Government

Mr. Vadilal Lallubhai: Has the Honourable Member seen the report from Bombay that the Premier of Bombay and the Bombay Ministry are for stopping the production of vegetable ghee entirely?

Mr. K. L. Panjabi: Government have received no such representation from the Government of Bombay

Mr. Vadilal Lallubhai: Have the Government of Bombay made that recommendation to the Department?

Mr. K. L. Panjabi: I have said already, Sir, that the Government of India have received no such recommendation from the Government of Bombay

Mr. Manu Subedar: Has not the Honourable Member seen the report in the papers today in which it is said that the Prime Minister of Bombay is awaiting intimation from the Government of India in order to carry out the threat of complete stoppage of the manufacture of vegetable ghee in order to put right the oil scarcity in the province?

Mr. K. L. Panjabi: I regret I have not seen the report in the papers

Shri D. P. Karmarkar: Is the Honourable Member aware of the fact that some of the factories manufacturing hydrogenated oil so manufacture it as to give it the colour of ghee—in different forms—Crystalline, non-crystalline, white, yellow—and sell it in different parts of the country, and if he is so aware, whether Government will take immediate steps to see to it that hydrogenated oil can be easily differentiated from any other edible oil?

Mr. K. L. Panjabi: Sir, Government have had this matter under consideration and it has already been decided that sesamum oil shall be mixed with groundnut oil in the manufacture of vanaspati, and when this is put into effect next month it will be very easy to detect the percentage of vanaspati with adulterated ghee

Mr. P. K. Salve: Has Government analysed this stuff? Has it found it to be digestible?

(No answer was given)

Pandit Lakshmi Kanta Maitra: May I know whether the Honourable Member is aware that the Central Food Advisory Board appointed a committee, the Food Adulteration Committee, which unanimously recommended that the word 'vanaspati' should never be used in this context and that all that they could use is 'hydrogenated edible oil' because vanaspati is a particular kind of manufacture?

Mr. President: The Honourable Member should merely put the question

Dr Zia Uddin Ahmad: Will the Honourable Member take steps to see that this vegetable oil is coloured so that the public may not be cheated and vegetable oil may not pass as ghee?

Mr. K. L. Panjabi: As I have already said there will be latent colouring as it has been prescribed that sesamum oil shall be mixed with groundnut oil in the manufacture of vanaspati

MR. PEPPARALL'S RECOMMENDATION *re* STOPPAGE OF EXPORT OF MILCH CATTLE TO CALCUTTA AND BOMBAY FROM PUNJAB

222. *Pundit Thakur Das Bhargava: Will the Secretary of the Agriculture Department please state

(a) the action that Government have taken or propose to take to implement the recommendations contained in the report of Mr Pepparall, Milk Marketing Adviser to the Government of India,

(b) if it is a fact that the best cows and buffaloes are exported to Calcutta and Bombay from Rohtak and Hissar and other parts of Punjab and that owing to absence of facilities for tending them in the dry period they are slaughtered after the milching period resulting in great national loss,

(c) if it is a fact that the Pepparall Report contained a recommendation that such export of cattle should be stopped and provision be made for exporting the milk, and

(d) whether Government propose to stop such export or to make proper provision for tending such exported cattle in Bombay and Calcutta?

Sir Pheroze Kharegat: (a) The Honourable Member may kindly see the reply to part (c) of Question No 880 asked by Mr Jhunjhunwala on the 12th March 1946

(b) Good milch cattle are exported from the Punjab to Calcutta and Bombay for milk supply in those cities Most of them are slaughtered when they go dry. A scheme for the salvage of dry cattle has been taken up in Bombay and similar schemes have also been sanctioned for Calcutta and Madras

(c) Yes, Sir

(d) The Government of India have agreed to share half the expenditure in respect of the salvage of dry cattle from cities with the Provincial Governments concerned

Mr. Manu Subedar: In view of the fact that Government have given an assurance that they are taking active steps for preventing slaughter of prime cows and buffaloes, may I know how these cattle can be slaughtered, as the Honourable Member said? Is not Government's action in preventing the slaughter of prime cows and buffaloes, even when they go dry, effective?

Mr. Pheroze Kharegat: The orders have been issued by the Provincial Governments concerned and in two provinces no orders have been issued at all. In certain other provinces, exceptions have been made in favour of buffaloes and buffaloes, when they go dry, are allowed to be slaughtered

Mr. Vadilal Lallubhai: With reference to the reply to part (a), what further steps has the Honourable Member taken to implement the Pepparall report within these twelve months?

Sir Pheroze Kharegat: The implementation of the report lies primarily with the Provincial Governments What the Centre did was

Mr. N. V. Gadgil: To print them!

Sir Pheroze Kharegat: to send a copy of the report to the Provincial Governments inviting their attention to the various recommendations and a press note was issued on the subject in February last year We have had no information as to what action the Provincial Governments have taken in that connection so far

Sri V. C. Vellingiri Gounder: May I know with regard to the Government of India grant to the Provincial Governments, how many provinces have received such grants for the salvage of dry cows and buffaloes?

Sir Pheroze Kharegat: The grants have been sanctioned so far to three provinces, Madras, Bombay and Bengal

Sri V. C. Vellingiri Gounder: May I know the amount of money given?

Sir Pheroze Kharegat. I am afraid I have not got the figures handy with me and I will be glad to supply the figures later if desired

Khan Abdul Ghani Khan: May I know why the subsidy was given to the three richest provinces of India?

Sir Pheroze Kharegat: The subsidy was given to the three provinces which have the largest towns or cities in India and because applications were received from those three provinces

Mr. Manu Subedar: Can the Honourable Member explain why, in spite of the measures recommended and taken by the Centre and the Provincial Governments all over the country the price of milk keeps on increasing and the quality of it keeps on deteriorating?

Mr. President: That is outside the scope of this question

Shri Mohan Lal Saksena: What are the names of the provinces in which orders have not been issued?

Sir Pheroze Kharegat: Punjab and the N.-W. F. P.

Shri Mohan Lal Saksena: May I know whether the Pepparall report has been implemented in the Centrally administered areas?

Sir Pheroze Kharegat: I am afraid I cannot reply to that I must ask for notice

CATTLE AND CROP INSURANCE

†**223. *Prof. N. G. Ranga:** Will the Secretary of the Agriculture Department be pleased to state

(a) whether Government are aware of the recommendations made by the committee on Agricultural Co-operation in favour of State experiments in organising cattle insurance and crop insurance and also of the recommendation

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

made by the Livestock Committee of the Imperial Council of Agricultural Research at its recent meeting in Cawnpore in favour of the State organising cattle insurance,

(b) whether Government are aware that the co-operative cattle insurance with State assistance has been organised in Denmark and Sweden, and

(c) whether Government propose to provide for the cattle insurance for our peasants?

Sir Pheroze Kharegat: (a) Yes, Sir

(b) Government are aware that co-operative cattle insurance has been organised with Government assistance in some countries including Denmark

(c) The question is being examined

COMPULSORY EXPORT OF MADRAS YARN

1224. ***Prof. N. G. Ranga.** Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether it is a fact that the Madras Government have made any recent recommendation that the compulsory export of Madras Yarn should be stopped in order to help Madras and thus minimise unemployment prevailing among weavers,

(b) whether Government propose to take urgent steps to see that this distribution of yarn among provinces is stopped, and

(c) whether Government are aware of the extreme scarcity of yarn for handloom weavers prevailing in Madras during the last three years and that the stipulation made in 1945 for the export of 17 000 bales of yarn from Madras presidency to other provinces has worsened the plight of the handloom weavers?

The Honourable Sri C. Rajagopalachari. (a) Yes, Sir, the Madras Government has recently suggested to the Government of India that export of yarn from Madras to other Provinces should be stopped so as to help Madras handloom weavers

(b) and (c) The Government of India are aware that the supplies of yarn are not adequate to keep handloom weavers in Madras in full employment, but that unfortunately is the case with handloom weavers in other Provinces also. The Government of India are unable to agree to the suggestion that exports of yarn from Madras to other Provinces should be stopped Available supplies of yarn have to be distributed equitably on an all-India basis as is done with all commodities in short supply

EXISTENCE OF THE PRACTICE OF STOPPAGE OF AN EMPLOYEE'S LEAVE AS PENALTY ON N W RAILWAY

225. ***Seth Sukhdev:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the practice of stoppage of an employee's leave privileges, exists on the North Western Railway as a form of penalty?

(b) Are Government aware that the spokesman of the Railway Unions in opening the workers case at Lahore on 8th October last before the Adjudicator in the Railway dispute stated that at certain loco sheds and other establishments, leave privileges of about 33 per cent of the total staff had been stopped? If so, what steps are proposed to be taken to remedy this state of affairs?

(c) Are Government aware that the Unions spokesman cited cases in which employees' leave privileges had been stopped for years in succession even till 1949?

(d) Do Government propose to abolish the infliction of the punishment by stoppage of leave on railway staff? If not, why not?

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

The Honourable Dr. John Matthai: (a) Till recently the practice on the North Western Railway was as stated by the Honourable Member

(b), (c) and (d) In opening the workers case at Lahore before the Adjudicator in the Railway dispute, the spokesman of the North Western Railway Employees Union referred to the practice on the North Western Railway of stopping leave privileges He mentioned one case in which these privileges have been stopped till 1949 When the practice in force on the North Western Railway was brought to the notice of the Railway Board, the question as to the correctness of this practice was examined and it was decided that leave was not one of the privileges which can be stopped in terms of the rules regulating discipline Instructions have been issued to Railways accordingly, and they have also been instructed to cancel any orders which may have been issued, in individual cases, withholding privileges otherwise than in accordance with the recent decision

Mr. S. Guruswami: Is the Honourable Member aware that the monetary loss suffered by the employees exceeds what is permissible under the Payment of Wages Act?

The Honourable Dr. John Matthai: I must have notice of that question

Mr. S. Guruswami: Will the Honourable Member make inquiries as regards the loss actually suffered by the employees concerned and make a refund?

The Honourable Dr. John Matthai: If the Honourable Member would refer the matter to me giving some particulars, I would have the question looked into

QUOTA OF MILL CLOTH AND ISSUE OF CLOTH COUPONS IN DELHI

226. *Sri R. Venkatasubba Reddiar: Will the Honourable Member for Industries and Supplies please state

(a) whether Government are aware that no cloth coupon were issued in Delhi for the quarter commencing from 1st December 1946, after the coupons for the previous quarter had lapsed

(b) whether Government are aware of the serious difficulty to which people are being put on account of such non-issue of coupons,

(c) the reasons why such coupons were not issued,

(d) whether it is proposed to abolish cloth control altogether in view of the very high prices charged in the black market for mill cloth of all kinds, and

(e) the quota of mill cloth of various kinds obtained for Delhi area for the quarter beginning 1st December 1946 and the quota obtained for the previous quarter?

The Honourable Sri C. Rajagopalachari: (a) The distribution of cloth ration permits in Delhi began on the 23rd December 1946 *i e*, 22 days after the due date

(b) I can well believe that this delay must have been a source of inconvenience to consumers

(c) The delay was due to a change in the form of permits and the system of distribution I understand that the public have found the new system an improvement

(d) It is regrettable that there is a black market but Government fear that things may get worse if control were abolished

(e) By the end of January Delhi had received, for the quarter beginning 1st December 1946, 259 bales of fine cloth and 1,902 bales of coarse cloth During the previous quarter, Delhi received 584 bales of fine cloth and 3,025 bales of coarse cloth.

Dr. Zia Uddin Ahmad: May I ask in what way things will grow worse if the controls are abolished?

The Honourable Sri C. Rajagopalachari. The fear is that there will be more hoarding, more cornering and things like that It is a fear. The matter is well worth further consideration

Babu Ram Narayan Singh: What are the sources of the fear that if control is removed things will get worse?

The Honourable Sri C. Rajagopalachari: The sources of fear are the fear itself

Lala Deshbandhu Gupta: Is it not a fact that the cloth quotas are fixed on population basis, taking into consideration the entire population of every province Delhi, being an urban province, is at a great disadvantage on that account as it gets less than its due?

The Honourable Sri C. Rajagopalachari: The matter has been settled more or less on a population basis but with a certain ratio fixed for each individual in the various provinces, which differs from province to province We have dealt with it as justly as we can but still there is room for complaint There are people who say that if 18 yards are given to people in Sind and Baluchistan why only 12 yards in other provinces It is true there is complaint but there is no other way of deciding the matter

Lala Deshbandhu Gupta: So far as Delhi is concerned, is the Honourable Member aware that the conditions in Delhi are more or less similar to those in Calcutta and Bombay and there is no reason why the people in Bombay and Calcutta should get *per capita* more cloth ration than that allowed in Delhi? Will the Honourable Member look into the matter and make the allocation of quotas equitable?

The Honourable Sri C. Rajagopalachari: I shall look into the matter, but I am afraid the Honourable Member's facts are not correct

Lala Deshbandhu Gupta: Is the Honourable Member aware that *per capita* cloth ration in Calcutta is more than that in Delhi and that an individual in Calcutta gets more than what is allowed in Delhi?

The Honourable Sri C. Rajagopalachari: I do not think so, but I shall look into it

Sardar Mangal Singh: At present the coupons are issued and they are not addressed to any particular shop with the result that people feel great difficulty in getting the cloth Will the Honourable Member consider that the coupons should be addressed to a particular shop and that the quota of cloth should be available at that shop as is the practice in other cities?

The Honourable Sri C. Rajagopalachari: If people have to carry coupons and also have coupons which could be used only at particular shops, I fear the difficulty will be greater and the complaints will be larger in number But the whole matter will be looked into, as I said

Shri Sri Prakasa: In view of the statement made by the Honourable Member when he was last on Supplies Member, can we ask him if he himself personally does not share the fear of his Government as regards the result of the abolition of control?

The Honourable Sri C. Rajagopalachari: I have to speak on behalf of the Government

Sri R. Venkatasubba Reddiar: May I ask the Government whether they propose to issue ration cards to Members of this House when they stay here for the Budget session at least?

The Honourable Sri C Rajagopalachari: It is perhaps not wise to make the business of the Central Government so particularised and focussed on the Members of the House here

SHORTAGE OF MATCHES IN NEW DELHI

227. *Sri R. Venkatasubba Reddiar. Will the Honourable Member for Industries and Supplies please state

(a) whether Government are aware that there has been a very serious shortage of matches in New Delhi and elsewhere since the middle of November 1946, if so what is the cause of such shortage,

(b) whether Government are aware that very serious inconvenience is being caused by such shortage and what steps Government are taking to remedy the situation,

(c) whether Government propose to open their own match depots or allow the present grain ration shops to sell matches in limited quantities to their ration card holders, and

(d) whether there is any control on the movement of matches and if so to what extent?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir It is partly due to fall in production on account of labour unrest, riots in centres of production and introduction of eight hours work a day in factories and partly to the tendency of retailers to hold up stocks The position has eased considerably

(b) Production capacity of established factories in India is quite adequate to meet normal internal requirements of the country The Government of India are taking action to reserve certain species of wood in India and the Andaman Islands exclusively for the Match Industry

(c) The Honourable Member's suggestion will be passed on to the Provincial Governments

(d) Export of matches from Delhi is prohibited Otherwise there is no control on internal movement Export of matches outside India is strictly controlled

Shri Sri Prakasa: In view of the fact that smokers recklessly waste matches, will the Government take steps to ration their supply?

The Honourable Sri C. Rajagopalachari: We cannot ration on individual basis unless we hold on to each one who is smoking

Mr. Manu Subedar: Has my Honourable friend here made a suggestion to Government with regard to the establishment of prohibition on tobacco?

Dr. Zia Uddin Ahmad: Am I to understand that the production of matches is sufficient to meet our demands? If so, why there is shortage?

The Honourable Sri C. Rajagopalachari: The factories produce enough, but, as I have already said, there is a tendency on the part of retailers to hold up stock That is the reason why there is shortage of matches

Lala Deshbandhu Gupta: With reference to the reply to part (c) of the question, may I know whether the Government have considered the advisability of carrying out the suggestion that the rationing shops may sell matches so far as Delhi is concerned?

The Honourable Sri C. Rajagopalachari: We shall consider it, but I cannot say it is very hopeful

Mr. Manu Subedar: Have Government considered the deterioration of the quality of matches and have they examined the question as to whether smokers as well as others are not using up more matches because the matches break in the process of lighting?

The Honourable Sri C. Rajagopalachari: It is likely The remedy lies in the improvement of wood and I have already referred to that matter

Pandit Lakshmi Kanta Maitra: What is the annual production of matches in India?

The Honourable Sri C. Rajagopalachari: I do not like to waste the time of the House although I can look into the file with me and find out the figures I would like to have notice of the question

Khan Abdul Ghani Khan: In view of the importance of this question (No 228) may I have your permission, Sir, to put it?

Mr. President: Has the Honourable Member got the authority?

Khan Abdul Ghani Khan: No, Sir

Mr. President: Then I cannot allow him to put the question

FIXATION OF PRICE OF FOODGRAINS BY THE PROVINCIAL GOVERNMENTS

†228. ***Prof. N. G. Ranga:** Will the Secretary of the Food Department be pleased to state

(a) whether it is a fact that Provincial Governments are entitled to fix the prices of food grains,

(b) whether it is a fact that the Government of India have insisted that the Madras Government should not increase the prices of paddy and rice,

(c) whether it is a fact that the Madras Government have asked the advice of the Government of India in regard to the increase of these prices,

(d) whether Government are aware that the price fixation Committee of the Government of Madras and on which two ministers for Agriculture and Food were represented, had unanimously recommended that for new crop of paddy, the price of Rs 13 for a bag of 166 pounds should be fixed and

(e) whether Government are aware that the Madras Government has today fixed the price of Rs 11 for ordinary qualities of paddy mainly because of the insistence of the Government of India that the price for ordinary quality should not be raised to Rs 13?

Mr. K. L. Panjabi: (a) No Sir In accordance with the decisions of the Fourth All-India Food Conference the levels are to be determined by the Government of India in consultation with the Prices Advisory Committee and the Provinces

(b) to (e) The answer is in the affirmative

DIRECT SUPPLY OF COAL TO TOBACCO GROWERS AND CURERS

†229. ***Prof. N. G. Ranga:** Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether it is a fact that during the last Budget Session Government agreed in answer to my question to allow tobacco growers and curers to obtain direct supply of Coal from the Collieries without the medium of the wholesale and retail dealers,

(b) whether Government are aware of the fact that the Controller of Coal at Madras has refused to implement the concessions made by the Government of India even after it was brought to his notice,

(c) whether Government are aware of the protests made by tobacco growers to the Coal Controller against his palliative of advisory Committees to check the vagaries and corruption of the wholesale and retail dealers, and

(d) whether Government propose to direct the Controller of Coal at Madras to let peasants obtain coal directly through their associations from Singareni and other Collieries?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir, it was so stated during the Budget session of 1946 but subject to the conditions that direct supplies were recommended by the Tobacco Adviser, that the tonnage involved was

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

substantial, and that responsibility was accepted for prompt payment to the collieries.

(b) and (c) Yes. Allegations that the Provincial Coal Controller has refused to allow direct coal supplies have been made by the Andhra Provincial, the Baputla Taluk and the Ongole Tobacco Growers' Associations.

(d) In pursuance of the Central Government's policy to decentralise, as far as possible, the control of coal distribution, the quota for tobacco curing concerns in Madras for the season 1946-47 has been transferred to the Madras Government, who are now responsible for the allocation of coal out of this quota to individual tobacco growers in the Province, and for determining the best method of arranging supplies. An enquiry has been made from the Madras Government whether they will agree to direct supplies being arranged and whether they can make satisfactory arrangements for prompt payment to collieries

EXCESS REMUNERATION TO OIL CRUSHERS BY MADRAS GOVERNMENT

†230. *Prof. N. G. Ranga: Will the Secretary of the Food Department be pleased to state.

(a) whether it is a fact that the margins of remuneration allowed for Oil crushers, who extract oil from groundnuts have been raised abnormally by the Madras Government,

(b) whether Government are aware of the fact that the Madras Government claims that they have done this under authority of the Government of India,

(c) whether it is a fact that various organizations of peasants have protested against the excess profits allowed to the Oil expellers and whether the Government of India propose to modify their advice to the Madras Government, so as to permit the reduction of these margins and thus increase the prices payable to the groundnut growers, and

(d) whether Government propose to see that peasants and their Co-operative sales societies and marketing federations are allowed to requisition the oil mills and thus supply to the market, groundnut oil and cake thereby eliminating the present profiteering allowed to oil crushers?

Mr. K. L. Panjabi: (a) No, Sir

(b) Does not arise

(c) One representation was received on the 8th February and is being examined.

(d) This is for the Provincial Government to consider.

INCREASED REMUNERATION TO RICE MILLERS BY THE MADRAS GOVERNMENT

†231. *Prof. N. G. Ranga: Will the Secretary of the Food Department be pleased to state:

(a) whether Government are aware of the fact that the Government of Madras have increased margins of remuneration and profit allowed to rice millers over and above the margins previously allowed by the Government of India;

(b) whether Government propose to see that the paddy growers and their Co-operative sales societies and marketing federations are given the right to requisition rice mills and get their paddy converted into rice and thus help the peasants to eliminate the profits of middlemen; and

(c) whether Government propose to see that the option is given to peasants to supply not only paddy but also milled rice and handhusked rice according to their choice?

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

Mr. K. L. Panjabi: (a) No increase in the margin of profit has been allowed but the margin of allowances for transport and labour charges has been slightly increased owing to the increased cost.

(b) The matter is under consideration

(c) Producers are not allowed to supply milled rice in order to avoid delay in procurement, and also because it is not possible to get rice conforming to the prescribed specification through them The supply of hand-pounded rice is permitted in order to encourage the hand-pounding industry

RADIO AND CABLE COMMUNICATION SERVICE.

232. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Secretary of the Communications Department please state whether Government have decided to run the Radio and Cable Communications services departmentally as a public corporation under their control?

Sir Harold Shoobert: The final form in which the Service will be run is yet to be decided and the whole question is under examination

Mr. Manu Subedar: Can the Honourable Member give information to this House as to what subsidy, if any, Government are giving with regard to overseas telegraphs either to this Company before it is taken over or to the Telegraph Company?

Sir Harold Shoobert: We are giving no subsidy Government have taken over the service and Government are now running the service as a separate Government Department

Shri Sri Prakasa: Is there any idea of handing over the Radio to any private company?

Sir Harold Shoobert: We have just taken it over from a private company and we do not intend to hand it over to another private company

EXTERNAL AIR SERVICES TO THE EAST AND TO THE WEST.

233. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Secretary of the Communications Department please state whether, in view of the fact that monopoly is essential in the formation of external air services, Government propose to adhere to their original decision to float two corporations one for the operation of routes to the East and the other to the West?

Sir Harold Shoobert: The policy of the Government of India regarding the operation of external air services is at present under review and an announcement is likely to be made shortly

CO-ORDINATION OF ALL FORMS OF TRANSPORT.

234. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable Member for Transport please state whether, in regard to the question of transport, co-ordination, Government propose to consider the necessity of creating a central all-India organisation for the co-ordination of all forms of transport, namely roads, rail, air, coastal shipping and inland waterways, instead of confining the conception of transport co-ordination to the present idea of rail-road co-ordination?

The Honourable Dr. John Matthai: Government have already set up a Central Board of Transport with the object of coordinating the planning and execution of transport development and ensuring the maximum coordination of all forms of transport.

Dr. Zia Uddin Ahmad: May I ask how the Honourable Member is going to effect co-ordination when rail, road, air and water services are under different Members of the Government of India?

The Honourable Dr. John Matthai: That is exactly the purpose of this Board. This Board is to consist of representatives of all the Departments of the Government of India concerned with transport of one kind or another

Shri Sri Prakasa: How long does the Government expect this Board to take to present its report?

The Honourable Dr. John Matthai: It is a standing Board to examine questions relating to transport from time to time

Shri D. P. Karmarkar: May I ask whether it is a fact that a post-war railway development scheme was once formed and whether Government propose to take the opinion of the popular Governments in the provinces regarding this scheme?

The Honourable Dr. John Matthai: That does not arise out of this question.

IMPORTS OF CEREALS INTO INDIA.

235. *Shri D. P. Karmarkar: Will the Secretary of the Food Department be pleased to state

(a) the total quantity of cereals imported into India from 1st April 1946 to the end of December 1946, and from what countries, and

(b) the estimated deficit of cereals for the current year and how Government propose to meet it?

Mr. K. L. Panjabi: (a) I place on the Table of the House a Statement showing the quantity of cereals imported from various countries during the period 1st April to the 31st December, 1946

(b) An assessment of our import requirements for the first half of 1947 has been made on the basis of existing stocks, prospects of procurement of the crops already harvested and rate of consumption at existing scales of ration. In order to leave stocks sufficient for six weeks we should import 2·4 million tons of cereals As for the requirements of imports for the whole year the Honourable Member will appreciate that a great deal depends on the coming Rabi and it is impossible to forecast at this stage what the outturn of this will be The Government of India will continue to make the utmost efforts to obtain imports from surplus countries As the Honourable Member is aware, the world's surpluses of rice are nearly all included in a pool, allocations from which are made by the Inter-national Emergency Food Council We are represented on this Council and India's requirements are continually pressed before this body For grain other than rice, we keep a continual watch of availabilities in the various surplus countries and the necessary steps suited to each case are taken In many countries we have buying agents, in others we buy through our Trade Commissioners and where stocks are under Government control, continual contact is maintained with the Governments concerned

Imported food-grains—Arrivals during the period from 1st April to 31st December, 1946.
I Foodgrains other than rice—

	From	Tons	
April	U. S. A.	29,706	Wheat
	Canada.	7,500	,,
	Australia.	62,182	,,
	Australia.	12,808	Wheat equivalent of 9,350 tons of flour at 73% extraction.
	Total	112,196	
May	Australia.	62,379	Wheat
	Australia.	42,470	Wheat equivalent of 31,003 tons of flour.
	U. S. A.	26,164	Wheat
	Canada.	3,500	,,
	U. K.	5,500	Wheat equivalent of 4,000 tons of flour.
	Total	140,013	

	From	Tons	
June	Australia.	52,398	Wheat
	Australia.	15,895	Wheat equivalent of 11,603 tons of flour.
	Canada.	39,314	Wheat
	Total	107,607	
July	Australia.	48,471	Wheat
	Australia.	45,478	Wheat equivalent of 33,199 tons of flour.
	Canada.	53,212	Wheat
	U.S.A.	33,879	"
	U.S.A.	76,979	Maize
	Total	258,019	
August	Australia.	52,931	Wheat
	Australia.	19,227	Wheat equivalent of 14,036 tons of flour.
	Australia.	1,050	Barley
	Canada.	9,308	Wheat
	U.S.A.	43,105	"
	U.S.A.	8,913	Maize
	Argentine.	25,301	"
	Burma.	2,730	"
	Iraq.	170	Millets
	Egypt.	19,625	"
	Total	182,360	
September	Australia.	43,836	Wheat
	Australia.	35,764	Wheat equivalent of 26,108 tons of flour.
	Australia.	200	Millets
	U.S.A.	67,581	Wheat
	U.S.A.	5,100	Maize
	U.S.A.	7,625	Milo
	Burma.	2,300	Maize
	Argentine	26,182	"
	Egypt	4,709	Barley
	Egypt	14,644	Millets
	Abbyssenia	1,421	"
	Total	209,362	
October	Australia	17,079	Wheat
	Australia	900	Millets
	U.S.A.	32,499	Wheat
	U.S.A.	6,253	Wheat equivalent of 5,003 tons of flour at 80% extraction Basis.
	U.S.A.	7,475	Milo
	Argentine	97,200	Maize
	Argentine	1,672	Millets
	Egypt	2,157	Barley
	Egypt	3,200	Millets
	Turkey	6,900	Barley
	Iraq	17,200	"
	Iraq	1,000	Millets
	Canada	17,376	Oats
	Total	210,911	

	From	Tons	
November	Canada	51,229	Wheat
	Canada	7,077	Oats
	U.S.A.	100,807	Wheat
	U.S.A.	6,986	Wheat equivalent of 5,589 tons of flour at 80% extraction Basis.
	U.S.A.	11,000	Milo
	Australia	9,544	Wheat
	Australia	12,322	Wheat equivalent of 8,995 tons of flour at 73% extraction Basis.
	Turkey	8,412	Wheat
	Turkey	36,490	Barley
	Argentine	27,478	Maize
	Argentine	8,250	Millets
	Burma	200	Maize
	Iraq	37,048	Barley
	Egypt	2,283	Millets
	Abbyssenia	395	,,
	Total	319,521	
December	U.S.A.	61,599	Wheat
	U.S.A.	15,490	Wheat equivalent of 12,392 tons of flour at 80% extraction Basis.
	U.S.A.	4,430	Maize
	U.S.A.	29,458	Milo
	Canada	2,000	Wheat
	Turkey	6,100	,,
	Turkey	18,148	Barley
	Argentine	29,034	Maize
	Argentine	7,033	Millets
	Iraq	8,044	Barley
	Iraq	1,000	Millets
	Total	182,336	
II. Rice—			
May	Burma	9,381	
June	,,	24,377	
July	,,	36,568	
	Siam	8,700	
	Saigon	3,890	
	Total	49,158	
August	Burma	22,908	
	Brazil	9,500	
	Total	32,408	
September	Burma	54,248	
	Java	4,000	Rice equivalent of 6,019 tons of Paddy.
	Total	58,248	

	From	Tons	
October . . .	Brazil	19,376	
	Java	12 000	Rice equivalent of 18,330 tons of Paddy
	Total	31,376	
November .	Burma	10,045	
	Siam	9,000	
	Brazil	8,498	
	Java	9 800	Rice equivalent of 14,714 tods of Paddy
	Total .	37,343	
December	Burma	40,743	
	Brazil	1,818	
	Siam	8,000	
	Java	3,308	Rice equivalent of 4,962 tons of Paddy
	Total	53,869	

Mr. Vadilal Lallubhai. What was the total cost of food imports last year?

Mr. K. L. Panjabi: I want notice

EXPORT OF FOODGRAINS TO GOA

236. *Mr. Ahmed E. H. Jaffer. Will the Secretary of the Food Department be pleased to state

(a) the quantity of food grains exported every month from India to Goa for the quarter ending December 1946,

(b) the expected export to Goa for the quarter ending March 1947, and

(c) whether it is a fact that Government of India are going to stop the export of food grains to Goa in the near future, if so, the reasons thereof?

Mr. K. L. Panjabi: (a) A statement is laid on the table of the House

(b) About 1,500 tons of foodgrains

(c) No, Sir

Statement showing despatches of foodgrains to the Goa during October, November and December 1946

(Tons)

Period	Wheat	Rice	Total
October, 1946	180		180
November, 1946	180	7	187
December, 1946 .	180	387	567
Total	540	394	934

Dr. Zia Uddin Ahmad: Is it not a fact that Government gave an assurance that no food would be exported to foreign countries? Is not Goa a foreign country?

Mr. K. L. Panjabi: For the purpose of supply of foodstuffs, Goa is considered as part of India.

NATIONALISATION OF KEY INDUSTRIES.

237. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Industries and Supplies please state when Government propose to implement the Honourable the Home Member's statement made in a speech in Bombay to representatives of the Commercial community of that city as regards Nationalisation of all the key industries in the country?

(b) Will the Honourable Member please state what the Honourable the Home Member precisely meant when he said that "Nationalisation of all key industries would not be necessary if the interests of labour were better looked after"?

(c) Do Government propose to appoint a Committee to advise them on the question of "Safeguarding the interests of Labour" thus rendering the wholesale nationalisation of key industries unnecessary?

The Honourable Sri C. Rajagopalachari: (a) and (b). At the reception given to him by the Indian Merchants' Chamber at Bombay, on the 4th December last, the Honourable the Home Member expressed the opinion that key industries should be nationalized, and that as regards other industries it would not be necessary to nationalise them if employers paid more attention to labour interests

(c) The suggestion will be considered

Mr. Ahmed E. H. Jaffer: Does the Honourable Member himself share the opinion which was expressed by the Honourable the Home Member?

The Honourable Sri C. Rajagopalachari: I do not know whether we are here to discuss Cabinet matters

Dr. Zia Uddin Ahmad: Will the Honourable Member say which are the key industries?

The Honourable Sri C. Rajagopalachari: I think it is to be understood in the normal idiomatic sense We know what industries are important

Mr. Ahmed E. H. Jaffer: Has the present Government laid down any policy for nationalisation of key industries?

The Honourable Sri C. Rajagopalachari: It has already been stated that this and connected matter are being considered and the policy will be decided upon and an announcement will be made thereafter

Dr. Zia Uddin Ahmad: With reference to the number of key industries the Labour Government in England definitely decided that five industries were to be regarded as key industries I said on the floor of this House that two more should be added to that list so far as India is concerned Have Government definitely decided which industries are to be considered key industries?

The Honourable Sri C. Rajagopalachari: Key industries differ from country to country just as keys differ from lock to lock

Dr. Zia Uddin Ahmad: They may be different in all countries, but so far as India is concerned, will Government decide which industries are in their opinion key industries?

The Honourable Sri C. Rajagopalachari: It can be easily decided

PROMOTIONS TO THE POSTS OF PRINCIPAL OFFICERS ON N. W. RAILWAY.

238. *Seth Sukhdev: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that in making promotion to the posts of Principal Officers, on the North Western Railway a condition is enforced that an officer so promoted has at least three years to attain the age of superannuation, If so, under what rule and what is the text thereof, and

(b) whether any racial discrimination is observed in enforcing the rule referred to in part (a) above? If so, why? If not, why this condition was not applied in the case of Mr Morse, Chief Mechanical Engineer, and Mr. Adams, Chief Electrical Engineer of the North Western Railway?

The Honourable Dr. John Matthai: (a) The reply to the first part is in the negative The second part, therefore, does not arise. I would, however, add for the Honourable Member's information that in making appointments to Principal Officers' posts, which are selection posts, it is considered desirable that, ordinarily, an officer should be able to hold the post for two years at least but each case is dealt with on its merits

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

Mr. S. Guruswami: Is the Honourable Member aware that on promotion the members of a particular community get three years additional seniority?

The Honourable Dr. John Matthai: I am not aware

RECRUITMENT OF TICKET COLLECTORS OR SPECIAL TICKET EXAMINERS ON N. W. RAILWAY.

239. *Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) whether any Ticket Collector or Special Ticket Examiners were directly recruited on the North Western Railway during the year 1946-47, If so, their numbers in each category,

(b) whether direct recruitment referred to in part (a) above, fits in with the policy of 20 per cent posts in intermediate grades to be filled directly; and

(c) whether the balance of direct recruitment posts not filled during 1944-45, and 1945-46 has been carried over for being filled in 1946-47, If so, how many and under what rule?

The Honourable Dr. John Matthai: (a) Yes 120 Ticket Collectors, Class I Grade I, two Ticket Collectors, Class I Grade II, and 21 Special Ticket Examiners, Class I Grade II were recruited direct during the year 1946-47.

(b) Yes

(c) At the beginning of the year 1946, in addition to the vacancies anticipated for that year in Class I Grade II of the Special Ticket Examiners' and Ticket Collectors' categories, 27 vacancies of Special Ticket Examiners were allotted to make up the deficiency in direct recruitment in the intermediate grade which occurred since the 1st January, 1944 These vacancies, however were not filled all at once as this would have meant reversions and transfers of staff already officiating in them There is no rule debarring the adjustment in subsequent years of under-recruitment against vacancies in the intermediate grades reserved for direct appointment

Dr. Zia Uddin Ahmad: Is the practice of direct recruitment adopted by other railways besides N. W. Railway?

The Honourable Dr. John Matthai: I believe it is in force also on other railways, but I am not in a position to give exact information at present.

MEMORIAL BY THE SUB-DIVISIONAL OFFICE CLERKS ON THE N. W. RAILWAY.

240. *Seth Sukhdev: (a) Will the Honourable Member for Railways be pleased to state whether his attention has been drawn to a memorial submitted by the Sub-Divisional Office Clerks on the North Western Railway regarding their pay and prospects? If so, what action has been taken in the matter?

(b) What is the further channel of promotion of these clerks beyond grade II?

(c) What is the reason for such disparity in higher grade appointments for Sub-Divisional and Divisional Office Clerks?

The Honourable Dr. John Matthai: (a) Government have seen the representation referred to. This representation, which has been received from the Sub-Divisional Office clerks employed on only one Division of the North Western Railway, is under consideration by the Railway Administration.

(b) No channel of promotion for these Clerks beyond Grade II has so far been fixed.

(c) The value of the posts in the various branches is fixed according to the nature and responsibilities attached thereto and Government understand that the opportunities for promotion to higher grade appointments for the Sub-Divisional and Divisional Office clerks respectively have been determined accordingly.

AERODROMES IN BRITISH INDIA AND INDIAN STATES.

241. *Pandit Mukut Bihari Lal Bhargava: Will the Secretary of the Communications Department be pleased to state

(a) the number of Aerodromes that existed in British India and in the Indian States territories at the end of the last war and the number that now exists;

(b) the Civil Airlines which were being used for commercial operations during the war period and that are being used for commercial operation at present; and

(c) the total route mileage covered then and now and the total number of civilian passengers carried during the year 1945 and 1946?

Sir Harold Shoobert: (a), (b) and (c) I lay on the table of the House three statements giving the information required

Number of aerodromes and landing grounds in existence.	at the end of War	Now
(1) In British India .	332	178
(2) In Indian States . .	70	69

Statement II

Names of operating companies carrying out commercial scheduled operations.

during the War period	at present
1. Tata Air Lines (upto April 1945).	1. Air India (formerly known as Tata Air Lines)
2. Indian National Airways (upto June 1942)	2. Indian National Airways.
3. Air Services of India (upto Middle of 1940)	3. Air Services of India.
	4. Deccan Airways.
	5. Mistri Airways
	6. Ambica Air Lines.

Statement III

Total route mileage operated	during war years	now
	6,100 miles per (average) annum 1945	12,404 miles 1946
Number of passengers carried . .	22,000	1,84,000

SHORTAGE OF PILOTS AND GROUND ENGINEERS.

242. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Secretary of the Communications Department be pleased to state whether Government are aware of the shortage of Pilots, Ground Engineers and other crew in India? If so, what steps have Government taken or propose to take to make up this shortage?

(b) Are there any training centres for imparting full training in Civil Aviation in India? If so, what is the number of such centres and where are they located?

(c) Are Government aware of the necessity of increasing the number of such centres appreciably in the near future in different parts of the country? If so, what amount do Government propose to provide for the same in the next budget?

Sir Harold Shoobert: (a) The answer to the first part of the question is in the affirmative In order to rectify the shortage of flying personnel, Government have granted substantial subsidies to flying clubs to enable young men who want to take up flying as a career to obtain initial training at a moderate cost A number of Pilots with suitable qualifications have been released from the Indian Air Force for employment and further training by the operating companies Government also intend to open during the next financial year, as part of the Civil Aviation Training Centre (India), a Flying School for the professional training of pilots and a Mechanics School for training ground engineers and other Aeronautical Engineering personnel

(b) A Civil Aviation Training Centre with four branches (an Aerodrome School, a Communications School, a Flying Training School and an Engineering and Mechanics School) is in the course of being established at Saharanpur The site of its permanent location is under consideration The Aerodrome and Communications School have started functioning and the other two are expected to be opened during 1947-48

(c) The desirability or otherwise of opening more centres will be examined. At present Government propose to concentrate on the Civil Aviation Training Centre which will impart instruction in all the important branches of Civil Aviation The last portion of part (c) does not arise

Dr. Zia Uddin Ahmad: Is there any institution in India which provides full course for ground engineering?

Sir Harold Shoobert: Not yet But we hope to be able to do that in this air training centre

Mr. Sasanka Sekhar Sanyal: May I know the number of flying hours that has been made the standard for eligibility as a pilot?

Sir Harold Shoobert: That depends upon the kind of pilot I must have notice

Mr. Sasanka Sekhar Sanyal: With regard to commercial pilots?

Sir Harold Shoobert: I want notice, Sir

Lala Deshbandhu Gupta: May I know the amount of subsidy given to the Delhi Flying Club?

Sir Harold Shoobert: The usual subsidy given to the Flying clubs is Rs 40,000 a year In addition to that, we charge for training pilots under 28 years of age only Rs 15 an hour and for every trained pilot, the Flying club gets a subsidy of Rs 250.

Mr. Sasanka Sekhar Sanyal: There was a complaint made on the floor of the House that the number of hours which made eligible a commercial pilot in India was fixed at a higher standard than what exists in Great Britain now May I know whether the matter has been remedied ever since?

Sir Harold Shoobert: I am afraid I must have notice, but I am sure Honourable Members of the House would not like to lower the standards in India.

Sardar Surjit Singh Majithia: What is the number of flying clubs that are training pilots in India?

Sir Harold Shoobert: The number at present is seven, and three more are expected to start shortly

Sardar Surjit Singh Majithia: How many pilots do they produce in a year?

Sir Harold Shoobert: We are in the first year after the war now, and I am afraid I have not got the figures before me I will try to collect what information I can for the Honourable Member and let him have it

(*b*) WRITTEN ANSWERS

TRAINING FACILITIES TO INDIAN STUDENTS AT CIVIL AVIATION TRAINING CENTRE

243. *Pandit Mukut Bihari Lal Bhargava (a) Will the Secretary of the Communications Department be pleased to state what facilities Government propose to afford to the Indian students to have training in all spheres of Air Line operations at Civil Aviation Training Centres?

(b) Do Government propose to give a sufficient number of State scholarships for the training of Indian students outside India till such training facilities are available in India?

(c) What is the number of such State scholarships provided in the years 1946-47, and how do Government intend to allocate it between the different provinces including the Chief Commissioners' provinces in India?

Sir Harold Shoobert: (a) The Civil Aviation Training Centre, which is in the course of being established, will provide training in all important branches of Civil Aviation, namely, aerodrome control and operation, radio operation, flying, and aeronautical engineering Schools for the first two subjects have been opened and those for the other two are expected to be opened during 1947-48. The flying clubs which have been established at important centres in the country afford facilities for *ab initio* training at moderate rates in flying and related subjects

(b) Under the Overseas Scholarships Scheme of the Government of India, a number of Indians have been sent abroad for training in subjects connected with aeronautics

(c) I place on the table a statement showing the number of scholars who have been selected in 1946 under the Overseas Scholarships Scheme, for training abroad in subjects relating to Civil Aviation No provincewise allocation has been made so far

Statement showing the number Scholorships awarded during 19 7 under the Oversea Scholarships Scheme in subjects relating to Civil Aviation

Subject	Number of Scholarships
Aeronautical Engineering . . .	6
Aeronautical Radio Engineering . . .	3

AJMER AS DEVELOPMENT CENTRE FOR CIVIL AVIATION IN RAJPUTANA.

244. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Secretary of the Communications Department be pleased to state whether Government are aware that Ajmer city occupies the central position in Rajputana and as such is eminently suited to form the basis for the development of Civil Aviation in Rajputana? If so, do Government propose to consider the question of granting licence to such persons as may take initiative in the matter?

(b) Have any applications been received by the Licencing Board? If so, what are they and what progress has been made towards the grant of licence to such applicants?

Sir Harold Shoobert: (a) There is no aerodrome at Ajmer and although a minor aerodrome for Ajmer is included in the Civil Aviation development plans, the provision of this will take considerable time The grant of licences for the operation of air services is a matter for the Air Transport Licensing Board which is a statutory body.

(b) Applications had been received from Northern Airways Limited, Lahore, for the operation of air services over the following two routes passing through Ajmer —

(i) Lahore-Ajmer-Indore-Akola-Hyderabad

(ii) Lahore-Bhatinda-Ajmer-Udaipur-Baroda-Surat-Bombay.

But the applications of this company have been rejected by the Air Transport Licensing Board, as they were not considered competent to undertake air transport operations.

NUMBER OF MUSLIM APPRENTICE DRIVERS OF JAMALPUR WORKSHOP, E. I. R. KILLED IN THE MESS.

245. *Dr. Zia Uddin Ahmad: Will the Honourable Member for Railways be pleased to state the number of the Muslim Apprentice Drivers in the Jamalpur Workshop, East Indian Railway, who were recently killed while taking their meals in their mess?

The Honourable Dr. John Matthai: With your permission, Sir, I propose to answer questions Nos 245 and 246 together.

Government are informed that 17 Muslim Firemen and Shunters under training at Jamalpur are believed to have been killed during an attack on the Indian Apprentice Mechanics Hostel, Jamalpur, on the 4th November 1946

Apart from any measures which the Provincial Government may take in exercise of their own responsibility, the Government of India in the Railway Department have arranged with the Bihar Government to enrol a large number of additional police, at the cost of the Central Government, in their armed Police Force for the protection of Railway staff, travelling public and railway buildings and lines Government hopes that these arrangements will tend to give the Muslim Apprentices the sense of security needed by them

PROTECTION OF LIVES OF WORKERS IN JAMALPUR RAILWAY WORKSHOPS.

†**246. *Dr. Zia Uddin Ahmad:** Will the Honourable Member for Railways be pleased to state whether Government have taken any action to safeguard the lives of those who are working in the Railway workshop at Jamalpur?

NUMBER OF COWS AND BUFFALOES IN INDIA

247. *Dr. Zia Uddin Ahmad: (a) Will the Secretary of the Department of Agriculture please state the number of cattle, cows and buffaloes now in India including Indian States? What is their death rate per year?

(b) What is the number of cow and buff-hides exported from India per year either as raw-hides or half tanned hides? How many of these are consumed by the tanners in this country?

(c) How many hides are left untanned and are allowed to be wasted?

Sir Pheroze Kharegat: (a) A statement based on the 1945 census is laid on the table (Statement I) No figures are available as regards the annual death rate but the number of cattle hides available each year is roughly estimated to be 20 million and of buffaloe hides 5·7 million showing a death rate of about 12½ per cent each year on an average.

† For answer to this question, *see* answer to question No 245

(b) A statement showing the export of raw hides and calf skins and half tanned skins from 1937-38 to 1945-46 is placed on the table (Statement II) Approximately 40 per cent. of the half tanned hides (East Indian Kips) produced are consumed by the tanners in this country

(c) It is not known how many are left untanned and allowed to be wasted, but the present price for raw hides gives every incentive to the collection and despatch of such hides to the market

Statement I

Number of cattle and buffaloes.

(Figures in millions)

—	British India	Indian States	All India
Cattle	112	46	158
Buffaloes	32	13	45
Total .	144	59	203

Statement II

Export of Raw Hides & Calf Skins from India (in Tons)

—	1937-38	1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46
Buff .	4,385	1,803	1,510	1,271	1,053	1,081	687	..	..
Cow .	16,771	13,283	10,148	5,793	7,570	2,920	1,815	365	505
Calf .	453	318	220	167	292	441	900	681	69
Export of E. I. Kips (Half Tanned) (in Tons)									
Buff .	1,309	1,114	2,952	1,810	1,756	700	380	1	5
Cow .	13,736	12,237	20,603	15,538	13,630	9,097	5,559	3,648	4,992
Calf .	1,863	1,362	2,260	1,800	1,607	1,811	1,035	631	391

LICENCE FEE FOR THE FRUIT STALL AT TRICHY STATION ON SOUTH INDIAN RAILWAY.

248. *Sri M. Ananthasayanam Ayyangar: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the fruit stall at Trichy Station on the South Indian Railway has been auctioned for a licence fee of Rs. 2,005-5-4 per month for the year 1946-47;

(b) whether it is a fact that at the end of 1944 the licence fee was only Rs. 40 per month and that the area of the stall is barely 240 sq. feet;

(c) whether Government are aware that Messrs. Spencer and Company have been allowed to open European Refreshment Rooms on various station platforms on the South Indian Railway and the Madras and Southern Mahratta Railway covering larger areas on a nominal rent of one rupee per annum;

(d) whether Government had received representations from the Madras Railway Users Federation protesting against the increase in the licence fees for fruit stalls and light refreshments and whether Government are aware that the increase in the licence fee falls heavily on the 3rd class passengers; and

(e) whether Government propose to revise their policy of licensing to the highest bidder and run the stalls departmentally or let out to caterers on easy rentals with a view to providing amenities to the 3rd class passengers at a cheaper cost?

The Honourable Dr. John Matthai: (a) Yes, but the license fee of Rs. 2,005-5-4 per month includes the right to vend through eight vendors

(b) The license fee for the fruit stall alone, and not the vendors, was Rs. 45 per mensem at the end of the year 1944. The area of this stall is about 140 square feet There were 14 vendors of fruits in addition who paid a total sum of Rs 105 per month

(c) Messrs Spencer & Co pay a nominal rent of one rupee per mensem per station on the South Indian Railway and of one rupee per annum per station on the M. & S M Railway for the rent of the rooms used by them for refreshment rooms, many of which are run at a loss

(d) Government have received a representation from the Madras Railway Users Federation, but there is no reason to infer that the increase in tender fees has resulted in any burden being imposed on passengers, specially third class passengers. The Railway Administration state that the price of fruit is regulated strictly, and that the price and the quality of fruit sold at the station compares favourably with those in the local market

(e) Government have the matter under consideration, and the principle to be adhered to in future will be discussed at the next meeting of the Central Advisory Council for Railways to be held on 15th March, 1947

INDIANISATION OF THE POSTS OF GENERAL MANAGERS AND OF OTHER SUPERIOR POSTS ON RAILWAYS

249. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable Member for Railways be pleased to state how many posts of General Managers have fallen vacant during 1946-47 or will be vacant in the coming year?

(b) How many of them have been filled up during the year by Europeans and how many by Indians?

(c) How many years more will those Europeans have to serve to reach the superannuation age?

(d) When will the total Indianisation of the Railway Administration be effected at least in the superior services?

(e) Is it a fact that General Managers and Members of the Railway Board are appointed by selection and not by seniority?

(f) Do Government propose to consider the desirability of Indianising both the Railway Board and the posts of General Managers during the course of the next year?

The Honourable Dr. John Matthai: (a) Five posts of General Managers have fallen vacant during the financial year 1946-47 and two more will fall vacant, one of them temporarily, before the close of the same year Two posts will, and a third may, fall vacant during the year 1947-48

(b) Of the five vacancies in 1946-47 so far filled two were filled by Europeans and three by Indians.

(c) As at 1st April, 1947 one European officer will have one year and five months, and the other seven years and eight months to serve before reaching the age of superannuation

(d) Since the recruitment of Europeans to the Superior Services was in operation till 1941, complete Indianization will, in the normal course of events, take from 25 to 30 years from that year.

(e) Yes.

(f) Government are alive to the desirability of Indianizing its services but as the claims of non-Indian officers already in service and eligible for promotion to higher posts cannot be overlooked, complete Indianization of the posts mentioned by the Honourable Member cannot be achieved in the course of next year.

RUNNING OF CATERING SERVICES ON RAILWAYS DEPARTMENTALLY

250. *Sri M. Ananthasayanam Ayyangar: Will the Honourable Member for Railways be pleased to state.

(a) whether Government have considered the desirability of running all Catering Services on the Railways departmentally,

(b) whether it is proposed to have only two kinds of refreshment rooms, vegetarian and non-vegetarian and whether all refreshment rooms will be converted into non-vegetarian rooms, and

(c) whether Government propose to consider the question of the abolition of the dining cars in trains to make provision for additional 3rd class coaches?

The Honourable Dr. John Matthai: (a) Government have considered this matter in consultation with the Central Advisory Council for Railways who, at a meeting in April last, declared by a small majority in favour of the principle of departmental working of all forms of catering excluding vendors, but at the same time appointed a sub-committee to examine the question of classification of refreshment rooms and retention or otherwise of dining car services The sub-committee in their report have *inter alia* recommended the continuance of contract catering on the grounds that, in existing circumstances, a change over to departmental catering would not prove beneficial This and other recommendations of the sub-committee are to receive the consideration of the Central Advisory Council for Railways at meeting scheduled for the 15th March 1947.

(b) The sub-committee mentioned in (a) has recommended the retention of refreshment rooms in their present form. Government will take a decision after the matter has been further considered by the Central Advisory Council for Railways at its next meeting

(c) The opinion of the sub-committee referred to in (a) and (b) is that dining cars should not be abolished Government will take a decision on this point also after the Central Advisory Council have considered the sub-committee's report.

FIXATION OF PRICES OF PADDY AND GROUNDNUTS FOR THE MADRAS PROVINCE

251. *Sri M. Ananthasayanam Ayyangar: Will the Secretary of the Food Department please state:

(a) whether the Central Government have fixed the prices of paddy and ground-nut for the province of Madras or they have directed that Government to fix the prices themselves;

(b) whether Government have received representations from Madras that the prices are low, that the paddy prices should be increased by a rupee and that no prices should be fixed for groundnut apart from the price for groundnut oil;

(c) whether Government are aware that by fixing separate prices for groundnut and oil, oil expellers and middlemen get longer profits, at the cost of the cultivator; and

(d) whether Government propose to revise the prices or leave it to the Provincial Governments to do so; if so, what are the revised prices; if not, why not?

Mr. K. L. Panjabi: (a) The prices of paddy and groundnut are determined by the Government of India in consultation with the Provincial Governments.

(b) The answer is in the affirmative.

(c) The price of groundnut oil is fixed in parity with the price of groundnut kernel. No undue margins are allowed to millers and middlemen.

(d) The whole question of control and prices of groundnut is under examination. The prices of foodgrains will be reviewed by the Commodity Prices Board set up by Government.

PRODUCTION AND SUPPLY OF CLOTH

252. * Sri M. Ananthasayanam Ayyangar: Will the Honourable Member for Industries and Supplies please state

(a) the latest position regarding production and availability of cloth, (i) from mills, (ii) from handlooms, in this country,

(b) whether the reduction of hours of work has affected the production adversely,

(c) what arrangements have been made to use the spindles, which have been surrendered by the Government of Madras, by other provinces or by other areas,

(d) whether Government of India have taken any steps to increase the output of yarn and cloth so as to make India self-sufficient in cloth, and

(e) the quantity of yarn and cloth that is exported from this country to countries abroad?

The Honourable Sri C. Rajagopalachari: (a) The position is unsatisfactory. Mill production of cloth in 1946 was 4,009 million yards as against 4,687 million yards in 1945 Handloom production was about 1,300 million yards in 1946 as against about 1,500 in 1945 Availability did not deteriorate to quite the same extent because exports and Defence requirements were less in 1946 than in 1945. The *per capita* availability for Civil consumption in India in 1946 was about 11½ yards as against about 12 yards in 1945

(b) Yes, Sir All available appraisements suggest that it means a loss in production at the rate of about 700 million yards a year Strikes, absenteeism and riots have also a large share in the reduction of output

(c) It is not correct to say that the Government of Madras have surrendered their spindles They did inform the Government of India that they desired to surrender them; but the Government of India replied that they could not see their way to cancelling the licences already issued to parties, in view of the commitments involved The question of allocating to other provinces spindles allotted to Madras cannot arise so long as the parties who obtained licences have not surrendered them.

(d) The Government of India have urged manufacturers in England to make the earliest possible deliveries against the orders for textile machinery placed on them by Indian industrialists. But the prospects of early deliveries from the U. K., and for that matter from the U. S. A. and other countries, are poor. Government have urged textile mills in India to work three shifts wherever possible, and are prepared to make coal supplies to keep such third shifts going. It is stated that labour difficulties in working a third shift, or working two shifts of nine hours, are considerable. Government are also endeavouring to affect an increase in production by means of a further rationalisation of mill output

(e) The cotton piecegoods export quota, which in 1945 was 646 million yards was reduced in 1946 to 446 million yards The figure for 1947 is under discussion at present These figures include yarn as well as varieties of clothing and hosiery goods.

CONSTRUCTION OF THE HAZARIBAGH-DUMKA RAILWAY LINE

253. *Babu Ram Narayan Singh: (a) Will the Honourable Member for Railways be pleased to state whether the proposed construction of the Hazaribagh-Dumka Railway line has been finally surveyed and its alignment settled? And if so, when will the construction begin?

(b) Whether any estimate of the cultivated lands to be acquired for this line has been made; and whether the rate of price to be paid to the owners has been decided upon? If so what is that rate?

(c) Whether there is any proposal to connect the town of Hazaribagh with the proposed Patna-Ranchi line?

The Honourable Dr. John Matthai: (a) The Honourable Member refers presumably to the Hazaribagh-Sahebganj railway survey sanctioned by Government in October 1945, which is expected to connect Hazaribagh with Dumka No final survey has yet been conducted in this case nor has the final alignment been settled It is therefore premature to say at this stage whether the line will be constructed or when the construction will begin The present position is that only a reconnaissance survey has been completed so far, as a result of which certain alternative alignments of the line to the east of Dumka are now under Traffic survey Based on the results of the traffic survey, one of the lines will be eventually selected for final engineering survey The Government will be able to take a decision in regard to the construction of the line only after the final engineering survey of the selected alignment is completed and the reports received and examined

(b) No estimates for the acquisition of cultivated land have so far been made. Such estimates can only be prepared after the Engineering survey is completed The price to be paid to owners of such lands is fixed by the Civil authorities

(c) No Sir There is no proposal to connect the town of Hazaribagh with the proposed Gaya-Ranchi line, nor has such a proposal been recommended by the Bihar Government

Overcrowding on Railway Trains

254. *Babu Ram Narayan Singh: Will the Honourable Member for Railways be pleased to state whether Government are aware that overcrowding in the Railway trains almost all over the country is increasing day by day? If so, do Government propose to take steps to check it and, if so, what?

The Honourable Dr. John Matthai: Government are aware that unhappily overcrowding in railway trains still exists, but they are not aware that it is on the increase Statistics of passengers carried and passenger miles of Class I Railways for the first half of the current financial year indicate an increase of nine per cent in the former and 2·6 per cent. in the latter, as compared with the corresponding period of previous year. During the same period the comparative increase in passenger train miles was 15 per cent To some extent therefore, overcrowding must have decreased.

Government are doing everything possible to make more passenger accommodation available Heavy demobilisation and repatriation movements have compelled the Defence Department to retain a substantial number of passenger vehicles loaned to them during the war, but in spite of this the principal railways, since the cessation of hostilities, have re-introduced or extended, over 1070 trains, covering a daily mileage of about 67,740 As more stock becomes available by release from the Defence Department, by building in Railway Workshops and by outside agency, passenger services will be progressively increased By March 1948, it is anticipated, approximately 1850 additional Broad Gauge coaches will have been put into service.

Overcrowding in Railway Compartments with Reserved Seats

255. *Babu Ram Narayan Singh: Will the Honourable Member for Railways please state whether Government are aware that even at night overcrowding is generally found in Railway compartments where all the seats are reserved and, if so, do Government propose to take steps to protect the claims of passengers who reserve their accommodation in advance?

The Honourable Dr. John Matthai: Government do not doubt that on occasions the number of passengers occupying a 1st and 2nd class compartment at night time may be in excess of the number of berths in the compartment, but

berths reserved for particular passengers cannot be occupied by others during the hours of reservation. To occupy a berth reserved for another passenger without the permission of authorised railway staff is already an offence punishable at law.

RUDE AND IMPOLITE BEHAVIOUR OF RAILWAY POLICE

256. *Mr. Ahmed E. H. Jaffer: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that the Railway Police at most of the Railway stations in India are rude and impolite to the travelling public;

(b) whether Government are aware that two Railway Police Constables Nos. 727 and 214 manhandled a passenger travelling by Delhi Express at Baroda Railway Station and assaulted him and robbed him of Rs 150 on the evening of 26th December, 1946,

(c) whether Government are aware that this passenger lodged a complaint with the Railway authorities before the departure of the train and, if so, what steps have been taken by the authorities against the two Police constables concerned,

(d) whether Government are aware that as a result of the incident the train was delayed by one hour resulting in great inconvenience to the passengers, and

(e) whether Government propose to issue instructions to the Railway Police all over India to be more polite and helpful to the public instead of taking the law into their own hands and misbehaving as was done on the 26th December?

The Honourable Dr. John Matthai: (a) Whilst Government would not be prepared to state that the Railway Police are always as courteous to the public as might be desired, they are not aware that the Railway Police at most of the Railway stations in India are rude and impolite to the public.

(b) No Government are however aware that the passenger referred to travelled from Dohad in a first class compartment although he had purchased only a second class ticket and had not reported and obtained prior permission from the staff to travel in a higher class of carriage The berth this passenger occupied had been reserved in advance at Ratlam for a first class passenger from Baroda to Bombay Central The second class passenger refused to vacate the berth when requested to do so at Baroda, and wilfully obstructed the staff in the discharge of their duties. Persuasion having failed, the railway staff were oblized to seek police aid to have the berth made available for its legitimate occupant. The report of the Deputy Superintendent of Police, Gujerat States Agency, Baroda, who enquired into the matter, shows that there is no truth in the allegation that the passenger was assaulted or robbed of Rs 150

(c) Government are aware that this passenger lodged a complaint to the effect that he lost his purse containing Rs 150 while he was being removed from the first class compartment and taken to the Police Office The complaint is under further investigation and disposal by the Police authorities

(d) The train sustained a detention of 45 minutes on account of the incident.

(e) The administration of Railway Police is a responsibility of the respective Provincial or State Governments.

UNSTARRED QUESTIONS AND ANSWERS

DETERIORATION OF TELEPHONE SERVICE IN CALCUTTA

36. Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Communications Department be pleased to state:

(a) whether attention of Government has been drawn to the persistent and wide complaint from all sections of the public that the telephone service in Calcutta has deteriorated and that almost every call is a source of fresh irritation since it is attended to at the station many minutes after the call is indicated and

that one has to wait further before the operator proceeds to connect at the other end, and that in many cases, a caller has to repeat his mission several times; and

(b) what are the reasons therefor and what steps have been or are being taken by Government with a view to remedying the abovementioned state of things?

Sir Harold Shoobert: (a) Yes. Government are aware that at present the telephone service in Calcutta is not adequate to meet the increased demands and that the standard of service needs considerable improvement.

(b) The reasons are (i) the excessive load on the system which could not be expanded during the war, (ii) the worn out equipment which could not be replaced during the war, and (iii) the number of inexperienced operators recruited during the war when facilities were not available for their proper training.

It has been decided to expand immediately the manual exchanges in Calcutta by adding an additional 5,200 lines and action to implement this decision has been taken. A large scheme for converting the Calcutta Telephone system to automatic working is also under the active consideration of Government It is expected that this scheme will be completed by 1951 and it will not only meet all the pending demands for telephones but is also being designed to meet the requirements for future growth.

As regards improving the work of the operators, two training classes have already been opened in Calcutta to impart the necessary training to them.

Seniority of Gazetted Officers on Railways after Promotion from Lower Subordinate Service

37. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) the basis for determining seniority between Gazetted Officers of the same branch of Service, who are promoted from Lower Subordinate Service; and

(b) whether the seniority is based on the position of the person on the approved list, and whether the fact of maintaining such a list for promotion to the Lower Gazetted Service is intimated to the Subordinates, if not, why not?

The Honourable Dr. John Matthai: (a) I presume the Honourable Member desires to have information regarding the basis on which seniority of non-gazetted staff for the purpose of promotion to gazetted rank is determined if so, the names of persons approved for promotion to the Gazetted Service are placed in order of merit as decided by the Selection Board constituted for the purpose In determining this order, the Selection Board are required to take into account, in addition to such matters as technical ability, academic qualifications, experience, reports regarding character etc , the individual's seniority and length of officiating service in any post higher than his substantive post Departures from the order of merit in making officiating promotions are permitted on grounds of administrative convenience or on account of the special suitability of an individual for a particular post. For the purpose of confirmation in the Lower Gazetted Service the order of merit determined by the Selection Board is followed, unless an officer is not considered fit for confirmation on the basis of his performance as an officiating officer

(b) The information whether the subordinates concerned are informed of their position on the approved list has been called for from Railways and will be placed on the table of the House in due course.

Recruitment of Grade II Guards on N. W. Railways

38. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state:

(a) the number of Grade II Guards recruited on the North Western Railway, separately during the years 1943-44, 1944-45, 1945-46 and 1946-47 (upto 31st

December, 1946) (i) by direct recruitment, (ii) by promotion from other branches of service in permanent and temporary posts respectively, and

(b) whether the shortage of direct recruitment in one year is made good in the succeeding years, if so, why and under what specific provision of the Rules?

The Honourable Dr. John Matthai: I have called for the information and will lay a statement on the table of the House in due course

GRIEVANCES OF CARRIAGE CLEANERS IN THE KARACHI DIVISION, N. W. RAILWAY

39. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) whether his attention has been drawn to a Memorial, dated Karachi the 28th August, 1944, to the address of the Divisional Superintendent, Karachi by Carriage Cleaners relating to their grievances in regard to their promotion and allotment of quarters,

(b) whether it is a fact that the former Labour Member of the Government of India, the Hon'ble Dr B R Ambedkar, had taken up the subject matter of the Memorial with the Railway Board, if so, with what result, and

(c) whether Government propose to take any steps to remove the hardship of the Memorialists, specially in the matter of provision of quarters near their places of work, if not, why not?

The Honourable Dr. John Matthai: (a) Yes

(b) In September, 1944 Dr Ambedkar forwarded to the Railway Department a memorial from carriage cleaners sent to him by the Editor, *The Railway Herald*, Karachi As a result, enquiries were made of the North Western Railway Administration, and Government were informed that the grievances mentioned in the memorial had already been considered by the Administration and that it had been decided, early in January 1945, to consider C & W Cleaners for promotion to the categories of Cleaning Jamadars and S. S Fitters and Stencillers on the basis of seniority subject to fitness to hold the higher posts, irrespective of cast considerations As regards the allotment of quarters, Government were advised that the Carriage Cleaners were classified as 'non-essential' staff from the point of view of their duties and could not, therefore, get preference over 'essential' staff The necessity for allotment of quarters in the strict order of the receipt of applications was, however, brought to the notice of the authorities concerned and a system of test check of allotment of quarters to inferior staff was also introduced

(c) Does not arise in view of the reply to part (b)

DELAY IN THE CONFIRMATION OF STAFF ON N. W. RAILWAY

40. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state·

(a) whether it is a fact that there is considerable delay in the office of the General Manager, North Western Railway, Lahore in ordering confirmation of staff,

(b) whether it is a fact that such complaints in confirmation of Grade III Guards, Station Masters, Grades V and VI and other staff have been addressed to the authorities and agitated through press;

(c) whether confirmations of the staff of the North Western Railway are ordered as permanent vacancies occur, or are the cases for confirmation considered at some fixed intervals; if so, at what intervals;

(d) whether it is a fact that allegations have been made against the General Manager's office, that recommendations sent by Divisions are torn and confirmations delayed on the plea of non-receipt of recommendations; and

(e) whether Government propose to take steps to see that confirmation are ordered immediately as permanent vacancies occur, if not, why not?

The Honourable Dr. John Matthai: (a) Government have no reason to believe that avoidable delay occurs in the office of the General Manager, North Western Railway, in ordering the confirmation of staff

(b) Complaints have been received by the Railway Administration from certain guards in connection with their confirmation, though no complaints from station masters, grade V and VI, appear to have been received It is understood that such complaints are usually made under a misapprehension owing to the staff being generally unaware of the actual position of the cadre

(c) Confirmations are ordered on the occurrence of permanent vacancies provided the men due confirmation have completed the prescribed probationary period and are recommended as fit for confirmation

(d) The North Western Railway Administration has no knowledge of such allegations

(e) In view of the reply to parts (a) and (c), this part does not arise

OPENING OF CITY BOOKING OFFICES AND OUT AGENCIES IN KARACHI DIVISION OF N W. RAILWAY

41. Seth Sukhdev: (a) Will the Honourable Member for Railways be pleased to state whether the North Western Railway Administration is considering the question of opening more (i) city booking offices, (ii) out-agencies, on the Karachi Division of the North Western Railway? If so, at what places?

(b) Do Government propose to lay on the table of the House a sample copy of agreement for the two kinds of Agencies generally executed with the Agents?

The Honourable Dr. John Matthai: (a) Yes The question of opening new City Booking Offices at Larkana and Jacobabad on the Karachi Division is being considered The justification for opening a City Booking Office at Rohri and an Out-Agency at Rato Dero (*via* Naundero) on the same Division is also under examination

(b) Copies of the standard agreements for the two kinds of Agencies are available in the Library of the House

WELFARE OFFICERS AND THEIR STAFF ON N W RAILWAY

42 **Seth Sukhdev:** Will the Honourable Member for Railways be pleased to state

(a) the number of Welfare Officers, Inspectors, Assistant Inspectors, and their Clerks on each division of the North Western Railway on 1st January 1946 and 1st January 1947;

(b) the annual expenditure on the staff referred to in part (a) above during the years 1945-46 and 1946-47, and

(c) whether the Unions are allowed any say in the matter of selection of Welfare Staff, if not, is it proposed to take the Unions into confidence in making such appointments?

The Honourable Dr. John Matthai: (a) and (b) The information is being collected and I will lay a statement on the table of the House in due course

(c) The reply to the first portion is in the negative. Appointments to the lowest grade of Welfare Staff (*i e*, Assistant Welfare Inspector) are made by properly constituted selection boards, and promotion from this grade to higher grades in the Welfare Service is made in accordance with the rules in force for promotions. It is not considered advisable to make any change in this system

SHIP BUILDING

43. Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether and how far Government have taken up the matter of shipbuilding either through their direct efforts or through agencies; and

(b) whether the matter has been referred to the Shipping Policy Committee, if so, what opinion or recommendation, if any, has been made by the said committee?

The Honourable Sri C. Rajagopalachari: (a) and (b) The question is being considered by the Shipbuilding and Marine Engineering Panel set up by the Planning and Development Department The report of the Panel is awaited The matter was not referred to the Shipping Policy Committee

SHORT NOTICE QUESTION AND ANSWER

DESTRUCTION OF POTATOES IN U S. A

Haji Abdus Sattar Haji Ishaq Seth: Will the Secretary of the Food Department be pleased to state

(a) whether he has seen the news item appearing in *Statesman*, dated 10th February 1947 under the heading "U S A destroys million tons of potatoes", and

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(b) if so, whether Government propose to move in the matter and secure these potatoes for India to supplement the meagre food rations that obtain in many parts of the country, if not, why?

Mr. K. L. Panjabi: (a) Yes

(b) We have no accurate information of the quality of potatoes described as "low grade" in the news item Even if this quality is acceptable, the import of fresh potatoes from U S A in ordinary vessels as mentioned in the news item, will result in considerable wastage and this will add to the cost Their transport could only be considered in refrigerated ships, but these are in short supply and the freight rates will be prohibitive Attempts have been made in the past to import and put into consumption dehydrated and canned potatoes to make up the cereal shortage But these attempts have not been successful The Provincial Governments have experienced difficulty in disposing of the stocks which were imported and supplied to them

Mr. Manu Subedar: In view of the general position that the U S A has got food surpluses some of which it is destroying in this manner, will Government consider the advisability of putting themselves in touch with the U S A Government and getting timely warning if there are other items than potatoes which are on their list of surpluses and which could be usefully imported into this country?

Mr. K. L. Panjabi: Certainly, Sir.

Haji Abdus Sattar Haji Ishaq Seth: With regard to the quality of the potatoes may I refer to an item in the *Hindustan Times* of the same day under the heading "America Destroys Food", where the quality of these potatoes is described as being of full basic diet value? Therefore will the Honourable Member reconsider the position if he is convinced that these potatoes could really be made use of to supplement our meagre food rations?

Mr. K. L. Panjabi: As I have already said, even if the quality is acceptable, their transport will be the main difficulty.

Dr. Zia Uddin Ahmad: Will the Honourable Member immediately approach India's Agent in the U.S A and find out the facts, because it is a crime for any country now-a-days to destroy food?

Mr. K. L. Panjabi: As stated already, we are keeping in touch with him.

†**Mr. G. S. Bhalja:** Sir, yesterday in reply to a supplementary question put by my Honourable friend Diwan Chaman Lall whether it is a fact that proceedings of courts-martial are reviewed by the Commander-in-Chief I replied in the affirmative. The correct position is that proceedings of courts-martial under the Indian Navy Discipline Act are transmitted to the Central Government which can suspend, commute or remit a sentence but cannot enhance it.

Mr. Manu Subedar: In view of that statement may I ask my Honourable friend . . . . . .

Mr. President: He is only making a correction.

APPOINTMENT OF THE HONOURABLE DR JOHN MATTHAI TO PERFORM FUNCTIONS OF THE FINANCE MEMBER AT RAILWAY BUDGET—GENERAL DISCUSSION

Mr. President: I have to inform Honourable Members that His Excellency the Governor-General has, under rule 2 of the Indian Legislative Rules, been pleased to appoint the Honourable Dr John Matthai to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Thursday, the 20th February, 1947, of the statement of the estimated annual expenditure and revenue of the Governor-General-in-Council, in respect of Railways.

DECLARATION DIRECTING CERTAIN BUDGET HEADS OF EXPENDITURE OPEN TO DISCUSSION BY THE LEGISLATIVE ASSEMBLY

Mr. President: I have to inform Honourable Members that His Excellency the Governor-General has passed an Order under sub-section (3) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, directing that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, will be open to discussion by the Legislative Assembly when the Budget for the year 1947-48 is under consideration.

INDUSTRIAL DISPUTES BILL

Mr. President: The amendment that was moved by Mr. N. M. Joshi is now before the House The question is . . .

Mr. N. M. Joshi (Nominated Non-Official) Sir, before you put it to the vote we should like to know the views of Government.

The Honourable Shri Jagjivan Ram (Labour Member). Sir, I am not going to accept the amendment and I gave my reasons already while discussing the previous amendment.

Mr. S. Guruswami (Nominated Non-Official): Sir, I should like to say something on this very important amendment moved by Mr Joshi.

Mr. President: I should not like to prevent the Honourable Member from speaking but he should be more alert. No one caught my eye and when I was going to put the question, when Mr Joshi wanted to know the views of Government.

Mr. N. M. Joshi: Sir, we are quite alert but not the Government. When we move an amendment it is their duty to tell the House their reactions to it. But they do not do it.

The Honourable Shri Jagjivan Ram: Sir, may I make my position clear? Is it necessary to give a reply on all occasions? When the question is put we shall indicate our attitude and oppose the amendment

†*Vide* page 407 of L. A. Debate, dated 11th February, 1947.

Mr. President: This time Mr Guruswami may speak and then I will put the question to the House.

Mr. S. Guruswami: The amendment seeks to remove railway services from the classification of public utility services The intention is that under the provisions of this Bill Government propose to make all services in the railways classified as public utilities, whereas under the old Trade Disputes Act only such services as were declared by the Governor General as public utility services were to be classified as public utilities The effect of this would be that if there are strikes without notice in any branch of the railway service, although they may not affect the convenience of the public, such strikes would be declared illegal Not only that, I take this House into confidence when I say that nearly 47 crores of rupees of provident fund assets of railwaymen are with the Government and they are liable to be partly or fully forfeited if the men declare strike which is illegal under the law, and therefore in respect of railwaymen the penalty proposed under this Bill is treble

(i) the civil liability that may accrue,

(ii) the criminal liability that is proposed, and

(iii) the possible forfeiture of the provident fund because if workshopmen on the Railways go on strike and if that strike becomes illegal under the provisions of this law, all the money which they have saved in the shape of provident fund assets according to the present rules of the Provident Fund is liable to be forfeited This is a very serious matter This has the effect of enabling the Government to punish railwaymen in three ways Even if the Government do not care to penalize the railway workers, the railway workers who happen to have been involved in the strike and who happen to be classified as having declared illegal strike under the provisions of this Bill will forfeit a large amount of the savings by the present Rules of the Provident Fund Therefore I would request the Honourable Member to give greater attention to this amendment My Honourable friend, Mr Joshi, has already pointed out that in England and in America railway service is not treated as public utility service We are not whole-hoggers in saying that all railway service must not be treated as public utility, we are even prepared to accept an amendment which would say that certain branches of railway services the stoppage in which would inconvenience the public should be declared as public utility, but for this purpose to classify any service on the Railways as public utility and thereby bring them under the mischief of the penalties proposed in this Bill is a very reactionary provision. Railway-service includes cooks, Accountants, Engineers, Butlers, Gardeners, and Chaprasis, workshopmen in addition to drivers and guards What would happen if a few chaprasis go on strike? Why should they be classified as men who have declared strike in a public utility service and be made to suffer the penalties proposed under this legislation? Therefore I appeal to the Honourable Member to withdraw the classification which he proposes to make in respect of all railway service I would request him not to be more reactionary than his predecessors, and to accept the amendment that has been so ably moved by my Honourable friend, Mr Joshi

Mr. President: The question is·

"That in clause 2 of the Bill, part (i) of sub-clause (n) be omitted and the subsequent parts be re-numbered accordingly"

The motion was negatived

Mr. N. M. Joshi: The next amendment which I propose to move is "That part (vi) of sub-clause (n) of clause 2 of the Bill be omitted" But I would like to consult you, Sir, as regards the effect of my doing so I have got another amendment standing in my name, namely part (b) of (i), which I am not moving yet, because the amendment which I propose to move first removes the schedule altogether If the schedule is not removed, however, then I will move part (b)—that is what I propose to do, and I am asking for your consent to do that.

Mr. President: I am afraid I am not yet quite clear about it, but it appears to me that part (b) of the amendment, which the Honourable Member proposes to move, is consequential to part (a)

Mr. N. M. Joshi: It was consequential in this sense that if my first amendment had been adopted, the second was not necessary

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) If the Schedule is retained, then he wants to add a proviso

Mr. N. M. Joshi: As my first amendment has failed, I have to move part (b), which asks for an addition of another item to the Schedule but my next amendment wants to get rid of the schedule altogether and that is why I wish to move this first.

Mr. President: And he will move part (b) of (i) afterwards?

Mr. N. M. Joshi: Yes, Sir, if that is necessary

Mr. President: At first I thought that in the first amendment tabled by the Honourable Member—part (b)—was consequential in the sense that he wanted to remove the railway service from the clause itself and transpose it to the Schedule

Mr. N. M. Joshi: But I have got an amendment that the Schedule should be moved.

Mr. President: What I was considering was that by splitting his amendment into two parts, he now wishes to move this as an independent amendment That is a change in his original intention

Mr. N. M. Joshi: That is what it comes to, because I find that it would be very difficult to move that amendment Sir, I move

"That part (vi) of sub-clause (n) of clause 2 of the Bill be omitted"

The part which is proposed to be omitted reads thus

"Any industry specified in the Schedule which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the official Gazette declares to be a public utility service for the purposes of this Act, for such period, if any, as may be specified in the notification"

The object of the Government in introducing this new clause in this Bill is to extend the scope of what is called a public utility service In my judgment this extension is unnecessary Certain services are already mentioned as public utility services, but the Government are not satisfied with that They say they should have power to extend the definition of 'public utility service' to certain other industries which ordinarily need not be classified in their judgment as public utility One of those industries is transport other than railways, if they find that there is an emergency and it is in public interest to declare it as public emergency, it will be notified as public utility service Sir, I do not think that there is anything in these industries on account of which the Government will be justified in declaring those industries as public utility services I have already said in my speech yesterday that I consider a service to be public utility only in those cases where there is danger to human life and where the safety of human life is endangered and in other cases there is really no case for extending the scope of what is called public utility services I have already pointed out once that many of these industries which Government want to declare as public utility services are not treated as public utility services in the sense in which the Government of India want to You take, for example, iron and steel industry In Great Britain there is a large iron and steel industry

In the United States of America there is a large iron and steel industry. There, there is no such law as Government wants to enact in this country as regards that industry. In Great Britain there is a very big coal industry, much bigger than ours, and even there where people are more dependent on coal for their very existence than in this country that industry is not treated as a public utility in the sense that the Government of India wants to do Therefore I

[Mr. N. M. Joshi]

think that this extension is unjustified and the Legislature should not approve of the intention of the Government in widening the scope of what is called public utility service.

Mr. President: There is one point to which I might invite the Honourable Member's attention. He says he wishes to move.

"(b) To the Schedule the following new item be added, namely:—

'6 Any railway service.' "

That is his idea

Mr. N. M. Joshi: I will then move that amendment first

Mr. President: Even then I have a difficulty to which he may give me a satisfactory reply

What has happened is that by his splitting up the amendment, the first part of it is negatived That means the House has refused to delete "Any Railway service" from clause (n) If he now wants to have this amendment in order to take it into the Schedule, it runs contrary to the decision of the House

Mr. N. M. Joshi: What has happened is that the House has refused to delete "railway service" altogether from the clause The House has not expressed an opinion as to whether railway service should be transferred to the Schedule or not. The House has agreed that the railways should stand. The House has not approved of the motion altogether

Mr. President: What would be the position? The position would be that the Schedule should stand as "Any railway service"

Mr. N. M. Joshi: As a separate item

Mr. President: It will stand both in the clause as proposed and the Schedule. I have not quite followed what the Honourable Member means Public utility service means "any railway service". That will stand

Mr. N. M. Joshi: That is not omitted

Mr. President: That means if the House adopts this clause it will stand

Mr. N. M. Joshi: It will stand if not modified further

Mr. President: So far as the other parts of the clause go they may be changed, but so far as this clause is concerned now, if the clause is rejected then only the whole thing will go But the difficulty that I am feeling is this. Clause 6 says "Any industry specified in the Schedule" and if the Honourable Member now brings this amendment to include "Any railway service" in the schedule, "any railway service" will come in at both places, and the inclusion in the Schedule will be contrary to what the House has expressed here by refusing to omit it from sub-clause (n)

Mr. N. M. Joshi: The House has expressed its opinion on the motion It has not expressed its opinion under transference That can come when the omission is not approved

Mr. President: My own view at present is, unless other arguments are advanced, that this amendment will be barred by the first decision of the House.

Sjt. N. V. Gadgil: I want to point out to you that by the first amendment he wanted to substitute something. He failed there

Mr. President: His first amendment was a composite whole in which he wanted to transpose 'railway service' from the main clause to the Schedule. He changed his intention and wanted to have the amendment split up and when he was first addressing me, I thought he wanted my permission to the splitting up of the amendment for moving it in separate parts. I would not have objected to that But the point to which I am inviting the Honourable Member's attention now is that the second part of the amendment which he wishes to move as the result of splitting will be barred by the decision of the House

Sjt. N. V. Gadgil: I may refer you to the amendment which was rejected by the House yesterday He moved his first amendment which sought to substitute his own definition for the definition of public utility service given in the Bill I want to know what is the exact position after this amendment has been rejected Will it be right to say that the House has accepted the clause as it stands? In that case the question will be whether there is to be any addition.

Mr. President: No That is very clear. The substitution is rejected. That does not mean that changes in the clause as it stands are not permissible

Mr. N. M. Joshi: May I take you into my confidence The original amendment as drafted was a simple one that the railway service should be transferred to the Schedule

But then your office felt that that was a wrong method of putting an amendment and you may not approve of such a procedure Perhaps they may be right I am not a lawyer I said, all right If that is so I am prepared to move the amendment as proposed by your office I am not blaming the office As a matter of fact, I told the Deputy President yesterday of what I am doing I did it with his consent The office suggested that it would be better if it met with your approval I do not blame them because if I had not done that I would have moved my original amendment I thought that they knew a little better than I did in this matter and they may have consulted you

Mr. President: I was not consulted

Mr. N. M. Joshi: You came a little late All that is due to this Therefore I suggest that you should find a way out of this There is no difficulty in this

Diwan Chaman Lall (West Punjab Non-Muhammadan) May I say a word I think Mr Joshi says that there is no difficulty But a very serious legal difficulty arises The House has now given its opinion regarding the amendment "any railway service" which according to Mr Joshi's amendment (1) he wanted to delete from this particular part of a definition of a utility service and put it in the Schedule This has now been rejected If railway services are now part and parcel of utility services, I would invite you to look at the particular paragraph in Chapter 5, Section 22, which deals with this It says that "No person employed in a public utility service shall go on strike in breach of contract" That means that no person employed on a railway shall go out and not have to wait for the Government to issue a notification as contemplated by sub-clause 6 of clause (n) of clause 2. Therefore this is a matter which cannot now be decided It cannot now be taken out of the definition of a public utility service and put in the schedule because certain other consequential things follow from consideration of Chapter 5, Section 22 of this measure I submit the intention was there. Mr. Joshi did want. ...

Mr. N. M. Joshi: Then your law is bad!

Mr. President: Order, order.

Diwan Chaman Lall: If in the definition of utility services a railway service should be included, the right should be given to Government to make the inclusion when the time comes whether railways should be part and parcel of the Schedule but railways now having been made part of the utility services, certain consequential things follow and it is not possible to put railway service in now into the definition of utility service and also add it to the Schedule

Mr. President: I do not think any further argument is necessary. The simplest and shortest reply to the argument of Diwan Chaman Lall is that clause 22 has not yet been passed by the House. So, also is it with clause 2 Therefore, any changes in these two clauses are still possible. So, to my mind that difficulty does not arise. The real difficulty is, as I pointed out, and I am repeating what I said, that when once the House has rejected the deletion of "Railway Service" from the clause then by implication, the House has also

[Mr President]

rejected its insertion in the Schedule That is what follows as a consequence and not expressly but it is a necessary consequence Though mere omission from the clause does not mean a necessary inclusion in the schedule, as after the rejection of omission from the clause, it becomes difficult, to allow a motion to include it in the schedule

Mr. N. M. Joshi: My point is this What the House has done is that it has merely stated that it should not be removed from what is called "public utility" My amendment does not say that it should be removed from "public utility" at all By transferring to the schedule it remains to be a "public utility". Transference to the schedule does not mean that it is not a public utility It becomes a public utility also by transferring it to the schedule

Mr. President: Public utility under the schedule is what is specified by the appropriate Government as a public utility If by statute it is already a public utility, how can it be again in the schedule giving scope to the provincial government to say whether it is or is not a public utility That will be a contradiction

Mr. N. M. Joshi: If it is by statute, the statute has not yet been passed What the House has decided is that it should not be omitted from public utility

Mr. President: It is no use arguing further about it I am going to hold that the amendment (b) is barred.

Mr. N. M. Joshi: I have already moved the other amendment and I have also supported my amendment by arguments There is one word that I want to say The Honourable the Labour Member asked whether he is bound to make any speech opposing our amendments It all depends upon the attitude he shows towards the discussions in this House If he is not a believer in parliamentary methods, if he is not a believer in argument and discussion, then he need not reply at all All the amendments will be defeated by the votes which he commands I therefore feel that ordinarily as a matter of courtesy to the House he should reply But if he feels no courtesy to the House, if he has no faith in parliamentary discussion, then let him not reply

Mr. President: I am afraid that is a misunderstanding. What the Honourable the Labour Member meant was that he need not repeat what he has already said

The Honourable Shri Jagjivan Ram: Sir, I should like to explain my position The points that were made yesterday on this motion were exactly the same points that were covered by his first amendment and if I had made a reply to that, I would have simply repeated those very arguments Therefore without meaning any discourtesy to him or to the House I did not want to take more time of the House by repeating those arguments

Mr. President: Amendment moved

"That part (vi) of sub-clause (n) of clause 2 of the Bill be omitted"

The Honourable Shri Jagjivan Ram: Sir, I do not see my way to accept this amendment In the original Bill the scope of this clause was rather very wide Any industry would have been declared a public utility service by the appropriate government as it originally stood but the scope was very much limited in the Select Committee by the introduction of this schedule and I need not repeat the same argument to prove that when there is scarcity of consumer goods in this country, the industries that are included in this schedule are public utility services In that view of the matter I do not see my way to accept this amendment

Miss Maniben Kara (Nominated Non-Official): Sir, with very great difficulty I have been able to follow the amendment moved in this House I

would like to support the amendment which has been moved by my Honourable friend Mr. Joshi

The Bill as it stands gives very wide powers to the Government to declare a particular industry as within the scope of 'Public Utility' or otherwise. We are not prepared to give such wide powers to the Government, because the Government themselves have made it quite clear, declaring not once but on several occasions, that they want to treat capital and labour on equal footing. They have made it very clear themselves that they are not necessarily a labour government and since that is the case, the Honourable Member will very well appreciate the point of view taken up by the representatives of labour in this House, *viz* , that we are not prepared to hand over such wide powers to a Government which has declared here that they want to take up an attitude of equality as between the oppressor and the oppressed These are genuine fears and this Bill seeks to include industries other than those essential services which have been existing today under the present Act

It is a fact that when there is a strike, there is hardship to the public After all when workers in any industry go on strike, particularly those industries that have been mentioned in the schedule, certainly at some distant date the public is bound to be put to hardship After all is said and done, if the public is not to be put to any inconvenience whatsoever, where will be the sense in going on strike Why will people go on strike unless and until public opinion is also educated in that If that was not the intention, if the workers' demands are granted by representation or by negotiation or by any other machinery which is provided for the workers then naturally they will not want to go on strike Today the press is controlled by the upper classes and the workers have no opportunity for expression whatsoever and the public do not know that they are on strike I can give you hundreds and thousands of such instances There are hundreds of thousands of workers who are starving due to strikes and not a line has appeared in any press and will not appear either so long as the control of the press remains in the hands of the few Under these conditions, when there is a strike, certainly the public will be inconvenienced and we have to see, as it was pointed out by us yesterday, when we moved the first amendment, that the public is not inconvenienced to the extent of endangering their lives I would repeat that today (I am not talking irresponsibly) on the floor of this House But if the intention of the present Government is that if there is any industrial trouble then the consumers or the public need not know anything about it, that will be a great blow to the working classes as a whole As you will see there are a number of industries like transport which were not considered to be essential services but which are included Not being satisfied with those things the Honourable Member thinks it necessary to have a schedule and keep wide powers with the Government to declare these other industries also as essential services I would appeal to the Honourable Member and the other members sitting on the opposite benches who claim to be the friends of the workers who also say that they have for a quarter of a century associated themselves with the working classes, that this schedule should be dropped and such wide powers should not be given to the Government With these words, Sir, I support the amendment moved by my friend, and I hope the Honourable Member and his friends will accept this amendment.

Mr. Vadilal Lallubhai (Ahmedabad Millowners' Association: Indian Commerce): Sir, I rise to oppose this amendment I am surprised that such amendments have been sponsored. If you look at the schedule you will find only five items, and one of them is coal We read in today's papers what a calamity it has created in the life of the people in England when there is such a heavy coal shortage

Mr. N. M. Joshi: How could it have been avoided even if this provision had been there?

Sjt. N. V. Gadgil: Some attempts would have been made.

Mr. Vadilal Lallubhai: What difficult position they are in can be realized from the coal shortage that is existing today in England. If there is coal shortage all industry will come to a standstill. We have already heavy shortage of cloth. Cloth production has gone down by 25 per cent., and if it is not further to go down, coal production, the most important part of the working of an industry, should not be left.

The other things are cotton textiles, foodstuffs, iron and steel. Regarding foodstuffs we know that we cannot afford to lose even a grain of foodstuff We cannot afford that industry can suffer in these days of dire necessity If we want to have enough buildings, enough roads, and if the building programme has to get on, we cannot get on without iron and steel. I am surprised therefore that these important industries which are only five as stated in the schedule are wanted by my Honourable friend Mr Joshi to be taken out of the schedule so that, if there are strikes, he would not care whether the public suffers or not. I think the schedule ought to have been rather bigger than what it is If any item is to be reduced it is going to make the whole nation suffer. I therefore oppose the amendment.

Mr. S. C. Joshi (Government of India: Nominated Official). I think there is some misconception in the mind of the Honourable Lady Member She said that such wide powers should not be given to the Government to declare any of the services mentioned in the schedule as public utility services. I do not think that this clause in any way gives such wide power as the lady Member stated. The power that is given is qualified in three ways. In the first place, there must be either a public emergency or there must be a public interest involved. It is only when public emergency or public interest so requires that the Government can have that power. It cannot therefore be said to be a wide power given to the Government Second y, the power is to be exercised only so long as the emergency exists or the public interest requires It will be always limited. I have also given notice of an amendment, which will limit the exercise of that power in the first instance for a period of six months If the public emergency or the public interest requires its extension, then it may be extended for a like period but not longer Therefore, it is not quite correct to say, as the Lady Member, said that the power given by this is very wide There is also a third point, namely, that the powers of Government in declaring certain services as public utility services will be limited by the cases that are specified in the schedule Government have no power to declare any other services which are not included in the schedule as public utility services.

Then, the second point which the Lady Member urged was that every strike involves some inconvenience or hardship to the public True: there will be inconvenience and there will be harshdips as a result of the strike What is contemplated here is that in cases of public emergency or in cases where public interest so requires, the right to strike is actually not taken away. What is required is that notice is to be given so that the conciliation machinery shall be set in motion immediately and compulsorily and attempts may be made to see if any settlement is possible. Of course, everybody agrees that labour is not anxious to go on strike; that labour is anxious to continue the work; that if anybody is hit hard and most as a result of the strike it is labour. Therefore, it is labour that should be anxious to see an amicable settlement of the dispute which labour may have with the employer. Therefore, if labour is anxious to avoid strike, why should they be so nervous of giving a notice of strike so that every effort can be made to bring about an amicable settlement and to avoid the necessity of going on strike which will cause the utmost hardship to labour? There should therefore be no fear in the mind of any member, who

has got any interest of labour at heart that this power will be abused or misused. I think, Sir, that the clause, as it stands, is quite fair and reasonable and is in the best interests of labour.

Mr. President: The question is:

"That part (vi) of sub clause (n) of clause 2 of the Bill be omitted."

The motion was negatived.

Mr. N. M. Joshi: I move.

"That in part (vi) of sub-clause (n) of clause 2 of the Bill, the words 'or public interest' be omitted."

Sir, the object of this amendment is to restrict the discretion given to Government. Government says that if there is public emergency, if there is shortage of cloth, shortage of coal, shortage of iron and steel, and shortage of bullock carts and carriages, then they should declare these industries to be public utilities. The House has already accepted that. But Government now goes further and say that they are not satisfied with declaring that it is emergency. They want the words "public interest" also to be added. An emergency will always be of short duration. That does not therefore satisfy Government. They therefore say that if they are satisfied that a certain industry is necessary in the public interest then they will issue a notification. Such a notification is bound to be a permanent notification Government will say—No, that is not their object That is what my Honourable friend Mr S. C. Joshi stated but that is not the original clause of the Bill. The original clause of the Bill says this very clearly that the Government will issue notifications for such period as may be specified in the notification The object of the Government is not to specify any period, so that they may notify an industry to be a public utility for all time to come. They do not make the original object of the Government quite clear. Government has two objects, one to issue a notification for an emergency, perhaps for a short period. Another object is to issue a notification of a permanent nature. I am therefore trying to restrict that power by using the words 'public interest'. Emergency means also public interest but it is a shorter period When you also include public interest and also take the power to issue a notification without mentioning any period then certainly you are not acting upon what really you are stating in this House, that you want this power only to meet emergencies for a short period I move that the words 'public interest' shou'd be taken out It will not do any harm to the Government's intentions at all, because if their object is a temporary notification the exclusion of the words 'pub'ic interest' will not curtail their power at all, because even in an emergency, the Government will act in public interest Emergency must also mean emergency and public interest I hope that Government will accept my amendment

Mr. President: Amendment moved·

"That in part (vi) of sub-clause (n) of clause 2 of the Bill, the words 'or public interest' be omitted."

The Honourable Shri Jagjivan Ram: As is clear from what Mr Joshi has stated, he gave notice of this amendment due to a misapprehension that the Government may declare any industry given in the schedule to be a pub'ic utility service permanently That was never the intention and in order to make it clear the Government has already given notice of an amendment, to give a proviso to this clause limiting the period of such declaration by the Government so long as the emergency exists or so long as it is necessary in public interest. Only for such period that particular industry may be declared to be a public utility service I think in view of this assurance my friend will withdraw his amendment

Miss Maniben Kara: I very attentively followed the argument put forward by the Labour Member and Mr. Joshi and I fail to see why the Honourable Labour Member is not prepared to accept the present amendment which only

[Miss Maniben Kara.]

asks for the deletion of the words 'public interest'. We can understand the anxiety of the Government that in times of emergency they desire to safeguard the interests of the consumers but public interest is a vague expression. I do not understand what is actually meant by "public interest". I for one would take it that emergency could only be declared when there is public interest involved in it I take it that the Government are not going to declare a state of emergency because some steel magnate wants more production I take it for granted that the emergency will only be declared when the public interest demands it. Since you insist on keeping the word 'public interest' it makes me more suspicious I listened to the argument put forward by Mr S. C Joshi He corrected me by saying that the industries mentioned in the schedule will be declared as essential service only at times of emergency. He should give me the credit of studying the Bill I am not prepared to give such wide powers to the Government, who claim to represent capital and labour both at the same time I am absolutely justified in entertaining my fears He further pointed out that all that is required is a notice of strike from the workers involved in those industries mentioned in the schedule He forgot to mention that after the notice the workers will be compelled to accept a conciliation officer, conciliation board, court of inquiry and then an adjudication award which will be presided over by a High Court Judge who may know nothing about the trade union movement Our experience shows that the adjudication awards are never in the interest of the workers

Mr. President: I am afraid all this is repetition of the previous discussion which is beyond the scope of the present amendment All the general points have been fully discussed when the consideration motion was being discussed The only limited question is whether the Provincial Government should be given the powers, even if there is no emergency, and in cases of public interest The Honourable Member will limit her speech to that. Otherwise we should be repeating the old arguments over and over again

Miss Maniben Kara: I had no intention of repeating and I am sorry if I have repeated in reply to the question which was raised by Mr S. C. Joshi These industries which are in the schedule are not only to be declared essential industries when the emergency arises, but the Government seeks to have powers to declare them as such even when they feel it is in public interest Most, certainly all these four industries are of public interest They always will be of public interest, whether there is emergency or not "Public interest" may be assumed by Government when there is no emergency It is not defined here which is public emergency, and what will be regarded as public interest It may be either public emergency or public interest These are two different things A public emergency may include public interest, but public interest need not necessarily include public emergency. These are two distinct things As far as the emergency is concerned, the argument may have some sound basis behind it But as far as public interest is concerned, I certainly cannot help feeling that it may give a very wide and indiscriminate power to the appropriate Government. These four industries can be considered to be of public interest even without an emergency in normal times. For these reasons I would once again request the Honourable Member to accept at least this amendment that the words 'public interest' be deleted from the Schedule.

1 P. M.

Sjt. N. V. Gadgil: Sir, I would like to offer a few remarks on this amendment. I quite appreciate my friend Mr Joshi's argument that if the words 'public emergency' are there, where is the necessity for the words 'public interest' The two things, according to him, are either the same or they are not. My own view of the whole position is this, that a public emergency contemplates

a situation which leaves no option for the Government, whereas the 'public interest is an earlier stage I will illustrate what I want to state Take, for example, the production of cloth The production may not suddenly go down; it may go down gradually bit by bit The process may not stop production at once, but it may be slow and gradual. But if a Government has some imagination or vision it will know that if things are allowed to drift in this particular matter, the public emergency may come two or three months hence and in that situation it will be difficult to tackle the problem. In those circumstances, if the Government has the power, apart from public emergency, in the interests of the public to declare a particular industry as a public utility industry, I think the Government would have fully been justified to make a declaration under this Take, for example, what is happening in England. Today they have suddenly discovered that there is extreme shortage of coal They knew that the production was going down gradually Had they realised, say, three months before that the position of production would be such, there would have been no occasion for an emergency I, therefore, submit that there is a justification for the use of the words 'public interest' and if my Honourable friend Mr Joshi appreciates this, then there should be no harm in retaining these words

Besides, it is not intended that whatever is declared to be a public utility in the interests of the public should remain there permanently There is a limitation There is a condition attached to this, namely, that it will be for 'such a period only as may be specified' I understand that there is an amendment by the Government to make the whole position clear By this amendment the period, in the first place, will be limited to six months But if the emergency continues or if the public interest further requires, then and then only there will be further extension and for the same period In those circumstances, I would ask Mr Joshi not to press his amendment but accept the amendment which Mr S C Joshi, the Chief Labour Commissioner, intends to move.

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I do not really understand the true significance of the expression 'public interest' and on account of its vagueness it is difficult to accept the award The decision will rest naturally with those persons who will be interested in it. Besides, it is not very well defined I know here will be the same difficulty as there was once about the expression 'public opinion' On one occasion my late friend Mr Sherwani publicly said that 'public opinion' means his opinion and the opinion of a few friends What is public opinion? Is it that of newspapers? If you take three different dailies of Delhi, you will find their opinions enormously vary and it will be very difficult for you to find out which is really the correct public opinion. So, the expression 'public interest' is very vague and I would very much like that it is not used in this particular clause. The point raised by my friend Mr. Gadgil really supports the view that the words 'public interest' should be removed

Mr. Krishna Chandra Sharma (Meerut Division. Non-Muhammadan Rural)· Sir, there is a misunderstanding about the scope of the provision There are three things· the public emergency, the interest of the industry and in contradistinction to the interest of the industry the interest of the public. Now, Sir, a public emergency arises when the things have risen to a pitch that the stability of the State has been endangered. It is not open to the State to ignore the situation So, in such circumstances, there is a state of public emergency and the State must take action and shall have to take action There is another state of things in which the industries as such may not suffer but the interests of the public are at stake. For the sake of argument, take the instance of coal. The industry may not be in a mood to have more coal because it may not be profitable to them to have more coal. But the public

[Mr. Krishna Chandra Sharma.]

may suffer with the shortage of coal and life may become very difficult. Under such circumstances, it will be a case of public interest and I do not think Honourable Members who have been advocating the cause of labour would be so indifferent to the cause of the public as not to allow the Government to have some power to intervene. At every stage, as the Honourable the Lady Member suggested, it would not be a public interest. A public interest means a public interest, apart from the interests of the industry as such. In such circumstances, the power must be vested with the Government to take the necessary action.

Mr. S. C. Joshi: Sir, I would like to explain why the expression 'public interest' has been added in this clause 'Public emergency' has got a special meaning and it can be used on occasions like the acute shortage of cloth during war, but it cannot be said to be a public emergency during a period after the war Thus after the cessation of war when there was acute shortage of cloth and it was intended to grant exemptions under the Factories Act to cotton mills with regard to working hours, it was found that no such exemption could be granted under section 8 of the Factories Act which uses the expression 'public emergency' May I refer to section 8 of the Factories Act It says 'that in any case of public emergency, the provincial government may by notification in the official gazette exempt any factory from any or all of the provisions of this Act for such period as it may think fit' During the war, there was a public emergency and exemptions could be granted, but after the war, it was not possible to grant any exemptions under that section in the matter of working hours to the factories, namely, the cotton textile mills or sugar mills Therefore, it was found necessary to amend even the Factories Act, and last year the Factories Act was amended The amendment was to section 44 of that Act That amendment was to this effect, namely

"(4) An order under sub-section (2) shall remain in force for such period not exceeding two months from the date on which notice thereof is given to the manager of the factory as may be specified in the order :

Provided that if in the opinion of the provincial government the public interest so requires the provincial government may from time to time by notification in the official gazette extend the operation of any such order for such periods, not exceeding six months at any one time as may be specified in the notification "

To grant exemption it was found necessary even to amend the Factories Act and that amendment was approved by this House

Now, Sir, if the items that are specified in the schedule are to be treated as public utilities in times such as we are passing through when there is acute shortage of cloth, and certain textile mills are to be notified as public utility services, then in such cases, if we use the expression 'public emergency', no exemptions could be granted at all No notification could be issued declaring any of these concerns or establishments as public utilities It is therefore quite necessary, if the object in view and the principle underlying this sub-clause is to be achieved, that the expression 'public interest' must be there. It is for that reason that the addition of the expression 'public interest' was made in this Bill. I think it is very necessary to have these words. Sir, I oppose the amendment

Mr. President: The question is:

"That in part (vi) of sub-clause (n) of clause 2 of the Bill, the words 'or public interest' be omitted."

The motion was negatived.

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

The Assembly re-assembled after Lunch at Half past Two of the Clock, Mr. President (The Honourable Mr G. V Mavalankar) in the Chair.

Mr. N. M. Joshi: Sir, I move:

"That to part (vi) of sub-clause (n) of clause 2 of the Bill, the following proviso be added, namely :—

'Provided that the notification will not be valid for more than six months unless the notification is again issued in the Official Gazette if the Government is satisfied that the emergency continues to exist' "

Sir, I am afraid Honourable Members, specially on the Government side, do not seem to understand or appreciate my motive in moving these amendments. They feel that I do not sufficiently realise the importance of maintaining and increasing production. That is not true. I fully appreciate the importance of maintaining production but I feel that the method that Government are adopting for the maintenance of production is not the right method. My Honourable friend Mr. Vadilal expressed surprise that I am taking up this attitude knowing what is happening in Great Britain today He mentioned the present coal crisis in Great Britain, but he should have told us whether the present coal crisis there is due to any strike There is no coal strike there.

Mr. Vadilal Lallubhai: What I said was that the effect of strikes would be to lead to fuel shortage

Mr. N. M. Joshi: But the present shortage there is not due at all to any strike but to shortage of man power. There are not enough workers there who are willing to work in mines, because conditions of coal mining there are bad. When they had a shortage of coal during the war they went to the length of employing what is called the method of conscription, that is, Government took power to ask any man to work as a miner in a coal mine. That is one method, if you want more production have what is called industrial conscription and compel any man to go and work in a factory But even in England in spite of conscription they found that coal production could not be increased because you can take a horse to the water but you cannot make him drink You can compel a man to go into a mine but it is not easy to get work from him there. Conscription means sending people down a mine who are not willing to work What is the use of sending my son down a mine if he will not work or will not succeed as a miner? Therefore even conscription will not help What will help is to make your manual work an honoured occupation or, as Mahatma Gandhi says, a privilege Give the manual worker a status and a privilege, then my children and Mr Vadilal's children will work, otherwise not So long as honour and status belongs to people who work in the office, so long even by conscription you will not get people to do manual work Even if they do it they will not do it properly Therefore, if you really want to increase the production of goods in India, give the manual worker, as Mahatma Gandhi says, a status and a privilege. In Great Britain they tried conscription and failed Give the manual worker a status and a privilege, as they did in Russia where it was only the manual worker who could get all the things that the country could provide, and others did not get them

I do not wish to go into all this in greater detail, but there is only one point on which I should like to reply to my friend Mr. S C Joshi. He says that this clause only compels the working classes to give notice, and why should we feel nervous about giving notice? Sir, I have made it clear, not once but several times, that I am very keen that the working classes should give notice of their intention to go on strike, but what I am opposed to is treating failure to give notice as a criminal offence. You can surely provide that notice should be given: if there is a contract. Every man is bound to give notice, but the lack of notice is only considered to be a civil liability, a criminal offence That is the difference between him and myself If

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[Mr. N. M. Joshi.]

does not realize that there is a difference between a civil liability and a criminal offence, I am helpless But let me make it clear that I am nervous about making want of notice a criminal offence.

Sir, I have moved my amendment, and now if Mr S. C. Joshi moves his amendment I shall have no objection to that

Mr. President: Mr. S. C. Joshi may move his amendment, and I shall not put the amendment of Mr. N M. Joshi to the House

Mr. S. C. Joshi: I am very sorry, Sir, that I was not here when I was called by you

I beg to move

"That in part (vi) of sub-clause (n) of clause 2 of the Bill—

(a) the words and comma 'if any,' be omitted, and

(b) the following proviso be added at the end, namely :—

'Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months at any one time, if in the opinion of the appropriate Government public emergency or public interest requires such extension'."

The amendment is in the same form as my Honourable friend Mr N M Joshi's amendment, and if he is prepared to accept it, I do not propose to make any speech

The Honourable Shri Jagjivan Ram: Sir, I accept the amendment

Mr. President: The question is:

"That in part (vi) of sub-clause (n) of clause 2 of the Bill—

(a) the words and comma 'if any,' be omitted, and

(b) the following proviso be added at the end, namely —

'Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months at any one time, if in the opinion of the appropriate Government public emergency or public interest requires such extension'."

The motion was adopted

Mr. Vadilal Lallubhai: Sir, I do not want to move the amendments standing in my name

Miss Maniben Kara: Sir, I beg to move

"That in sub-clause (q) of clause 2 of the Bill, the following words be added at the end, namely :

'where such cessation of work occurs in consequence of an industrial dispute'."

I feel that great and serious consideration should be given to the definitions in this Bill The little word 'strike' is playing a very important part in the entire Bill The opposition of the representatives of labour is essentially based on the fact that great many restrictions are imposed on the right of strike of the workers That being the case we are very anxious that serious consideration and serious thought is given to cessation of work which you may call a strike Sir, the Bill imposes great many restrictions not only on the workers in the public utility services but also on those workers who are engaged in non-public-utility services. When we come to those clauses I will be in a position to explain at length what those serious restrictions are even on the workers engaged in non-essential services Sir, the Bill seeks to impose certain restrictions because the main object of the Bill is to have industrial peace Neither in his speech in this House, nor in the Select Committee, nor in the body of the Bill itself, the Honourable Member has ever stated that the object of the Bill is anything else but industrial peace There is no indication anywhere that this Bill wants to encroach upon the right of demonstration of the working classes.

Sir, cessation of work at certain times is a demonstration by the workers. I will give you an example. The workers regard 1st of May as the day of celebration; they also celebrate the French Revolution; they may want to celebrate a certain day in the memory of some of their own leaders. Now as a result of this definition the workers will not be in a position to stop work in order to give expression either to their political or social views. Sir, I would expect the Honourable the Labour Member to give serious consideration before he rejects the amendment which only goes to show that a strike can be considered a strike for the purposes of this Bill when it is for the furtherance of an industrial dispute. For certain demonstrations, certain declaration of holidays, they are not called holidays They are called *hartals*. We have schools being closed The students do not go to their schools The shops bazars are closed, many shops are closed. Why should a particular section of the society, if they choose to express their solidarity with the workers of other industries, or may be of other countries, not be entitled to stop their work, may be for a day, may be for half a day, may be for a couple of hours Sir, the definition as it stands today will mean that any stoppage of work by workers which is not necessarily in furtherance of an industrial dispute will be subjected to all sorts of penalties as are embodied in this Bill Sir, I was very happy when my friend, the Honourable Diwan Chaman Lall also advocated the view that he should consider it a wrong thing if a sympathetic strike will be penalised But, Sir, if we have the definition as it stands today, not only there will be no scope for any sympathetic strike but the workers who are driven to spontaneous sit-down strikes also will be penalised Sir I am talking from my personal experience that when the workers stage a sit-down strike, it is often not for a very serious implication but simply because there has been some change of a minor nature which the management has effected to the disadvantage of the worker The danger of calling every cessation of work under the definition of a strike will amount to an ordinary sit-down strike by the workers as the case may be, an illegal strike I see no reason, Sir, why a harmless and innocent amendment like the one that I have moved should not be accepted by the other Members and also by my friend, the Honourable the Labour Member Sir, after all, let us keep the main object of the Bill in view The main object of the Bill is not any encroachment on the right of expression of the workers on political, social or any other point That is not the intention of the Bill but by the retention of the definition as it stands today it will result that the workers under no circumstances will be in a position to down their tools legally, either to declare a *hartal* or to celebrate any day which the worker in this country considers it to be a great day for him For example, on the 1st May I know that workers from many factories and workshops have taken leave by not going back to their factories after their recess time because they have to go in big processions and to reach a particular place at a particular time Now are we going to consider the cessation of work for that half day as a strike? Are we going to penalise the workers simply because they want to express or celebrate their solidarity with the International working classes? As we all know, the present conditions of the workers is such whereby the workers are not entitled for very many holidays In such cases Sir, there is no other way whereby the workers can express or demonstrate their protest than by stopping work Sir, on this question I would like to say a few words regarding sympathetic strikes When workers in other Departments of the same industry may be on strike, how are these workers going to help them in any way? They have no funds with which they can help them Under the present existing Bill before us, they are not in a position even to go and declare a strike. But if the definition of a strike is changed to suit the amendment which I have moved the workers can demonstrate their solidarity and sympathy with the other sections of the workers of the same industry who may have gone on strike Sir, Diw

[Miss Maniben Kara.]

Chaman Lall, a Member of the majority party in this House yesterday stressed the necessity of allowing sympathetic strikes, and I would be perfectly justified at this stage to expect support from him and his party for the amendment which I have moved and I hope the Honourable Member will also accept it

Mr. N. M. Joshi: They will give support by their speeches not by their votes.

Mr. President: Amendment moved:

"That in sub-clause (q) of clause 2 of the Bill, the following words be added at the end, namely, —

'where such cessation of work occurs in consequence of an industrial dispute' "

The Honourable Mr. Jagjivan Ram: I do not accept the amendment. The effect, if accepted, will be that you may have a strike and still you do not call it a strike One can understand workers going on strike when they have a dispute with their employers But one cannot understand workers going on strike in extraneous circumstances

Miss Kara has talked about right of demonstration Nobody is taking away the right of demonstration of the workers if they so choose and desire And then she says that they may go on sit-down strikes on changes of a minor nature She claims to have worked among the labouring classes for a number of years

1 P.M. I do not understand why the workers should use their last weapon for "changes of a minor nature", to quote her own words If there are major changes one can understand the workers using their last weapon by resorting to strike but when there are minor changes, I do not think it is advisable, desirable or wise to ask the workers to go on strike, whether it is sit-down strike or go-out strike In that view of the matter I oppose the amendment.

Mr. N. M. Joshi: Sir, yesterday, when the Honourable the Labour Member spoke on the motion for consideration of this Bill, he very kindly reminded me of the limited nature of my knowledge of the labour questions He said in the first place that my knowledge is confined to industrial labour, then he said that particularly my knowledge is limited to factory labour I am very grateful to him for that reminder, because I feel that it is quite likely that I may begin to feel, if I am not very careful, that I am an omniscient person but I reserve that privilege to the Government benches They are omniscient They know every thing and even in this definition of a strike I take it for granted that they know every thing Just now I shall not mention industrial labour I shall mention two agricultural wage-earners in Bihar They work on the field They were working on a wintry day I say two of them only, not more and both of them decided on account of the day being very cold that they should not go to work According to this definition framed by the omniscient Government both these persons will be regarded as having gone on strike

The Honourable Shri Jagjivan Ram: Never, never.

Mr. N. M. Joshi: Please read the definition I shall read it out for your knowledge and for the knowledge of the House "Strike means cessation of work by a body of persons employed in any industry, including agriculture (This is what the Honourable Member reminded me of yesterday) The Bill also deals with agriculture, acting in combination" These two persons felt the wintry weather in common They decided not to be present at their work under a "common understanding" The understanding was common because it was a wintry day "By any number of persons" (two will do) who are or have been employed But that is not really material So the omniscient Government, knowing every thing about agriculture (their knowledge is not confined like mine to industrial labour or factory labour only) have framed a definition by which two agricultural labourers working on a farm on a wintry day, on account of bad weather, ceased work and they under this Bill will be regarded as having gone on strike

Mr. P. B. Gole (Berar: Non-Muhammadan): Is agriculture an industry?

Mr. N. M. Joshi: We shall deal with that later on. Then what follows: They regard this as a strike. We have just passed a clause saying that the food industry can be notified as a public utility service Naturally I take it that farming or agriculture is a food industry and therefore it will be a public utility service I think we are all agreed that the food industry is a very important industry and therefore Government is justified, especia ly if there is a famine, in notifying that it is an essential industry Therefore what happens on that wintry day? These two people will be required to give notice, if they wanted to absent themselves

Shri Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): To whom?

Mr. N. M. Joshi: To their masters. There are farmers, you know. They were expected to give notice The wintry weather did not give them notice What could the poor fellows do? The weather came on suddenly They are guilty of not having given notice.

Mr. Vadilal Lallubhai: Will you call it a strike?

Mr. N. M. Joshi: I won't but your Bill will call it a strike in a public utility That is the result of the omniscience of the Government of India They may say that such definitions exist in many statutes It is a silly definition as a definition but they say that there is some argument that no case can be made without Government's permission and that while sensible governments exist they will not give permission unless the wage-earners happen to be Communists If they happen to be Communists, they should have to g ve notice of the bad weather It is a silly thing You will admit that your department is not omniscient as you think If these wage-earners happen to be Communists, you will punish them The Communists are on the brain of the Government and therefore they are prepared to do anything I suggest to them not to do this If you do not like the Communists deal with them as Commun sts but this is not the way

Up to this time we did not raise objection to this kind of definition of a strike for a very good reason We did not raise objection, because these strikes were not made illegal to the extent to which you are doing now I want the Honourable Member to read the Act of 1929, which my Honourable friend Diwan Chaman Lall had opposed and very rightly too But even that Act did not go one tenth the distance in making strikes illegal as you are doing now under this Bill You are making strikes without notice illegal You are making strikes illegal during four months of the conciliation proceedings You are mak ng strikes illegal for an indefinite period during proceedigs before a tribunal. You are making strikes illegal for one year more during the period during which the settlement has been imposed upon them It is an indefinite period but still I take it that it is at least two years This Bill has gone ten times further than the previous Bill It is because of that that we are thinking of this definition so carefully We did not think much of the definition in the former Bill because the strike was not made illegal to such an extent But now we have to be careful about this definition It is for that reason my Honourable friend Miss Maniben Kara has moved that the strike, when it is in connection with a trade dispute, that is when people cease to work not on account of bad weather but on account of a d spute with the employer, should be regarded as a strike My Honourable friend the Labour Minister said that he wants all the strikes under trade disputes to be regarded as strikes He said that he could understand people not going to work on account of trade disputes but that he could not understand their not going to work for extraneous circumstances What about weather? You do not understand the poor man who has not got your clothes and my cloth abstaining from work on a wintry day. (*An Honourable Member*: "And umbrellas"). Don't you understand? And if you don't understand

[Mr N. M. Joshi.]

am sorry for the working classes of this country whose fate has been entrusted in your hands Sir, I have done

Sjt. N. V. Gadgil: I want to point out to my Honourable friend Mr. Joshi that the definition of 'strike' here is exactly the same as is given in the Act of 1927 If this was good enough for nearly twenty years I do not see any reason for the addition of the words suggested by Miss Maniben Kara

Diwan Chaman Lall: Can my Honourable friend say if that Act has not been repealed by the Labour Government?

Sjt. N. V. Gadgil: The Labour Government has repealed the Act, I agree. But that is no argument for us to say that this definition, if it is otherwise good, should not be accepted The point in putting these words is this One can understand the labourers acting in combination for a purpose which has some relevance to their own employment As the definition lays down, if they combine and do not work, or in a concerted manner refuse to work for an object which is certainly not relevant to their employment, it is a 'strike' It must be called a strike But every strike is not made illegal or penalised in the present Bill

Mr. N. M. Joshi: My suggestion is, Sir, make some other law which will be common to all people, for instance to shopkeepers who close their shops—a law which will be applicable to all people This is a law to be confined to industrial disputes Don't bring in here extraneous circumstances That is exactly what I am saying

Mr. President: Order, order Let there be no conversation The Honourable Member may proceed

Sjt. N. V. Gadgil: The point is simply this. What will be the result of the addition of these words has to be understood and visualised It means strike for any reason which has no relevance to their employment In other words it means a general strike, it may mean a political strike If it means a general or political strike, even under the present Bill my Honourable friend Mr. Joshi will see that it is permissible up to a certain degree If he refers to clause 24, sub-clause (1) (iii) he will find

"A strike or lock-out shall be illegal if it has any object other than, or in addition, to the furtherance of an industrial dispute within the industry in which the workmen going on strike or the employers locking out are engaged and the strike or lock-out is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel any Government in British India to take or abstain from taking any particular course of action"

If the political or general strike goes up to that point there is no illegality. If it causes severe, general and prolonged hardship upon the community then only it becomes illegal Therefore I should like to tell my Honourable friend Mr Joshi that even if these words are not added, a strike which is in sympathy but in a limited sphere and under limited conditions is not barred at all

Mr. S. C. Joshi: Sir, I would like to point out that this definition of the word 'strike' is in accord with the definition of the word 'lockout' In the definition of the word 'lockout' in the original Bill there were words "when the lockout was in consequence of an industrial dispute" Those words have now been omitted and the two definitions, namely, the definition of 'lockout' and the definition or 'strike' have been brought into line The reason is this In clause 24 a strike, which is for purposes other than in the furtherance of an industrial dispute or a trade dispute, is declared illegal provided certain conditions as stated in para (iii) of sub-clause (1) of clause 24 are satisfied Now, if in the definition of the word 'strike' we include the words as suggested by the Honourable Member, Mr N M Joshi, the result will be that automatically clause 24, sub-clause (1) part (iii) will be redundant and will be useless, because it will not be strike at all Therefore, the definition of 'strike' must be wide enough. I am conscious

that Mr Joshi has given an amendment for deletion of that clause. If he succeeds in convincing the House that that clause should be deleted then there will be no inconsistency But so long as that clause exists, the definition of 'strike' must be as wide as it is at present Otherwise that clause will be meaningless, because it will not, in the first instance, be a strike as it is not in consequence of an industrial dispute Therefore I submit that the definition must be wide enough

Sir, Mr Joshi said that he had not objected before to the definition being in such wide form The definition is the same as it existed in the Act of 1929, which was borrowed from the British Act and also from Acts in other countries. The reason he gave is this, that strikes were not illegal to the extent to which they have been sought to be made illegal in this Bill Of course, so far as the other illegalities are concerned, strikes must necessarily be strikes which arise out of industrial disputes because, there will be no conciliation and no conciliation board and there will be no tribunal if there is no industrial dispute Therefore the fact that the strikes were not declared illegal under the Act of 1929 when there was no provision for a tribunal is not convincing A strike without notice in a public utility service would be illegal when the strike was under that Act not in furtherance of a trade dispute During the eighteen years that the law has been in force no action has ever been taken against any worker belonging to a public utility service, when he went on strike in the manner in which Mr Joshi suggested, namely, that there was a severe cold and the poor workers had no clothes as Mr Joshi himself had, and on that ground two workers decided to stay away and therefore they were prosecuted Such a course has never been adopted and no Government will be foolish enough to take action against workers in such cases At the same time, if all the workers decide to go on strike for flimsy reasons or without any reason whatsoever or on grounds not connected with any industrial dispute, then certainly there must be power to the Government to proceed against those people Therefore, I submit that it is necessary to have a definition in the form in which it is in the Bill The definition of 'strike' and the definition of 'lockout' are on the same lines

Mr. President: The question is:

"That in sub-clause (q) of clause 2 of the Bill, the following words be added at the end, namely :

'where such cessation of work occurs in consequence of an industrial dispute'."

The motion was negatived

Mr. President: There are amendments to the schedule, tabled by the Honourable Member They have to be taken up at this stage The clause and the schedule are put together. He may move all these together and for the purpose of voting I shall put them separately The argument will be common

Mr. N. M. Joshi: I am quite willing to meet the convenience of the House and your own convenience.

I do not think any of these industries deserve to be put in the schedule I was willing to put railways in the schedule if my amendment had been in order. At this stage the first point which I would like to ask the Government of India to explain is why they have changed the definition of the Act in 1929, of railway being a public utility At that time the Government of India was quite satisfied with the railway being made a public utility by notification. They only notified particular railways or particular systems of railways [illegible]

passenger traffic or any traffic in any essential matters There used to be a railway in New Delhi. I don't know whether you Mr President visited New Delhi at that time, carrying marble stones for these big buildings This building is a useful building I am not contesting it now. For instance, these marble

[Mr. N. M. Joshi.]

stones used to be carried for building the Viceroy's palace I thought that the Government of India would not go to such a length as to carry stones for the Viceroy's palace in a railway and consider that railway to be a public utility I think the Government of India is going too far

The Honourable Member knows that there are battalions behind him They can beat down any opposition I would suggest that you should not make use of those battalions and if he does, he will be misusing them for a wrong purpose I feel that all these items here are not necessary at all You are not going to get larger production by making a law which makes strikes illegal No country has succeeded by this method and you cannot succeed

I shall therefore move my first amendment that all these items be omitted and if that amendment does not meet with the favour of Government benches and their supporters I propose moving amendments that these items may be regarded as public utility if they are a nationalised industry The items are coal, cotton textiles, and so on When people are carrying on their industries for private profit and black-marketing, please do not penalise the workers. Make sure that your industries have not been exploited for private profit at the expense of consumers Take the cotton textiles It is a favourite industry with some Members They consider that cloth is a necessity and therefore textiles must be made a public utility When we are compelled to pay three or four times the price for our cloth, why should we penalise the workers They are exploiting the whole public including the consumers Let us have some conscience I take it that the Honourable Member has a conscience. (*An Honourable Member* "Have you"), I have If you are doubtful about your own conscience, I cannot help it By all means do something by which the consumer will not be exploited Therefore I propose amendments that you can make textiles and all these other industries public utilities if you nationalise them But for God's sake till then do not regard them as public utilities Till then, they are the means of exploiting the consumers, workers and everybody else Therefore, my amendment is that you should nationalise coal, nationalise transport, nationalise textiles and nationalise iron and steel Nationalise them and I shall agree with you to putting them in the Schedule.

Mr President: How shall I put these amendments to the House? Will the Honourable Member just suggest to me?

Diwan Chaman Lall: There are some other speakers who wish to speak on this motion

Mr. President: I have not yet put the motion to the House and I am not putting the question. I told the Honourable Member (Mr. Joshi) in the beginning that instead of having each of these amendments separately, be should put all of them at the same time as the arguments are common. For purposes of voting, if he so insists, I shall split them up again.

There is also another way if he so likes. He may put only one of them He has already spoken in respect of all I will put only one of them to the House and he may not move the others formally

Mr. N. M. Joshi: With that understanding I am prepared to move one of these amendments.

Mr. President: I was going to suggest to him a third alternative. Have these amendments in a different form, the form being to delete the items in the Schedule But that seems to me to be rather difficult to be accepted now because one of his amendments for the deletion of the Schedule has been negatived Therefore the amendment can not be put in form of the deletion of all items in the schedule

The other alternative will be that "in place of a certain item mentioned in the Schedule, substitute the following," as he says, railways, tramways, bus services, steamships or aeroplanes, nationalised coal industry, nationalised cotton textile industry, and nationalised iron and steel industry. Shall I put it in that form?

Mr. N. M. Joshi: Yes.

Mr. President: I am trying practically to consolidate all these amendments and putting them in that amended form I am not saying that the items should be deleted

"That in place of item 1 of the Schedule substitute

'Railways, tramways, bus services, steamships or aeroplanes which are under public ownership and management',

That in place of item 2 of the Schedule, coal, substitute

'Nationalised coal industry',

That in place of item 3 of the Schedule, cotton textiles, substitute

'Nationalised cotton textile industry',

That in place of item 5 of the Schedule, iron and steel, substitute

'Nationalised iron and steel industry' "

That is the amendment It does not refer to foodstuffs at all

Mr. N. M. Joshi: Sir, I move.

"That for item 1 of the Schedule, substitute .

'Railways, tramways, but services, steamships or aeroplanes which are under public ownership and management' ;

that in item 2 of the Schedule for the word 'coal' substitute ·

'Nationalised coal industry ';

that in item 3 of the Schedule for the words 'cotton textile' substitute

'Nationalised cotton textile industry ', and

that in item 5 of the Schedule for the words 'Iron and Steel' substitute

'Nationalised iron and steel industry'."

Mr. President: Amendment moved:

"That for item 1 of the Schedule, substitute

'Railways, tramways, bus services, steam ships or aeroplanes which are under public ownership and management' ;

that in item 2 of the Schedule for the word 'coal' substitute

'Nationalised coal industry ',

that in item 3 of the Schedule for the words 'cotton textiles' substitute .

'Nationalised cotton textile industry ', and

that in item 5 of the Schedule for the words 'Iron and Steel' substitute

'Nationalised iron and steel industry' "

Dr. Zia Uddin Ahmad: Sir, I support the motion. I can understand that you can ask the labour to work against their wishes Even if according to them, they do not get sufficient wages, it is all right to compel them to work if it is in the public interest to do so But if it is in the interest of the private individuals, then I think it is not fair on the part of the Government to compel the labourers to do this particular work because it smells of indentured labour Then there are Bolshevist principles of labour They say nobody can employ labour if the labour produces an income which goes into the pockets of the individuals. You may employ labour which may not yield any income for your personal comfort, but if you employ labour which may yield any income, then that income must go to the State and not to any particular individual That is the ideal of the Bolshevists I am prepared to say that we need not go as far as that I would like to draw the attention of the Honourable the Labour Member

[Dr. Zia Uddin Ahmad.]

to one thing and that is that he must have one deal in his mind You cannot stop short of two alternatives which I mentioned before in this House One alternative is the Bolshevist method, which I have just explained The second method by which you can keep the labour contented is to make the labour a business partner in the business itself That s a princip'e which the Germans adopted before the Great War In that case, the labourers were contented because they did the work and they shared the profits If you do not give them any share in the profits, you simply pay them the wages, and if you exploit the consumers and other peop'e, then the labour is dissatisfied and thinks that it is wrong Therefore, either of these two principles ought to be accepted both by the Government and by the capitalists According to the Bolshevist method, you can employ labour for your kitchen and for your household but you cannot employ labour for purposes which produce wealth unless that wealth goes to the chest of the Government.

If we do not adopt the method of making these labourers business partners in various firms, then a time will soon come when the demand for Bolshevist method will be pressed and it will be very difficult to resist it If you want to save the country from communism, then the only alternative is that you adopt the method which Germany adopted before the Great War I would rather suggest that it should be legislated that in every factory the share of every worker ought to be fixed and whatever the income may be, it should be divided in suitable proportion between the capitalists, the directors and the workers I realise that those people who invest their money take some risks because if there are losses they will have to bear them Because of that risk, they must also have some share in the profit in addition to the Bank rate of interest Then, the directors, managing directors and other officers must all have some share in t I understand that some of the companies in Tata's have adopted this method, but it is somewhat d fferent They allow them to buy shares Whatever may be the case you must make the labourers feel that they have got a personal interest in the industry, so that if there is a profit it does not go into the pockets of the capitalist alone but it goes into the pockets of every individual who has helped the industry The prine ple which is now being adopted by the capitalists is fundamentally wrong You may be able to keep it on for a few years more but a time will soon come when there will be a bitter opposition to it in the country A man buys a share for Rs 100 and then it becomes a share of Rs 2,000 That means your workers will have to work much harder in order to give you income not on Rs 100 but on Rs. 2,000 It is there enacted that you may make big profits and pile up big reserves. You start with a capital of a lakh of rupees, you build up a reserve of 40 lakhs You build up this reserve in order to avoid income-tax Every year there is a profit Instead of honestly paying income-tax on the profit, and paying dividend to share holders they built up reserve of 40 lakhs on which no income-tax had been paid In this way the whole money becomes the property of the capitalists I call this cheating, cheating the country, cheating the income-tax authorit es, and cheating the labourers and cheating the share holders I myself am not in favour of communism I think the capitalist should have his place in the economy of the country But the capitalist should not exploit the consumers or the workers. That is the principle I stand for Of course if an industry is nationalised, then it becomes the property of all, of the workmen, the consumer and everybody it becomes the property of the whole country So long as the industry is not nationalised, it is not fair to exploit the labourers for the exclusive benefit of the capitalist Other persons also should have some share in the prosperity of the industry I have said repeatedly that an industry flourishes not because a certain amount of capital has been invested by a capitalist in that industry, it is flourishing on account of the hard honest work put in by the workmen.

The workmen play the most important part in the prosperity of an industry Money is only secondary Bank notes can be produced in crores After all it is not gold and silver that are invested in an industry. Only currency notes form the capital of the industry The Finance Member, in the course of an hour can manufacture crores of notes Instead of putting 'one rupee' on a bank note, he has simply to put 'one crore' and it is valid for a crore It is therefore desirable that the labourers who form the backbone of an industry should have a share in the profits of the industry As we have already passed most of the clauses of the Bill, it is desirable that these things should be applied in those industries which are nationalised and in which profits go to the workmen and consumers and everybody and not to those industries in which the whole profit is pocketted by a few persons on the ground that they inherited some money from their forefathers which fortunately or unfortunately they invested in a particular industry I do repeat that this Bill as it stands on paper should be applied only to those industries which are nationalised and it should not be applied to those industries where the capitalists make enormous profits I am particularly bitter about the textile industry Any one who has experience of textile industry knows very well that the textile industry holds every Member of the Government in its pocket I have been in the legislature for the last 17 years, and I have seen no Finance Member or no Commerce Member who has not been in the pockets of the textile industrialists I remember Sir Thomas Stewart, then Commerce Secretary and who subsequently became the Governor of Behar, reminding a certain gentleman who came from England for the purpose of starting a certain enquiry that he should be cautious of the textile industrialists Sir Thomas Stewart warned that gentleman from England that when he went to Bombay, he should not be dazzled by Taj Mahal Hotel, or a Rolls Roys which will be placed at his disposal and all his comforts would be looked after by the textile industrialists, but that he should not go anywhere near those industrialists and that he should not fall into their snares I am perfectly certain that the Government do not control the textile industry, but it is the textile industry that controls the Government It is really difficult for any Government Member to escape from the clutches of the textile industry, once he falls into its hands

Mr. Vadilal Lallubhai: Is the Honourable Member in order in referring to the textile industry in this manner?

Dr. Zia Uddin Ahmad: I am in order

Mr. President: I believe the Honourable Member has finished his speech.

Dr. Zia Uddin Ahmad: I was speaking that the textile industry should be nationalised at a very early date so that my friends' crores and padams might also come partially into the pockets of commons

Textile is the first industry which I think should be nationalised They are the economic criminals in two ways Firstly they are because they are taking large profits, thereby cheating the consumers, secondly they are killing the cottage industry Textile industry is the greatest enemy of handloom industry The cottage industry does not get enough raw materials from the textile mills It is for these two reasons that the textile industry should be nationalised first and foremost I may perhaps agree to the postponement of the question of nationalisation with regard to other industries, but so far as the textile industry is concerned, it should be nationalised immediately. I hold strong views that it should be nationalised first.

Srejut Rohini Kumar Chaudhuri (Assam Valley: Non-Muhammadan): Will my Honourable friend allow some share to get into my pocket or will he pocket all the profits himself?

Mr. President: Let us proceed with the Bill.

Dr. Zia Uddin Ahmad: I am sure the share of my Honourable friend will be three times more than that of mine The profits will be equally divided among all the people of India.

I finish by repeating that the textile industry is robbing the people three told. In the first place, the textile industry is exploiting the consumers, it is exploiting the cottage industry, it is cheating income-tax officer. The people engaged in cottage industry on a small scale do not get any yarn or cotton from textile mills With these words, I resume my seat.

The Honourable Shri Jagjivan Ram: Sir, I will not go into details. But I may remark at the outset that railways have been included in public utility services after the experience which Government have had during the last seventeen years of the working of the Trade Disputes Act, especially at the present time when railways play a very important part in transportation of very important essentials of life, foodstuffs and other things Railways have therefore to be included in public utility services I do not think anybody who has the good of the public at large will dispute the inclusion of railways in public utility services As regards other industries I may make it clear that it is not out of sympathy for those industries or for the industrialists that we want to include them in the schedue It is purely from the point of view of benefit to the general public that these industries have been included in the schedule What are these industries? Coal is a basic industry, at the present time it is very necessary for everything that is required for the maintenance of life of the public Everybody would like that coal which is a basic industry should be nationalised. But are we to leave such basic industries aside so long as they are not nationalised Today we read the news of the difficulty in Great Britain due to coal shortage, but we know to our own cost that we are not producing as much coal as we require, the necessary consequence of which has been that our production in several respects is greatly suffering Cotton textiles have been included not because we have any sympathy for the millowners but because we know that there is acute shortage of textiles and cessation of work in the textile mills even for one day deprives seven lakhs of people of their annual quota of cloth About foodstuffs I need not say anything About iron and steel I will point out that for the last six or seven years, during the period of the war, building and construction work in our country was all held up,—not only residential quarters but factories and other buildings which would provide more scope in the solution of the unemployment problem in this country From the point of view of improving the condition of the workers themselves these are very essential I personally feel that these basic industries like coal and iron and steel should have been nationalised, but, as I have said, we cannot afford to wait and allow things to drift till such time as these industries have been nationalised Therefore these industries have been included in the Schedule as we have already decided that these industries are to be declared public utility services only for a limited period in case a public emergency has arisen or when public interest requires Therefore I do not think any undue advantage will be taken of this Schedule by any of the provincial governments for any other purpose than that for which the Schedule is intended I therefore oppose the amendment and press for the retention of the Schedule in its present form

Miss Maniben Kara: Sir, I rise to support the amendment I have listened to the arguments of the Honourable Labour Member who said that from his experience of 17 years he has come to the conclusion that the time has come when railways also should be included among essential services Sir, as one actually connected with the trade union movement I have not been able to understand why such a conclusion should have been arrived at. There have not been such numerous strikes in the railways on account of which such a measure was at all called for My Honourable friend Mr Guruswami who is actively connected with railway unions made it very clear yesterday that he is not one of those

trade unionists who wants strikes on railways Our recent experience in the contemplated general strike on railways also shows that when Government came forward with the proposal for a Pay Commission the railway workers did not resort to strike They are conscious of their responsibility towards the public, and I would challenge any one to prove that the railway workers in this country have acted in a contrary manner. Sir, they have waited very long and they are waiting in patience, they have not given notice of a strike, and from my own experience of 17 years in labour movement I can say that the railway workers have not acted in an irresponsible manner. They have done nothing to deserve to be punished and brought under the essential services My Honourable friend Mr. Guruswami explained to us this morning that it is not only the railway workers but workers in railway workshops, clerks, chuprassies, and others whose absence from work would not immediately affect the public will also be affected by a measure like kind I think our amendment goes far to meet the Labour Member's point where we ask him to nationalise those industries which are used by the public, namely, railways, tramways, bus services, steamships and aeroplanes I ask my Honourable friend whether he himself as a member of a particular party is not committed to the nationalisation of these industries We are only asking him to fulfil his own commitments, we have brought forth an amendment to which the Labour Member himself is committed to fulfil Even today he does not say that he is against nationalisation He says that until the nationalisation of these services is a reality we should accept the guillotine But, I suggest, why not bring in first measures first? Why not effect nationalisation of the essential services to which you are committed? Certainly he was not committed to this Bill before he accepted office I therefore think that it would be right to nationalise these services as our amendment seeks to do I am very glad to see that my Honourable friend Dr Ziauddin has very ably supported this amendment He also feels that so long as these industries are not owned and controlled by the public there is no necessity for us to give protection to private enterprise The Honourable the Labour Member has said that the intention of the Government is not to show concern for private enterprise I do not dispute the motives of the Honourable Member, I am prepared to accept the motives of the present Government, but let us see the result of such an action Sir, I am prepared to judge a Bill not from the intentions of the mover as from its results The result of including these various industries as public utility services will mean protection to the private enterprise by depriving or encroaching upon the birth-right of the workers I would once again make it very clear that I do not dispute the motives of the Honourable Member, but the fact remains that the industries run by private enterprise will get support at the cost of workers

4 P.M

The Honourable Member has pointed out the case of cotton textiles. Now, Sir, regarding cotton textiles, my Honourable friend, Dr Zia Uddin, has very rightly pointed out that textile magnates of this country have already made immense profits at the cost of the blood and sweat of the workers In our country thousands go naked; cloth is not as essential as it is in Western countries

[At this stage Mr. President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

In Western countries people die because they have not got sufficient cloth around them I want that every man, woman and child in my country should have sufficient cloth around his or her body, and we are not going to supply that quantity of cloth to four-hundred million people by including the cotton textile industry in one of the essential services; you cannot clothe the naked people of this country by including this industry in the list of public utility services. When the time comes I will put forward my views how best it can be done, but by bringing forward a Bill of this type we are running further and further away from our object of clothing the people Sir, if the Government thinks that cotton textiles is such an essential service today because of the shortage of cloth that it requires protection from the Government, why should the present Government

[Miss Maniben Kara.]

not ban all exports of cloth? Will the present Government tell us here and now that cloth will not go out of this country for the sake of giving profits to private individuals? I could understand the emergency or the public interest if cotton textiles had not been going out There is a provision in this Bill that if and when emergency arises these industries will be declared as essential services, but, Sir, I would repeat my argument that we from labouring classes have not that confidence in the Government as it exists today They say that they stand for capital and labour, they claim that they stand for the oppressor as well as for the oppressed Under these conditions, we are not prepared to give unlimited powers of discretion to the Government when they may declare a state of emergency or declare a state of public interest in that particular industry These are the reasons for which we do not want unlimited powers to be placed in the hands of the Government And yet you will see from our amendment that we go a long way to meet the Honourable the Labour Member and we are prepared to consider them as essential services provided the Labour Member is prepared to own them. We therefore want that until such time as these industries are owned and run by the State in the interest of the public and of the consumers, and not by private enterprise, that they should not be declared as public utility services When that day comes, I can assure my Honourable friend that we will be one of them, then we will not remain solitary voice in this House as we are today We do not want to play obstructionist tactics here, we are appealing with arguments; we are trying to show how the passage of this Bill is going to deprive the workers of their right to strike, and it is not only limited to one industry but it is going to be extended to many other industries That is why I would once again appeal to my Honourable friend that he should accept the amendment of nationalization of these industries, and when that is done, that will be the time for him to bring forward a Bill of this kind Sir, I understand the seriousness of the amendments, and I know that at this stage my Honourable friend may find it difficult to accept our amendment whereby we have called upon him to put these industries in the schedule only after they are nationalized, but the implication of our amendment at this stage is that he should accept the rejection of the entire Schedule Sir, I support the motion

Mr. Krishna Chandra Sharma: At the outset I agree with what my Honourable friend, Mr Joshi has said that industries should be nationalised The question at the present moment is that our country needs the essential things of life. Efforts have been made to get certain commodities imported from outside The attempts are failing It is not a desirable thing to depend upon things from outside Producers do not produce what they can under favourable circumstances Strikes are prevalent on unreasonable grounds You cannot ignore certain strikes which go beyond the dispute of labour They have something at the bottom which stands in the way of the production of necessary commodities The reasons behind those strikes are so fundamental that they are not likely to be dissolved in the near future So under the present circumstances it is necessary that the mills should produce more and if they are to produce more the strikes must be put an end to When the industry is nationalised, it would be a better day for every one of us. But industries cannot be nationalised overnight. It is a long process. No Government would be able to do it in a day or two or at a very early stage. India is hardly in a condition to nationalise industries at the present moment It will take a long time Till then certain things are to be done and one of the necessary things is that the mill as they stand must produce to their utmost capacity and in order that they may be able to produce to their utmost capacity the strikes must be put an end to Therefore the Government should be empowered with measures that they can prevent the curtailing of the production and for this measure is necessary

Mr. Vadilal Lallubhai: My Honourable friend, Mr. Joshi and Miss Maniben Kara have argued on wrong premises in arguing that the industrialist is protect-

ed by this or that the industries require protection The protection that is being given in this Bill is not to the industries but to the consumers, because whenever an emergency arises, it will not be for the benefit of the industries or the industrialist but for the consumers of the country, so that they are not deprived of these essential articles of everyday life I would therefore urge upon the Labour Member not to give way to any of these arguments but to see that the consumers in the country's interest are properly safeguarded in times of emergency.

The Honourable Shri Jagjivan Ram: I have nothing much to add I forgot on that occasion the valuable suggestion which Dr Zia Uddin had urged But I fail to understand one thing He was speaking of profit-sharing bonus in an industry Whether all the profit is to be divided among capital and labour, depriving society and the community of any income at all It is a proposition which deserves serious consideration and I do not want to go in detail into this But I just remark in passing that any such scheme should be put forth only after mature consideration Whether in all industries the profit or the products or the benefit of the product is to be divided among capital and labour only, or whether something is also to be given to society or to the community or to the nation for running the Government and other things

Dr. Zia Uddin Ahmad: In the shape of income tax

The Honourable Shri Jagjivan Ram: I do not propose to go into the details of this at the moment But as I have already remarked, I wish these basic industries were nationalised I wish they will be nationalised as soon as conditions permit But so long as they are not nationalised—not at the cost of the workers —I do not agree with that view that even if these industries are included in the schedule and are declared to be utility services, the industrialists are to benefit at the cost of the workers That argument I do not follow and I do not agree with it It may work in the interests of the workers as well and that is why I am anxious to have them in the Schedule and I oppose this amendment

Mr. Deputy President: The question is

"That for item 1 of the Schedule, substitute

'Railways tramways, bus services, steamships or aerodromes which are under public ownership and management',

that in item 2 of the Schedule for the word 'coal' substitute

'Nationalised coal industry',

that in item 3 of the Schedule for the words 'cotton textiles' substitute

'Nationalised cotton textile industry', and

that in item 5 of the Schedule for the words 'Iron and Steel' substitute

'Nationalised iron and steel industry'."

Dr. Zia Uddin Ahmad: On a point of order The President had said that votes would be taken on each item separately

Mr. Deputy President: The Honourable Member was not listening when the Honourable the President asked Mr Joshi to agree to this and he agreed that this whole thing may be put up.

The motion was negatived

Mr. Deputy President: The question is:

"That Clause 2 and the Schedule as amended, stand part of the Bill"

The motion was adopted

Clause 2 and the Schedule, as amended, were added to the Bill

Mr. Deputy President: Clause 3

Miss Maniben Kara: Sir, I move

"That in sub-clause (1) of clause 3 of the Bill, for the words 'in consultation with' the words 'with the consent of' be substituted."

[Miss Maniben Kara.]

Sir, the Honourable Member in charge of the Bill is aware that we from labour welcome voluntary agreement We desire that industrial disputes and various differences arising from day to day working of the workers should be settled between the employers and employees

Sir, we stand for internal settlement and we do not desire any external interference That being the case we welcome the formation of Works Committees in all industries By the formation of these Works Committees the representatives of the workers and the employers will be sitting across the table and as far as possible thrash out their differences

In all civilised Western countries not only do the workers have their Works Committees but during war time they also had voice in the management of the industry A manual worker is held in esteem and respect by the employer The employer realises and accepts the fact that the employee is as essential to the industry as his own capital and as such he holds the worker in respect He realises that voluntary agreement and settlement reached by giving recognition to trade unions and their representatives helps the industry I would have welcomed the voluntary formation of such Works Committees without the aid of this Bill But not being a believer in the theory of the change of heart I am not surprised that such committees are not formed That theory does not work From experience those who believe in the theory of change of heart, must learn that the Works Committees are not formed, because employers did not change their hearts and did not encourage the growth of healthy trade unionism We are told that the employers are going to recognise trade unions No one will be more happy than us, if that day comes, since the recommendation of the Royal Commission on Labour years, back, we waited for that happy day to see trade unions recognised by the employers, but we waited in vain The present Honourable the Labour Member is now compelled to bring in legislation for a very elementary right which has been conceded in all countries, *viz* , compulsory recognition of trade unions If the intention of the Honourable the Labour Member is to see that a healthy trade union movement grows in this country, and that the employers give recognition to the trade unions, then he should have no difficulty in accepting my amendment

Sir, the Bill as it stands says that these Works Committees will be appointed in consultation with the trade unions The danger of it is that you will consult the unions but there is no guarantee that having consulted them, you would accept their suggestions There is also another danger and that danger or fear was rightly expressed by my colleague Mr Guruswami yesterday Let us admit this fact that even today there are unions in our country which are sponsored by the employers themselves They are known in trade union circles as Company Unions or Yellow Unions Now, Sir, this amendment is brought forward because we want to be assured that consultation with company unions will not take place Genuine unions alone should be consulted, not only consulted, but their recommendations should be accepted The word "consulted" once again is kept beautifully vague As I stated, you may consult the union, but there is no guarantee that after consultation you will accept the recommendation The choice of selection in the last event, entirely belongs to the employer It is the employer who will in the end have the right to decide who will be the representatives of the workers What I am asking for is to transfer that right to the trade unions If a trade union in that particular industry does not exist, the question does not arise but where it exists, the representatives should be only those who have been recommended by the unions and none others I would once again say that the principle of the formation of Works Committees is welcome to us

I was very much grieved yesterday to hear Mr Griffiths opposing the formation of the Works Committees He opposed it on the ground that it should not be made compulsory I am sorry he is not present with us today but my reply to him will be that leaving things for voluntary settlement has not helped I would

have welcomed voluntary setting up of the Works Committees, provided I was sure that those Works Committees will not be composed of those workers who are elected by the employers themselves, and the Works Committees will not deprive the functioning of a genuine trade union The reason why we want that a nominee of a trade union alone should be on the Works Committee is to see that these Works Committees do not act as rival to genuine trade unions In number of cases where employers do not like to have trade unions, they form works committees composed of selected people inside the workshops, with the result that every attempt by the workers to form a union is controlled and checked by these committees The function of such works committee, in other words, amounts to the liquidation of trade unions In order to safeguard against that danger, and in order also to get the wholehearted support of my Honourable friend Mr Guruswami, I want that the nominees to these Works Committees should be appointed with the consent of the trade unions If the object of the formation of these works committees is to have voluntary day to day agreement for their grievances with the employers then I see no reason why my amendment should not be accepted by the Honourable Member and the House

Mr. Deputy President: Amendment moved

"That in sub-clause (1) of clause 3 of the Bill, for the words 'in consultation with' the words 'with the consent of' be substituted "

Mr. S. Guruswami: Sir, I support very strongly the amendment moved by Miss Maniben Kara I hold very strong views on the subject of works committees and my views are based on twenty-two years of experience of their working in different industries and not only the railways The objection against the works committees is that they are used by the employers as a rival machinery to weaken the functions of the trade unions The objection is not lessened by the fact that the members of these committees are not nominated members but even elected members I know in the Buckingham and Carnatic Mills in Madras there is a Welfare Committee where all the members are elected But although they are elected they do not command the confidence of the workers They have been used on every possible occasion by the employer to weaken the trade union's activities If a concession is to be given, these works committees are used as a medium for announcing the concession If it is a negative reply it is the unions which get the negative reply on their representation That is why I am very anxious that this clause should be either dropped or the machinery of works committees should be so constituted as to be not a danger to the trade unions As my friend said, mere consultation does not carry with it the implication that the trade union's suggestions will be accepted Not only this. Trade unions will view with the greatest jealousy any machinery which will bypass the relations between the employer and the employees This machinery may be used for that purpose notwithstanding the good intentions of the Government

Sir, in sub-clause (2) of clause 3 of this Bill pious intentions are mentioned I am not aware of any similar clause in any other piece of legislation where mere intentions are expressed without any idea as to how those intentions can be carried out It is said:

"It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters "

These sentences are very vague and not even beautifully vague The Honourable Member could content himself by a two-clause Bill in which it may be stated "Let there be peace in the industry" and keep quiet without legislating for conciliation board, tribunals or courts of enquiry. Why I stress this aspect of the matter is this Mere vague generalities will lead us nowhere Works committees must deal with all questions arising out of employment relations. The machinery for the workers is the trade union, and the works committee should function as a sub-committee or a joint committee of the trade union and the

[Mr S Guruswami]

employer and not a machinery in which the trade unions have no control Specially in this country where trade unionism is weak, is still in its infancy, the danger is great, and I would therefore most respectfully appeal to the Government not to proceed with this clause, not because I doubt their good intentions but because I have every feeling of apprehension that with all their good intentions it will be abused and nothing but abused Specially in industries where there is no union and even in industries where there is trade union this clause will tend to weaken their cause

Yesterday my friend, Diwan Chaman Lall referred to the recommendations of the Whitley Commission I have to differ from that recommendation with due respect to Mr Joshi and Diwan Chaman Lall That is why I said that I hold very strong views in this matter Whether members of this committee are elected or constituted in any manner if they are made to function without the consent and approval of the trade union in that industry, it will constitute a rival machinery, intended to function as a rival union without collecting subscriptions, without redressing grievances, without incurring the obligations which a member incurs by joining a trade union That will encourage irresponsibility and not tend to industrial peace That is why I say if the relations between the employer and the workers' union are amicable and good, let there be voluntary machinery for functioning as a joint committee, but let no machinery be imposed by the Government by 'a general or a special order' as is contemplated in clause 3 of this Bill In the initial stages a committee may do good, but if it is to be free from the control of the trade union it will be bad to the trade union movement and incidentally to the workers That is why I have been very emphatic in the expression of my opinion that these works committees, whatever might be their history in other countries, will serve as rival bodies to trade unions in this country Not only that In the Bill that has been introduced in this House no statutory powers exist for these works councils to function efficiently to discharge their duties The clause that the number of representatives of the workmen ought to be the same as the number of representatives of the employers has no meaning in actual fact because what is the value of the opinions or decisions reached in this committee if the employer does not agree to them What are the rights conferred on the members of these committees? In Germany before Hitler came to power, there was a legislation relating to works councils They had the right to examine accounts, they had the right to call for any documents or material relevant to the investigation of the grievances of the workmen referred to them, they had the right to serve as something of an appellate court in regard to disciplinary cases Nothing of that kind is prescribed in the proposed legislation All that is proposed is some pious wishes to be attached to the works committees that may by a general or special order be brought into existence by the appropriate government concerned In view of this vagueness I have no hesitation in pointing out that there is a danger and not a good thing in introducing this piece of legislation If it is to be a proper measure we have in a constructive way suggested 'let this machinery be brought into existence with the consent of the trade unions concerned and not independent of them That is all I have to say and I hope the Honourable Member will revise his views about this machinery

The Honourable Shri Jagjivan Ram: I know my friend Mr Guruswami holds very strong views about these Works Committees I also know that this is due to his bitter experience of the Works Committees in the railways in the past But I am afraid, Sir, when those Works Committees were formed there was no provision like the present one or provision as to how those Works Committees were to be formed If we look into this clause, Sir, it will be quite clear that a Works Committee will consist of representatives of employers and workmen in equal numbers Then further the representatives of the workers are to be selected from among the workers themselves and in the prescribed manner the

amendment is that these works committees should be formed with the consent of the trade unions, if any, in that industry What possible effect this will have, one has to examine it Take one industry or a factory where there is a trade union representing ten per cent of the workers employed in that industry If this ten per cent of the workers so desire they may prevent the formation of a works committee even if 90 per cent of the workers in that industry want to form a works committee in order to settle their day to day differences I do not think it will be in the interest of the workers themselves to deprive 90 per cent of the workers to take advantage of this machinery if ten per cent of the workers do not desire so

Then the representatives of the workmen are to be elected in the prescribed manner and over and above that, in consultation with the trade unions One of the prescribed methods may be that the workers in a particular factory will meet together and they by a majority of votes elect their representatives on these works committees I do not think there is anything wrong in it if the workers themselves by a majority of votes select their own representatives and those representatives are on the works committees But to safeguard the interest of the unions, even if a trade union may represent only five per cent or ten per cent of the workers the trade union is to be consulted One of the prescribed methods may be that the trade union will submit a panel of, say, five names, out of which two persons will be taken on the works committees I do not see how the prestige of the trade union will be undermined I think it will be enhanced I therefore think that the clause as it stand safeguards the interest of the workers as well as the trade unions If the amendment is accepted, it may mean that the representatives will be elected by a minority of the workers and not by the workers themselves I therefore think that the clause, as it is, is good and in the interest of the workers I oppose the amendment

Mr N M. Joshi The idea of Works Committees is not a new one It has been in existence for a long time My friend Mr Guruswami has stated that Works Committees were introduced in Germany by law and they were given statutory functions and definite functions, not the kind of good will mission which this Bill is giving to them In England they appointed a Royal Commission to consider this question of industrial peace and they recommended the formation of Works Committee and industrial councils We are not against the idea of either a Works Committee or an industrial council because we feel that the idea of employers and workers meeting together and discussing matters of common concern is a good one but a warning was given by the Royal Commission It was that if there is to be a conflict between a trade union and a Works Committee or an industrial council, this organisation will never succeed The Honourable Member thinks that his department is omniscient and he has got people of greater experience than the Royal Commission Let me tell him that their experience is not worth much People in England have got greater experience They considered this for a long time If we now try a new experiment it is likely to fail

I am very much interested in industrial peace I do not like strikes I have said that a hundred times here but unfortunately industrial peace does not come through foolish and stupid methods The Works Committee is a good idea but if you once introduce rivalry and antagonism between trade unions and Works Committees, the Works Committees will not succeed It was tried in many industries 25 years ago I tried the appointment of these committees without a law I believe in discussion between employers and workmen but I ask you not to go against the experience of the world The Honourable Member's department may be a wise one but it is not wiser than the world It may be wiser than myself Has he got the confidence of the Labour Minister in Bombay? He has framed a Bill in which he has provided a works

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committee but he makes it quite clear in his legislation that the workers representatives shall be nominated by the trade unions Why does our minister not take the experience of the Bombay Minister? Why does he follow this stupid method appointing works committees which will be nothing more than *Aman Sabhas* I ask you to bear in mind the warning given by the Royal Commission England when it sat to consider the question of works committees and industrial councils Don't try foolish and stupid methods which will never succeed and which have never succeeded in any part of the world The Bombay Minister has provided for election He has provided a works committee in which the representatives of the workers will be elected by the trade unions

Mr Vadilal Lallubhai. But that is not compulsory there

Mr. N. M. Joshi. I am not suggesting anything on that point I am only speaking on one point and that is, do not start Works Committees when you are likely to have a conflict between a trade union and your Works Committee Start the Works Committee under good auspices, namely, when the trade union will take part in that Works Committee and there will be no conflict If you like, do not make your Works Committee compulsory I am not asking you that you should have Works Committees That clause was not inserted in the Bill at my request at all I know that when these Governments pass legislation, they never do it in the right way They have got some antagonism against a trade union A trade union is always on their brain As I said a few minutes ago, the communists are on their brain Similarly, the trade union is also on their brain If the consent of the trade union is to be obtained, nothing will happen, but the industrial peace will be established But by your method you will establish *Aman Sabhas* which the former Government used to establish and these *Aman Sabhas* were used against the Congress They never produced any good effect So, your Works Committee may be used against the trade union but it will not produce any effect and the trade unions will go on merrily as before Therefore, my advice to the Honourable Member is by all means have Works Committees I am in favour of them, but I am not in favour of making an experiment which, in my judgment, is bound to fail

The Honourable Shri Jagjivan Ram: With your permission, Sir, I will not like to speak in the same strain as my Honourable friend Mr Joshi has spoken, because I hold him in great esteem As I have explained, the representatives of the workmen are to be elected in a prescribed manner I made it clear and I gave an illustration that if the trade unions were to submit a panel of names and if out of these names the representatives of the workmen are to be taken, I do not think there will be any scope for a conflict between the trade unions and the Works Committee Then, of course, the question comes when ten per cent of the workmen, which form a union, refuse to give their consent to the formation of a Works Committee and when they refuse to send their representatives on the Works Committee Then a deadlock will be created Therefore this provision for consultation is quite appropriate and will meet all the objections that have been raised by my friend Mr Joshi

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan): Sir, my Honourable friend has said that the representatives of labour on the Works Committee will be selected out of a panel which is to be submitted by the labour union

The Honourable Shri Jagjivan Ram: It may be one of the manners to be prescribed

Haji Abdus Sattar Haji Ishaq Seth: Will he prescribe that in the rules

The Honourable Shri Jagjivan Ram. Yes, that may be prescribed in the rules. That is my idea

Mr. Deputy President: The question is

'That in sub clause (1) of clause 3 of the Bill, for the words in consultation with the words 'with the consent of' be substituted "

The motion was negatived

Mr. Deputy President. The question is

'That clause 3 stand part of the Bill "

The motion was adopted

Clause 3 was added to the Bill

Clauses 4, 5 and 6 were added to the Bill

Mr Deputy President· Clause 7

Mr N M. Joshi. Sir, I move

'That in sub clause (3) of clause 7 of the Bill, the following be added at the end, namely

and every member of the Tribunal shall be paid the salary of a Judge of a High Court '

The object of this amendment is that the tribunal should be a tribunal which should have weight in the eyes of the parties who will go to it or who will be taken to it A legislation of this kind exists in many countries In Australia there are these courts and their legislation goes a little further than what I have suggested

Mr Vadilal Lallubhai I have also an amendment on clause 7, but I should think that Mr Joshi s amendment should have precedence over my amendment

Mr Deputy President. I do not know if the Honourable Member is aware of the practice of the House When the Chair puts a question, then it is for the Honourable Member who wants to move his amendment to get up at once If an Honourable Member who has tabled an amendment and who does not rise in his seat, then the Chair presumes that he is not moving his amendment and the next amendment is taken up

Mr Vadilal Lallubhai. Sir, every time I have been asked whether I wanted to move my amendment There are two amendments on this clause and it is possible that you may give Mr Joshi precedence

Mr Deputy President. As the Honourable Member has not been for long in this House, I will allow him to move his amendment afterwards But I must point out to the Honourable Members that if an amendment is not moved at its proper time *ipso facto* it goes out

Mr N M Joshi Let my amendment be finished I am not going to make a long speech on it I said that in Australia they go a little further They insist that a Judge of a tribunal of this kind should have the status of a High Court Judge and not only his salary In Australia a Judge cannot be removed except by an address of both the Houses of Parliament That is what the Australian practice is

"The Court consists of a Chief Judge and such other Judges as may be appointed No Judge may be removed from the office except by the Governor-General in Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of proved misbehaviour "

These Judges are given very great powers They are to decide cases and their decisions are to be imposed upon the parties Therefore, it is not right that persons who do not possess the necessary qualifications and necessary status should be appointed Your present practice is that any Barrister or any lawyer of ten years' standing can be appointed, but it is not so in Australia If

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you want a tribunal whose awards shall be respected and not imposed by law, then certainly have a proper tribunal as they have in Australia They insist upon the Judges of this tribunal being of the same status as the High Court Judges who cannot be removed by anybody except by both the Houses of Parliament If you appoint mere advocates of ten years standing because they are qualified to be Judges on Rs 500, that sort of tribunal is not likely to carry weight

Mr. P. B Gole. The amendment does not indicate that

Mr N M Joshi. The amendment indicates that they shall be given the same salary as the Judge of a High Court You always forget that I am a moderate You always forget that I suggest an amendment which, according to the reasonable people, should be acceptable to the Honourable Member and therefore I did not refer to the status I hope the Government will accept it

Mr Deputy President Amendment moved

'That in sub clause (3) of clause 7 of the Bill the following be added at the end, namely —

'and every member of the Tribunal shall be paid the salary of a Judge of a High Court' "

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th February, 1947

LEGISLATIVE ASSEMBLY

Thursday 13th February 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock Mr President (The Honourable Mr G V Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

Shri Sri Prakasa Regarding the questions of Pandit Sri Krishna Dutt Paliwal I have got his authority to put his questions for him

Mr President The usual procedure that we adopt is that they will come in the last round †

Shri Sri Prakasa. Will they come at all?

Mr President It all depends upon Honourable Members themselves If they put less number of supplementary questions and get through the other questions expeditiously they will be reached

Sjt N V Gadgil Both are impossible

COUNTRIES WITH DIPLOMATIC REPRESENTATION IN INDIA

†257 ***Pandit Sri Krishna Dutt Paliwal** Will the Honourable Member for External Affairs please state

(a) the names of those countries which have established diplomatic representation in India since the advent of the Interim Government upto 15th January, 1947, and

(b) the countries which are expected to do so in the near future?

The Honourable Pandit Jawaharlal Nehru (a) China and United States of America

(b) As soon as agreement has been reached to exchange diplomatic missions with any other country information to that effect will be published by Government It would not be proper to give such information in advance

TRADE RELATIONS BETWEEN INDIA AND U S A

†258. ***Pandit Sri Krishna Dutt Paliwal** Will the Honourable Member for Commerce please state

(a) the steps Government have taken or propose to take to promote trade relations between India and the United States of America, and

(b) the results if any achieved so, far in encouraging ordinary American businessmen to trade with India?

The Honourable Mr I. I. Chundrigar: (a) Government fully realise the importance of developing trade relations between India and the United States of America, and have taken every step possible in this direction

(b) As a result of the measures adopted there has been a very considerable increase over pre-war years in the volume of imports and exports between the two countries

†Printed serially in these debates The question could not, however, be reached during the question hour and the replies were laid on the table of the House—*Ed of D*

CONDITIONS UNDER WHICH 'BIDI' INDUSTRY WORKERS WORK IN SOUTH INDIA AND CENTRAL PROVINCES

253. *Seth Govind Das Will the Honourable the Labour Member be pleased to state

(a) whether Government are aware of the extremely insanitary and unhealthy conditions without proper arrangement of privies and pure drinking water in which workers of the *bidi* industry work in South India and particularly in the Central Provinces,

(b) whether Government are aware that children continue to be employed in spite of the prohibition against such employment imposed by the Employment of Children (Amendment) Act of 1939, and

(c) in view of the fact that all this is confirmed by the report of the Rege Committee on the labour conditions in the Tobacco industries, what steps are Government taking for improving the lot of labour and prohibiting the employment of children in this industry?

The Honourable Shri Jagjivan Ram. (a) and (b) Yes

(c) Employment of children in 'bidi' making industry is prohibited under the Employment of Children Act Proper enforcement of this legislation is a matter for Provincial Governments Provincial Governments can also apply all or any of the provisions of the existing Factories Act, by a notification under Section 5 of the Act, to units of 'bidi' making industry employing more than ten persons Amendments to the Factories Act which are now contemplated will go a step further and make the provisions relating to lighting, ventilation, etc, applicable to all workplaces When the new Act is enforced, the evils referred to by the Honourible Member would disappear The necessity for strengthening Factory Inspection Services so as to secure an adequate enforcement of labour legislation was brought to the notice of the Provincial Labour Ministers at a Conference held in October last and they have agreed to take necessary action

Shri Sri Prakasa Does the Employment of Children's Act also apply to open shops where children sit and make bidis merrily all day long?

The Honourable Shri Jagjivan Ram It applies if more than ten boys are employed

Shri Sri Prakasa May I take it that it does not apply if a single boy sits at a shop and works for his father all day?

The Honourable Shri Jagjivan Ram At present it does not

Mr Manu Subedar Have Government got the conditions in this particular unorganised industry examined in the same manner that they are getting particulars in organised industries examined? Have Government seen the investigation on this subject in the University of Bombay Postgraduate course conducted by Miss Gokhale?

The Honourable Shri Jagjivan Ram: I do not remember to have seen the report by the particular professor, but of course by the proposed amendment to the Factories Act, bidi industry will also be covered by that Act

Shri Sri Prakasa Have Government examined the food value of bidi?

The Honourable Shri Jagjivan Ram: I hope the Honourable Member will try it

TRIBAL RAIDS ON THE N W FRONTIER

260. *Mr. Ahmed E. H. Jaffer: Will the Honourable Member for External Affairs be pleased to state

(a) whether there has been an increase in tribal raids on the Frontier since September 3, 1946,

(b) total number of raids reported since September 3, 1946;

(c) total number of deaths due to the tribal raids, and

(d) total estimate of damage to property?

The Honourable Pandit Jawaharlal Nehru The Frontier Administration have been asked to supply detailed information This will be placed on the table of the House when received

Mr. Ahmed E. H. Jaffer Does not the Frontier Administration submit this information from time to time by telegram? A long time has elapsed since notice of this question was given and surely the Honourable Member could have got the information by telegram or telephone?

Mr President Let there be no argument

The Honourable Pandit Jawaharlal Nehru I cannot say without referring to the records whether a telegram was sent or only a letter was sent

Mr Ahmed E. H. Jaffer The Honourable Member in his reply says that detailed information was not received May I know whether any information was received by the Honourable Member?

The Honourable Pandit Jawaharlal Nehru The External Affairs Department receives information from time to time of various happenings, but really when a question like this is asked with regard to facts and figures, this information does not come in driblets The whole information will come in one lot and as far as we know, that information has not come as yet

Mr Ahmed E H Jaffer: May I draw the Honourable Member's attention to part (a) of the question, whether there has been an increase in tribal raids on the Frontier since September 3 1946'—that does not call for detailed information? Some information could have been given to the House?

The Honourable Pandit Jawaharlal Nehru That is true So far as I know there has been no such increase, the position is more or less the same But as I said when we asked the Frontier Administration to send full details in regard to the question, they do not send details first of all with reference to part (a) which might be supplied quickly and separately, but they wait and collect the information for all parts of the question and send it all together

Sardar Mangal Singh As regards part (c) of the question, the Frontier Government made an announcement as to the number of deaths Do I understand the Honourable Member to say that he has not received any information?

The Honourable Pandit Jawaharlal Nehru I do not know what the Honourable Member means by 'number of deaths' Is he referring to any particular incident? The question relates not to any particular incident, but to all periods since 3rd September 1946 I cannot give that information But in regard to any particular incident, we may have that information possibly

Mr. Ahmed E H. Jaffer: May I enquire whether this information will be placed on the table of the House during this session?

The Honourable Pandit Jawaharlal Nehru: Most certainly

PROMOTION OF LABOUR WELFARE IN INDIA

261. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Labour Member please state whether Government have received any proposals for promoting Labour Welfare in India from the Chief Inspector of Factories in the United Kingdom—Sir W Garrett?

(b) Did Sir W Garrett visit India at the request of the Government of India?

(c) Has Sir W Garrett been requested to make a full report on the question of improving Indian Factories and the question of housing and feeding labour in these Factories?

(d) Do Government propose to make a statement in the House on Labour Welfare in Factories in India?

The Honourable Shri Jagjivan Ram: (a), (b) and (c) Sir Wilfrid Garret, lately His Majesty's Chief Inspector of Factories, was appointed Chief Adviser Factories, in September 1946, for a period of six months The Factory Advisory Organization has been set up to advise on the design and layout of factories, the housing of labour, the working conditions in factories, and the improvement of the inspection of factories Sir Wilfrid has furnished full materials for a revision of the Factories Act and these are now under the consideration of Government Sir Wilfrid's wide and expert knowledge is also being drawn upon by Government in the formulation of schemes connected with administration of the Act

(d) Government hope to bring before the Legislature a comprehensive revised Factories Bill in this Session and see no advantage in making any statement at this stage

RESTORATION OF INDIAN RIGHTS IN JAPAN

262 *Seth Govind Das Will the Honourable the Commerce Member be pleased to state

(a) the number of persons and concerns who held properties and interests in Japan before and after the war,

(b) the number of persons and concerns that have already registered their claims or restoration of rights in Japan with the Director of Commercial Intelligence, Calcutta, and

(c) whether the Government of India propose to press for a commission to be set up to go into the matter of restoration of Indian rights in Japan?

The Honourable Mr I I Chundrigar (a) The Government of India have no information

(b) 34

(c) The Far Eastern Commission has already set up a committee to go into the question of restoring to nationals of the United Nations the property, both tangible and intangible, held by them in Japan prior to the outbreak of war with that country India is represented on this committee

Seth Govind Das Is India represented by an Indian?

The Honourable Mr. I. I. Chundrigar: Yes, Sir

Mr. Manu Subedar Will the Honourable Member give this House some information, if he has got it, as to what has happened to the amounts collected by the Controller of Enemy Property in this country from the Japanese and whether any part of it has been given by way of compensation to Indians who have lost their assets in Japan?

The Honourable Mr. I. I. Chundrigar: No amounts have been given as compensation but certain allowances were given to those evacuees who had no means of maintaining themselves here in the interval When the property of the Japanese nationals in this country which is now with the custodian of Enemy Property will be dealt with, this may be a charge on that property

Seth Govind Das Have Government received any applications from those who have lost property there and is any investigation going on regarding those applications?

The Honourable Mr. I. I. Chundrigar: As I said in reply to part (b), thirty-four persons have registered their claims for restoration of rights and property in Japan It is contemplated that a mission will soon be sent to Japan to find out how much property belonging to Indians in Japan is safe and can be traced and what property has been lost for which compensation can be made

Mr Ahmed E. H. Jaffer May I know what the difficulties are for Indian business people who were in Japan before the outbreak of the war to go there now when the war is over?

The Honourable Mr. I. I. Chundrigar The difficulty is that the country is now occupied by Allied Occupation Forces and they do not allow visitors to go there on grounds of security India has already applied that a sufficient number of people of this country having interests in Japan should be allowed to go for the purposes mentioned by me in answer to the previous supplementary question.

Sreejut Rohini Kumar Chaudhuri. May I know to whom applications for restoration of rights and properties have to be made in India?

The Honourable Mr. I I. Chundrigar: I said that, the Director of Commercial Intelligence, Calcutta

Seth Govind Das. When did the Government of India make a representation that the people who were already in business in Japan should be allowed to return there?

The Honourable Mr. I. I Chundrigar. Representations have been made ever since Japan was occupied by the Allied forces

Seth Govind Das: And has no response been so far received by Government?

The Honourable Mr. I. I Chundrigar: Replies have been received to the representation and they asked for time to make the necessary arrangements

Mr Manu Subedar Will Government examine the question of finally liquidating the Custodian of Enemy Property's activities and reducing the personnel if it is found on examination that it is no longer necessary to continue this section?

The Honourable Mr I I Chundrigar Very important functions of this office have not yet been discharged and as soon as they are discharged, the office will of course, be liquidated

NAGA HEAD HUNTING OPERATIONS IN ASSAM

263 *Seth Govind Das: Will the Honourable Member for External Affairs be pleased to state

(a) whether Government are aware of an A P A report of December 19, 1946, about the Naga Head-hunting operations in Assam

(b) the definite number of heads collected by these Nagas during the years after the war with Japan, and

(c) the action that the Government of India are taking to stop this monstrous practice and save Naga villages on the Assam side of the Burma-India border?

The Honourable Pandit Jawaharlal Nehru (a) Yes

(b) So far as our information goes the number is about 315

(c) The problem has been fully considered by the Assam authorities, in consultation with the Deputy Commissioner of the Burma Naga Hills Stern warnings are being conveyed to the offending villages from both the Assam and the Burma side, that further raiding will result in punitive action, while the Burma Administration is establishing an outpost close to one of the worst of these villages

ENCOURAGEMENT OF MULTILATERAL TRADE EXCHANGES

264. *Seth Govind Dass: Will the Honourable the Commerce Member be pleased to state

(a) whether the multilateral trade exchanges are being encouraged in the field of our international trade by the Government of India,

(b) the policy that the Government are following in their present exports and imports in the above light, and

(c) whether every care is taken to see that we purchase our requirements of capital goods from countries where we can get the best and the cheapest material and that we sell our goods to countries which can give us the best price?

The Honourable Mr. I. I. Chundrigar. (a) and (b) Generally speaking, Government are in favour of multi-lateral trade exchanges and have refrained from encouraging canalisation of trade in any particular direction, except in so far as such a course of action has been dictated by the overriding necessity to import foodgrains from particular countries

(c) The answer to the first part is in the affirmative As regards exports too, the answer is in the affirmative in respect of all items of goods figuring in India's export trade except certain scarce commodities The export of scarce commodities is regulated in accordance with destinational quotas which are determined on the basis partly of the requirements of claimant countries, and partly of our long-term interests in them

Mr. Manu Subedar. With reference to part (c), will the Honourable Member please state whether Government have actually full information of all the orders which have been placed by private people in various countries of the world for capital goods and by what organisation such information is collected? Also, whether it is from that examination that Government say that India is purchasing capital goods from countries where we get them best and cheapest?

The Honourable Mr I I Chundrigar Whenever an application for an import license for importing capital goods is received, inquiry is made from the prospecting importer as to the countries from which he can procure those capital goods Owing to the necessity of conserving dollar exchange we find out which are the sterling countries from which those goods are available If we find that there is any difficulty either in procuring them, or if the prices quoted are higher, or if the date of delivery is much longer than in hard currency countries, we grant applications for import from the hard currency countries It is in connection with such inquiries that Government ascertain about each application as to the country from which goods can be procured

Dr Zia Uddin Ahmad May I know whether licenses are obtained before placing an order or after purchasing the machinery?

The Honourable Mr I I Chundrigar License is granted after making all the inquiries mentioned by me

Mr Manu Subedar Will the Honourable Member make another point clear as to whether the schedule of permitted capital goods for which no license is wanted is not being expanded? And if it has been so expanded, is it a fact that Government do not necessarily have information on those items which may be imported by private individuals on their own?

The Honourable Mr I I Chundrigar All applications for the import of capital goods are licensed

Seth Yusuf Abdoola Haroon May I know whether Government will consider the necessity of establishing a bureau which will go through all these licenses and find out exactly what orders have been placed by India?

The Honourable Mr. I. I Chundrigar: The question was considered and a scheme was prepared for registering all the requirements of capital goods Certain difficulties were pointed out both by the capitalists and the trade concerned and the scheme was abandoned

LABOUR UNREST IN INDIA

265 *Seth Govind Das: (a) Will the Honourable the Labour Member please state whether Government are aware of the wide labour unrest prevalent in the country?

(b) Are Government aware that no suitable machinery exists for inquiring into and setting right the day to day grievances of workers in industrial undertakings in India by proper negotiation with the management?

(c) Are Government taking any steps to set up such a machinery and if so, will they give the details of their proposal?

The Honourable Shri Jagjivan Ram (a) Yes

(b) and (c) As the Honourable Member is aware, the Industrial Disputes Bill which is before the House aims at remedying the defect pointed out by him.

Seth Govind Das Are Government contemplating after this Bill becomes law to appoint some such committee on an all-India basis, so that these disputes may be minimised?

The Honourable Shri Jagjivan Ram I do not see how a committee can minimise these troubles

Seth Govind Das The Committee can surely see that the Bill now before the House

Mr President The Honourable Member is arguing What is the information that he wants?

Seth Govind Das Do Government not think it desirable to have some such all-India organisation which, after this Bill becomes law, will see that these unrests are minimised?

The Honourable Shri Jagjivan Ram As a matter of fact we have got the Standing Labour Committee and the Labour Conference for that purpose

Sir Cowasjee Jehangir May I know how many provincial Governments have got legislation of the character which is now before the House?

The Honourable Shri Jagjivan Ram Bombay has already passed a measure like this, Madras and U P had drafted their legislation but have not passed it in view of this Bill, the C P is proceeding with a similar Bill, and as regards other provinces they have not introduced such measure in view of this Bill

MESSAGE OF CONGRATULATIONS FROM THE SECRETARY GENERAL OF THE ARAB LEAGUE ON THE FORMATION OF INTERIM GOVERNMENT

266 *Mr Ahmed E H Jaffer (a) Will the Honourable Member for External Affairs please state whether it is a fact that he received from the Secretary General of the Arab League a message of congratulation for the formation of the Interim Government, promising full support to his Government on the part of the Arab League?

(b) Is it a fact, as reported in the Press in India, that the Honourable Member sent message of thanks to the Secretary of the Arab League for his promised support?

(c) Will the Honourable Member please place on the table of the House a copy of all correspondence that has passed between him and the Secretary of the Arab League in the above connection?

The Honourable Pandit Jawaharlal Nehru (a), (b) and (c) No communication has been received in the External Affairs Department from the Secretary General of the Arab League but I have occasionally been in correspondence with him in my personal capacity both before I assumed charge of this office and possibly later In the course of this correspondence there have been expressions of mutual goodwill and sympathy

Seth Yusuf Abdulla Haroon May I know from the Honourable Member whether he had seen a news item which appeared in the press on his assumption of office that the Interim Government has received such a communication? If so why this news was not contradicted?

The Honourable Pandit Jawaharlal Nehru. I have a vague idea that I saw some such thing, but I do not know the wording of it. I have a vague idea that I did receive a personal communication at that time, so that there is no question of contradicting this news

Seth Yusuf Abdoola Haroon May I know whether it was personal or whether it was received by the Interim Government? The news stated that the Interim Government has received a communication from the Arab League

The Honourable Pandit Jawaharlal Nehru. I have not got the message before me, but certainly the Interim Government as such was not concerned I must have got I think—because I have been in correspondence previously too—a message more or less of a personal nature possibly on my appointment I am sorry I cannot give details because I have not got the message with me I am not too careful about my personal correspondence and I do not know where it is

ENQUIRY INTO THE CONDITION OF TRIBAL PEOPLE

†267 ***Prof N G. Ranga** Will the Honourable the Leader of the House be pleased to state

(a) whether Government are aware of the pitiable condition of the tribal people of excluded and partially excluded areas,

(b) whether it is a fact that so far no systematic effort has been made to enquire into their conditions and suggest ways and means to protect and develop them, and

(c) whether Government propose to consider the advisability of undertaking at an early date such an enquiry through a committee with a non-official majority?

The Honourable Pandit Jawaharlal Nehru (a), (b) and (c) As the Honourable Member is aware, this is primarily a Provincial subject I can assure him that both the Government of India and the Provincial Governments share his anxiety for the amelioration of the conditions of the people inhabiting the excluded and partially excluded areas An enquiry is now proceeding in Madras into the material conditions of the aboriginal tribes of that Province The condition of the aboriginal people in Orissa has been investigated by a Committee with Sri A V Thakkar as Chairman which was appointed by the Government of the Province and a further enquiry has also recently been conducted by Dr Verrier Elwin Other Provinces in which enquiries have been conducted are Bombay and the C P Information on which further action can be based is thus available with the Provincial Governments Detailed studies of the aboriginal people are also being made by the Anthropological Survey of India which has recently been expanded for the purpose Investigation of the manner in which the people inhabiting the excluded and partially excluded areas should be fitted into the future Constitution is being undertaken by the Advisory Committee recently appointed by the Constituent Assembly In these circumstances Government do not consider that a separate enquiry undertaken by the Government of India is called for, but since, as I have mentioned this matter is primarily the concern of the Provincial Governments I shall communicate to them for information the Honourable Member's question as well as my reply

INDIANS IN EAST AFRICA

†268 ***Prof N G Ranga** Will the Honourable Member for Commonwealth Relations be pleased to state

(a) the action that the Government of India are taking to protect the interests of Indians in East Africa, now that they are in possession of the report of their representatives, and

(b) whether any efforts are being made to bring about co operation between our Indian settlers and the East African Negroes themselves?

The Honourable Pandit Jawaharlal Nehru (a) On the basis of the report of the delegation led by Raja Sir Maharaj Singh the Government of India have addressed His Majesty's Government requesting them to secure the withdrawal of the pending Immigration Bills in East Africa

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

(b) The relations of the Indian community with East African people are harmonious and the Government of India have always advised the Indian community to maintain friendly relations with the African people It may interest the Hon'ble Member to know that in response to a request from a number of leading African organizations in East Africa the Government of India are considering the grant of a certain number of scholarships to African students for study in India

INDIAN EMBASSIES IN MIDDLE EAST COUNTRIES

†269 *Prof N G. Ranga Will the Honourable Member for External Affairs be pleased to state

(a) whether any attempts are being made to organise Indian Embassies in the Middle East Countries, notably Egypt, Arabian countries and Turkey, and

(b) when Government propose to send our diplomatic representatives there?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) The problem of the expansion of Indian Diplomatic representation not only in the Middle East but throughout the world receives constant and careful thought I can make no attempt to forecast exactly when Missions may be established in particular countries naturally on a reciprocal basis for we have personnel and organizational difficulties to overcome but our object is to move as rapidly as possible

COMPLAINT BY AFRIDI TRIBAL LEADER AGAINST POLITICAL AGENTS PROPAGANDA IN TRIBAL AREAS

†270 *Prof N G Ranga Will the Honourable Member for External Affairs be pleased to state

(a) whether Government are aware of the complaints made by Afridi tribal leader against the Political Agents' political propaganda in the Tribal Areas, and

(b) the action that Government propose to take to stop all such partisan activities of this Political Agent?

The Honourable Pandit Jawaharlal Nehru (a) and (b) It is not clear to what exactly the Honourable Member refers No specific complaint has been received by the Department against particular Political Agents Vague and general complaints have been made It is not possible to inquire into such vague and general charges but if any specific complaint is made an inquiry will be undertaken

ANTI INDIAN CAMPAIGN IN SOUTHERN RHODESIA

†271 *Prof N G Ranga Will the Honourable Member for Commonwealth Relations be pleased to state

(a) whether Government are aware of the A P A report of December 26th to the effect that anti-Indian campaign is now being initiated in Southern Rhodesia,

(b) whether any representations are being made to the Government concerned to prevent such discrimination?

The Honourable Pandit Jawaharlal Nehru (a) Yes Sir

(b) Two cases in which the Gatooma Town Council had refused to grant certificates to Indians to enable them to obtain general dealers' licence were brought to the notice of the Government An enquiry was made from the Government of Southern Rhodesia In a communication received from the latter the following are stated to be the circumstances in which licences were refused in those cases

In one case, the applicants were already in possession of a licence in respect of the same premises and a second licence was not necessary Moreover such second licences could not legally be issued

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

In the other case one of the applicants had twice been convicted of offences under the Shopping Hours Act

The Governor of Rhodesia after full consideration of these cases upheld the decision of the Gatooma Town Council

FIGHT IN INDO-CHINA BETWEEN FRENCH TROOPS AND VIET-NAMESE

272. *Sardar Mangal Singh Will the Honourable Member for External Affairs please state

(a) whether Indians are taking part in the fighting which has been going on for some time past in Indo-China between the French troops and the Viet-Namese, and

(b) whether any damage has been done to Indian life and property on account of this fighting?

The Honourable Pandit Jawaharlal Nehru (a) Not as far as the Government of India are aware

(b) Government regret to state that three Indian nationals are known to have been killed during the fighting at Hanoi in circumstances which are at present under investigation

Sardar Mangal Singh: What about the property?

The Honourable Pandit Jawaharlal Nehru We have no specific information on that subject

Sardar Mangal Singh Is there any representative of the Interim Government there to look after the interest of Indians?

The Honourable Pandit Jawaharlal Nehru No Sir there is none as far as I can remember The nearest is in Singon and he has been asked to do what he can to help them In fact we have been trying our best to evacuate Indian nationals from Indo-China There have been difficulties At first it was almost decided to send aircraft for the purpose, but then there were landing difficulties and now I believe some arrangements have been made to evacuate them by sea

Sardar Mangal Singh May I know whether any protest has been sent to the French Government?

The Honourable Pandit Jawaharlal Nehru A very strong protest, and they have expressed their great regret Apart from the protest there is the question of damage also involved.

INDIAN TROOPS IN JAPAN

273 *Sardar Mangal Singh (a) Will the Honourable Member for External Affairs please state whether Government have considered the question of the recall of Indian occupation troops from Japan as the stationing of troops in any foreign country for occupation purposes is repugnant to our foreign policy?

(b) Who pays for the Indian troops now stationed in Japan?

The Honourable Pandit Jawaharlal Nehru (a) The matter is under the consideration of Government

(b) Expenditure in Japanese currency is met by the Japanese Government Expenditure in other currencies is met by the Government of India in the case of the Indian Brigade and shared between His Majesty's Government and the Government of India in the case of Indian ancillary and Headquarter troops It has not yet been decided whether expenditure other than in Japanese currency should be recovered from the Japanese Government and, if so, in what manner.

Mr. Manu Subedar. In view of the departure from the usual practice—namely that the expenditure on all troops outside India is borne by His Majesty's Government—will Government examine this question and try and reduce the burden on this country of the expenditure now being incurred apart altogether from the sentimental issue involved in the question?

The Honourable Pandit Jawaharlal Nehru I quite appreciate that we should not only reduce the burden, but put an end to it But this sending of an Indian Brigade to Japan stands on an entirely separate footing from war operations. This is a peacetime Brigade sent presumably, so it is stated, to keep up the prestige of India in occupying Japan together with certain other powers of the United Nations I do not think the same analogy therefore applies in regard to the cost It is open to India to send them or not, to withdraw them or not, if the Government of India think that it adds to their prestige or to anything else that they value, they can keep them there I doubt if we can bring it under the old rule that the Indian troops abroad should be paid by His Majesty's Government

Sardar Mangal Singh May I know whether the Government of India considers the sending of occupation troops to Japan is repugnant to their foreign policy?

The Honourable Pandit Jawaharlal Nehru The Honourable Member will remember that these troops were sent a considerable time back As I have said in answer to his own question the matter is under consideration as to whether we should keep them there or withdraw them The question of foreign policy does not exactly arise, and I am not quite sure myself if Indian troops being there is repugnant to the Japanese or not, it is a doubtful matter

Sardar Mangal Singh: Repugnant to our foreign policy

The Honourable Pandit Jawaharlal Nehru The question is that Japan is occupied at the present moment, but whether any of our troops might be there or not does not prevent the occupation of Japan But, as I have stated to the Honourable Member for some time past this aspect of the question which he has brought forward, has been before us, and we are trying to find a solution

AIR CONDITIONING EXPERT FOR SECRETARIAT

274 ***Manarajkumar Dr Sir Vijaya Ananda.** (a) Will the Secretary of the Department of Works Mines and Power be pleased to state if it is a fact that an air-conditioning expert has been imported on Rs 30,000 for preparing a report on the air-conditioning of the Secretariat and other buildings?

(b) Do Government propose to put a stop to this import of foreign experts on high salaries and encourage Indian talent?

(c) Do Government propose to appoint an independent tribunal consisting of Members of this House to scrutinise the terms offered to all the foreign experts?

Mr B K Gokhale (a) An air conditioning expert, Dr Oscar Faber was brought out from the United Kingdom in April 1946 to advise on (i) the general air-conditioning plan of the Central area of New Delhi (ii) the principles to be followed for air-conditioning isolated large buildings, such as the Federal Court, and (iii) the best method of tackling residential air-conditioning He arrived in India on the 15th April 1946 and left on the 23rd April 1946 He was paid a net fee of 2,000 guineas (exclusive of Indian income-tax) *plus* travelling and other incidental expenses of a total of Rs 32,700

(b) and (c) The attention of the Honourable Member is invited to the reply given by the Honourable the Home Member to Question No 321 by Pandit Sri Krishna Datt Paliwal on the 8th November 1946 regarding the appointment of non-Indians to civil posts The Government of India are anxious to encourage

Indian talent, but the engagement of technical experts from foreign countries for short periods on specific jobs is sometimes inevitable and Government cannot share the responsibility of taking a decision with an independent tribunal as suggested by the Honourable Member

Shri Sri Prakasa Would the Honourable Member kindly repeat the dates of the arrival and departure of this worthy gentleman?

Mr B K Gokhale He arrived in India on the 15th of April 1946 and left on the 23rd of April, i e , eight days later

Shri Sri Prakasa Did this officer make this report within these few days and have Government examined that report and find that they have got their money's worth?

Mr B K. Gokhale I have got a copy of the report, and I can show it to my Honourable friend Only a few copies were printed, but I can place one copy on the table

Shri Sri Prakasa Did this gentleman bring this report with him or did he prepare it here? Does the Honourable Member seriously believe that anyone could have really written a report like that within eight days, and consider the payment of Rs 32,000 justified for this work?

Mr President. It is a matter of opinion

Shri Sri Prakasa I wanted to know whether that gentleman brought this report with him from U S A or did he prepare it here?

Mr. Manu Subedar: U K

Shri Sri Prakasa U S A or U K makes very little difference for me

Mr President. I do not think it is admissible

Mr Manu Subedar Was there any stipulation when this expert was engaged as to the nature and amount of work which he was to do and the approximate time in which he was to do it, and if so are Government satisfied whether this stipulation has been fulfilled?

Mr B K Gokhale I stated in reply to the question that he was asked to come here to advise on three problems (i) the general air-conditioning plan of the Central Area, (ii) the principles to be followed for air-conditioning isolated large buildings, such as the Federal Court (iii) the best method of tackling residential air conditioning

He was here for eight days He collected all the material and then wrote this report which is dated May 1946 After that it was examined here, but the Cabinet Mission proposals of the 16th May 1946 intervened and it was decided not to take any further action on this report

Seth Govind Das Was any Indian associated with this gentleman for the short period during which this gentleman was here? And was this Indian satisfied with the work done by this gentleman in such a short time?

Mr B K Gokhale The report is here and it is a matter of opinion whether the report is worth 32 700 that we spent on it

Seth Govind Das: I did not get a reply to my question whether any Indian of the expert type was associated with this gentleman during his stay here

Mr B K Gokhale: No, Sir

Mr. N. M Joshi. On what ground did Government decide not to take any action on this report after having spent so much money

Mr. President: He has already replied that the Cabinet Mission proposals intervened and then it was thought that no action should be taken on this report

Mr. N. M Joshi: The Cabinet Mission intervened but the final decision is not to take any action

Dr. G V. Deshmukh: From air-conditioning to cold storage!

Mr B. K. Gokhale. The expenditure involved in his recommendations was heavy and Government decided that the matter should not be pursued at this stage

Mr. Ahmed E H Jaffer. Why was he paid a bigger salary than the Viceroy?

Mr. President Order, order

Sir Cowasjee Jehangir. What parts of India did this gentleman visit, and what is the connection between air conditioning and the Cabinet Mission?

Mr. B K Gokhale As far as I know he only visited Delhi, but he must have passed through Karachi on his way here and possibly Bombay too, though that I do not know About the connection of the Cabinet Mission with this matter, it rather changed the scope of the Central Government's activities in future

Shri Sri Prakasa In view of the fact that the Federal Court is a part of this Council House, how does the Honourable Member describe it as an 'isolated' building'

Mr B. K. Gokhale The proposal was to have a separate Federal Court building In that connection it would have been isolated

Shri Sri Prakasa Was the expert able to examine the requirements of air-conditioning for a building before the same was erected? Most amazing!

Dr Zia Uddin Ahmad May I ask whether the Rs 32,000 was monthly salary or for the whole report?

Mr B K Gokhale Rs 32,709 was the total cost to this Government and the terms on which he was engaged were two thousand guineas *plus* all expenses

Seth Govind Das Was it mentioned before this gentleman was called that he would have to stay here for only a week?

Mr President I think the matter is being unnecessarily pursued It is obvious

Mr Ahmed E H Jaffer Was he not here at a time when the summer heat was intolerable and why was he not provided with air-conditioning?

Mr President Order, order, next question

OCCUPATION OF TEMPORARY BUILDINGS IN CANNAUGHT PLACE BY PRIVATE FIRMS

275 ***Sri R Venkatasubba Reddiar** Will the Secretary of the Works Mines and Power Department please state

(a) whether any temporary buildings round about Connaught Place in New Delhi have been given to private firms for occupation and if so how many and with what accommodation,

(b) whether Government are aware that there is acute shortage of accommodation for civilian personnel of the Government of India and attached offices in New Delhi and if so, the reason why these buildings were not given over for such use,

(c) whether those buildings have been let out on rent and if so, at what rate;

(d) whether the whole of the accommodation in that area and elsewhere in New Delhi built by the United States of America for the use of American troops has been given over to the Government of India and if so, to what use has it been put, giving details of such occupation, and

(e) whether Government are satisfied that the accommodation referred to in (d) above could not be put to better use—especially the buildings on Queensway and the neighbourhood—and is actually being used fully and economically?

Mr B. K. Gokhale (a) Only one private firm viz, Tata Sons Limited has been given 4,709 Sq ft of office accommodation in the U S Forces Head quarters buildings on Queensway This temporary building stands on land which

has been permanently leased to Tata Sons Limited for constructing their own building According to the terms of the agreement, the entire building will remain with Government for three years with effect from the 1st October, 1946, but a portion of the building (about 1/10th) will be leased to Tata Sons Limited for use as their office

(b) Government are only too conscious of the acute shortage of accommodation in New Delhi The reason why a portion of the building was given to Tata Sons Limited for their occupation has already been stated in answer to part (a) above

(c) Yes, at the rate of Rs 876 per month

(d) A statement giving the information is laid on the table

(e) Government endeavour to see that every effort is made to utilise available accommodation to best advantage as far as possible A memorandum on the present position of Government accommodation in Delhi as on the 15th December 1946 has already been supplied to all Honourable Members, of which copies have also been placed in the Library

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Statement of Temporary Buildings surrendered to the Government of India, by the U S Forces and the purpose for which they are being or proposed to be used

S. No	Particulars of the building	Purpose
(1)	Central Vista Mess, Queensway	Residential accommodation for Military officers
(2)	Willingdon Barracks Qutab Road	A portion is being occupied as residential accommodation by 100 R I A F personnel of the Willingdon Aerodrome It has also been decided to allot the remaining accommodation to Indian National Airways for occupation by its staff The amount of rent to be recovered from the Indian National Airways has not yet been settled
(3)	Curzon Road Officers Barracks	Nursing College and residential accommodation of the members of the Constituent Assembly
(4)	A & B Barracks, Queensway	Office
(5)	Factory Road, 100th Station Hospital	To be used as a Civil Hospital
(6)	Gurdwara Road hutments	Office
(7)	Talkatora Road Barracks	Office
(8)	Curzon Road Barracks (A & B Blocks)	Office
(9)	Recreation Hall, etc at Curzon Road barracks	Club room for members of the Constituent Assembly
(10)	Theatre Communication Building Connaught Circus	Office.
(11)	H Q I B T Queensway	Office

No	Particulars of the building	Purpose
(12)	Utility Building, North Avenue	Defence Deptt (Transport)
(13)	U S Army Chapel, Parliament Street	Leased to All India Fine Arts & Crafts Society for exhibition purposes
(14)	Delhi, General Depot (excluding 15,000 sq ft of accommodation which is still with U S Forces)	Storage of D G Disposal and office accommodation by the Headquarters establishment of the Aeronautical Communication Organisation of the Director General of Civil Aviation

Statements of Temporary Buildings still being occupied by U S Forces

(1) Taj officers' barracks on Queensway

(2) Canning Road Motor Pool

(3) Canning Road Ice Plant

(4) 15,000 sq ft of accommodation in Delhi General Depot

ACCOMMODATION FOR GOVERNMENT STAFF AND OFFICERS IN NEW DELHI

276 *Sri R Venkatasubba Reddiar Will the Secretary of the Works, Mines and Power Department please state

(a) whether it is a fact that more Government accommodation is going to be built for clerks and assistants and officers in New Delhi and surrounding areas, and if so, in what numbers,

(b) when such quarters are expected to be ready,

(c) up to what date, roughly the various classes of officers have been given the accommodation they asked for, whether the names of officers who registered in 1942 or 1943 have been reached and if so to what extent,

(d) to what extent it is expected that the acuteness of the shortage will be relieved by the construction of these new quarters, and

(e) if it will take some time for the new accommodation to be built, whether Government propose to approach the Defence Department for the return of all available barracks and messes and such buildings, and allot them after suitable adaptation to persons on the waiting list for accommodation, if not, why not?

Mr. B. K Gokhale: (a) Proposals are under examination to build the following accommodation for officers and clerks in New Delhi and surrounding areas

In New Delhi—200 officers flats, 2,000 clerks quarters

In Old Delhi—1,000 clerks quarters.

(b) The projects have not yet been sanctioned and so it is not possible to give the date by which these buildings would be ready for occupation

(c) Government residential accommodation is divided into two categories—(i) regular accommodation, and

(ii) special accommodation, comprising buildings, constructed, leased or requisitioned during the war, as well as hostels, chummeries and tents The allotment of accommodation is governed by very complicated rules based on the status of the officers, the dates of posting to Delhi and other considerations. Roughly speaking, officers, assistants and clerks of various categories have got regular accommodation, provided their date of posting was prior to the date

indicated below—

(i) Pay Rs. 3 000 and more—April 1943

(ii) Rs 1,750 to 2,999—March 1943

(iii) Rs 1,000 to 1 749—June 1942

(iv) Rs 600 to 999—November 1941

(v) Rs 499 to 600 June 1921

(vi) Rs 351 to 499 - May 1930

(vii) Rs 225 to 350- February 1926

(viii) Rs 76 to 224—August 1934

(ix) below Rs 75—September 1938

As regards special accommodation, the position is as follows—

(i) Officers drawing above Rs 600—up to August 1946

(ii) Assistants drawing Rs 225 to 599—up to end of 1943

(iii) Those drawing from Rs 76 to Rs 224 up to end of 1941

(iv) Those drawing below Rs 75—up to end of 1942

(d) New construction will certainly give some relief But the extent of relief will depend on various other considerations, *e g*, the progress of derequisitioning and new construction and the increase or reduction of strength of various offices by the time new quarters are completed

(e) Defence Department generally hand over from time to time all available barracks and other accommodation which becomes surplus to their requirements This is then allotted, after suitable adaptation, if necessary, to civil personnel, unless of course such accommodation has to be derequisitioned

Haji Abdus Sattar Haji Ishaq Seth May I call the attention of the Honourable Member to the ruling given previously that such long statements should be placed on the table rather than read ?

Mr President I am afraid this is not a statement but the information Some statements have already been laid on the table in this connection

Mr B. K Gokhale Information was specifically asked for

Diwan Chaman Lall How long has this scheme been up for sanction and what difficulty is being experienced for getting the sanction?

Mr. B K Gokhale Which scheme?

Mr. President The building scheme which is awaiting sanction

Mr. B K Gokhale It has been under consideration for several months The plans have to be prepared and estimates have to go to Finance, and then the question of cost has to be considered and the question of the standard of accommodation to be provided

Diwan Chaman Lall I am asking my honourable friend to let us know, after having prepared the scheme, the estimates, costs, etc —my honourable friend said that this scheme was up for sanction for some time—how long has this scheme been up for sanction and what is the difficulty he is experiencing for getting that sanction

Mr. B K. Gokhale I cannot give the exact date but it has been under consideration for several months As I said there are questions like what amount exactly should be allotted to each particular buildings, what should be the standard of accommodation provided, etc These matters are under discussion between the various Departments and the Engineers concerned

Diwan Chaman Lall Is it a fact that the scheme is now complete and is up for sanction before the Finance Department?

Mr. B. K. Gokhale: Unless a scheme is sanctioned, it can never be said to be complete it is still in the process of discussion

Diwan Chaman Lall. Will the Honourable Member be pleased to give us a specific and clear reply to this question? So far as his Department is concerned, has his department placed a complete scheme before Finance for sanction?

Mr B. K. Gokhale: It is a question of one Department placing a proposal before Finance and Finance have certain questions to ask about it. It comes back and you have to reply to those questions and again it may go to the Finance Department. It is very difficult to say at what stage any scheme is final so far as any department is concerned. Nothing is final until it is finally sanctioned.

Diwan Chaman Lall. Is it a fact that my Honourable friend's Department have asked Finance to give them their final sanction? Has he received a reply to that request?

Mr. B K. Gokhale: As I have said several times, the matter has gone to Finance and we have not yet succeeded in getting their sanction. When a scheme goes to Finance it is still a proposal for the time being, that does not mean that it is the final proposal.

Mr Manu Subedar: In view of the great delay in proceeding with Government's new construction programme, due to reasons which my Honourable friend has explained, may I know what special steps Government are taking in order to induce private capital to come into the building trade to expand office as well as residential accommodation in New Delhi, which is right under their nose?

Mr B K Gokhale: It is only when a scheme is finally sanctioned that the question of the agency for construction can be considered, whether it should be done departmentally or through contractors.

Mr Manu Subedar: I was not referring to construction for Government or by Government. I was referring to construction by private capital of houses for residential and office purposes. I wanted to know whether the Government of India have taken any special steps to encourage or to give facilities to private builders to build houses in order that housing shortage may be relieved.

Mr B K. Gokhale: That question concerns the Health Department and I would suggest that my Honourable friend puts down a question to them.

Mr Manu Subedar: May I know whether this departmentalism could not be put an end to, for today one of the most crying grievances of the country is shortage of housing and office accommodation?

Mr President: This is only an observation and not a question.

Mr Sasanka Sekhar Sanyal: Will the Honourable Member please state whether Government have considered the question of allotting accommodation on the basis of needs which would be determined by the number of members of each family?

Mr B K Gokhale: Our allotment rules distinguish between Government servants who are married or have families and those who are bachelors or unmarried or have no families. But beyond that we do not go into the question of the actual number of children or the total size of the family.

Sjt N V. Gadgil: May I know whether the Honourable Member is aware of the fact that the Standing Finance Committee has made a recommendation to this Department to proceed with schemes in anticipation of sanction?

Mr. B K. Gokhale: May I know which particular schemes the Honourable Member is referring to? I shall be only too pleased to proceed with every scheme.

Sjt N V Gadgil: The schemes relating to housing.

Mr B K. Gokhale: I believe Sir, that the Standing Finance Committee did suggest at their last meeting that their sanction should not be allowed to stand in the way of schemes going ahead, but that does not get over the difficulty of the sanction of the Finance Department. We cannot anticipate the sanction of the Finance Department of the Government of India.

Sri R Venkatasubba Reddiar Have Government considered the desirability of providing quarters for low paid Government servants instead of devoting their attention to high salaried Government officials?

Mr B K Gokhale There is also a proposal under consideration to construct 1,000 quarters for peons in New Delhi and 250 quarters for peons in Old Delhi I did not give details because this particular question did not refer to peons' quarters

PROTECTION TO SUGAR PAPER, STEEL AND TEXTILE INDUSTRY

277 *Mr Manu Subedar (a) Will the Honourable the Commerce Member please state when is the protection given to sugar paper steel and textile industry coming to an end?

(b) What arrangements have Government made for investigation of the problem and for adjustment of existing duties in respect of imported goods in the categories?

The Honourable Mr I I Chundrigar (a) On the 31st March 1947

(b) Attention of the Honourable Member is invited to the Commerce Department Resolution No 28 T (b)/46, dated the 20th January 1947, which was published in the *Gazette of India Extraordinary* on the same date Government propose to adjust import duties on the basis of the decision taken on the Tariff Board's Reports on these industries Such duties will as is expected be effective from 1st April 1947

Mr Manu Subedar In view of the very acute shortage in some commodities like paper, steel and cloth have Government examined the possibility of not continuing the heavy duties which these industries are enjoying, since most of these articles are being paid for on a cost plus basis to these concerns?

The Honourable Mr I I Chundrigar That is exactly the subject matter of reference to the Tariff Board Decision will be taken on receipt of the report from the Tariff Board on the question

Dr Zia Uddin Ahmad May I know whether the report of the Tariff Board will be available before the 31st March?

The Honourable Mr I I Chundrigar On this question?

Dr Zia Uddin Ahmad Yes, on those things mentioned by the Honourable Member

The Honourable Mr I I Chundrigar It is expected that the report of the Tariff Board will be received by the end of February

Mr Manu Subedar The sort of preliminary examination which the Tariff Board could give to each of these major industries took on a previous occasion something like a week and they will probably place before Government a general position But from the point of view of the shortage of this country's requirements in these articles what steps do Government propose to take in order to end this shortage and to get in more goods in these particular lines?

The Honourable Mr I I Chundrigar A reduction or abolition of the import duty will have no effect whatsoever on the quantum of imports into the country and as to how far the duty should be modified is a question which will be considered when this report is received

SHORTAGE OF RESIDENTIAL ACCOMMODATION FOR MEMBERS OF THE CENTRAL LEGISLATURE

278 *Sardar Mangal Singh Will the Secretary of the Works, Mines and Power Department please state

(a) whether it is a fact that some Honourable Members of this House could not be provided with accommodation during this session,

(b) if the answer to part (a) above is in the affirmative the arrangements that Government propose to make to remedy this shortage of houses, and

(c) whether Government propose to consider the question of making available bungalow type houses of the Queensway and the Queen Victoria Road to the Members of the Central Legislature?

Mr B K Gokhale (a) All Honourable Members of this House who applied have been provided with accommodation during this session But it was not possible to provide all Honourable Members with bungalows and some have therefore been provided with accommodation in hostels

(b) and (c) In addition to 68 bungalows previously reserved for Honourable Members of this House, ten bungalows on Queensway and one on Ferozeshah Road have recently been placed at the disposal of the Legislative Assembly Department making a total of 79 bungalows for Members of this House during this session Similarly, in addition to 26 bungalows previously reserved for Members of the Council of State three more bungalows situated on Queen Victoria Road, Electric Lane and Telegraph Lane have been placed at the disposal of the Council of State, making a total of 29 bungalows for Council of State members *during this session*

There is acute shortage of housing in Delhi and Government are considering the whole question with a view to relieve the situation But all the same Government took steps to get eleven bungalows vacated by Government officers for the Members of this House and three bungalows for Members of the Council of State in compliance with the recommendation of a conference called by the Honourable the President of the Legislative Assembly on the 13th November 1946

I may add that all the bungalow type quarters on Queensway are already being used for Members of the Legislature There are 15 bungalow type quarters on Queen Victoria Road which are at present occupied by Government officers It is not possible to make these bungalows available for members of the Legislature unless alternative accommodation is found for these Government servants

Sardar Mangal Singh May I know whether this arrangement by which some new bungalows on the Queensway have been placed at the disposal of the Legislative Assembly Department will continue in future or is it only a makeshift arrangement for this session?

Mr B K Gokhale The idea is that it should continue in future also

Seth Govind Das Is the Government aware that before there was any shortage of accommodation in New Delhi, the shortage of housing for Members of the Assembly has been there since 1923 and during the last 24 years nothing satisfactory has been done in this respect and will the Government see that this shortage of accommodation for Members of the Assembly be done away with as soon as possible?

Mr B. K Gokhale. This matter was considered at the Honourable the President's Conference on the 13th November and whatever was asked for we have complied with

Mr Manu Subedar May I know how many more houses, in addition to the eleven and three mentioned by the Honourable Member, would have to be provided in order to put an end to this annual difficulty on the part of the Members of the Legislature?

Mr. B. K Gokhale: A total of 57 bungalows will have to be provided if every Member of both the Houses is to have a house

Mr Ahmed E H. Jaffer: In view of the fact that some of us are prepared to construct our own bungalows will the Honourable Member arrange for the sale of suitable ground in Kingsway or near the Council House so that this may considerably ease the shortage of houses?

Mr President I do not think this arises out of the question

Haji Abdus Sattar Haji Ishaq Seth. Arising out of the suggestion that he may have to consider alternative arrangements for Government officers, will the Honourable Member kindly examine whether there are any single Government officers, that is those without families, staying in these houses who are willing to go to hostels and leave the bungalows for the use of M L A 's?

Mr B K. Gokhale I do not believe anybody would willingly go

Haji Abdus Sattar Haji Ishaq Seth. I am talking of single officials, that is those who are not married

Mr President The question is only this much, namely, whether the Honourable Member will consider this suggestion

Mr B K Gokhale Yes, Sir

Mr Manu Subedar In view of the fact that these bungalows were originally built for Members of the Legislature when New Delhi was constructed will the Honourable the Works Secretary tell this House how many of these bungalows originally built for Members of the Legislature have been diverted to the use of officers of Government?

Mr B K Gokhale Not a single bungalow, as far as I know

Seth Govind Das In view of the shortage of accommodation which has been continuing for the past 24 years, will Government consider it desirable to get one portion of the Viceregal Lodge vacated as it is too big a house for any one individual to live?

Mr President Order order Next question

UNSERVICEABLE FURNITURE IN BUNGALOWS FOR MEMBERS OF THE CENTRAL LEGISLATIVE ASSEMBLY

279 *Sardar Mangal Singh Will the Secretary of the Works Mines and Power Department please state

(a) when the furniture provided in the M L A's quarters was purchased and whether it is a fact that it was second hand even at that time, and

(b) whether Government are aware that the furniture in the M L A's' bungalows is absolutely unserviceable and whether they propose to take steps to replace the same at an early date?

Mr B K. Gokhale (a) There are in all 95 M L A quarters Of these 62 were furnished in 1927 with new furniture The remaining 33 quarters, located on Ferozshah Road and Canning Lane, were furnished in 1934 with serviceable furniture taken from Old Surplus Furniture Store after renovation

(b) Government are aware that some articles of furniture in M L A quarters have become unserviceable and an estimate for replacing them is now under consideration

Mr Ahmed E. H Jaffer: Is it not a fact Sir, that when the houses were recently furnished for Members of the Interim Government new furniture was supplied and if so why is old furniture being given to Members of this House?

Mr B. K. Gokhale: The question of furniture for M L A quarters and that of Honourable Members of Government is quite a different matter Both are considerably separate

Mr Ahmed E H. Jaffer: What is the difference?

Mr President That does not arise out of the question

Shrimati Ammu Swaminadhan May I ask the Honourable the Works Secretary whether at the time of their reconsidering the refurnishing of these houses for M L A's they would take some women also as advisers?

Mr B. K Gokhale: The matter will be considered Sir

Shri Sri Prakasa May I know the percentage of the prices that the Government charges from the Members of the Legislature as wear and tear of the furniture and whether the furniture has not already been fully paid for?

Mr B K Gokhale: I am afraid, Sir, I do not know the rates of depreciation

Dr Zia Uddin Ahmad. Is the Honourable Member aware of the fact that some of the furniture supplied to Honourable Members of this House—I am one of them—was really manufactured before this House came into existence?

(No answer was given)

RATIFICATION OF SEATTLE CONVENTION RELATING TO SEAMEN

280 ***Maharajkumar Dr Sir Vijaya Ananda** Will the Honourable the Commerce Member please state whether the Government of India have ratified the Seattle Convention relating to improvements for seamen? If not, what are the considerations which delayed its ratification by the Government of India?

The Honourable Mr I I Chundrigar The Conventions adopted by the International Labour Conference at its twenty-eighth (Maritime) Session in Seattle in June 1946 are being examined at present by the Government of India and in accordance with the Constitution of the International Labour Organization these Conventions will be placed before the Legislature as soon as possible but in any case before December 1947 with a view to ratification or rejection

STOPPING OF RED SHIRT DELEGATION FROM ENTERING KHYBER AGENCY

281 ***Maharajkumar Dr Sir Vijaya Ananda** (a) Will the Honourable Member for External Affairs please state if his attention has been drawn to the news published in the *Hindu* of 10th December that a Red Shirt Delegation was prevented from entering the Khyber Agency by the Agency Officials?

(b) Was any inquiry made into the matter and if so what was the explanation given by the Agency Officials for their conduct?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) The Honourable Member's attention is invited to the reply which I gave on the 4th February in this Assembly to the question (No 55) asked by Mr Sasanka Sekhar Sanyal on the same subject

REFUSAL OF ADMISSION INTO CANADA OF MR MACANLAL HIRACHAND SHAH M L A, BOMBAY

282 ***Maharajkumar Dr Sir Vijaya Ananda** Will the Honourable Member for Commonwealth Relations be pleased to state

(a) if his attention has been drawn to the news published in the *Hindustan Times* of the 17th December 1946 that Mr Manganlal Hirachand Shah an M L A Bombay had been refused admission to Canada on the ground that he had an argument with the British Vice Consul in Detroit over India's self government, and

(b) if so, whether any representation was made to the Canadian Government on the matter and if any reply was received from that Government?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Mr Shah was at first refused admission to Canada on the 6th December because the Government of Canada had information that he was connected with the underground movement in India in 1942, was imprisoned for three years as a dangerous person and was debarred from entering the State of Mysore Mr Shah however, preferred an appeal against this initial order and the Government of Canada referred his case to the Government of India seeking definite information about the grounds on which his admission was held up The Government of India replied that Mr Shah's detention in India was for political reasons and represented to the Government of Canada that he should be allowed to enter

Canada As a result Mr Shah was allowed entry into Canada as a "non-immigrant", that is to say, as a temporary visitor

Ordinarily there is no bar to Indians visiting Canada provided they had the necessary permit from the Canadian authorities

Shri Sri Prakasa. Can the Honourable Member give us an idea of the nature of the organisation that the gentleman seems to have had with the British Vice-Consul

The Honourable Pandit Jawaharlal Nehru No, Sir I have no details of that

Sardar Mangal Singh May I know from the Honourable Member whether Mr Shah had a regular passport when he went there?

The Honourable Pandit Jawaharlal Nehru Yes, of course he had a passport

Sardar Mangal Singh Then why should the Government object?

The Honourable Pandit Jawaharlal Nehru. The reason is only that it is open to any Government to object to the entry of a non-national

REMOVAL OF RESTRICTIONS ON THE MOVEMENT OF PEOPLE IN AND OUT OF TRIBAL AREAS

283 ***Maharajkumar Dr Sir Vijaya Ananda** Will the Honourable Member for External Affairs please state whether, in view of the present curtain of isolation cast on the tribal area and peoples, Government propose to consider the necessity of facilitating free movement of the people in and out of the tribal area by removing the existing restrictions thereon?

The Honourable Pandit Jawaharlal Nehru Except on certain main highways under Government protection, for example the roads leading into the Kurram Agency and through the Khyber Pass where it is necessary to regulate the movements of visitors or travellers in their own interests, by a permit system, there is nothing to prevent free movement between the tribal areas and the settled districts of the N W F P In view, however, of complaints received of discrimination in allowing some people to enter tribal territory while others were not allowed to do so general instructions have recently been issued to the Political Agents by the Frontier Administration that political workers of any party are free to enter tribal territory on the understanding that no responsibility for their safety can be undertaken unless they inform the Political Agent concerned and keep to the protected roads

Khan Abdul Ghani Khan Apart from political workers, in some of these areas even ordinary people cannot go and see their friends and relations, or go to the fields Does this permission apply to everybody or only to political persons?

The Honourable Pandit Jawaharlal Nehru It applies to everybody

Sreejut Rohini Kumar Choudhuri May I draw the Honourable Member's attention to the fact that although recently he has relaxed orders so far as the Members of the Constituent Assembly are concerned there is generally a ban against others from entering into Manipur area?

The Honourable Pandit Jawaharlal Nehru: I am sorry I cannot tell the exact position about this without much more information But as far as I know freedom of movement has been allowed to certain areas In regard to certain other areas Members of the Constituent Assembly can go where they like and it was stated that others could go after information had been given

Sreejut Rohini Kumar Choudhuri: Do they have to take permit before they enter into Manipur State?

The Honourable Pandit Jawaharlal Nehru: May be so—in regard to certain areas in the North East frontier I cannot readily give a reply to that

(b) WRITTEN ANSWERS

MUSLIM STUDENTS IN THE SCHOOL OF MINES, DHANBAD

284 *Mr Tamizuddin Khan (a) Will the Secretary of the Works, Mines and Power Department be pleased to state what are the existing institutions for imparting education in mining in India?

(b) Do Government propose to extend facilities for such education and, if so, in what way?

(c) What was the total number of students each year in the School of Mines, Dhanbad during the last three years and how many of them were Muslims and others?

Mr B K Gokhale (a) The Indian School of Mines, Dhanbad is not the Benares Hindu University, as the only institutions imparting higher education in mining in India

(b) Yes A committee has been set up to examine the possibility of enlarging the activities of the Indian School of Mines, to increase its annual intake and to raise its standard as near as possible to that of the Royal School of Mines, London The Committee has held several meetings and its final report is shortly expected Meanwhile some preliminary steps have been taken to increase the number of admissions in the School and to improve the standard of teaching

A scheme for the development of the College of Mining and Metallurgy of the Benares Hindu University has been included in the Government of India's post war plans The Benares Hindu University authorities have been asked to submit their proposals which would be considered by the University Grants Committee and ultimately by the Government of India

(c) The total numbers of students in the School of Mines, Dhanbad during 1944-45, 1945-46 and 1946-47 were 113, 138 and 142 of which two, four and six were Muslims

PAY OF LIFT STAFF *VIS A VIS* THE INFERIOR STAFF

285 *Haji Abdus Sattar Haji Ishaq Seth Will the Secretary of the Works, Mines and Power Department please state

(a) if it is a fact that the permanent staff employed in the operation and maintenance of lifts are on fixed rates of pay whereas similar staff on the work-charged establishment or in the heating and cooling plants have been granted incremental scales of pay which are 100 per cent higher than the fixed rates of pay given to the permanent staff, if so what is the reason for this discrimination,

(b) if it is a fact that the lift drivers and cleaners have to undergo greater physical strain in the performance of their duties which keep them on their feet continuously for 8 hours than the ordinary inferior staff, *e g*, peons daftries, etc If so why has the pay of the lift staff in question been fixed at a lower level than that of the inferior staff, and

(c) if it is a fact that the Government of India have not considered the representations of the permanent lift staff for the revision of their pay if so, why?

Mr. B K Gokhale: (a) It is a fact that the permanent lift staff are on fixed rates of pay There are no similar classes of employees on the work charged establishment or in the heating and cooling plants

(b) This is a matter of opinion but the rates of pay of lift drivers and cleaners are about the same as those of the ordinary inferior staff *i e* peons and daftries

(c) The representations from the lift staff for the revision of their pay were rejected by the Government of India in the past on the ground that, unlike work-charged employees, they were enjoying pensionary rights leave benefits and continuity of service

EXPORT OF HIDES AND SKINS

286 *Dr. Zia Uddin Ahmad: (a) Will the Honourable the Commerce Member please state whether it is a fact that the exporters of hides and skins are allowed only 15 per cent of their stock for export? If so, in what way the surplus stock of hides and skins is being consumed in this country?

(b) What is the total quantity of wealth lost by the wastage of hides and skins, on account of refusal of permission to export them and get the value?

The Honourable Mr I I Chundrigar (a) It is not a fact that exporters of hides and skins are allowed only 15 per cent of their stock for export Exports of certain types of heavy hides are allowed to be exported freely but exports of other varieties of raw hides are allowed by exporters upto 15 per cent of their average annual exports for the three years 1943—44 to the four years 1943—46

The stocks of hides and skins which are not exported are processed by the tanners in the country either for internal consumption or export

(b) No wealth is supposed to have been lost by the wastage of hides and skins as the tanning industry in the country is expected to absorb those hides and skins the export of which is not permitted

TRANSFER OF JUTE AND GUNNY BAGS RECEIVED FROM INDIA BY CEYLON GOVERNMENT TO SOUTH AFRICA

287 *Pandit Mukut Bihari Lal Bhargava (a) Will the Honourable the Commerce Member be pleased to state whether Government are aware that the Ceylon Government have passed huge quantities of jute and gunny bags received by them from India to the South African Union Government? If so, what is the approximate quantity of such jute and gunny bags and when this was done?

(b) What is the attitude of the Ceylon Government in this matter and what measures Government propose to take to prevent them from repeating this in future?

The Honourable Mr I I Chundrigar (a) The correct position is that the Government of Ceylon allowed the export of 327,000 used gunny bags from Ceylon to South Africa by the steamship *Ile Image* in December last

(b) The Government of Ceylon have decided not to permit further re exports and have also agreed to cancel outstanding licenses in favour of South Africa

VALUE OF IMPORT LICENCES FOR CAPITAL GOODS DURING 1946 47

288 *Sri M Ananthasayanam Ayyangar: (a) Will the Honourable the Commerce Member be pleased to state what in terms of sterling the value of import licences granted during the year 1946 47 for (1) capital goods viz, plants, machinery and tools (2) foodgrains and other articles of food, (3) clothing and (4) other articles?

(b) In issuing licences as above, have Government taken steps to ensure that the sterling balances and other valuable foreign exchanges are not used up by imports of luxury goods?

The Honourable Mr. I. I Chundrigar (a) I lay on the table a statement giving the information asked for by the Honourable Member

(b) Yes instructions in force restrict the issue of licences for the import of unessential goods from difficult currency countries In accordance with the declared policy of the Government of India gradually to relax import trade control licences for many classes of consumer goods in short supply including items of food and clothing are granted freely unless it is considered necessary to prohibit or restrict the import of any such goods with a view to facilitating the orderly liquidation of temporary war surpluses in India or avoiding undue injury to Indian industries I may add that several items of consumer goods

as well as parts of machinery have been included in Open General Licence and they do not require any import licence at all Consistently with the Government policy of planned industrialisation of the country, import licences for capital goods are freely given from sterling and easy currency countries and also from difficult currency countries if the terms with regard to the periods of delivery or prices are more favourable

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Statement giving the value (in sterling) of licences granted during the period from the 1st January 1946 to the 31st January 1947 asked for in part (a) of the question

	Value
	£
(1) Capital goods i e , plants machinery and tool	36 170,823
(2) Foodgrains and other articles of food	17 783 565
(3) Clothing	69 278 092
(4) Other articles	3 63 092 428

The above figures do not include the value of licences issued at Karachi and Calcutta They will be furnished to the Hon'ble Member as soon as received

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TRADE AGREEMENT WITH INDO CHINA AND FRANCE

289 *Sri M Ananthasayanam Ayyangar Will the Honourable the Commerce Member be pleased to state

(a) whether the negotiations for trade agreement with Indo-China and France have been completed,

(b) whether Government are aware that credits amounting to about Rs 10 crores belonging to Indian Nationals is frozen in Indo China and that the release of the same depends upon this agreement

(c) the terms of the proposed agreement and whether the House will be consulted before it is finalised and concluded

(d) what, if any are the other trade agreements that are being negotiated and with what countries and

(e) for how many countries trade commissioners have been appointed by Government during 1946 47 ?

The Honourable Mr I I Chundrigar (a) I presume the Honourable Member is referring to the Property Agreement which it is proposed to conclude with the Government of the French Republic in respect of the restoration to British Indian and French nationals of their respective properties situated in France and French Indo China in the case of British Indian nationals and in British India in the case of French nationals and subjected to special measures in consequence of the occupation of France and Indo-China by Germany and Japan respectively The negotiations in respect of this Agreement have not yet been concluded

(b) The proposed Agreement is in no way connected with the assets held in French Indo China by the Indian nationals resident there Government have no information about the amount of these assets but are aware that the grant of permission to Indian nationals to make remittances to India has been made dependent by the authorities in French Indo China on the conclusion of the proposed Agreement with the Government of the French Republic

(c) It is a mutual agreement for the restoration of the rights of the nationals of the two countries which have, in consequence of war emergency, remained in suspense since the occupation of France and French Indo-China by Germany and Japan respectively The issues dealt with in the agreement are not of any great importance as compared with a Trade Agreement and I do not therefore propose to trouble the House with it

(d) No trade agreements are at present being negotiated but if the Honourable Member is referring to Proprty Agreements, negotiations are at present going on with the Government of Belgium the Netherlands, Czechoslovakia and Norway

(e) Two Trade Commissioners have been appointed during 1946-47, one for Ceylon with headquarters at Colombo and the other for Portugal, Spain, France Switzerland, Luxemburg Belgium Holland, Denmark Norway, Sweden and Czechoslovakia with headquarters at Paris

SPECIAL OFFICER FOR REVISION OF COMPANY LAW

290 *Sri M Ananthasayanam Ayyangar (a) Will the Honourable the Commerce Member be pleased to state whether a Special Officer has been appointed to revise the Company Law?

(b) When was this appointment made and on what terms?

(c) What progress has this officer made in the work entrusted to him?

The Honourable Mr I I Chundrigar (a) Yes

(b) The appointment was made on 1st March 1946 and the honorarium was fixed at Rs 3,000 per month

(c) It is expected that the Officer on Special Duty will submit his report very shortly

RECRUITMENT OF POLITICAL REPRESENTATIVES TO STAFF THE EMBASSIES

291 *Sri M Ananthasayanam Ayyangar Will the Honourable Member for External Affairs be pleased to state

(a) the countries to which Indian political representatives have so far been sent and the countries to which such representatives are proposed to be sent in the near future

(b) whether it is the policy of Government to appoint officials as representatives as before, or whether Government propose to select public men for these places to replace the officials

(c) whether any scheme has been evolved to train up men for being recruited to staff the various embassies and other offices of Political Representatives, and

(d) the qualifications required of such men before they are being taken up for training?

The Honourable Pandit Jawaharlal Nehru (a) A statement has been placed on the table of the House showing the countries to which Indian diplomatic and consular representatives have been sent The exchange of diplomatic representatives with other countries is under consideration and as soon as a decision has been taken in particular case it will be made public

(b) A diplomatic service requires a highly trained personnel and it is important that the primary consideration in making appointments should be fitness for the work and the place In the initial stages no definite policy as to how many officials and non-officials should be appointed can be laid down This will depend on how the Service develops Government propose to appoint both non-officials and officials during the present stage

(c) and (d) Regarding recruitment, I would refer the Honourable Member to my statement in the Legislative Assembly on the 5th instant

As a general rule it is intended to train young recruits to the Foreign Service at the training school to be opened shortly at Dehra Dun for recruits to the All-India Administrative Service After completing a course at this School they will receive training at Headquarters, and thereafter in Missions abroad

Statement giving countries to which representatives of India have been sent

Country	Designation of Representative
1 United States of America	Ambassador
2 China	Ambassador
3 Saudi Arabia	Vice Consul
4 Iraq	Vice Consul
5 Syria	Consul
6 French Indo-China	Vice Consul
7 Japan	Political Representative
8 Union of South Africa	High Commissioner
9 Australia	High Commissioner
10 Ceylon	Representative
11 Burma	Representative
12 Malaya	Representative

UNITED NATIONS ORGANISATION SECURITY COUNCIL'S DECISION RE SOUTH AFRICA

292 *Sri M Ananthasayanam Ayyangar Will the Honourable Member for External Affairs be pleased to state

(a) the steps that are being taken to implement the decision of the United Nations Organization Security Council in regard to South Africa

(b) whether any statement of our case has been prepared to be laid before the United Nations Organization Assembly,

(c) the latest position of the South African Government in regard to this matter, and

(d) when this matter is expected to come up before United Nations Organization Assembly?

The Honourable Pandit Jawaharlal Nehru (a) and (b) The Honourable Member presumably refers to the resolution adopted by the General Assembly of the United Nations on the 8th December 1946. I would refer him to my answer to Question No. 61 asked by Babu Ram Narayan Singh on the 5th February 1947.

A statement of our case was prepared and laid before the General Assembly before the resolution was adopted. It would be premature to prepare any statement now to be laid before the next session of the Assembly.

(c) The House of Assembly of the Union Parliament has recently rejected a resolution moved by Dr. Malan, Leader of the Opposition, asking for the rejection of the decision of the General Assembly.

(d) At the next session of the General Assembly of the United Nations Organisation in September 1947.

GOVERNMENT NURSERY NEAR SAFDARJANG, NEW DELHI

293 *Mr Tamizuddin Khan (a) Will the Secretary of the Works, Mines and Power Department please state the total annual income and expenditure of Government Nursery near Safdarjang New Delhi, for the last three years?

(b) Are Government aware that the Nursery is running at a loss for the last three years if so what action has been taken to improve the state of affairs? If none, why?

(c) Are Government aware that the manurial value of the manure supplied from the Delhi gate dump is very poor? If so do Government propose to consider the advisability of improving the quality of the manure?

(d) What amount has been spent on this type of manure during the last two years?

(e) What are the reasons for spending public money on manure the manurial value of which is considered very poor?

Mr B K Gokhale. (a) The figures for the last three years are

Year	Income	Expenditure	Profit or loss
	Rs	Rs	Rs
1943 44	67,990	60,217	7,773 Profit
1944 45	82,419	74,484	7,965 ,,
1945 46	73,907	70,584	3,323 ,,

(b) The Nursery did not run at a loss during the last three years The latter portion of the question does not arise

(c) Yes Government are aware that a certain amount of unsatisfactory manure was excavated from Delhi Gate dump which was, however, rejected and not paid for The manure pits generally in use were not available due to construction of residential buildings in the locality New dumps are being explored to improve the quality

(d) and (e) Nothing has been spent on poor quality manure A sum of Rs 54 860 was spent on good quality manure as shown below

	Rs
1944 45	24,725
1945 46	30,135

INCREASE IN FOOD PRICES BY U S A

294 *Maharajkumar Dr Sir Vijaya Ananda (a) Will the Honourable the Commerce Member please state if Government are aware that America had recently put up its food prices to us by 25 per cent and Argentine Government had charged eight times the pre-war prices for its maize?

(b) Are Government aware that jute is an important hard currency earner?

(c) If the reply to parts (a) and (b) above is in the affirmative, do Government propose to consider the question of making our jute purchasers pay a competitive price for jute which besides helping our jute growers and providing us with more helpful means of fighting inflation will enable us to utilize the foreign exchange thus earned for the most-needed imports of capital and essential consumer goods?

The Honourable Mr I I Chundrigar (a) While it is not correct to say that the American and Argentine Governments have been responsible for putting up the prices of wheat and maize, it is correct that the price of American wheat has increased by about 25 per cent in the second half of 1946 as compared with wheat prices paid during the second half of 1945, and that purchases of Argentine maize have been made by the Government of India in the open market at about 4 to 4½ times the pre-war prices

(b) Yes

(c) I presume that what the Honourable Member has in view is that the Government of India should fix such an export price for jute as will enable them to offset the increase in price arising from the purchase of cereals in America and the Argentine If this presumption is correct, I would inform the Honourable Member that the value of jute lies in its comparative cheapness as a packing material and that its monopolistic position is likely to be endangered if very high prices are charged As the Honourable Member, I have no doubt, is aware the control over the export price of jute and jute goods was withdrawn on the 23rd October 1946, and that prices have gone up considerably since that date Government have taken advantage of the rise in prices by increasing the export duty levied on raw jute and jute goods with a view to utilising the increased proceeds for the benefit of the grower and for meeting the increased cost to Government arising out of the subsidising of foodgrains imported from abroad

CONNECTION OF THE GOVERNMENT OF INDIA WITH THE CONSTITUENT ASSEMBLY

44 Mr. Sasanka Sekhar Sanyal. (a) Will the Honourable the Leader of the House be pleased to state what are the constitutional, legal, administrative, ministerial and other connections between the Government of India and the Constituent Assembly?

(b) What, if any, are the occasions when the representative of the Constituent Assembly has met and discussed with the representative of the Government of India as such?

(c) What is the machinery and method for settling any dispute that may arise out of the aforesaid or other connections between the two?

The Honourable Pandit Jawaharlal Nehru (a), (b) and (c) The Government of India have arranged for the office and residential accommodation for the Constituent Assembly and for stationery and other facilities, the Government have also provided the necessary finance But responsibility in respect of all matters relating to the functioning of the Constituent Assembly vests in the Assembly itself and is not shared with the Government of India The Constituent Assembly is engaged in the task of drawing up a constitution and has nothing to do with the administrative or executive arrangements of the Government of India There is thus no overlapping No occasion for joint discussions has arisen yet or is it considered necessary to set up any machinery for this purpose Some members of the Government of India are also members of the Constituent Assembly because they have been separately elected to the latter

SIBAPAHARI RIVER EMBANKMENT

45 Mr Sasanka Sekhar Sanyal Will the Secretary of the Department of Works, Mines and Power please state

(a) whether the attention of Government has been drawn to the fact that there has been a long standing demand made by a substantial number of people for an embankment on river Sibapahari which separates Bengal from Bihar across parts of Murshidabad district in Bengal and parts of Santhal Parganas in Bihar

(b) whether Government are aware that the matter is one which requires to be settled between the respective Governments of the two provinces mentioned above

(c) whether Government are aware that the schemes which have the general approval of the people of the border land of both the provinces and for which the people are prepared to make liberal contributions raised from the public are not materialising mainly because the necessary co-ordination between the two Governments have not been brought about and

(d) whether it is possible for the Government to make enquiries in the matter or to take initiative, for bringing about a speedy contact between them for the purpose of effecting the construction of the embankment at an early date?

Mr B K. Gokhale. The Government of India have no information on the subject but an enquiry has been made from the Governments of Bengal and Bihar and the matter will receive due consideration

ELECTION OF A MEMBER TO THE COURT OF THE UNIVERSITY OF DELHI

Mr President I have to inform the Assembly that unto 12 Noon on Wednesday the 12th February, 1947 the time fixed for receiving nominations
12 Noon for the purpose of election of one member to the Court of the University of Delhi, only one nomination was received As there is only one candidate for the vacancy, I declare Mr Muhammad Ismail Khan to be duly elected to the Court

REPORT ON THE CONDITION OF LABOUR IN COAL MINING INDUSTRY IN INDIA -LAID ON THE TABLE

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I lay on the table a copy† of the report on an enquiry into the conditions of labour in Coal Mining Industry in India by Mr S R Deshpande

ARMED FORCES (EMERGENCY DUTIES) BILL

Mr G S Bhalja (Government of India, Nominated Official) Sir, I move for leave to introduce a Bill to enable duties in connection with vital service to be imposed in an emergency on the Armed Forces of the Crown

Mr President The question is

That leave be granted to introduce a Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown"

The motion was adopted

Mr G S. Bhalja Sir, I introduce the Bill

INDUSTRIAL DISPUTES BILL

Mr. President: The House will now proceed with the further consideration, clause by clause, of the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, as reported by the Select Committee

The amendment before the House is No 1 by Mr Joshi

'That in sub-clause (3) of clause 7 of the Bill the following be added at the end namely

'and every member of the Tribunal shall be paid the salary of a Judge of a High Court'

Miss Maniben Kara (Nominated Non-Official) Sir, this question of giving the salary of a High Court Judge to a member of the Tribunal was discussed at length in the Select Committee We have brought forward this amendment not with the motive that the Government should incur unnecessary expenses Nor is it our intention that a union of High Court judges should be formed and they should get higher salaries Many of the members of the Select Committee were unanimous in their opinion that the responsibilities which are placed on the members of the Tribunal are of such a serious nature that we should be very careful in selecting capable and able persons After all these members of the tribunal will be deciding the fate of thousands and thousands of workers It is a huge responsibility and the clause as it stands accepts our amendment in spirit because it reads thus Every member of the Tribunal shall be an independent person who is or has been a judge of a High Court or who possesses qualifications required for the appointment of a judge of the High Court'

Now, Sir this is rather vague to me What is exactly meant by who possesses qualifications of a judge of a High Court A briefless barrister who might have a standing of ten years practice can also be qualified to be a High Court judge We the labour representatives are really anxious that the persons who are appointed as members of this tribunal are competent to do their jobs To begin with I do not at this stage want to repeat that we are not anxious for any compulsory arbitration or refer our disputes to the members of the tribunals but if it is going to be done in spite of us then we will be certainly justified in at least expecting that the members of the tribunal are competent persons

† Not printed in these Debates A copy placed in the Library of the House —*Ed of D*

Now, Sir, a question arises as to why we should decide the competency of a person from the salary he gets I am one of those who believes that competency comes as a result of higher standard of life I do not believe in low standard of living and high thinking, because I do not think that higher thinking comes out of the lower standard of living That is not my belief I want people to be fed well, not only one section of the society but every section and it is only when the necessities of life are provided, a person reaches a stage of competency We do not want to give our trade dispute cases to briefless barristers, especially when in these cases the fate of thousands of workers is involved By the present clause there is a danger that the High Court judges who may want to favour their friends may recommend them as members of this tribunal It is not our intention that Government should indiscriminately spend money nor am I interested at this stage in safeguarding the salaries of the High Court Judges

But my contention is that the criterion of the ability of a man will be judged from the salary that he will receive, I am sure you will not pay him the salary unless he is worth that salary The Government will not pay the salary of a High Court Judge to a briefless Barrister and that is why my friend Mr Joshi has moved the amendment that every member of the tribunal shall be paid the salary of a Judge of a High Court We suppose that when you pay that salary you will take particular care to see that the man who is a member of the tribunal deserves that salary We shall then at least have the satisfaction that though the member of the tribunal has not necessarily any bias towards the trade union movement he will at least be competent enough to study the cases to listen to both the sides and to take into consideration the arguments advanced by both the parties I therefore support this amendment which has been moved by my Honourable friend Mr Joshi

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I have carefully listened to the arguments advanced on this amendment If one were to concede to those arguments it will follow that the degree of honesty and integrity depends upon the income or salary of a person I cannot reconcile myself to that view and those who speak on behalf of the labourers should not take the view that honesty and integrity of a person depend upon the salary that he receives The same argument applies about the competency as well I do not think that the competency of the adjudicator or the conciliator will depend upon the salary that he will receive Of course I agree that the man should be of some standing that he should preferably be a High Court Judge or a District Judge or a retired High Court Judge Care has been taken by the Government of India and even by the Provincial Governments to appoint as adjudicators persons who have been High Court Judges It has been only in those cases where they have felt difficulty in getting High Court Judges that they have appointed other persons Even in those cases persons have been given in most cases the same salary as is paid to the High Court Judges But if we provide it in the Act I am afraid we will concede to the view that integrity honesty and competency are to be measured by the salary of the person a view with which I do not agree I therefore oppose the amendment

Dr Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir my difficulty is not so much with regard to the salary as the wording of sub clause (3) of clause of the Bill Sub clause (3) says

"or who possesses qualifications required for appointment as a judge of a High Court

A large number of persons possess such qualifications but in selection by the Public Service Commission or by any other competent authority they will have no chance If a man is a Barrister of some years' standing he is eligible to become a Judge of the High Court, irrespective of his work in the Court In practice, he will not be appointed as a Judge of the High Court The apprehension which we on this side of the House have is that a person who is a briefless Barrister but on paper he is eligible to become a Judge of the High

[Dr Zia Uddin Ahmad]

Court and who is in the good books of the Government of the day who want to patronise him, will be given this job He may, for instance, have helped the Honourable Member in his election These are the apprehensions that we have A man may be appointed as patronage to him and not because of his qualifications He may have won the favour of the capitalist who will probably recommend him as a suitable man although he is unsuitable otherwise. So these apprehensions of ours should be removed

Mr President The question is

'That in sub clause (3) of clause 7 of the Bill the following be added at the end, namely

and every member of the Tribunal shall be paid the salary of a Judge of a High Court' '

The motion was negatived

I did not say it in the beginning, but I think the real objection of the Honourable Member who moved this amendment seems to be about the wording "who possesses qualifications required for appointment The addition of the amendment may perhaps result in paying a higher salary to an incompetent man

Mr Vadilal Lallubhai (Ahmedabad Millowners Association Indian Commerce) Sir I move

'That in sub clause (3) of clause 7 of the Bill for the words who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court the following be substituted namely

(a) who is or has been a Judge of a High Court or a District Judge or

(b) is qualified for appointment as a Judge of a High Court

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have its usual place of sitting '

My idea in moving this amendment is the same as was suggested by my Honourable friend Miss Maniben Kara I want that the Government may not be able to favour some briefless lawyers and put them on the tribunal with the result that the work of the tribunal may not be properly done I do not want that Government favours should be bestowed on those people who do not deserve to be appointed to the tribunal To safeguard that eventuality I have suggested this amendment and I hope my Honourable friend will accept it

Mr President Amendment moved

'That in sub clause (3) of clause 7 of the Bill for the words who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court' the following be substituted namely

(a) who is or has been a Judge of a High Court or a District Judge or

(b) is qualified for appointment as a Judge of a High Court

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have its usual place of sitting' '

The Honourable Shri Jagjivan Ram Sir when the Honourable Dr Zia Uddin Ahmad raised that point of favouritism by Governments in appointing briefless lawyers as members of the tribunal or as adjudicators, I did not rise to give a reply to him because I anticipated this amendment This amendment meets the objections raised by Dr Zia Uddin Ahmad and others and it limits the scope of selection by the Government It has to be done in consultation with the High Court I accept this amendment

Mr N. M Joshi (Nominated Non Official) Sir this amendment does not serve the purpose which I had in view in moving my amendment, which is

that people to be appointed as judges of the tribunal should be men of experience and competence That would not be served by the proposal of Government because they say that any man possessing qualifications for appointment as High Court Judge can be appointed It has been pointed out that one of the qualifications is that he must be an Advocate of ten years' standing But that is not enough test of experience and competence That is why I made my proposal about salary, and the Honourable Member, I regret to say, misrepresented me if he was replying to my argument I never said that a man's competence depends on his salary

Mr President He was replying to Miss Maniben Kara

Mr N M. Joshi. Then his argument was really no answer to mine I want men of experience and competence, and that would not be secured by the Government proposal That is why I made my proposal about salary, because by paying a good salary you are likely to get men of seniority and competence I was anxious that senior men in the profession or in Government service for a long time as District Judge should be appointed, that cannot be secured by merely laying down qualifications necessary for appointment as a High Court Judge Mr Honourable friend Mr Vadilal's proposal also does not meet my objection He wants the High Court to be consulted in making the appointment But the High Court will surely ask Government what salary they are going to pay and no High Court can dictate to Government that for a good man they must pay the salary which the High Court thinks necessary The salary will be one of the tests and the High Court will proceed on that basis Whether appointing a Presidency Magistrate, or a Judge of the Small Cause Court or even a High Court Judge the High Court will surely take the salary into consideration If the salary is Rs 500 the High Court will recommend some particular person if it is Rs 4,000 it will perhaps recommend a very senior and prosperous Barrister The salary is therefore very important which the High Court will surely go into therefore Mr Vadilal's amendment does not serve my purpose If people say the High Court will not go into it they are very much mistaken

Mr President The question is

'That in sub-clause (3) of clause 7 of the Bill for the words 'who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court' the following be substituted namely

(a) who is or has been a Judge of a High Court or a District Judge or

(b) is qualified for appointment as a Judge of a High Court,

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have its usual place of sitting' '

The motion was adopted

Mr. President: The question is;

"That clause 7, as amended stand part of the Bill '

The motion was adopted

Clause 7 as amended was added to the Bill

Clauses 8 and 9 were added to the Bill

Mr. N M. Joshi Sir I move

"That in part (c) of sub-clause (1) of clause 10 of the Bill, the following words be added at the end namely

'on the joint application of the parties to an industrial dispute' "

This clause enables Government, either Central or Provincial, to refer any dispute to a Board of Conciliation under sub-clause (a), to a Court of Inquiry under sub-clause (b) and to a Tribunal for adjudication under sub-clause (c) I have no objection whatever to the first two As a matter of fact, I feel that if the Central and Provincial Governments had followed these

[Mr N M Joshi]

two courses this Bill would not be necessary at all On many occasions when they were asked to refer such disputes to a Board of Conciliation or a Court of Inquiry they refused to do it, but if that were done the situation which we are facing today would not have arisen For instance, in England whenever such disputes are referred to these Boards or Courts the disputes are generally settled With that experience the Act of 1929 was passed proposing these two methods But unfortunately the Government of India and the provincial governments had no faith in these Boards or Courts, and instead of trying to settle such disputes by these methods they tried to put them down with the help of police forces On account of that very fact, faith in conciliation machinery was not fostered in the trade union movement in this country The workers also lost faith and they were afraid that the Government will make use of the machinery in their favour The faith of the working classes in the conciliation machinery and in the machinery for finding out truth was sapped or destroyed by the Central Government and the Provincial Governments by not making use of the machinery which had existed Sir, I met Members of Government and their principal officers many times in conferences I had asked them one question, a very simple question, whether since the Act of 1929 was enacted, and since Courts of Enquiry and Conciliation machinery were allowed to be established how many times the Government of India and the provincial governments utilised them?

Sir A V Gadgil (Bombay Central Division : Non-Muhammadan Rural) The two governments are now different

Mr N M Joshi A man sitting on government benches, in my eyes does not make any difference I treat government as a government I asked the Honourable Member to give me information how many times, during the past 18 years since this Act has been in force, this Act has been used by the Central Government or by the provincial governments and how many industrial disputes took place The number of industrial disputes which may have taken place from 1929 up to this time may be even 100,000 In order to settle these 100,000 disputes, how many times Courts of Enquiry and Boards of Conciliation were used? The Honourable Member has not given me that information, his department has not supplied me that information You will find, therefore, that if the present state has arisen, it is due to the unwillingness of the Government of India and the unwillingness of the provincial governments to give a helping hand in the solution of the difficulties of the working classes The machinery was provided by the Act of 1929, but they refused to make use of it They thought that if a Board of conciliation is appointed, that Board may settle the dispute and on the whole the working classes may gain That was their fear Therefore they refused to appoint Boards of Conciliation They think that the easiest method of settling industrial disputes was to use the police and get strikes suppressed That is the root cause of the present situation If you really want to deal with the present situation and establish industrial peace in this country then make use of that machinery Whenever disputes take place, let the Government be on the alert and let them through conciliation officers do their work Let the Boards of Conciliation be appointed, let the Courts of Enquiry be appointed If they do that, I have no doubt that they will be able to help in the establishment of industrial peace in this country They will be able to render great help to the working classes in this country As a matter of experience let me tell them that in Great Britain, since the industrial revolution, there were many strikes and they used a machinery of this kind and they could settle disputes with a machinery of this kind They did not ask for the kind of machinery which the Honourable Member is now asking Let him follow the experience of those countries which have gone through much earlier the same difficulties which we are passing through today Let us not try to invent

something new These new things may bring new problems which we will have to face again I therefore suggest, let Government be content with the machinery for conciliation and courts of enquiry If they want Boards or what we called Tribunals I would recommend for the present my amendment suggests to them that this machinery be used on a voluntary basis That is my submission If the two parties to the dispute approach the Government and tell the Government to refer every dispute to adjudication they should do it and it is for that reason there may be a tribunal Let Government make the announcement I have heard many of the previous Labour Ministers saying that Labour themselves the working classes themselves want some of these disputes to be referred to a Tribunal Certainly We do not want disputes being settled by a Tribunal What we do want is compulsion I have no doubt in my mind that on many occasions we have classes will be willing to get their disputes settled by a Tribunal But if they object even the Government cannot compel them to do so Sir, I had stated in my speech that we consider this reference to a Tribunal and the procedure of the Labour as shown in the Bill We would like to have agreement the two parties for which we accept on a voluntary basis We want to come to an agreement with open eyes That is what we want If we go to adjudication the national will have to suffer Today eyes We do not prefer compulsory adjudication

Now, Sir there are many difficulties in this Bill You see have got some [illegible] I am the lower court that party will try it possible to go to higher courts if he has the money That is human tendency, that is human nature If a man does not receive justice in the court of a Magistrate first he will go to the District Judge's court If he fail there he will go to [illegible] Court Or if he [illegible] to the High Court So long as you provide some sort of higher court, especially as against the decisions of a Court of Enquiry or Board of Conciliation the tendency will be for the parties not to accept conciliation at all but to try their luck with the higher courts That is really the objection to referring disputes to adjudication Your conciliation machinery will begin to fail, in my humble judgment, if once the people know that either party, the workers party or the employers party can go to higher court in the belief perhaps that they will benefit thereby If once people come to know that beyond the Conciliation Board or the Court of Enquiry there is nothing more and the decisions of the Court of Enquiry or the Board of Conciliation will be final, then they will accept that decision If you throw temptation in their way by providing an appeal to the High Court, then you yourself, by your own action are providing for the failure of your Boards of Conciliation and Courts of Enquiry I therefore feel, Sir let the Government of India and the provincial governments have the power of appointing Boards of Conciliation or Courts of Enquiry let them appoint Boards of Tribunals I have no objection If they maintain a tribunal or whatsoever you call it let them appoint But the reference to that court should only be on the joint application of both the parties In this way, the object which both Government and we have in view will be served better I know there are people in our country who have no faith in conciliation who have no faith in finding out the truth but they say go out a tribunal, have arbitration It has been said before and I repeat it again that in perfect society arbitration is the best remedy for settling disputes but we have not yet reached that stage Let us not therefore, go in haste towards the ideal of settling our disputes by arbitration let us go step by step let us have arbitration on voluntary basis first and then go to compulsory arbitration I hope the Government of India will even now accept the amendment which I have moved, and I have no doubt that if my Honourable friend Mr Griffiths, had been here he would have supported me

Mr. President: Amendment moved

That in part (c) of sub-clause (1) of clause 10 of the Bill, the following words be added at the end, namely

'on the joint application of the parties to an industrial dispute' "

Diwan Chaman Lall (West Punjab Non-Muhammadan) I did not intend to speak on this particular amendment of my Honourable friend, Mr Joshi, but he has raised an issue which I think ought to be clarified for the benefit of other members who are taking an interest in this matter The main argument raised by Mr Joshi is this That in matters of conciliation it is generally more important that conciliation should be carried through with the consent of the two parties, and that there should be as far as possible no imposition of conciliation on those parties, and it is with that object that he has asked the House to amend part (c) of sub-clause (1) of clause 10. Part (c) of sub-clause (1) of clause 10 says

"If any industrial dispute exists or is apprehended, the appropriate Government may, by order in writing, refer the dispute to a Tribunal for adjudication "

to which Mr Joshi wishes to add the words, which you have just now read out, Mr President,

' on the joint application of the parties to an industrial dispute "

that is to say that they may refer an existing or an apprehended dispute to a tribunal on the joint application of both the parties Now I find that the wording of this clause 10 is such that both the things—Mr Joshi wants and what the Government want—are included in this very clause I will point out how this has been done First of all let us look at sub-clause 2 of clause 10 This is what sub-clause 2 of clause 10 says

"Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately "

the very words, but better words than the words of the amendment, because the words of the amendment are only in the case of a 'joint application', but here it is not only a joint application but also a separate application, each party may separately make an application " for a reference of the dispute to a Board, Court of Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly " That is to say, the Government in this particular case, where the application is made jointly or separately to the Government and Government is satisfied that the applicants represent the majority of the interests concerned, then they have no other option—it is not a question of 'may', but it is a question of 'shall'—they shall have to make the reference to a tribunal But in the other case, suppose there is no application made at all, and a certain responsibility does devolve upon the Government of the day, where it may be necessary to refer the dispute which may cause serious inconvenience to the workers themselves, the Government may take this power into its own hands and make the reference to a tribunal So that we have both the aspects of the problem clearly stated as far as the proposition is concerned In the one case where there is a separate or a joint application and the majority rule is satisfied there is no option left whatsoever to the Government the must make the reference to a tribunal, and that is where the compulsory nature of the tribunal's activities comes in But there is a further power reserved with the Government, that apart from this where joint or separate application is made to the Government in an apprehended dispute, even when a joint application is not made cases may arise where it may be necessary in the interest of the workers themselves for the Government to move in this matter and refer the matter to a tribunal So I think restricting it merely to joint application is tying down the power of conciliation to be exercised by

the authorities for the benefit of the workers themselves, limiting it in such a way as to make it operable only in the case of a joint or a separate application. I can understand the objection, and it is a very valid objection, to this particular clause—sub-clause 2—where it is stated

"Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately"

But the fact is that both parties may not apply The method of application laid down in sub-clause 2 is a joint or a separate application, but it is not stated that the Government shall go to conciliation or go to a tribunal if only one party applies I should have preferred personally the change made in this sub-clause 2 making it possible only for one party to make the application for the setting up of a tribunal and the Government being compelled to do so

Mr. President: I believe it is so

The Honourable Shri Jagjivan Ram. It is so

Diwan Chaman Lall: I will read it again

'Where the parties to an industrial dispute apply in the prescribed manner whether jointly or separately

There can be a joint application of both the parties putting their signature on one document, but there may be separate applications of each of the two parties, and if you construe this strictly according to law you will be tied down to the word 'parties' That is why both parties have to apply, whether the method of application is joint or separate There is a very serious doubt which arises But if that is the intention of the Government, it is necessary to clarify it lest there be any dispute afterwards We have found time and again that where the working classes have been wanting conciliation under the old scheme to things, it had to be a joint application, both parties had to apply before the Government could be made to move in the matter, one party making an application could not move for the conciliation Therefore, I submit that I do not think that my Honourable friend, Mr Joshi's apprehension in regard to this matter need be stressed too far We have got here the very thing that he wants when he said in his amendment that there should be a joint application of the parties to an industrial dispute That is contained in sub-clause 2 of clause 10 Over and above that the power exists with the Government to go to adjudication or go before a tribunal even when there is no such application I think the case of action on the part of Government within the ambit of clause 10 sub-clause (1) will be very rare indeed Governments are not prone to taking action of this nature on their own And where a right exists for the working classes on the one side and the employers on the other, they would generally wait I think for applications to be made by the parties to a dispute before taking action It is only, I take it, in very rare cases where the interests of the State comes in that the State would step in of its own accord to take this necessary action thinking it is the best not only in the interests of the public but equally in the interests of the parties to the dispute Therefore, I submit, whatever my friend Mr Joshi wants in regard to this particular amendment he has moved it is amply justified by the provisions of Clause 10

Mr. Sasanka Sekhar Sanyal (Presidency Division Non Muhammadan Rural) May I have the indulgence of yourself and the House to offer some comments upon the objections raised by my friend, Mr Joshi, which according to him was the reason for his own amendment He prefaced some of his remarks by drawing an analogy with the Appellate Courts as we know it ordinarily. He made an appeal to your experience as a lawyer, although that was some good time ago

[Mr Sasanka Sekhar Sanyal]

He has looked at the matter only from one aspect of the question His idea is that whenever an appellate authority is provided for, there is a tendency for the aggrieved party to run up to that authority and that according to him would amount to rally encouraging disaffection or dissatisfaction in the matter of the award that they would have from the conciliation board Now, I do not think I shall be wrong if I say that it is not only that we have to look to the attitude that is created in the minds of the parties concerned, but we have also to look to the attitude of the deciding authorities For all we know, whenever there is an appellate authority provided for under the law, the authorities of the first jurisdiction are naturally more careful in their decisions than they would have been if they knew that their decision would be final in the matter In the Courts as we know there are some matters which are not appealable and some matters are appealable In non-appealable questions the authorities of justice—and that is the general complaint—treat the question more or less as a rule of thumb and they do not apply that investigation to questions before them as they do ordinarily when they know that there will be other functionaries to sit on judgment over their decisions. That is one aspect of the question to take away a higher forum Even that has the effect of closing the mind of the party That unconsciously encourages decisions of an arbitrary nature In the second place, so far as the parties themselves are concerned, if they have got several forms one after another to try, ultimately the party who gets a decision against him gets reconciled to the decision The grudging character of the acceptance more or less disappears. But when the party loses in the only forum he always nurses a grievance and a grudge that if he had another authority he would probably have another chance and according to the golden maxim we have to see not only that justice is done but also that the parties are made to feel that justice has been done That is assured by other forums being available than the only forum prescribed by him So far as the question has to be referred by a joint application, all that I want to say is that in that case there will be no reference at all because if parties cannot agree to an arrangement before a conciliation it is too much to accept they would also agree to make a representation before another authority Therefore I submit, Sir, that the contentions that he has raised do not really meet the demands of the situation and the provision which is made is more appropriate in the matter of the question that would arise than what is proposed by him in the amendment

Sir Cowasjee Jehangir (Nominated Non-Official) I think the matter requires a little further clearing up Mr Joshi, while moving his amendment gave us rather a lecture on the past but did not very clearly tell us, although he did in a way, what he wanted and what he apprehended Now, Sir, under part (c) of Clause 10(1) Government may, if they choose, insist upon a dispute going to a tribunal What would be the consequences of that? The consequences under the Bill will be that the decision of the tribunal can be enforced by Government That is what Mr Joshi is objecting to He does not want that labour should be forced to accept a decision of the tribunal Now, Sir, I have written a very short minute on this very point. If I may just read it out It is three lines

"I suggest that Government should be restricted in their power to refer a dispute to a tribunal for adjudication in all cases other than disputes in public utility services or in cases of grave national emergency "

Government take the power of sending a dispute to a tribunal When the decision of the tribunal is obtained, under the Bill as it is, Government want the power to reject wholly or in part that decision of the tribunal One would have expected that when Government take the power to send a dispute to a tribunal, the decision of that tribunal should be binding on both sides and Government should not have the discretion to change the

verdict of the Court wholly or partly Well, the Select Committee took that point of view and considered it not fair that Government should be given that power and changed it to a certain extent. Now the Bill provides that if Government does not agree or is not in agreement with the decision of a tribunal, only in certain cases where a public utility concern is a party to the dispute, Government can bring the matter before the Legislature and get the Legislature to change the decision of the tribunal But only in those cases The Honourable the Labour Member disagreed with the decision of the Select Committee and said then and there that he would move an amendment that in regard to all the decisions of the tribunal, whether they concern public security or not, he would require the power to vary wholly or partly the decisions of the tribunal through the instrumentality of the legislature

So he is going to move that amendment and he has given notice of
1 P M it I object to Government taking power to send a matter or dispute to a tribunal and then refusing to accept the decision of the tribunal That is my point If Government would agree, as is stated in the Select Committee's report, to accept the decision of the tribunal wholly in cases other than those, as I have said in my minute of dissent, public utility concerns and in cases of grave national emergency, I would be quite prepared to accept the power being given to Government to send a dispute to a tribunal Mr Joshi's point is that he does not want that power to be given to Government nor that either labour or the employer to be finally bound down by the decisions of the tribunal I do not quite agree with him In cases of public utility concerns and in cases of grave national emergency, where conciliation fails, then I think Government should have the power to send the dispute to a tribunal Perhaps in certain cases Government may find themselves unable to accept the decisions of the tribunal Then they will allow it to be changed by the legislature I do not see any reason why they should change the decisions of a tribunal in cases other than those of grave national emergency I hope the Government will not move that amendment and leave the Select Committee's report as it is If they do that I think the wind will be taken out of Mr Joshi's sails, because a decision can be only varied by Government in cases of public utility concerns and in cases of grave national emergency This, both parties are bound to accept If labour is bound to accept, the employer is also bound to accept Only where conciliation fails, a tribunal will be appointed and in that case why should Mr Joshi expect labour not to accept the decision of a tribunal consisting of men, who as he himself has just moved, are to be paid the salary of a High Court Judge I am very doubtful whether the salary of a High Court Judge is going to get the class of men he wants It is not the salary that matters and you Mr President are the best judge of that in this House You know very well that in many provinces of this country the top men will not serve on the High Court notwithstanding the salary that they are paid But that is another matter Mr Joshi's intention is that the men who sit on the tribunal should be men who will be respected whose opinions will be respected and who will be fair and equitable I can understand that

I trust that the Government will not move the threatened amendment and that they will be prepared to accept the decision of the Select Committee as it stands and that they will only bring before the legislature a motion for a variation of the decision of a tribunal in cases of disputes, where public utilities are concerned or perhaps in cases of grave national danger

The Honourable Shri Jagjivan Ram: We may perhaps accept an amendment to that effect

Sir Cowasjee Jehangir: That is exactly what we are not doing That is what the Select Committee have suggested

Mr. President: The Honourable Member is now going into the scope of other amendments

Sir Cowasjee Jehangir: I trust that the Government will not move that amendment and I trust that Mr Joshi will also see the reasonableness of Government's demand to be allowed to send a dispute to a tribunal, where conciliation fails I cannot agree with Mr Joshi

Mr. President. May I point out to the Honourable Member that as the clause stands the exercise of power under sub-clause (c) is not conditional upon the other two methods being exhausted

Diwan Chaman Lall. It is supplementary

Mr. President: Mr Joshi's point is different Mr Joshi objects to all compulsion The Honourable Member is arguing that the Government should refer disputes to a tribunal for adjudication only if the first two remedies fail There is nothing of the kind in the clause as it stands, because Government from the very beginning may refer a matter to a tribunal for adjudication That is Mr Joshi's point of objection

Sir Cowasjee Jehangir: That has been thoroughly discussed and I do agree that Government should have the power to send a dispute to a tribunal straightaway or even when conciliation proceedings are going on Government should have the power to send the matter to a tribunal I think that has been thoroughly discussed and need not be discussed further We know that that is so The point that I have been trying to make is that if Government take to themselves the power of sending a dispute to a tribunal, in cases other than those I have described, they should also be prepared to accept the decision of the tribunal as final This argument of Mr Joshi's that conciliation proceedings may fail simply because there is a tribunal to follow, I do not think it justified Conciliation proceeding very often fail because my friends, not Mr Joshi but his colleagues, very often are instrumental in their failure

Miss Maniben Kara: What about you?

Sir Cowasjee Jehangir: I am not in it It is you who are in it When conciliation proceedings fail, according to Mr Joshi there is no further remedy and the strike shall go on Government shall have no remedy in their hands I do not agree I think the time has come when Government must be given that power and I do trust that when that power is in the hands of the Government my friends, like Mr Joshi and his two colleagues, will realise that conciliation proceedings should be made to succeed We do know and it is no use trying to hide the fact or close our eyes to it, that conciliation proceedings very often fail on account of the agitation of the leaders The men will be willing but the leaders will not let them and therefore Mr President I argue that Government should be given further powers which Mr Joshi by his amendment tries to deny them

Mr. S. C. Joshi (Government of India Nominated Official) Sir, the amendment which my Honourable friend Mr Joshi has moved relates to one of the two fundamental principles underlying this Bill and to which Mr Joshi has been objecting from the very beginning He has repeated his objections as often as he could get an opportunity He is now trying by this amendment to see if his object could be achieved

Mr. N. M. Joshi: I am only making a compromise proposal

Mr. S. C. Joshi: It is no compromise as will be seen from the fact that Mr Joshi, while moving his amendment to part (c) of sub-clause (1) of clause 10 has not given notice of an amendment to delete the sub-clause 2 of this very clause He wants that other clause to remain, which is quite inconsistent with the amendment which he now seeks to make. According to his amendment under clause 10 (1) (c) the Government has got the power to refer the

dispute to a tribunal only if there is a joint application by both the parties, whereas under sub-clause 2 of this clause the Government has not only got the power but is bound to refer it to adjudication on the joint application of both the parties

Mr. N. M. Joshi This is only a consequential amendment

Mr. S. C. Joshi But the Honourable Member has not sought to delete that clause When he has been so very careful to give notice of his amendments that if this fails he will move such and such amendment, as a part of that, it should have been done in this case also It may have been an oversight I am referring to this aspect only to show that it is not a compromise that he suggests but it is a very fundamental change that he seeks to make in this Bill

Mr Joshi has very lucidly referred to the enforcement of the Act of 1929 during its existence of 17 years But practically the Act was in force for ten years till the war commenced After the war the Defence of India Rules came into force and he has very studiously avoided any reference to the powers given to the Government under the Defence of India Rules and the exercise of those powers Sir, the Defence of India Rules give powers to the Government to refer any dispute either to conciliation or to adjudication This power to refer the matter to adjudication was not given to Government under the Act of 1929 Mr Joshi complained that Government did not exercise the power which it possessed under the Act of 1929 and that if that power had been exercised possibly the result would have been different He attributed a motive namely that that power was not exercised because Government felt that it would be better to use the police force in the trade disputes and thereby to stop the labour trouble Instead of granting any conciliation machinery for the settlement of disputes or appointing courts of enquiry for the purpose of enquiring into the nature and the reasonableness of the dispute to a court of enquiry Government preferred to use police force for the solution of trade disputes But what happened during the six or seven years of the war? Government have very frequently used the power given to them under the Defence of India Rules

Mr President: I think the Honourable Member may take up this point 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 Mr G V Mavalankar) in the Chair

Mr. S. C. Joshi: When the House adjourned for Lunch I was referring to the exercise of the power under the Defence of India Rules in respect of trade disputes, conciliation boards and adjudication During the war and even after the termination of the war, this power has been freely exercised by Governments, both Central and Provincial In a large number of cases trade disputes have been referred to adjudicators for inquiry and award It is significant to note that in the majority of cases the requests came from labour to make reference to adjudication and in fact in many cases, the workers, the trade unions and the labour leaders have accused Government for delaying matters and not referring the disputes to adjudication at an early stage Unless there was faith in adjudication I do not see how such repeated requests would come from the trade unions and the labour leaders That shows that adjudication is a good machinery and is a good and reliable method for inquiring into and settling labour disputes or at least granting relief to the workers where it is needed and in determining the fairness or the reasonableness or the justification for the demand made by the workers or on their behalf

There is another significant factor also in regard to these awards and adjudicators. In a large number of cases, the awards have afforded relief to the workers. I do not mean to suggest that the awards granted every demand which the workers made but relief to a large extent has been granted to and

[Mr S C Joshi]

obtained by the workers Such awards again constitute what may be said to be a case law on labour matters It is true that the award is for the benefit of those, who are parties to the dispute and is not strictly binding or cannot be taken advantage of by the vast majority of the workers who are not parties to the dispute Yet, it very often happens that once an award is given on a particular point in favour of the workers that award is made the basis of the demands made by workers in other industries and the employer himself is willing to act according to what is recommended in the award He agrees to give relief on that basis and even if he fails to do so, it constitutes a basis for going to adjudication in another case In this way, the awards of adjudicators have proved to be very useful to the workers in general Even though the number of workers whose cases have been referred to adjudication during this seven years may not be very large, the relief obtained by that section of the workers is passed on to the other workers also who constitute the vast majority That is the advantage of adjudication

I would like to refer to one more point referred to by the Honourable Members representing Labour They say that we are not opposed to adjudication or arbitration but in their view it should be voluntary and not compulsory Further they say that at least at this stage it should not be compulsory as the root cause of the labour trouble is bad working conditions Therefore, they say —"improve the working conditions, give them good housing, shorter working hours, relief against unemployment sickness accidents and in various other matters These very labour leaders say that this relief should be granted by the Government through legislation They therefore are in favour of State intervention They want that State should afford relief by legislation So, they are not opposed to State intervention They, however, say that the State should not intervene when the question is not settled by the parties If they want intervention in general matters, then when there are specific cases, which Government can inquire into by means of an independent tribunal with a view to seeing that justice is done to the workers one fails to understand why should they be opposed to the state intervention In such cases the State cannot afford to be a silent spectator when the parties carry on their fight

Again there is another reason for giving such power to Government as is contemplated by this section It is admitted that the two parties to this dispute are not on a footing of equality Mr Joshi himself complained that the workers are weak and that they are not so well organised as the capitalists, who have got large resources behind them and are powerful, whereas the workers are not so It is therefore the weaker party that ought to be helped by the State and therefore if the State refers these matters to adjudication it is in the interest of the workers who constitute the weaker party and who have got very little chance of succeeding against a stronger party if left to themselves This is, therefore, the greater reason why the State should not remain a silent spectator and allow the parties to fight on, if conciliation fails or the negotiations are not fruitful

While, therefore, the State is bound to grant relief to the general workers by legislation, the State is equally bound to afford relief to the individual workers in regard to specific matters Again, legislation is not possible in all cases There are a number of matters where immediate inquiry and grant of relief would be necessary and desirable It is, therefore, quite natural and only fair on the part of the Government to intervene and to afford the relief

Legislative action, again, takes a long time We know how many months or how many years are required to go through the entire machinery of legislation If the enactment is fairly comprehensive it takes years and years before it is passed into law In the meanwhile, why should the workers suffer? The workers should get the relief even while the legislation is being enacted Therefore, it is not fair on the part of the labour leaders or Honourable Members

representing labour in this House to say that first do these things before the conciliation is accepted My Honourable friend, Mr Joshi, for whom I have got the greatest respect and with whom I have worked for 25 years as his disciple and under his guidance and whose principles I have always accepted, says that, if you provide for a tribunal, then conciliation will fail He gave the analogy of the appeal He mentioned that if by reason of the fact that a provision for appeal is made in litigation in civil and criminal cases, cases are not settled and they are taken in appeal to the higher tribunal I am sure that Mr Joshi knows very well that it is not each and every case that goes in appeal There are cases which are not taken up in appeal The number of cases that are taken up in appeal is certainly much smaller than the number of cases which are taken up to the court of the first instance Does he mean to suggest that appeals should be abolished even in ordinary civil and criminal cases? I think that he will not go to that length On the contrary, if any provision has got to be made in any labour law, he will also insist that there should be a right of appeal

Diwan Chaman Lall The question of appeal arises here

Mr S C Joshi: There is no analogy also between the rights of appeal in civil and criminal cases and the provision of adjudication or the reference to a tribunal in matters of industrial disputes

Mr Joshi's point was that conciliation will not succeed if there is adjudication My experience of the last two years is just the reverse I have found that conciliation succeeds when there is a provision for adjudication. In my experience of conciliation I have been able to secure the consent of the parties to the recommendations made by me, because they feel that if they do not agree, the matter will be referred to adjudication and the result is an unknown factor as nobody knows what the award of the adjudicator will be With that fear before them, they always feel that it is better to agree to a thing, which is known or to modify their demand in such a way as will be suitable to both the parties Therefore, with the existence of the machinery of adjudication, there is greater possibility of the conciliation succeeding than if there were no provision for a reference to adjudication My experience of the cases that have been dealt with by the Industrial Relations Machinery since it has been established in 1945 is that the conciliation has succeeded in 80 per cent of the cases It has no doubt failed in other cases The relief granted has not been such as the labour leaders or workers had demanded, but they have certainly obtained substantial relief

In view of what I have stated I submit that it is necessary that there should be a provision for arbitration and that power should be left to the Government to refer matters to the tribunal for inquiry and award in certain cases whether the parties agree or do not agree If the parties agree, there will be compulsory reference If the parties do not agree and if the Government feels that it is a fit case to be referred to adjudication, then the matter will be referred to the tribunal If it is a dispute in a public utility service, then Government shall refer the matter to the tribunal for adjudication That is a special facility granted to the workers in the public utility services in view of the fact that in disputes in such services the public interest is involved and also in view of the fact that the workers are required to give a notice of 14 days before they go on strike I, therefore, submit that the provisions, as they are now contained in clause 10, are quite fair and reasonable and the amendment, which my Honourable friend Mr Joshi has moved, is not in the best interests of the workers

Pandit Balkrishna Sharma (Cities of the United Provinces Non-Muhammadan Urban) Sir, I rise to oppose the amendment which has been moved by the veteran labour leader, Mr Joshi His objections and his amendment are inspired by considerations of certain fundamentals, which he thinks as *sine qua non* of any labour movement and of any labour organisation in the country.

[Pandit Balkrishna Sharma]

In order to understand what is really at the back of his mind while he moves these amendments, it will be better for the House to know what those principles are which he considers as being jeopardised by the introduction of this piece of legislation After having heard very attentively the speeches that he has made in this House, I have come to the conclusion that there are three or four principles which he thinks are being violated by the provisions of the Bill before the House The first fundamental principle which he has enunciated is that it is the inalienable right of labour, in order to gain their points, to go on a strike If the conditions of work and the standard of wages are not satisfactory, the labour has a right to get them changed and increased by resorting to strikes That is one principle which he has enunciated In the second place, he says that in so far as these matters are concerned, none except the workers are authorised to decide as to what constitutes reasonable grounds for a strike The third thing which is at the back of his mind, perhaps he may not have expressed it in so many words here, is that all this talk of justice and equity is pure moonshine, in as much as the principles of justice and equity are primarily class concepts and as class concepts it is not possible for anybody who comes from a class other than labour class to see eye to eye with the demands of labour or with the workers, own concepts of principles of equity and justice These appear to me to be the three fundamentals upon which Mr Joshi has based his case and which have inspired him to propose this amendment to the legislation before the House With your permission, Sir, I should like to examine one by one all these fundamentals If we examine a little closely and try to come to grips, we will find that after all the principles of justice and equity are not so hide bound as we are given to understand they are The principles of justice and equity in a society, for instance a proletarian society, may have a sort of over all concept beyond a class concept If in a proletarian society one class of worker, say the textile worker or the steel factory worker, considers something as just and equitable for himself, but which is against the society as a whole, then naturally what the worker of a particular class in that so to say classless society or a proletarian society holds fast to as the principle of concept of justice and equity cannot be said to be the real ones After all, the consideration of the good of the society will have to come before the consideration of the good of the worker of a particular industry in a proletarian society Therefore, I submit that if we hold fast to this principle that concepts of justice and equity are purely class concepts, then we will be landed in all sorts and manner of contradictions Therefore we have to admit that there is something in these principles which is beyond the narrow limits of one particular class or one particular society Similarly the idea that the workers alone are entitled to decide as to whether there are certain reasonable grounds for going on strike is also untenable That principle is untenable simply for the reason that the workers whose interests are closely connected with the raising of certain wages cannot be expected to take an over all view of things Therefore, there comes an occasion when society as a whole has to regulate its way of dealing with the situation Let me take an example We have heard in this House that to strike is the inalienable right of the worker When I heard this argument, I was reminded of the famous saying that natural rights are unadulterated nonsense and inalienable rights are nonsense upon stilts We are in a society where even what we consider to be inalienable rights have to be alienated when the society as a whole is faced with the danger of extinction During the last war, we have seen many of our inalienable rights being taken away and my Honourable friend Mr Joshi, of all people, very well remembers how for the last seven years, this right to strike has been taken away by ordinances and by Defence of India Rules from the workers and for very good reasons Those who believed in 'people's war' did not raise their voice against these rights being taken away at the time of what they considered to be a national danger or a world danger

Mr N. M. Joshi: May I ask my Honourable friend to show where I had talked of the 'people's war'? Has he got any evidence of my having talked of people's war If he is attacking some people outside this House, it is a different thing, he is free to do so But when he is referring to me, I think he is making a mistake and he is misrepresenting me

Pandit Balkrishna Sharma: I do not wish in any way to hurt the feelings of my esteemed friend Mr Joshi, for whom I have got the utmost respect I am very happy to hear that during these seven years Mr Joshi was one of those solitary labour leaders who never talked of the last armageddon as people's war and that he did not submit to that theory I am glad to hear it But, I say that those labour leaders who are raising a great deal of hue and cry over the provisions of the Bill before the House were the very people who did not take any exception when this inalienable right of labour to strike was being taken away under the Defence of India Act Now, Sir, it may be said that that was an occasion which did not warrant any protest against that provision The world was in danger, fascism was riding rough shod over human liberty and in order to defeat that menace, it was necessary that we should voluntarily give up some of the inalienable rights My only submission is that a similar situation might arise in our country, in the society in which we are living, even without an international cataclysm Look at Great Britain to-day There are conditions which naturally call for emergency measures and who knows that during this age in which we are short of everything required for maintaining body and soul together, during this time when things are scarce, it may be that an insensate indulgence in this weapon of strike may create a national danger, a social danger, and in order to avoid that danger, the Bill provides that all possible avenues must be explored before the worker resorts to this weapon of strike It may be said that in spite of your legislation, the worker may go on strike still Well, Sir, I do not believe that the worker is an anti-social animal I do not believe that he would delight in inflicting hardships upon society of which he himself forms a very important part Yet if the worker delights in any such anti-social act, then there will be a weapon in the armoury of Government to deal with that situation I therefore submit that the Bill before the House, particularly this provision in clause 10 is a very necessary provision In order to understand the need for this clause 10 we will have to bear in mind the chequered history of the trade union movement in India Everybody who is anybody in the labour movement knows that factionalism, groupishness and the desire for leadership,—all these have combined to keep trade unions in a state of loosely organised units

Mr President: Order, order I am afraid the Honourable Member is covering a much wider ground which has already been covered more than once The motion before the House is a very limited one, namely, that at the end of clause (c) the words "on the joint application of the parties to an industrial dispute" be added The general arguments having been advanced at the consideration stage and having been thereafter repeated so many times, the Honourable Member might, without repeating them again restrict himself to the scope of the motion

3 P M

Pandit Balkrishna Sharma: I am grateful to the Chair for having pointed out that I was going a little out of the way

Mr. President: Much out of the way!

Pandit Balkrishna Sharma: I was only anxious to point out that the addition of these particular words in clause (c) will not advance the cause of labour As I pointed out, labour is in a state of flux, strong trade unionism has not yet come into being, and if at this stage this House does not take upon itself the responsibility of regulating strikes and at the same time of guiding the labour movement into right channels we shall really not be shouldering our responsibilities properly. Therefore I submit that even though on the face of

[Pandit Balkrishna Sharma]

it my reference to the unorganised nature of the labour movement may appear wide of the mark, still I think that in as much as Mr Joshi's amendment definitely restricts the field of arbitration it puts a spoke in the wheel of the progress of the trade union movement in this country To that extent I think I was in order But, as you said, I should not stray into wider fields and should confine myself to this aspect of the question only Mr Joshi said that the board of conciliation and court of inquiry will be enough and that this kind of adjudication is not in the interest of labour as a whole, and he also said that in Great Britain there are no such compulsory provisions for labour to go to the court of inquiry or to adjudicators But I think we cannot confine ourselves only to Great Britain, for the simple reason that the trade union movement in that country has developed on very sound lines In our country it is not so and we have to proceed differently

Much has been said about one of the clauses of this Bill regarding Government not accepting the award of the adjudicator, Sir Cowasjee Jehangir referred to it and said that it was unfair that Government should not accept it and that it must ask the employer to accept the same We all know that Government is not a profit-making concern and therefore the same standards cannot be applied to the terms of services which Government might be compelled to offer and which labour might accept from an employer who is running the industry for his own personal benefit Therefore the argument on that ground does not seem to hold much water Government have to reserve that right It is just possible that the facts of the case might warrant the adjudicator to give an award which Government might find it difficult to meet from its exchequer and thus Government may not find it possible to accept the award And if Government reserve the right to consider that award it is only fair and proper

Sir Cowasjee Jehangir: I did not contest that no one contests it I said it was quite right

Pandit Balkrishna Sharma: After reading this clause and after having heard my Honourable friend Mr Joshi I have not been able to convince myself that the amendments that he proposes are really in the interest of labour I think we have inherited a sort of wrong ideological approach to these problems We think that letting labour loose to pursue whatever comes its way from time to time will really organise it That is not so The time has now come when we should set our foot down on these vagaries and show them how to organise on proper and healthy lines Of course the rights of labour to change the order of society is not taken away by this When labour is organised and feels strong enough to throw the gauntlet and take up the challenge and to come out with the idea of bringing about a change in the social order no one is going to come in its way, and whoever tries to come in the way will be smashed to smithereens I therefore submit that the clause as it stands should be passed by the House and we should not modify it in the manner suggested

Mr. President: At this stage of the debate I should like to make an observation There should be no attempt to reply to all individual observations made during the course of the debate, and it will be very much better if Honourable Members restrict themselves to the scope of the particular amendment As I said before, the whole background has been discussed thoroughly and threadbare during the consideration stage and up to now, in discussing the various amendments on the clauses I therefore propose to be strict now so far as the scope and repetition are concerned I do not of course suggest that all observations are irrelevant—they may be remotely relevant though not directly or immediately—and Honourable Members will kindly help me in keeping the debate within the strictest limits of immediate relevancy and scope

Miss Maniben Kara: Sir I rise to support the amendment which has been moved by my Honourable friend, Mr Joshi It has been stated here on the floor of this House that the amendments sponsored by Mr Joshi, myself and

my Honourable friend Mr Guruswami are not for the ultimate good of the workers They are sponsored because we are wedded to some particular theory, and in pursuance of that theory, these amendments are being moved Sir, since you have just now given a warning that we should restrict ourselves to the amendment in question, I will not attempt at this stage to give replies to the last speaker who has spoken on subjects other than the amendment itself I will content myself by saying, that my support to the amendment is not just theoretical but it is based on sound arguments I feel that the rejection of this amendment will be a great blow not only to the working classes organisations but the workers in general

Sir, the very fact that you accept the principle of compulsory arbitration, it means that you reject the principle of collective and voluntary bargaining between the two parties The implication of the rejection of our amendment will be that you are not out to help voluntary negotiations, voluntary internal agreement between the two parties Neither my Honourable friend, Mr Joshi, nor myself in the debate on this Bill have said at any stage that we are opposed to the machinery of a conciliation officer, or a board, or a court of enquiry or adjudication We are all for it Let us base our argument on the democratic right of the workers Have they the right to decide whether they desire their fate to be left in the hands of a third party or not? I do not think that even the last speaker, if he would see the force of my argument, will accuse me or will charge me of being wedded to some imaginary principle if I fight for this right of the workers Is it not an encroachment upon the right of the two contesting parties when you say 'Thou shalt do this and you will accept arbitration' Let us take the argument that if this machinery of conciliation is provided, is there any reason why the workers will not make use of it? I will make bold to say in reply to my friend, Mr S C Joshi, who is senior to me in experience in the labour movement, that Section 81(A) of the Defence of India Rules did give power to the Government to appoint Conciliation Boards I may tell this Honourable House that during the war period the Government imposed restrictions on the workers not to go on strike under the Defence of India Rules, but they did not accept the corresponding responsibility of setting up conciliation machineries It will not be right to say that the Government did not have the power, the Government did possess the power under the Defence of India Rules, but they betrayed the workers, they left them in the lurch It was a one-sided affair—the workers were not allowed to go on strike and at the same time the Government did not fulfil their responsibility of settling up Conciliation machinery Sir, the Government even today do not want to refer disputes to the conciliation officers when approached by the labour leaders or trade unions or by the workers directly They will not refer disputes to the Conciliation Officer unless and until the workers go on strike In many cases when there is a strike then suddenly Government department starts moving in the matter

I would remind my Honourable friend, Mr S C Joshi, of bargemen's strike in Bombay I was myself connected with that strike Essential war goods could not be shifted on account of this strike And Mr Joshi will remember how long it took before we could get any assistance from the Government

Mr. S C Joshi: It was available from the very beginning

Miss Maniben Kara: I was connected with it, Mr Joshi If it was available there might not have been a strike

I would like to point out some misconception which exists in the minds of many people who oppose our amendment This clause as it stands is one-sided On the one hand you say that when the parties ask you to intervene, you may

[Miss Manibeh Kara]

or you may not intervene I will request the Honourable Members to give their attention to sub-clause 2 of clause 10 which reads as follows

"Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court or Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly"

Sir, according to this clause Government have to satisfy themselves before they refer a dispute to the board or to any other machinery This is not a fair proposition For example, what is exactly meant by the majority of the parties" Assuming that there is a strike in a textile industry The call may be for a general strike All the workers may not go on strike and if workers of one factory apply to the Government, the Government may accept or may reject the application Is it right that when the parties ask for assistance of conciliation machinery you may grant them or you may not? But when the workers have confidence in a particular dispute, that they have a fair case, they have strength in numbers, and have the confidence that they will be able to fight their own battle, at that time the Government may intervene, and after intervention stop the strike When they intervene the workers have to lay down their arms The implication of compulsory arbitration will mean unconditional surrender Workers must withdraw their only weapon, the only strength they have for bargaining purposes—simply because the Government at a particular stage feels that they must intervene I would ask those of my friends who are opposed to the amendment, is it fair that when the party in dispute wants to make use of the conciliation machinery and comes to you, you say that "we shall examine your case" "We may refer your dispute to a board or we may not" You do not say that if the parties to the dispute want to have the help of your machinery, you will grant it But in the other case, Sir, where the parties do not want your intervention, you will intervene if you so desire In that case, Sir, we from the labour side are certainly hesitant to accept this position because we feel that when the workers do not approach you for your help the intervention will always come at the request of the employers when the employers find that the strikers are in a position to have a prolonged strike, when the employers feel that it is a critical time for them they will want the strike to be called on The criterion for decision of the Government to intervene or not to intervene may be influenced by the employers My argument is that by accepting our amendment your purpose will be served since we are not against conciliation machinery We also accept what Mr S C Joshi said that time and again we have applied for conciliation machinery Give us conciliation, give us all these facilities, and we shall take advantage of it But, Sir, we do not want compulsion We will not want your intervention at a time when we feel that we are strong enough to knock out our demands from the hands of the unwilling employers I can see no reason why such an amendment, in view of the experience of the trade unions and the workers that they would always resort to your machinery, should not be accepted I might understand the reason of the Honourable the Labour Member in not accepting the amendment if from his experience he felt that workers do not want conciliation If there was a danger, that without the Government's intervention the workers will not resort to conciliation procedure But on the contrary, by your own speeches you have strengthened my argument, that workers will make use of the machinery if it is at their disposal

Sir, Mr S C Joshi has rightly stated that our position has been consistent. Our position is not only for the sake of opposition It is not an opposition because, we were wedded to some imaginary theories Our opposition is to any form of compulsion We have on the floor of this House talked of justice. We have also talked in a challenging manner whether workers can have the right to decide to withhold their labour I may ask whether any attempt has been

made to challenge this right of any other section of society Certainly labourer alone can decide whether he wants to apply his labour at a particular time and for a particular master or not. After all, workers form a very important section of the society Workers are not anything apart from the society and as such it is as much their right as the right of any other section of the society to decide whether they will withhold their labour or not Sir, as a result of selling away their right to strike and referring the matter to compulsory arbitration—what happens? The Government assume the responsibility, as was pointed out by my friend, Sir Cowasjee Jehangir, of intervention But they are not prepared to abide by the decision of the board Now, Sir, is it fair? Is it right? You want our disputes to be referred to you whether we want it or we do not You also compel us to wait for a period of about two years for the award Our future should thus hang in the balance and after going through all that agony the Government may accept the award or even may not Now, Sir, those who have talked in that strain of natural justice I would ask them Is it justice even in the present day society, is it right that you compel a person to refer to compulsory arbitration and then you are not prepared to accept the verdict of that arbitration I think it is a great violation of justice It will be violation of justice to punish workers who may break a civil contract, whether it be a classless society or a classful society Even as society exists today and you Sir, as the President, with your experience of law, will be able to judge this question on its own merits, a breach of contract is attempted to be turned into a criminal offence One need not be wedded to a particular theory to understand this These are the facts before you and I would therefore request the Honourable Member to accept this amendment with the assurances which have been given on the floor of this House by those representing labour that we will use this machinery, we shall make use of it but for God's sake do not intervene at a stage when we feel that by our own strength we will be able to negotiate and compel the unwilling employers to grant us our demands It will only be in the event of our being successful without intervention that we will not be wanting your help This is all that is asked for in this amendment

Now, Sir, the point is being made here that under the Defence of India Rules during the war the right of the workers to strike was taken away

Mr. S. C. Joshi: It was regulated

Miss Maniben Kara: and the workers did not protest I have often asked Government on the floor of this House do you want to follow in the footsteps of the bureaucratic government? I am one of those who advocated and still today advocate that the last war was a people's war It was a people's war according to my conviction, though it may not to the conviction of others.

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) We were also convicted!

Miss Maniben Kara: It was a war which was considered to be a people's war it was a war for the oppressed peoples of the world, not only for the people of India Therefore we accepted those restrictions but we did not stop there We criticised the Government for not accepting the corresponding responsibilities of providing us with conciliation machinery that we needed If the Honourable Member would go through his files he will see that we have criticised the Government for not providing us with the machinery that we wanted Now we say, let us have this machinery By all means, have them and we assure you our cooperation and our support Gain the confidence and the goodwill of the workers by keeping this machinery at the disposal of the workers, so that they can make use of it The only way in which you can bring real peace is by gaining the confidence of the working classes

The present Bill is an attempt to stabilise the existing relation between the employer and the employee We have been looking forward to the time when

[Miss Maniben Kara]

the National Government in office will bring a new era, whereby the existing relations may change for the better. Would anybody in this House, even though he may belong to the opposite side, quarrel with me if I expect that of them? But for Heaven's sake do not bring in legislation which will stabilise the present relation This Bill as it stands goes further than stabilising the existing relations We who represent labour certainly expect a new era in labour legislation

Mr S C Joshi has made out a very interesting argument, why should we expect good labour laws from Government if we object to their intervention? We expect this because you claim to represent yourself as National Government

Mr. President: The Honourable Member is again digressing into generalities, which I cannot permit If she has to say anything on the amendment, she may do so

Miss Maniben Kara: I was only speaking on the points that I had jotted down from the speeches of members on the Government Benches I have therefore pointed out in my speech that where the parties make an application for reference the Government is not compelled to refer the matter and to that extent I feel that he clause as it stands is definitely one-sided and therefore the amendment which has been moved by my Honourable friend Mr Joshi should be accepted

The Honourable Shri Jagjivan Ram: Sir, during the speeches many points have been raised—points which were discussed not only at the time when the motion for consideration was made but also at the time when the motion for reference to the Select Committee was made I do not want to examine all those points or to cover the ground which has already been covered One fundamental principle on which the whole edifice of this Bill has been built is whether or not Government have the right to intervene in a dispute or in a threatened dispute between employers and employees If Government have got that right and they should, in the interest of the community at large, interfere in that matter, then this provision is essential

As regards voluntary arbitration or adjudication, the provision is there in sub-clause 2 of clause 10 By this clause—the clause under discussion—even if the workers or employers do not desire or do not approach the Government for conciliation or adjudication, the Government, if they are satisfied that it is necessary in the interest of society to refer this matter to a board or a tribunal The Government must be given that power and I think in the present state of our society it is very necessary that Government should have this power I therefore oppose this amendment

Mr. President: The question is:

"That in part (c) of sub clause (1) of clause 10 of the Bill, the following words be added namely

'on the joint application of the parties to an industrial dispute' "

The motion was negatived

Mr. President: Is not Mr Vadilal Lallubhai moving his amendment to clause 10?

Mr. Vadilal Lallubhai: No, Sir

Mr. N. M. Joshi: Sir, I move my next amendment

"That sub-clause (3) of clause 10 of the Bill be omitted "

What the sub-clause done is this When a strike begins it may be legal, but Government takes power to itself to make illegal by issuing an order I am proposing by my amendment that this power shall not be given to Government

While explaining the reasons why I am moving this amendment I wish to make a difference between ordinary industry which is not a public utility industry and public utility industries I make this difference because this Bill has made that difference I take it that this difference has been made by the Government of India in their Bill because they want to treat the two kinds of industries differently They perhaps intend to give a little more freedom to the workers in ordinary industries and they want to impose a little restriction on the workers in public utility services In the language of the Government, if we consider that all these restrictions are in the interest of the workers, then they want naturally to give a little more benefit to the workers in public utility services, and they want to show a little more negligence to the workers in ordinary industries In my view, whatever may be the view of the Government of India and the other Members in this Legislature as regards public utility, in the matter of the other industries the right of the workers to cease work should not be interfered with Let me again and again assure my friends here that I am not a believer in strike as a very desirable weapon I would say it not once but ten times In my own life time I have tried my best to avoid strikes If there are any members here, including my Honourable friend Mr Joshi, who have got any instances in their mind when I had encouraged strikes, I would like to hear it in this open session

Mr. S. C. Joshi: By this you are possibly doing it

Mr. N. M. Joshi: Everybody changes I may change, who knows? He may not change Perhaps his mind is more stable Mine is not Whatever people may understand rightly, or misunderstand, or misrepresent, I am against the policy of strikes as a policy I have followed that policy consistently in my life time If there are members here, I again challenge, who can say that I had given encouragement to strikes, I want to hear it But I am against one thing I am against a law which makes strikes illegal because I feel that that is the one last thing which an ordinary workman has got to protect his interests, when there is nobody to protect his interests It is for that reason that I do not want a man to be compelled to work by any Government by law I am not talking on this occasion about indentured labour I shall speak about it a little later I do not want people to misunderstand I do not want also friends and foes to misunderstand me that I am against Government intervention When did I say that? I have not said a word against Government intervention

[At this stage Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

I have said one thing, that I am against the right of strike being taken away I am against arbitration also for that reason and for no other reason If the right of strike has not been taken away by the provisions regarding arbitration, I would not have opposed arbitration I am a believer in the method of arbitration, perhaps to a little larger extent than any member in this Assembly Sir, it is for that reason that I am moving amendment

People think that I am against arbitration I would like to ask a few questions Who is in favour of arbitration as a general method of settling disputes? Is the Congress in favour of arbitration? I ask those Congressmen, who give me a lecture on accepting arbitration, whether they will accept arbitration or whether they had accepted arbitration in all political matters I shall remind them about a very recent happening The statement of the Cabinet Mission, as recently interpreted, contains a clause expressing a hope that all matters in dispute will be referred to arbitration I hope Members will sharpen their memories I had seen in newspapers Congressmen complaining that this is a new item introduced by the Mission in their latest statement Why do they complain if it is a good thing. They complain for a very good reason, for the same reason for which I am opposing arbitration in this mater There are

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certain fundamental matters in which we cannot accept arbitration I make an appeal to my friends of the Muslim League They may vote with Government and not vote in my favour But I ask them are they in favour of accepting arbitration? Ask your leader, Mr Jinnah

Sir. N. V. Gadgil: It is a dangerous game you are playing

Mr. N. M. Joshi: I am not playing any dangerous game I am pointing out that you are asking for arbitration only for the workers not having faith in yourself I want to point out that although arbitration is our final goal—perhaps my final goal and the final goal of others—still, we have not yet reached that stage of development of society when we can accept arbitration in all cases That is my objection to arbitration and there is no other objection I believe in the ideal of all disputes being settled by arbitration When occasions come it may be found that I have greater faith in arbitration By faith and by ideal I am a pacifist Therefore I do not like people to misunderstand that I am against Government intervention, that I am against arbitration, and that I do not want regulation That is not correct But I am against the Government taking power to make strikes in ordinary industry illegal At any point and at any stage I want these strikes to be legal It is wrong to deprive these poor working classes of the only weapon by which they can defend their interests

I now take what are known as public utility services In that connection I am moving that sub-clause (3) of clause 10 be omitted (Interruption by Sir Cowasjee Jehangir) Let me explain my point of view in my own way I am telling you what I want Taking the public utility service, the Government of India is providing by this measure to require workers in those services to give notice This Government is taking up certain responsibility, asking them conciliation officer to investigate any complaint which the work is may have, of which they give notice Beyond that Government's responsibility is very little By this clause it is made to appear that Government takes up some responsibility but in my judgment it is mere eyewash I shall read the proviso to that clause

"Provided that where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced "

There is also another section regarding the appointment of Conciliation Boards If they appoint a Board of Conciliation, the strike will become illegal for that period Then they do not take also the responsibility to refer the dispute to a Tribunal They say that Government 'shall'—a very strong word The strength of that word is taken by saying that if the Government finds that the complaint is frivolous or vexatious or it would be inexpedient to refer the dispute and so on Sir, you are a lawyer You know the implications of this If Government considers it inexpedient, they shall not do it, they need not do it (*An Honourable Member* "You are trying to have it bothways".) If you are prepared to listen, I am prepared to tell you what I want Government does not take any responsibility What Government does is this Government says—if I like I shall appoint a Board of Conciliation This is a dictatorial method of doing it They say—if we like, if we find it expedient to refer the dispute to a Tribunal, we shall do so but mind you, the strike may become illegal by that method But if we find that your strike is likely to succeed then you say you reserve to yourself the right to intervene (*An Honourable Member*: "It may be the other way also") I shall deal with all your points In my judgment, this is the rottenest clause of this Bill Yesterday, when speaking on one of the clause I used some words which were strong, because of certain clause of this Bill I do not remember

the exact words—they were possibly 'stupid and foolish' The Honourable Member did not like my words I assure you it pains me even more than my hearers when I feel compelled to use what you may call strong words or even wrong words I regret it much more than my hearers I find that the matters which are discussed before us are so unfair or so unjust that I allow myself to be irritated or provoked to use that language, which I generally do not use but, Sir, I want you now to consider what provocation these clauses give to a man, who has a strong sense of fairness and justice Perhaps their strength is a little diluted when they deal with the working classes

Now, I shall explain how I feel sometimes irritated and provoked to use strong words What does this Government do Government is given notice regarding the public utility services and the grievances of the workers Government either refuses to appoint a Board of Conciliation or finds it inexpedient to appoint a Board of Conciliation with the result that the strike becomes legal When it becomes legal, Government reserves to itself the right to declare that strike illegal

There are three kinds of injustices and wrongs in this one clause The first is, if people have a grievance and you have a law making these strikes illegal, you undertake certain duties to intervene in the interest of the workers and if you find that it is desirable to intervene then certainly give very careful consideration to your action and if after deliberation you find that it is not necessary at all to intervene then certainly allow the workers to go their own way and secure justice in the way in which they can, but that is not what you do You come to a deliberate conclusion that you shall not refer the dispute to a Board of Conciliation You shall not refer the dispute to a Tribunal or adjudication but if the workers show strength and go on strike, then you say 'I have reserved to myself the right to intervene I am a very kind hearted man, interested in labour welfare I shall intervene now because you are strong and you have gone on strike'

Now, Sir, I want to ask you, which is the better thing? If you really find that intervention is necessary, intervene When you ought to intervene, do intervene and at that time do not come to the conclusion foolishly, to use a strong word again, that it is expedient But after you do it and the workers go on strike and you find that the strike is going strong, to intervene is a double wrong In the first place, you did not yield or surrender or did justice on the merits of a question I can understand Government deciding to intervene on the merits, but you refused to intervene on the merits of a question and you intervened only when the workers showed strength On the very first day when I spoke on this motion, I said one thing and that was that I am not a revolutionary I, therefore, want the Government to behave in such a way that people's faith in the constitutional methods of agitation will not only be maintained but fostered That is my ideal and that is my faith

4 P.M.

But if a Government does not intervene on the merits of a question, but it intervenes only when the workers show strength, I feel that Government is doing mischief It is fostering disrespect for law, it is fostering faith in violence and physical power Which is better, I ask you? To intervene in time or to intervene merely when strength is shown I know there are many people here who believe in the show of strength, but I am not one of them I believe that method is wrong I believe that it is right to do justice on its merits than to yield to force I shall not deal with that point any more, but there is one more point

It is quite possible that Government may have come to a wrong conclusion and I am not one of those people who believe that even if you know that you had made a mistake, you should not rectify it I am a believer in everybody having an obligation to rectify his mistake when he finds that he has made it. Therefore, if Government finds that it made a mistake by not referring the

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dispute to arbitration or by not appointing a Board of Conciliation, it is its duty and obligation to rectify that mistake I am not suggesting for a moment that when Government finds its mistake that it was wrong in not intervening, it should not intervene That is not what I am suggesting I am suggesting that if the Government makes a mistake in not intervening and it rectifies its mistake by referring the dispute to an arbitrator or a Board of Conciliation, they should not penalise the workers

Sjt. N. V. Gadgil: They are not penalising the workers

Mr. N. M. Joshi: They are, you have not read the section You are taking power by this section to make a strike illegal

Sjt N. V. Gadgil. After the appointment

Mr. N. M Joshi. But why even after the appointment? You have made a mistake and you have rectified that mistake That does not give you any right to reject the work is to make that strike illegal By refusing to intervene, you have made the strike legal But now you find you have made a mistake and you want to make the strike illegal I, therefore, feel that Government is right in rectifying its mistake, but it is not right in penalising other people because it made a mistake once If the strike has been made legal let it remain legal My own view is that Government need not ask for this power When Government intervenes in order to rectify its mistake, I have no doubt that 90 strikes out of 100 will be withdrawn But if there are 10 left, Government, in my judgment, has no right to declare those strikes illegal Therefore I move this amendment that Government should not possess the power to make strikes which were legal before, illegal by an order Sir I move

Mr. Deputy President: Amendment moved

"That sub-clause (3) of clause 10 of the Bill be omitted

Sjt. N. V Gadgil. Sir, I only want to offer a few remarks My Honourable friend Mr Joshi is apparently confused, if I may use that word for him The abortion of this sub-clause (3) will frustrate the whole scheme that is contained in clause 10 The provision for compulsory adjudication is not, as suggested by Mr Joshi in the interests of the employers, but it is really in the interests of the community Mr Joshi wants more and more progressive labour legislation and therefore more and more interference on the part of the State But if he wants the State to interfere in the interests of workers, it is only logical that representative of the consumers says that the State ought to interfere in the interests of the consumers or in the interests of the community as such If the consequences of the struggle between the employers and the employees were confined to them only, then there would have been no trouble but the consequences are social and the entire community suffers When the entire community suffers, the State, as the guardian and as the representative of the entire community, must interfere and where contesting parties do not come to an amicable settlement then the State must have power to interfere and enforce its decision Therefore, I submit that the provision for compulsory adjudication is absolutely necessary I just want to ask my Honourable friend Mr Joshi how can proceedings of arbitration or conciliation go well while the strike is on or while the lock-out is on? What sub-clause (3) contemplates is that the lock-out or strike is not illegal *ab initio* but may be so declared when a reference is made under sub-clause 1 or 2 clause 10 My Honourable friend is good enough to say that Government may soon find that it was a mistake to have kept aloof and may refer the matter either to a Board of Conciliation or to an industrial tribunal When this alternative method for the settlement of the trouble is made available, then only the strike or the lock-out is declared illegal and it has no retrospective effect whatsoever Mr Deputy President, you will see that sub-clause (3) of clause 10 reads

"Where an industrial dispute has been referred to a Board or Tribunal under this section, the appropriate Government may by order prohibit the continuance of any strike or lock out in connection with such dispute which may be in existence on the date of the reference."

I fail to see, Sir, if my Honourable friend Mr Joshi approves of reference by the Government to a Board of Conciliation or a Tribunal, why should he object to this particular clause, when what it seeks is really to help the adjudication proceedings Suppose the proceedings are going on and if the strike or lock-out is continued, then new situations may arise which will very disadvantageously affect the proceedings before the adjudicator or the proceedings before the Board of Conciliation I therefore submit that this provision is absolutely necessary No strike which is started quite legally is penalised What is sought to be done is in the interest of settlement what is sought to be done is in order to create a sort of good atmosphere so that the adjudication proceedings or the conciliation proceedings may be crowned with success In these circumstances I submit my Honourable friend Mr Joshi will be good enough not to press this amendment

Mr. S. Guruswami (Nominated Non Official) Sir, I rise to support the amendment which has been moved by my Honourable friend Mr Joshi In spite of the persuasive arguments of my Honourable friend Mr Gadgil I am afraid I cannot accept the reasoning which he has adopted in trying to oppose this amendment The whole sub clause (3) of clause 10 is entirely misconceived What the Government should understand is that they have an obligation always to settle disputes, not only when a strike is declare, but before it, during a strike and even after a strike It is the post strike period which is most important Therefore there is no question of the Government waking up just when the strike is on and then saying we have now awakened ourselves to realities you keep quiet Those of us who have always discouraged strikes and who have wanted strikes only on *bona fide* issues know how difficult it is to organise a strike and when it is organised and when it is in full stride if the Government stops the momentum of a strike it is equivalent to breaking the strike and making the workers to be at the mercy of the findings of the Board of Conciliation which are not obligatory on the employers or the Government themselves Therefore Sir I have no hesitation in saying that it is a wrong principle to stop workers continuing a strike because a Board of Conciliation has been appointed Mr Joshi rightly pointed out a reasonable consequence of the appointment of a Board of Conciliation or a Court of Enquiry or a Tribunal should be the stoppage of hostilities, or a truce That is a reasonable consequence but there may arise occasions when it is not desirable to do so Workers have no confidence in the *bona fides* of the employers to listen to reasonings of a Board of Conciliation or a Court of Enquiry, until they are compelled by some other authority The Government have themselves provided that if there is a Court of Enquiry functioning, engaged in factual enquiry about the dispute there is no obligation on the part of workers to stop a strike I trust the Government will realise the inconsistency of the provisions framed in clause 10 If there is a Court of Enquiry appointed under this Bill, the workers are free to go on strike, but if there is a Board of Conciliation appointed then they have to stop the strike on the orders of the Government Why should this be?

Sjt. N. V. Gadgil: Because this is real remedy

Mr. S. Guruswami: It is not a remedy It is confusing the remedy for the disease I am one of those who approve Standing Boards of Conciliation, Boards which should not be appointed *ad hoc*, but they should be Standing Boards for every important industry so that they may settle disputes as and when they arise without looking to the tender mercies of the Government to appoint them This should not interfere with the right to strike But if they

[Mr. S Guruswami]

me to be appointed *ad hoc* as is contemplated in this Bill, and if there is a strike, which I would deprecate as much as possible, but which I would support if it becomes inevitable and if the workers see no reason to stop it in spite of the appointment of Board of Conciliation, why should you stop the momentum of the workers by saying that if the strike is continued, it would be illegal That is why, I am against this We do not ask that on every occasion we should be allowed to continue the strike Workers are not unreasonable people They undertake a serious responsibility when they go on strike, but when they are on strike, when there is a *bona fide* strike, then according to the principles prescribed in this Bill, if they continue the strike then you have no reason to sabotage the strike when the workers have no confidence in the outcome of the Board of Conciliation that may be constituted or the Tribunal that may be appointed. I have another reason to suggest why we are against this kind of restriction. The Government have appointed several Tribunals Their findings have been sometimes contradictory Their findings have sometimes created chaos and increased the disputes instead of settling the disputes Therefore mere appointment of a Board of Conciliation or a Tribunal does not redress the grievances responsible for the strike I know that a strike cannot succeed without the force of public opinion behind it and without the help of Government I know that Madras Government have shown how strikes can be crushed by mere section 144 of the Criminal Procedure Code Other provincial governments can do the same I am not criticising them here on this occasion What I am suggesting is this In the face of this situation why do you remove even this little power that workers have to declare a strike after exhausting all avenues of negotiations in support of a good cause by merely saying that if a Board of Conciliation is appointed if a Tribunal is appointed against the will of the workers the strike should be stopped though leaving the issues unsettled

Sjt. N. V. Gadgil: That itself is a success

Mr. S. Guruswami. I say it is not, for the simple reason that we have no faith in *ad hoc* tribunals I am personally a believer in compulsory arbitration of the Australian type after necessary social security legislation is introduced In that respect, I differ from my Honourable friends Mr Joshi and Miss Maniben Kara But until you have that social security legislation, I think you should give us that right, which will enable us to have trust in the present Government only on merits and advice to withdraw a strike, although as a congressman myself I have no faith in this Government, but I have faith in the Congress Still, let me tell you this that if you restrict the strike in this way by intervening without persuading them to withdraw the strike, you will be not a source of settling the dispute but of increasing the differences between the workers and the employers That is why, I submit that the amendment moved by my Honourable friend Mr Joshi is a reasonable one which I expect the Government to accept

Diwan Chaman Lall: Mr Deputy President, it has always been a pleasure to me to hear my colleague Mr Guruswami It is always a pleasure even when he speaks in contradictory terms, as he happens to have done today My Honourable friend Mr Joshi made out a very good case, but with his eloquence Mr Guruswami has proceeded to demolish that very good case while supporting it May I ask my Honourable friend Mr Guruswami what is the end and object of a strike? Is it to continue the strike? The objective of a strike is to arrive at some sort of understanding That is the objective, not merely going on strike, not merely organising a strike I know perfectly well that my Honourable friend has never in his life, just as I have never done, organised a strike We have assisted strikes, we have run strikes, strikes of a colossal nature and run them successfully But never do I remember in my experience of 26 years have I ever originated and organised a strike an expression used by my

Honourable friend Mr Guruswami The objective of a strike therefore is to arrive at some sort of settlement If you can be assisted in arriving at a settlement, why do you object to it My Honourable friend was very keen on having standing conciliation machinery on the Australian model If you have not got standing machinery, why do you object to *ad hoc* machinery? What does standing machinery give you? It gives you a certain tribunal to which you can go and take your dispute And if that tribunal is created for you for the occasion, merely because it is created for the occasion would you object to it? That is why I said that my Honourable friend is being exceedingly illogical in the argument that he is advancing

Let me ask him a second question Is he in favour of applying this prohibition in clause 10(3) to strikes without notice?

Mr. S. Guruswami: Yes

Diwan Chaman Lall: He is in favour of applying it therefore his objection is now halved straightaway Originally he was not in favour of applying this prohibition at all, but now he comes to this point of view that he is prepared to apply this particular prohibition against those strikes which are without notice Therefore the difference between him and the Honourable Labour Member is resolved by fifty per cent

Now let us look at the other difference When a strike does take place and conciliation machinery has not been applied for this purpose Government steps in and says that as the employer and the worker cannot come to an understanding the dispute should be taken to a tribunal,—unfortunately an *ad hoc* tribunal I entirely agree with my Honourable friend, this is necessary and essential that the next step that Government should take is to set up a standing conciliation machinery in every industry If this measure had not been a heritage that my Honourable friend has received from the previous Government I daresay if my Honourable friend had had more time to consider it he would probably have brought in standing machinery of the nature that has been referred to by my Honourable friend Mr Guruswami And I daresay the time will come and come soon when this step will have to be taken But meanwhile if Government do bring in some sort of conciliation machinery after a strike has been declared in order that that strike may be settled in an amicable manner what objection can any man have to that? My Honourable friend Mr Guruswami knows perfectly well what utter suffering the workers go through when there is a strike and when there is no method available to them to achieve a settlement with the employer He knows it perfectly well, all over India it has been the same story, and if a method is provided why should we object to it? It is perfectly true, as Mr Joshi pointed out, that a strike is prohibited, but, as Mr Gadgil pointed out, it is not made illegal *ab initio* It is on an entirely different basis to a strike which originally is illegal from the very beginning, no matter what happens In this particular case it is only the machinery that is interposed, at a stage when the strike has taken place, in order to enable the working classes and the employers to come to an understanding amongst themselves It will be the object of the board of conciliation and of the adjudicator to come to some sort of an understanding We have had plenty of experience of adjudication Quite recently we had experience of adjudication in the postal and telegraph dispute We found a certain measure of success in the adjudication but we were not satisfied with it, we went to Government and we said that just as they were not bound by the decision of the adjudicator we also were not bound by the decision of the adjudicator that we had not given up our right to go on strike and if we did not get the demands that we asked them to give us we were prepared to call a general strike throughout India And the result was that instead of ninety lakhs we got another crore of rupees out of Government. Now the interposition of the adjudicator at that stage did not adversely affect the working classes, in fact it actually helped to prevent

[Diwan Chaman Lall]

an all-India strike, which would have been a disastrous thing not only for the community, not only for Government, but actually for the workers engaged in that particular industry I submit therefore that we must not be guided by sentiment in this matter Let us be guided by practical issues, and I do submit that although I had my qualms regarding this particular measure, i e, clause 10(3), after due consideration I think it is necessary that at any stage whatever if Government are willing to introduce conciliation machinery we should be prepared to accept it

I want to ask my Honourable friend Mr Guruswami one other question What happens if a union affiliated to the organisation of which he is General Secretary—the all-India Railwaymen's Federation—goes out on strike against the mandate of the Federation and Government come out with an offer of adjudication? What would be his attitude? It is not a strike without notice, it is a strike against the mandate of the very organisation of which my Honourable friend is the General Secretary Would he not be prepared to accept adjudication in that matter not only in the interest of the union itself and of the strikers themselves but in the larger interest of the Federation of which he is the General Secretary and to which, before this undisciplined action was taken, that particular union also belonged? Would it not be a desirable thing, or would it be a thing that would be against the interest of trade unionism in this country or against the interest of the working classes?

Sir I therefore submit that we had better get on to more practical issues and leave these little issues alone

Dr. Zia Uddin Ahmad: Sir, unlike my friends Mr Guruswami and Diwan Chaman Lall and others I belong to a profession which is accustomed to put down strikes We do not create strikes or help the strikers but we suppress strikes Now the argument of Diwan Chaman Lall reminds me of another argument that I heard long ago When late Sir Theodore Morrison went to a village in connection with some school, an old man attending a meeting during the course of discussion said, "What you have said is true and correct and just, what I will [illegible] it is also true and correct and just" So this is really an argument among two people in the same profession, to which unfortunately I do not belong But there are certain points that Mr Guruswami made which I want to support Our industrialists have always been demanding—and I have supported them—that instead of *ad hoc* tariff boards there should be a permanent tariff board My Honourable friend Mr Gadgil and others also have supported that Mr Guruswami on the same analogy is entitled to demand a permanent conciliation board The argument of those who want a permanent tariff board is that decisions of different tariff boards may differ, according to their past experience

Sri S. T. Adityan (Madura and Ramnad *cum* Tinnevelly Non-Muhammadan Rural) Sir, Is the Honourable Member relevant in referring to tariff boards?

Dr. Zia Uddin Ahmad: I am referring to the point by way of supporting Mr Guruswami's contention about a permanent conciliation board In an *ad hoc* conciliation board there may be people of different experience and it may consist of High Court Judges, another may consist of people who are qualified to be High Court Judges though they may not have been actually appointed as such These difficulties will be avoided if instead of *ad hoc* conciliation boards we have a permanent one A permanent conciliation board may in some cases avoid troubles because the views of the board will be known and there will be hesitation in the initiation of strike So I request the Labour Member to accept this suggestion about a permanent conciliation board,—if not for all the types of industry at least for particular types of industry Take textile mills, for instance; there a permanent conciliation board is necessary, because they give opportunities for strikes, and in the name of national interest, in the

name of public good they create these strikes in order to get more dividends for themselves Therefore I say that this one particular industry needs a permanent conciliation board and the members of this Board should be retired judges of High Courts and not persons who may become judges of the High Court in future Sir, I hope the suggestion made by my Honourable friend, Mr Guruswami, will be accepted by the Government

The Honourable Shri Jagjivan Ram: The obvious intention of this subclause is that when there is a strike and when Government feels that intervention has become necessary and they appoint a board of conciliation or a tribunal, in that case the continuance of the strike would become illegal In order to have a good atmosphere it is necessary that there should not be either a strike or a lock-out I do not agree with the point that prohibition of a strike is detrimental to the workers The very fact that the matter is referred to a Board of Conciliation or an adjudicator is an indication that the force of the workers has been realized, the force of the strike has been realized, and as Diwan Chaman Lall has remarked the ultimate objective of a strike is not the continuance of the strike but to gain the objective of the strike I think 50 per cent of the objective of the strike is gained when the Government, by the force of that strike, sees its way to appoint a Board of Conciliation

As regards the second point raised by my Honourable friend, Dr Zia Uddin, and Mr Guruswami about having permanent conciliation machinery for this purpose, the whole Bill proceeds on this basis that there should be sufficient conciliation machinery for this purpose There is nothing in the Bill which will prevent the appointment of a standing or a permanent conciliation machinery for the purpose of this Bill and I may assure this House that I shall take up the matter with the Provincial Governments to have permanent conciliation machineries in the provinces and I shall also try to expand the conciliation machinery which the Central Government has got In view of this, I hope, Sir, that my Honourable friend, Mr Joshi, will not press the amendment

Miss Maniben Kara Sir,

The Honourable Shri Jagjivan Ram. I have given final reply

Mr. Deputy President. The Honourable Member has already replied I allowed this indulgence yesterday, but I would like to discourage this practice After the Government Member has given a reply to the debate, another member stands up and makes a speech and so gives a chance to the Honourable Member to reply again If any Honourable Member wishes to speak on the amendment which is before the House he should get up and catch the eye of the President before the Government Member stands up to reply

Miss Maniben Kara On this Bill the Honourable the Labour Member has been speaking in between—that is the procedure we have followed At the request of my Honourable friend, Mr Joshi, the Honourable the President had allowed us to speak after hearing the views of the Government In this particular case I am sorry I did not catch your eye, but I did get up to speak

The Honourable Shri Jagjivan Ram: This will be a bad precedent

Mr. N. M. Joshi: May I say a word on a point of order Let the Honourable Member tell us who represents the workers If we move an amendment and the Government Member expresses his views, some of us may reply, but if the Government Members sit quietly what are we going to do You tell me that he has replied Did he or the Labour Commissioner speak on this amendment? None of the two spoke He never gave us an opportunity to reply to his reactions It is their duty to speak in the middle of the debate at least, if not immediately after an amendment is moved If they refuse to do it, they cannot stop us from replying to their reactions I shall never allow them always to have the last word, and that they shall never be criticised No, Sir That is not a parliamentary method

Mr. Deputy President: Miss Maniben Kara

Miss Maniben Kara: Sir, I rise to support the amendment moved by my friend, Mr Joshi The clause as it stands makes a legal strike into an illegal strike at a certain stage A strike may begin after giving notice, it may begin after fulfilling all the conditions that are laid down, the Government may not take any notice of that strike which is about to take place, in other words the Government may allow the strike to take place and after it begins they may refer the dispute to a Board of Conciliation and ask the workers to withdraw that strike It has been rightly questioned on the floor of this House what is the purpose of a strike, why do the workers go on strike? Many Members in this House seem to believe that workers go on strike simply because a few agitators go and ask them to go on strike, or simply because they like to create unrest or like to have industrial disturbance in the country But, Sir, you know that in this country workers are not paid for the days of the strike, not so far at least If the workers were getting their pay for the days of the strike, one may appreciate the point that workers are fond of going on strike Workers go on strike only when they fail to have any response to their representations, letters, approaches and negotiations, when nothing happens as a result of all this they are compelled to go on strike Now when they are already on strike, for which they must have already waited for about six months, the conditions of work must have been so intolerable that workers had to resort to the last weapon and the only weapon in their hands, Government steps in and says, all right, we are there to look after your interests They also tell the employers we are there to look after your interests, and therefore the workers must withdraw their strike Assuming that the workers did not withdraw their strike What happens? Supposing you pass this Bill as it stands The workers already on strike and who are compelled to accept your conciliation, if you tomorrow ask them to go back to work—and I can tell you that the workers are not going to be bullied into going back to their factories by passing this legislation—how are you going to compel them? Are you going to treat each and every individual who chooses not to enter the factory gate as a criminal? Will it be possible for you to do so? Sir, it will not be possible, firstly because the reference is not with the consent of the party If the workers themselves referred this dispute to the Board of Conciliation, then it can be easily understood that the workers will not want to go on strike Even if they have gone on a strike and because the workers themselves have asked for conciliation, why do you not have faith in the workers Once they have got what they asked for they will themselves want to withdraw it But in case where the Government will not refer the dispute to the Board of Conciliation because they think this is merely a threat and workers do not mean business, that they are not strong enough, and in such a case where the workers are actually on strike after going through all the various methods of negotiations and after continuing to be harassed under the intolerable conditions whatever they might be, then by which stroke of imagination are you trying to make a law that a thing which is legal today will be illegal tomorrow? It completely beats me to understand this process After all, a strike is a weapon of bargaining in the hand of the worker When he withholds his labour and when industry realizes the pinch of it then he will be compelled to help the conciliation machinery I can tell you from experience that if a strike is withdrawn, whoever the conciliation officer may be, and even with the best intentions in the world, he will not be able to tackle the employers The employers can only be tackled at the point of the revolver of a strike The revolver in the hand of a worker is not the revolver which is possessed by the employer by getting a license The revolver in the hands of a striker or a worker is his weapon of a strike In a case like this, in order not to deprive the worker of the only weapon in his possession, of bargaining for better terms, you are trying to deprive him of that only weapon that he has got I would appeal to the Honourable the Labour Member that it will certainly help the conciliation machinery if the strike is in process provided the intention of the

Government is to help the workers as they say If that is the intention—to help the workers against the employers—then I can assure the Honourable the Labour Member that better terms can only be got from the unwilling hands of the employers at the point of this revolver, namely the strike of the workers The employer today is in a position not to listen to any conciliation procedure, not to co-operate with the worker You presuppose co-operation and large heartedness in the employer You presuppose that with this machinery the Government will be in a position to arrive at a settlement But in order to strengthen the hands of the Government which today claim to bring this legislation in favour of the workers themselves, I say that if the workers give up their only weapon, then it will not be possible for them to get better terms from the employer After all, Sir, I cannot understand how a strike began in a legal manner—though before the strike begins an approach is made to the Government, and everything possible at the disposal of the worker is exhausted and with great difficulty our workers decide to go on strike—can be illegal because you suddenly decide to appoint a board of conciliation The result is that that strike which is legal today will be turned into an illegal strike tomorrow My fears as stated are not only in your passing of this Bill but in the maintaining of this Bill If you make a strike illegal tomorrow, are you really sure, that the workers will withdraw their strike, when they have worked hard to canvass the support of all the workers in their industry? After having convinced the entire workers in that particular factory do you really think that by retention of this clause you will be able to get the workers back to your factory? Sir, it is not easy unless the conciliation board is demanded and given as a result of the asking of the workers themselves The workers are not going to listen because you decide to appoint a conciliation board and you order them to go back to work I am only asking you to fulfil the object of this Bill, namely, the industrial peace in the city which can be maintained not by encouraging lawlessness by bringing in such a Bill Such Bills will be an inducement to the workers not to accept such laws This Bill is an attempt

Mr. Deputy President: The Honourable Member should not go on the Bill but on the amendment

Miss Maniben Kara: I am referring to the Bill on the basis of this amendment For the reasons that I have stated and the reasons which were stated by my Honourable friends Mr Guruswami and Mr Joshi, we would request you to accept our amendment Government cannot suddenly decide to intervene and compel the workers to withdraw their strike, it will not be fair I would therefore request that the amendment which has been moved by Mr Joshi may be accepted by the Honourable the Labour Member

Mr Deputy President: The question is

"That sub clause (3) of clause 10 of the Bill be omitted"

The motion was negatived

Mr. N. M. Joshi: Sir, I move

"That in sub clause (3) of clause 10 of the Bill—

(i) between the word 'where' and the words 'an industrial dispute' the words 'in an industry which is not a public utility' be inserted, and

(ii) the words 'where the strike or lock-out has been commenced without notice' be added at the end"

Sir this amendment offers a compromise to Government My previous amendment expressed exactly what my views are but I am a believer in compromise If I do not get the whole I am always prepared to take the half Therefore I am moving the amendment Though they are two amendments, they are really one.

In my view in the case of a public utility service Government having got notice, certainly they have absolutely no case for issuing an order but I am

[Mr N M Joshi]

prepared to permit Government to issue an order after they appoint either a Board of Conciliation, a Court of Enquiry or a Tribunal, if in a non-public utility service there is a strike without notice, although I am against strikes in industry being made illegal altogether I am prepared to make this compromise that if a strike takes place without notice, then Government may issue an order prohibiting the strike, if Government appoints either a Board of Conciliation or a Tribunal To that extent I am prepared to make a compromise and I hope that the gesture, which I am making towards a compromise, will be reciprocated by Government I quite realise that in a House where the Government has a large majority, we cannot get exactly what we want being a very small minority Therefore, I am always prepared in a non-essential matter to make a compromise, because I feel honestly that in this would if you want to be practical you have to accept a compromise and in that sense I have put my amendment I hope Government will not consider this to be such an essential matter that when a compromise is offered they should not accept it I do hope that they will accept

Mr. Deputy President. Amendment moved

"That in sub clause (3) of clause 10 of the Bill—

(i) between the word 'where and the words 'an industrial dispute' the words 'in an industry which is not a public utility' be inserted, and

The Honourable Shri Jagjivan Ram. Sir, I oppose this amendment, because the acceptance of this amendment would amount practically to the omission of this clause

Mr. N M Joshi I cannot understand how it means the omission of the clause Does not the House expect the Honourable Member to explain himself?

Mr Deputy President: The question is

"That in sub clause (3) of clause 10 of the Bill—

(i) between the word 'where' and the words 'an industrial dispute' the words 'in an industry which is not a public utility' be inserted, and

(ii) the words 'where the strike or lock out has been commenced without notice' be added at the end "

The motion was negatived

Mr Vadilal Lallubhai: Sir, I beg to move

"That in sub clause (3) of clause 10 of the Bill, for the word 'may' where it occurs for the first time, the word 'shall be substituted '

I am moving this amendment, because I feel that this amendment is consequential to the changes made in the Select Committee in clause 15 Clause 15 as originally in the Bill was not compulsory so far as the award of the tribunal was to be binding or not Clause 15 sub-clause (2) says

"On receipt of such award, the appropriate Government shall by order in writing declare the award to be binding '

If the award is to be binding, then there will be no reason why a labour union or an employer should desire a strike or lock-out to continue My friend Mr Guruswami argues that if the strike is withdrawn, because the Government want it to be withdrawn, the difficulty with the Labour Union would be that once they tried hard to start a strike, and it would be difficult for them to restart it, if they have to stop in the middle But when once the award is considered as binding, there should be no need of a further strike and that is why I feel that it is a consequential change and the word "may" should be substituted by "shall" I cannot understand why the Government should like

to have wide powers with them at a time when it is decided that the award shall be binding. The result of it would be that if the Government does not decide to stop the strike or lock-out after having referred the matter to arbitration or to the board, it will do unnecessary harm both to the industry and labour as also to the consumers and the country at large If there was any purpose to be served by this clause, that both sides should be allowed to fight, I can understand it But if both sides are not to be allowed to fight, they are asked to decide by arbitration Then where is the sense in keeping this clause as mandatory and not obligatory? Government, I am afraid, would lay itself open to the charge that at times they may want to use this power to strike either at the industry concerned or at the labour

Mr. Deputy President: The Honourable Member can continue his speech on the next day

The Assembly then adjourned till Eleven of the Clock on Friday the 14th February, 1947

LEGISLATIVE ASSEMBLY

Friday, 14th February 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RECRUITMENT TO THE NEW NATIONAL ARMY

295. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Defence Department please make a statement in the House on the present state of the Indian Army?

(b) What progress has been made during the year 1946 in the matter of recruitment to the New National Army?

(c) What was the total strength of the army on the 31st December 1945?

(d) How many officers and Non Commissioned Officers have been recruited during the last year?

(e) Do Government propose to increase the scales of pay of all ranks thus encouraging recruitment to the Armed Forces?

Mr. G. S. Bhalja: (a) to (d) I assume, Sir, that the Honourable Member is referring to the strength of the Army and is not asking for a statement on all its aspects On this assumption I would reply that recruitment to the ranks is on the whole satisfactory, in the majority of cases the recruits required having been obtained during 1946 The total intake of recruits was 24,800. The approximate strength of the Indian Army on the 31st December 1946 was 793,000, including non-combatants enrolled

Non-commissioned officers are not recruited but are promoted from the ranks Out of a total of 3,524 applications by Indian Emergency Commissioned Officers 1,282 were selected for permanent commissions up to the 1st December 1946 The recruitment of new officers has not yet been satisfactory As regards applications from civilians for entry into the Indian Military Academy, 4,488 applications were received for the first three courses, out of which only 580 were found suitable for selection

(e) The question of pay for the Army of the future is at present being considered by a Committee whose deliberations cannot be complete until the Pay Commission has reported

Mr. Manu Subedar: May I know whether recruitment of the common soldier has completely stopped in view of the fact that Government are demobilising and also whether the recruiting agents who were paid heavy fees during the war have all been disbanded?

Mr. G. S. Bhalja: This question has been raised more than once on the floor of this House I have explained that the Indian Army has been recruited on a voluntary basis and therefore all those who are due to be demobilised cannot be detained in the Army against their will Again, Sir, there are regular wastages in the Army from year to year owing to various causes such as death and retirement and to make up these wastages recruitment has to proceed even in peace time on a regular basis.

Mr. Manu Subedar: Is it a fact that demobilisation is taking place of those soldiers were recruited during the war and who did good work and that new recruitment is going on in some other fields instead of those soldiers being

taken, because Government do not want this particular type of soldiers from Madras, Orissa and other places from where they were taken?

Mr. G. S. Bhalja: If the Honourable Member puts a specific question as regards the class of men who are being demobilised against their will and whether there is any place for their retention in the Army, I shall certainly answer it The Honourable Member's question is too general to enable me to give a specific reply

Dr. G. V. Deshmukh: Is there any communal principle applied in the case of recruitment, or the principle of classes such as martial and non martial

Mr. G. S. Bhalja: I have said more than once that the distinction between martial and non-martial classes, if there ever was any, has been abolished for ever As regards communal representation, there is no such thing as a fixed quota for each community in the Army But, of course, the Army comprises of men who volunteer, and care is taken to see that fair representation is given to the various communities

Mr. Ahmed E. H. Jaffer: In view of the fact that Muslims are not receiving their proper share of representation in the higher ranks may I ask the Honourable Member whether he would consider the desirability of fixing a certain quota as they have in the Central Services, like 25 per cent?

Mr. G S Bhalja: No, Sir As regards recruitment of officers, Government has never made the recruitment on a communal basis, and I do not accept the insinuation, or rather the suggestion, that the representation of Muslim officers in the Army is not adequate

Mr. Ahmed E. H. Jaffer: May I ask whether it is a fact or not that in the matter of N C Os and V C Os the promotions and appointments have been on a communal basis, and, if so, why not for officers?

Mr. G. S. Bhalja: These are promoted officers I must ask for notice, Sir

Sardar Mangal Singh: May I ask the Government of India to assure this House that recruitment to the Army shall take place only on the criterion of merit so that the Army may be a good fighting machine and that no provincial or communal considerations should prevail in this matter?

Mr. G. S. Bhalja: We hope that in future the Army in India will excel the good name that it has earned in the past, and for that purpose merit and merit alone will be the criterion for appointments of officers

Mr. Tamizuddin Khan: Will the Honourable Member be pleased to state what the policy is regarding the maintaining of purely communal fighting units—whether certain regiments are purely Sikh, purely Hindu, or purely Muslim?

Mr. G. S. Bhalja: That, Sir, is a different matter There are certain units which for various reasons are composed of one community, for instance, for purposes of food, for religious observances etc, and these units have been composed on a communal or class basis, but there is no fixation of a quota as such for each community

Mr. Tamizuddin Khan: Will the Honourable Member be pleased to state how many purely Hindu units, how many purely Sikh units and how many purely Muslim units there are?

Mr. G. S. Bhalja: I must ask for notice, Sir

Mr. Mann Subedar: May I know whether Government have examined the scheme which the Honourable Member described? That was the scheme on which the previous Governments acted, namely, that they wanted to segregate the people by community May I know whether this Government is examining the proposition that in future every unit will be mixed and will consist of Indians without any distinction?

Mr. G. S. Bhalja: Government will consider the suggestion, Sir.

Mr. Ahmed E. H. Jaffer: May I know from the Honourable Member whether it is a fact that the Members of the present Selection Board are appointed on a communal basis whereby there is not a single British officer on the Board?

Mr. G. S. Bhalja: I strongly repudiate the suggestion that the appointment of officers in the Selection Boards is made on a communal basis I still more strongly repudiate the suggestion that any particular community has been deliberately kept out

ASSETS OF INDIAN NEWS PARADE AND INFORMATION FILMS OF INDIA

296. *Seth Govind Das: Will the Honourable Member for Information and Broadcasting be pleased to state

(a) whether it is a fact that the assets of the Indian News Parade and Information Films of India including equipment, studios, film negatives were sold by Government to a private concern,

(b) if so, the name of the private concern to whom they were sold,

(c) whether tenders were invited before this sale was finalised,

(d) the amount received by Government by this disposal and the amount spent by them in purchasing the equipment,

(e) whether any monopoly of making Information films is given to the concern to which these assets are sold,

(f) whether it is a fact that when the sale was effected circulars were issued to various Provincial Governments that they would receive the same concessions from the concern which has purchased the assets as they were receiving from the Government of India,

(g) whether it is a fact that no such concessions are being given by the said concern to the Provincial Governments, and

(h) whether it is a fact that Government are considering a proposal to revive the Information Films of India?

The Honourable Sardar Vallabhbhai Patel: (a) and (b) All the equipment of the Information Films of India (including Indian News Parade) was sold by Government to a commercial firm, the Central Cine Corporation Ltd Information Films of India possessed no studios of their own No negatives were sold to this firm.

(c) No

(d) Government received Rs 1,66,371 from the sale of Information Films of India's equipment The original cost of the equipment was Rs 1,95,000, but the book value at the time of sale, after allowing for depreciation, was about Rs 1,41,000

(e) No.

(f) The Government of India were not giving any concessions to Provincial Governments when Information Films of India was functioning, nor was a circular issued as stated.

(g) Does not arise in view of (f) above.

(h) Yes

Seth Govind Das: Is it a fact, Sir, that this equipment was sold by the previous Government and not by this Government?

The Honourable Sardar Vallabhbhai Patel: It is a fact that it was sold by the previous Government.

Seth Govind Das: Is it a fact, Sir, that the book value that was shown was not according to the market value but was the one after depreciation, and that

in reality the market value of the equipment was much more at that time than what is shown in the book value?

The Honourable Sardar Vallabhbhai Patel: The market value may have been more at that time Much of the equipment is said to be old and in a bad condition Mr V Shantaram, an independent film producer offered Rs 1,15,000 The Central Cine Corporation now want Government to take it back, but we are not anxious to, as we can buy cheaper and better equipment in the market if the Information Films of India are revived

Seth Govind Das: Are Government aware that recently the Central Provinces Government wanted this concern to take certain films in that province and they quoted exorbitant rates for the inquiry which the Central Provinces Government made?

Mr. President: How does this arise?

Seth Govind Das: With respect to clause (f)

Mr. Ahmed E. H. Jaffer: With reference to part (c), may I knew the reasons why tenders were not invited before the sale was finalised?

The Honourable Sardar Vallabhbhai Patel: I understand that there was no time The cut motion was moved in the Assembly and passed, after which there was not much time to ask for tenders

Mr Ahmed E. H. Jaffer: There was sufficient time, because the cut motion was passed in March

Mr. President: The Honourable Member is arguing

Shri Mohan Lal Saksena: May I know whether inquiries were made from Provincial Governments whether they wanted this equipment?

The Honourable Sardar Vallabhbhai Patel: An offer was made by the Bombay Government after the contract was entered into From that I infer that an inquiry was made

Mr. Ahmed E. H. Jaffer: Was this equipment sold through the Disposals Directorate of the Government of India or was it sold directly by the Information Department?

The Honourable Sardar Vallabhbhai Patel: I think it was sold direct

DOLLAR POOL

297. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member be pleased to state whether Government propose to notify to His Majesty's Government India's intention to get out of the Dollar Pool?

The Honourable Mr. Liaquat Ali Khan: The termination of the Dollar Pool arrangements is one of the matters bound up with the Sterling Balance negotiations which are now proceeding

Mr. Manu Subedar: Now that the sterling balances negotiations have proceeded some distance, may I know whether this particular item has not been disposed of, in view of the impending arrival of the date in July when this has to end and the preliminary arrangements which both Governments may have to make?

The Honourable Mr. Liaquat Ali Khan: As has already been stated the iations are of an exploratory nature

Mr. Manu Subedar: If the negotiations are merely of an exploratory nature, by what process and when a decision on the question of India's place in the dollar pool, which we all want to end, will be taken?

The Honourable Mr. Liaquat Ali Khan: Sir, I am hoping that the negotiations will be finally concluded in the near future

CONVICTION OF CENTRAL GOVERNMENT SERVANTS UNDER SECTION 161 INDIAN PENAL CODE (BRIBERY)

298 *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Home Member be pleased to state the number of Central Government servants of all grades who were tried and convicted under Section 161 Indian Penal Code (Bribery) during the last five years?

(b) How many of those convicted were (i) Members of Indian Civil Service, (ii) the Indian Police, and (iii) Other departments of Governments?

The Honourable Sardar Vallabhbhai Patel: (a) and (b) I have information only regarding the cases of bribery investigated by the Special Police Establishment during the last five years The number of Central Government servants tried under Section 161 of the Indian Penal Code was 294, of whom 203 were convicted Of those convicted, one belonged to the Indian Civil Service and the rest to other Services No member of the Indian Police was convicted

FOREIGN PUBLICITY SECTION IN U S A

299. *Seth Govind Das: (a) Will the Honourable Member for Information and Broadcasting be pleased to state the amount that the Government of India are spending on the maintenance of Foreign Publicity Section in the United States of America?

(b) What is the reason for the continuation of this Section?

(c) In view of the anti-Indian propaganda carried on by this Section in the past, do Government propose to consider the advisability of replacing its personnel in the near future?

The Honourable Sardar Vallabhbhai Patel: (a) The budget provision for the Indian Information Services for the current year (1946-47) is Rs 6,30,800

(b) and (c) I am not concerned with what happened during the regime of the previous Government As the Honourable Member is aware the first Indian Ambassador in Washington has now been appointed and Government would consider the future of this service in the light of such views as the Ambassador might formulate after he assumes charge

Seth Govind Das: What are the qualifications of the present Director and Deputy Director of this section?

The Honourable Sardar Vallabhbhai Patel: I do not know the qualifications of the Director but I assume that Mr Natarajan has considerable experience of journalism and was holding high offices in various papers.

Seth Govind Das: Before the present Government came into power, there was lot of anti-Indian propaganda and this section helped that sort of propaganda Under these circumstances will Government consider the advisability of overhauling the whole section of foreign publicity?

The Honourable Sardar Vallabhbhai Patel: I believe the staff served the late Government loyally and they will serve the present Government as loyally as they served the previous Government

UTILIZATION OF STUDENTS AFTER TECHNICAL TRAINING.

300. *Seth Govind Das: (a) Will the Honourable Member for Education please state how many students sent abroad by Government at Government expenditure for technical training have up to now returned after completion of their studies?

(b) How do Government propose to utilize the valuable knowledge acquired by them?

آنریبل مولانا ابوالکلام آزاد : (اے) جتنے سکالرز باہر اسکالرز کو گورنمنٹ نے باہر بھیجا ہے ان میں سے کسی نے اسوقت تک اپنی تعلیم کو پورا نہیں کیا—

(بی) جن لوگوں کو سکالر شپ تعلیم کے لئے بھیجا گیا ہے توقع کی جاتی ہے کہ جب وہ واپس ہونگے تو مرکزی اور صوبائی حکومتوں کی طرف سے جن سے وہ متعلق ہیں اُن کے لئے گزیٹڈ پوسٹس نکالی جائیں گی— اور طرح طرح کے نقشے کاموںکو آگے بڑھانے کے لئے بن رہے ہیں اُمید ہے کہ اُنکے آتے ہی ایسے کام نکل آئیں گے جو اُنکے لئے مناسب ہوں—

The Honourable Maulana Abul Kalam Azad: (a) None of the Overseas Scholars sent abroad by Government have so far completed their studies

(b) All the Overseas Scholars are expected to be employed on their return by the Central and Provincial Governments concerned in gazetted posts on some suitable work connected with the various plans of development

سیٹھ گوبند داس : کیا سرکار یہ بتلانے کی کرپا کریگی کہ جو لوگ ابتک بھیجے گئے ہیں اُن میں سے کتنے آدمی بہت جلد واپس آنے والے ہیں ؟

Seth Govind Das: Will the Government please state how many of the scholars sent abroad are expected to return soon?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئیے—

The Honourable Maulana Abul Kalam Azad: Notice is required to answer that question

Shri D. P. Karmarkar: Is the Honourable Member aware of the fact that in the case of some subjects, for instance, micro-films, there are no corresponding facilities in India for utilizing the services of the scholar after his return ?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے بھی نوٹس چاہئیے—

The Honourable Maulana Abul Kalam Azad: Notice is required to answer this question also

مسٹر صدیق علی خاں : کیا معزز ممبر یہ بتا سکیں گے کہ اسوقت طالب علم سکالر شپ پر بھیجے گئے تھے اُس وقت اقلیتوں کے لئے مقرر کردہ تناسب پر عمل کیا گیا تھا ؟

Mr. Siddiq Ali Khan: Will the Honourable Member please state whether the ratio fixed for the minorities was taken into consideration when the scholars were sent abroad?

آنریبل مولانا ابوالکلام آزاد : مجھے ڈیپارٹمنٹ سے معلوم ہوا ہے کہ اس بارے میں وہ ہی ریشیو رکھا گیا ہے جو کہ عام طور پر سروسز میں یعنی پچیس فی صدی—

The Honourable Maulana Abul Kalam Azad: I have been informed by the Department that the same ratio, as is commonly observed in the services that is, 25 per cent has been observed here also

سردار منگل سنگھ : کیا مہربانی کر کے یہ بتلایا جائے گا کہ جو لوگ واپس آئیں گے اُن سب کو ملازمتیں دی جائیں گی ؟

Sardar Mangal Singh: Will the Honourable Member please state if all the scholars who return from abroad will be provided with jobs?

Sri V. C. Vellingiri Gounder: I want your ruling on this point I raised this point before The Government Member may talk in Hindustani but the other members who know English should speak in English I should like to have your ruling

Mr. President: The matter requires further consideration so far as the position of the rules goes The Honourable Member is aware that there was a suggestion in the form of a question in this House in the last session to amend the rules and that matter is under consideration So, I do not think I should commit myself to this or that view, till a final decision is taken by this House as regards the language which is permissible

Sri V. C. Vellingiri Gounder: May I submit, Sir, that until those rules are framed, a translation may be made of these supplementary questions and answers which are put in Hindustani?

Mr. President: That translation will be printed in the Debates

آنریبل مولانا ابوالکلام آزاد : اُمید کی جاتی ہے کہ سب کو حکمیں دی جا سکیں گی۔ لیکن میں آپکی توجہ دلاؤنگا اس بیان کی طرف جو ابھی چلد دن ہوئے پریس کانفرنس میں میں نے دیا تھا اور تمپارٹمنٹ اس پر غور کر رہا ہے کہ اِس بارے میں کچھہ اور سہولتیں پیدا کی جائیں۔

The Honourable Maulana Abul Kalam Azad: It is hoped that all will be provided with jobs I will, however, draw the attention of the Honourable Member to my statement given a few days ago to the Press Conference The Department is also considering to create some further facilities in this connection

سری سری پرکاش : کیا جناب میسر صاحب یہ بتلانے کی زحمت گوارا فرمائیں گے کہ کتنے ایسے طالب علم ہیں جنھیں وظیفہ مل گیا ہے لیکن وہ سمندر پار نہیں بھیجے جا سکے کیونکہ اُن کے لئے انتظام نہیں کیا جا سکا۔

Shri Sri Prakasa: Will the Honourable Member please take the trouble to state the number of scholars who were granted scholarships but could not be sent abroad because no arrangements could be made for them?

آنریبل مولانا ابوالکلام آزاد : میں نے جواب دینے کی زحمت اٹھائی اور جواب یہ ہے کہ اُن مشکلوں کی وجہ سے جو انگلینڈ اور امریکہ میں پیش آرہی ہیں بعض طالب علموں کو ابتک بھیجنے کا موقعہ نہیں مل سکا۔ لیکن اُس بارے میں جو دشواریاں انہیں پیش آئیں گی اسکی وارننگ دی گئی ہے۔

The Honourable Maulana Abul Kalam Azad: I gladly take the trouble to state that owing to difficulties met with in England and America some of the scholars could not be sent but they were warned of the obstacles that were to come in their way

سری سری پرکاش : ایسے کتنے طالب علم ہونگے ؟

Shri Sri Prakasa: What could be the number of such scholars?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئے۔

The Honourable Maulana Abul Kalam Azad: I want notice to answer that question

سیٹھ گوبند داس : کیا جناب یہ جواب دیں گے کہ جو طالب علم باہر بھیجے گئے ہیں اُنکا وہاں ٹھیک طریقہ سے انتظام ہو سکے گا یا نہیں جبکہ وہاں کھانے پینے کی حالت بہت خراب ہو گئی ہے۔ اگر اس بات کا نہ خیال کر کے لوگوں کو یہاں سے بھیجیں گے تو ممکن ہے کہ اُنکو واپس بلانے کی نوبت آ جائے ؟

Seth Govind Das: Will the Honourable Member please state whether or not proper arrangements for the boarding and lodging of scholars sent abroad could be made when food situation in those countries had so much deteriorated? If scholars were sent abroad without giving due consideration to this fact it is possible they may have to be called back

آنریبل مولانا ابوالکلام آزاد : قیہارتسلمت نے خود اس بارے میں غور کوا ہے اور وہ ایک نئی کمیٹی بیٹھانے والا ہے جو اس پر غور کریگی۔

The Honourable Maulana Abul Kalam Azad: The Department has given full consideration to the point and a committee is to be set up to further consider it

ALL-INDIA TECHNICAL INSTITUTE

301. *Seth Govind Das: (a) Will the Honourable Member for Education be pleased to state whether it is a fact that a committee was appointed to consider the question of setting up of an All India Technical Institution on the lines of the Massachusetts Institute of Technology?

(b) Has any report been submitted by the said Committee, and if so, what steps are Government taking to implement the Committee's recommendations?

آنریبل مولانا ابوالکلام آزاد : (اے) ہاں اس فرض سے کہ لڑائی کے بعد صلعتی ترقیوں کے لئے ملوں جانے والے آدمی کافی تعداد میں ملک میں مل سکیں۔ محکمہ تعلیم نے سنہ ۱۹۴۵ع کی ابتدا میں ایک ایڈھاک کمیٹی بٹھائی تھی اس کا مقصد اس بات پر سوچ وچار کرنا تھا کہ ہندوستان میں صلعتی ملوں کے ایسے ادارے قائم کئے جائیں جو اعلیٰ درجہ کے ہوں اور جو صلعتی ملوں میں Massachusetts Institute of Technology کے ڈھنگ کے ہوں۔

(بی) کمیٹی نے ایک درمیانی رپورٹ پیش کی ہے اس رپورٹ میں حسب ذیل سفارشیں کی گئی ہیں۔

(۱) کم سے کم چار اعلیٰ درجہ کے ادارے قائم کئے جائیں ایک اُتر میں ایک پورب میں۔ ایک دکھن اور ایک پچھم میں۔ جوکہ لڑائی کے بعد کی ضروریات کو پورا کرنے کے لئے ضروری ہونگے۔

(۲) پورب میں جو ادارہ قائم کیا جاوے وہ کلکتہ میں ہو یا اُس کے آس پاس۔

(۳) جو ادارہ پچھم میں قائم کیا جاوے وہ بمبئی یا اُس کے آس پاس قائم کیا جاوے۔ اس کام کو پوربی ادارہ کے ساتھ ہی شروع کرنا چاہئیے اگر کسی وجہ سے ایسا نہ کیا جاسکے تو کلکتہ کے بعد جسقدر جلد ممکن ہو بمبئی والا ادارہ قائم کردیا جائے۔

(۴) اس فرض سے انجنیئروں کی جو فوری ضرورت ملک میں ہے اس کو عام طور پر پورا کیا جاوے۔ خاص طور سے اُن لوگوں کے لئے جو ہیڈرالک میں تربیت حاصل کرنا چاہتے ہیں شبالی ادارہ انجنیئرنگ کا فوراً قائم کردیا جاوے

(۵) اِس فرض سے عمارتوں کے نقشے - ان کے سرو سامان اور تعلیمی مطالعہ کے نصاب کا انتظام تہیک طور پر طے ہو جائے۔ اِن اداروں کے لئے اہم منتظموں کے پرنسپل اور صدر مدرس جلد سے جلد مقرر کئے جائیں۔ کام کی ابتدائی منزل میں ایک ایسا نقشہ بنانے والے کی خدمت حاصل کرنا چاہئے جو صنعتی اداروں کے نقشے بنانے کا تجربہ رکھتا ہو۔ Interruption معاف کیجئے گا ابھی ہمارا جواب ختم نہیں ہوا ہے۔ اس رپورٹ کی ایک کاپی ہاؤس کے ٹیبل پر رکھ دی جاتی ہے۔ سارکر کمیٹی کی سفارش ہے کہ چار اعلیٰ درجہ کے صنعتی اداے قائم کئے جائیں۔ آل انڈیا کونسل فار ٹکنیکل ایجوکیشن نے منظور کرلیا ہے۔ یہ کونسل اس لئے قائم کی تھی کہ حکومت کو جتنا تعلق صنعتی تعلیم سے ہے مشورہ دے۔ کونسل نے اس سلسلہ میں یہ مشورہ دیا کہ ان اداروں کے لئے جگہ کا چناؤ خود کونسل کریگی۔ وہ اس بات پر سوچ وچار کریگی کہ جو جگہ چنی جائے وہاں اس کام کے لئے کتنی آسانیاں مل سکتی ہیں۔ وہاں انجینیرنگ- صنعتی تعلیم- صنعتی فنوں کے ادارے اور کالج موجود ہیں یا نہیں۔ ریسرچ کے کام کے لئے جو سہولیتیں مل سکتی ہیں انکا کیا حال ہے۔ علاوہ اس کے اس بات کو بھی دیکھنا پڑیگا کہ جو خاص انڈسٹریز وہاں پائی جاتی ہیں وہ کہاں تک اس کام کے لئے کار آمد ہونگی گورنمنٹ نے یہ تمام سفارشیں عام طور پر منظور کرلی ہیں وہ اب ضروری انتظامات کر رہی ہے تاکہ پوربی اور پچھمی اداروں کو جلد سے جلد قائم کر دیا جائے۔ اِن اداروں کے لئے جو جگہیں مناسب ہو سکتی ہے اُنکی دیکھ بھال کی جا رہی ہے۔ اس بارے میں آخری فیصلہ اور حصول کی کاروائی جتنی جلدممکن ہوگی عمل میں لائی جائیگی ان دونوں اداروں کے نقشوں کو ترتیب دینے کے لئے ایک مختصر سا عملہ بھی منظور کر دیا گیا ہے اور پوربی ادارہ کی تعمیر کے لئے جو رقم ضروری تھی سنہ ۱۹۴۷ع و سنہ ۱۹۴۸ع کے بجٹ کے تخصیصہ میں شامل کردی گئی ہے۔

The Honourable Maulana Abul Kalam Azad: (a) Yes With a view to ensuring an adequate supply of technical personnel for post-war industrial development in the country, an *ad hoc* committee (Sarker Committee) was set up by the Education Department in the beginning of 1945, to consider the establishment of high-grade technological institutions in India on the lines of Massachusetts Institute of Technology

(b) The committee have submitted an interim report in which they have recommended that—

(i) Not less than four Higher Technical Institutions, one in the North, one in the East, one in the South and one in the West will be necessary to satisfy India's post-war requirements

(ii) The one in the East should be set up in or near Calcutta at an early date

(iii) Establishment of the Western Institution which should be in or near Bombay should be taken in hand concurrently with the Eastern Institution or failing that as soon after as possible.

(iv) To satisfy the immediate needs for engineers generally and for those with specialised training in Hydraulics in particular, the engineering nucleus of the Northern Institution should be set up without delay.

(v) To ensure the proper planning of buildings, equipment and courses of study, the Principal and Heads of the Main Departments of these institutions should be appointed and the services of an architect with experience in the planning of technical institution secured at a sufficiently early stage.

A copy of the report is placed on the table of the House †

The recommendation of the Sarker Committee in regard to the establishment of the four Higher Technical Institutions has subsequently been endorsed by the All-India Council for Technical Education, which has been set up to advise the Government on matters relating to higher technical education The Council, however, recommended that the exact location of these institutions should be decided by the Council itself after taking into consideration the facilities available in the locality, the existence of Engineering, Technical and Technological Institutes, University Colleges, and research facilities and the particular industries existing in the area concerned The Government have accepted these recommendations in general and are taking necessary steps to establish the Eastern and the Western Higher Technical Institutions with the least possible delay Possible sites for the institutions have been inspected and their final selection and acquisition will be expedited as much as possible Nucleus staff for planning of both the institutions has also been sanctioned and necessary financial provision for construction of buildings for the Eastern Institute is being included in the budget estimates for 1947-48

سیٹھ گوبند داس : سرکار نے ابھی یہ فرمایا کہ قریب ۴ اداروں کے اسٹیبلشمنٹ کرنیکی

بات سوچی جارہی ہے... .....

Seth Govind Das: The Honourable Member has just said that it was under consideration to establish four institutions †

Srejut Rohini Kumar Chaudhuri. On a point of order, Sir You had passed a ruling that if a Member has once spoken in any language, he should continue to speak in that language My Honourable friend Seth Govind Das knows English and he speaks in English Why should he speak in Urdu? Does he mean to say that the Honourable Member for Education does not understand English?

Mr. President: As I said before, this is a matter which requires consideration and when the Honourable Member for Government is speaking in Hindustani

An Honourable Member: It is not Hindustani

Mr. President: Whatever it is, I would call it Hindustani If any Honourable Member wishes to put a question, he must make himself easily understandable to the Honourable Member for Government I can see the difficulty that some Honourable Members may not be able to follow the questions and answers I do not claim to understand fully every word that has been spoken

Dr. G. V. Deshmukh: I do not understand a word of it

Mr. President: That is unfortunate But if an Honourable Member of this House has got the liberty of speaking in his own language, I find it difficult immediately to come to the conclusion that any Honourable Member who wishes to put a question to such an Honourable Member should not be permitted to address that Honourable Member in that particular language But, as I said, this matter requires consideration and the whole question of the language of the House is under the consideration of this very House, on a question raised So, I should not like to complicate the situation further by giving any ruling on the legal position as it stands today After all, if the rules

†Not printed in these Debates. Copy placed in the Library of the House.—*Ed of D*

of the House are going to be changed, it will be an advantage to have this practice for some time in order to realise how far that change will, on the whole be, conducive to the conduct of the proceedings in this House That is why I said that I would like to postpone the consideration of this subject for some time, till the question of the amendment of the rules is decided by this House itself But I can do one thing The number of supplementaries will be much shorter

Dr. G. V. Deshmukh: May I make one request and it is this? Many of us who do not come from northern parts of India do not know what language is this that is spoken here, whether it is Hindustani or Urdu Some of us would like to study the language in view of what the decision of the House may be, but we should know exactly what language is this Those who understand it say that it is Hindustani, others say that it is Urdu, I do not know what language it is Therefore, if we are told what language it is, we will make an effort to understand it and ask questions in that language in which the Honourable Member speaks In fact, we should try to put questions in our own language which we do understand You will realise the difficulty of some of us who want to put questions

Mr. President: There is nothing in the name I style it Hindustani The Honourable Member can try and pick up such a language if he likes It will take him a long time to study the language if he wants to put supplementary questions in that language

سیٹھ گوبند داس : میں پوچھ رہا تھا کہ ابھی مانیہ سدس نے یہ کہا تھا کہ چار اداروں کو اسٹھاپت کرنیکی بات سوچی جارہی ہے ان میں سے ایک ہوگا پورب میں اور ایک پچھم میں اور دکھن دو میں سے کیا مانیہ سدس اس بات پر وچار کرینگے کہ ایک مدۃ بھارت میں اسٹھاپت کیا جاوے خاص طور پر جبلپور میں کیونکہ وہاں بہت سے کارخانے ہیں سرکاری کارخانے بھی ہیں اور فیر سرکاری بھی اور مدۃ بھارت میں جبلپور سے بڑی جگہ کوئی نہیں ہے۔

Seth Govind Das. I was saying that the Honourable Member had just said that it was under consideration to establish four institutions—one in the North and one in the East Of the other two, will the Honourable Member please consider of establishing one in Central India, particularly in Jubbulpore inasmuch as there are so many Government and non-Government factories there and there is no place more important than Jubbulpore in Central India

آنریبل مولانا ابوالکلام آزاد : کوئی رکاوٹ نہیں ہے کہ اسپر غور نہ کیا جائے

The Honourable Maulana Abul Kalam Azad: There is nothing against considering this point

CONCESSIONS TO THE CANTEEN STORES DEPARTMENT *re* PAYMENT OF IMPORT DUTIES ON STORES.

302. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state what concessions are the Canteen Stores Department having with regard to the payment of import duties on stores imported?

(b) Since when have these concessions been enjoyed by this organization?

(c) Are Government aware that this Department are selling stores, on which duty has not been paid, to private merchants and businessmen?

(d) Have Government received a representation on this subject?

(e) What do Government propose to do in order to safeguard Government's revenue?

The Honourable Mr. Liaquat Ali Khan: (a) All articles, with the exception of the following, when imported by the Canteen Stores Department for the use of the Defence Services, are exempt from payment of import duty —

Wines and Spirits, Tobacco (including cigars and cigarettes), Cigarette Lighters, Cigarette Lighter Flints, Cigarette Lighter Wicks, Cigarette Lighter Fluid, Gramophones and Gramophone Needles, Propelling Pencils, Alarm Clocks, Identity Card Holders, Cigarette Cases, Tobacco Pouches

(b) Originally the concession was granted with effect from the 15th July 1944, the exceptions to the exemption then provided for being Wines, Spirits, Beer and Tobacco (including cigars and cigarettes) With effect from the 11th December 1944, beer was also placed in the category of stores exempted from duty

With effect from the 1st June 1945, the following articles were again made liable to Customs Duty in addition to Wines, Spirits and Tobacco (including cigars and Cigarettes)

Cigarette Lighters, Cigarette Lighter Flints, Cigarette Lighter Wicks, Cigarette Lighter Fluid, Gramophones and Gramophone Needles, Propelling Pencils, Alarm Clocks, Identity Card Holders, Cigarette Cases, Tobacco Pouches

(c) No The only stores which have been sold to any except entitled persons have been surplus stocks The price of the surplus stores sold by the Canteen Stores Department to private parties is so adjusted as to include an amount equivalent to the Customs Duty and the sum so collected is paid to the Customs Department

(d) No representation has been received through a letter making such allegations was received by me from a Bombay firm recently

(e) Does not arise

Mr. Manu Subedar: May I know whether these concessions were allowed to articles which were used by armies other than Indian Army who were in this country?

The Honourable Mr Liaquat Ali Khan: I want notice

Mr. Manu Subedar: May I know whether the Government have examined the necessity for continuing these concessions any longer now that normal peace time has come in?

The Honourable Mr. Liaquat Ali Khan: It has been decided to cancel these concessions from 1st April 1947

EXEMPTION FROM INCOME-TAX OF FOREIGN REPRESENTATIVES IN INDIA

303. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state by what rank of foreign representatives in India is the exemption from income-tax enjoyed?

(b) Is it a fact that Government have not been able to collect income tax from English, Indian and other employees of several American offices, which functioned during the war in India?

(c) Which of these offices were purely Governmental organizations and which were mixed?

(d) Did Government experience any difficulty in collecting income-tax from them?

(e) If so, have Government taken any steps, or made any representation to the country concerned?

The Honourable Mr. Liaquat Ali Khan: (a) The exemptions from income-tax admissible to the Representatives of Foreign Governments and their staff are detailed in Section 4(d) (x) of the Indian Income-tax Act, 1922

(b) and (d) No difficulty has been experienced in collecting income-tax from Indian Nationals or nationals of countries other than the United States of America serving with the American Military or Civilian establishments in British India, except in Assam and the Punjab

(c) All the U S A Offices functioning in India were Governmental organizations, so far as I am aware

(e) The Income-Tax authorities in the Punjab and Assam have been instructed to make assessments and effect recovery of tax Government do not consider it necessary to make any representation to the American authorities

Mr Manu Subedar: In view of the fact that U K C C. appears to have escaped the efforts of the Government of India to collect taxes may I know whether there is any truth in the allegations which I heard and which inspired this question that many employees of mixed organisations, that is semi-government organisations of Americans never paid any income-tax and Governments were unable to collect such income-tax from such parties?

The Honourable Mr. Liaquat Ali Khan: Sir, I am not aware of any such organisation or the employees of any such organisation who have not paid income-tax If my Honourable friend would send me further details, I shall certainly have the matter examined

NUMBER OF STUDENTS SENT ABROAD FOR STUDIES IN HIGHER ECONOMICS AND STATISTICS UNDER THE CENTRAL GOVERNMENT OVERSEAS TRAINING SCHEME.

304. *Mr. Vadilal Lallubhai: (a) Will the Honourable Member for Education please state how many students have so far been sent abroad for higher education under the auspices of the Central Government Overseas Training Scheme?

(b) How many of these students have been sent for studies in higher Economics and Statistics and how many applications were received by the Government for studies in these subjects?

(c) Is it a fact that for 1947-48, Government do not propose to send any students for studies in higher Economics and Statistics?

(d) Is it a fact that Government did send some students for studies in these two subjects in previous years?

(e) If so, on what grounds have Government decided to drop these subjects from the list of subjects for overseas scholarships in the year 1947-48?

(f) Do Government propose to employ all the students sent abroad under the auspices of the Government Overseas Training Scheme after their return from abroad or are they to find employment for themselves? Have Government any scheme in this respect, if so, what is its nature?

آنریبل مولانا ابوالکلام آزاد : (اے) مرکزی حکومت کے سمندر پار کی اسکالرشپ کے تحت میں اسوقت تک ۴۰۷ اسکولرز اعلیٰ تعلیم کے لئے باہر بھیجے گئے ہیں

(بی) جبکہ اسکالرز اسٹیٹسٹیکس کے لئے ایک زراعتی اعدادو شمار کے لئے- اور آٹھ اقتصادیات یعنی اکنا مکس کے لئے ایسے مرحلہ میں یہ ممکن نہیں ہے کہ جتلے امید واروں نے درخواستیں بھیجی ہوں اسکا ٹوٹل نمبر بتلایا جاسکے البتہ ان امیدواروں کی تعداد بتلائی جاسکتی ہے جنکی درخواستیں پہلے درجہ کی تھی یا پہلے درجہ کے قریب قریب ایسے امیدواروں کی تعداد اکنامکس کے لئے ۲۰۸ اور شمار اعداد کے لئے ۳۲۱ تھی

(سی) نہیں جناب والا یہ ہے کہ ۳۸-۱۹۳۷ ع میں دو وظیفہ شمار امداد یعنی اسٹیٹسٹیکل اکنامکس کے لئے مقرر کئے گئے ہیں

(ڈی) ہاں

(ای) جواب (سی) کو سامنے رکھتے ہوئے یہ سوال پیدا نہیں ہوتا تاہم یہ کہنا بے موقع نہیں ہوگا کہ سنٹرل گورنمنٹ کے اسکالرشپ اسطرح دیئے جاتے ہیں کہ مختلف محکمہ جات کی ضرورتوں پر نظر ڈالی جاتی ہے پھر وظیفے دیئے جاتے ہیں -

(ایف) آنریبل ممبر کی اس بیان پر توجہ دلائی جاتی ہے کہ جو ابھی تھوڑی دیر ہوئی سیٹھ گوبند داس کے سوال نمبر ۳۰۰ کے جواب میں دیا ہے -

The Honourable Maulana Abul Kalam Azad: (a) 407 scholars have so far been sent abroad for higher education under the Central Government Overseas Scholarships Scheme

(b) Six scholars have been sent for Statistics, one for Agricultural Statistics and eight for Economics It is not possible at this stage to give the total number of candidates who applied for Economics or Statistics but the number of those with first class or near first class applications was 208 for Economics and 321 for Statistics

(c) No Sir Two scholarships are scheduled to be awarded for Statistical Economics in 1947-48

(d) Yes

(e) In view of (c) the question does not arise It may, however, be mentioned that Central Overseas Scholarships are awarded in accordance with the requirements of the different Departments of the Central Government

(f) The attention of the Honourable Member is invited to the Reply given this morning to Starred question No 300 by Seth Govind Das on this aspect of the Overseas Scholarship Scheme

Mr. Manu Subedar: Will the Honourable Member examine the position whether by their own efforts private parties will not send their sons for higher education and Government will not secure the necessary recruits for their Departments and whether it is necessary to spend such large sums as Government have been spending in sending students for any and every type of subjects?

آنریبل مولانا ابوالکلام آزاد : جیسا کہ ابھی میں ایک سوال کے جواب میں کہہ چکا ہوں ڈیپارٹمنٹ اسپر غور کر رہا ہے اور بہت جلد ایک کمیٹی اس غرض سے بٹھانے والا ہے کہ اوورسیز کے اسکالرز کے پورے معاملہ پر نئے سرے سے غور کیا جائے

The Honourable Maulana Abul Kalam Azad: As I have already said in reply to a question the department is considering it and it is very soon appointing a committee to reconsider the whole question of the overseas scholars

Mr. Vadilal Lallubhai: I could not follow the reply to part (b).

آنریبل مولانا ابوالکلام آزاد : چھ اسکالرس اسٹیٹسٹکس اور آٹھ اکانامکس کے لئے اور ایک اگریکلچرل اسٹیٹسٹکس کے لئے

The Honourable Maulana Abul Kalam Azad: Six scholars for Statistics; eight for Economics and one for Agricultural Statistics

لالہ دیش بندھو گپتا : کیا معتزم صدر صاحب یہ بتلانیکی تکلیف کرینگے فرما ئینگے کہ جو ۴۰۷ طالبعلم باہر بھیجے گئے اُن میں سے دہلی کے طالبعلموںکی تعداد کتنی ہے

Lala Deshbandhu Gupta: Will the Honourable Member please state the number of scholars from Delhi out of the 407 scholars sent overseas?

آنریبل مولانا ابوالکلام آزاد : نوٹس چاہئے

The Honourable Maulana Abul Kalam Azad: Notice is required

ADVISORY COUNCIL FOR DELHI ADMINISTRATION

305. *Sardar Mangal Singh: (a) Will the Honourable the Home Member please state whether Government of India propose to set up an Advisory Council to associate the people of Delhi with the administration?

(b) How will this Advisory Council be constituted, whether by nomination or by election?

(c) Do Government propose to give due representation to various interests and communities on this Council?

The Honourable Sardar Vallabhbhai Patel: (a) Yes

(b) and (c) I refer the Honourable Member to the Home Department Notification No 24/12/46-Public, dated the 8th February 1947, of which a copy is placed on the table

GOVERNMENT OF INDIA

HOME DEPARTMENT

NOTIFICATION

New Delhi, the 8th February 1947

No 24/12/46 *Public*—The Governor General in Council has decided to constitute Advisory Councils to be associated with the Chief Commissioners of Delhi and Ajmer-Merwara in the discharge of their administrative functions and to lay down the following rules to regulate their constitution and procedure —

(1) Each Advisory Council will consist of the Chief Commissioner, who will preside over the meetings, and seven other Members Of these seven Members, one will be the representative of the Province in the Central Legislative Assembly, three will be elected by the local bodies such as Municipalities, Notified Area Committees and District or Local Boards and three will be nominated by the Government of India

All residents of the Province will be eligible for election the members of all local bodies will form one electoral body for this purpose and the election will be on the basis of proportional representation by single transferable vote

Nominated Members will be appointed by the Government of India in consultation with the Chief Commissioner and in making nominations Government will ensure that the major communities are represented on the basis of population and that adequate representation is secured for rural interests,

(2) The Chief Commissioner will seek the advise of the Council on—

(a) all financial matters except those which are not subject to the vote of the Legislative Assembly except that items involving recurring expenditure upto Rs 25,000 and non-recurring upto Rs 1,00,000 need not be referred to the Council;

(b) matters of administration involving general policy, schemes of development and proposals for legislation but not on matters relating to the day-to-day administration or to individual appointments not involving a principle of any importance,

(c) general questions touching the implementation of general policy and schemes of development,

(d) any other matter which the Chief Commissioner or the Government of India may refer to the Council

3 Subject to Chief Commissioner's discretion to refuse in the public interest to give information or to allow discussion, members will have the powers in regard to resolutions and interpellations analogous to and under similar limitations as those of Members of the Central Legislature

(4) Such officers as the Chief Commissioner may permit will be entitled to be present at the meetings and to participate in discussions or furnish information but will not have the right to vote

(5) The functions of the Council will be advisory only but though their advice will not be binding on the Chief Commissioner due weight will be given to it by him in reaching decisions or making recommendations to Government

(6) The Advisory Council will meet at least once in three months

A E PORTER, Secy

ATTACK ON ANGLO-INDIAN WOMEN BY BRITISH SOLDIERS

306. *Sardar Mangal Singh: (a) Will the Secretary of the Defence Department please state whether Government's attention has been drawn to a news report published in the issue of *Hindustan Times*, dated the 4th January, 1947, on the front page under the caption "Alleged attack on Anglo-Indian women by British soldiers" and are the facts stated therein correct?

(b) What action has so far been taken to punish the offenders and what measures have been adopted to prevent its recurrence elsewhere in the Army?

Mr. G. S. Bhalja: (a) Yes, Sir A court of enquiry has been held, but until their proceedings are received by the Government and examined it will not be possible to state if the newspaper report is a correct version of the incident.

(b) This cannot be stated until the report of the Court of Enquiry is received and examined by Government

Sardar Mangal Singh: Why was this case not entrusted to civil authorities? Why were the police asked to investigate this case? The incident occurred outside the military area

Mr. G. S. Bhalja: The personnel involved were members of the army and it is usual to have such cases investigated by a Court of Enquiry

Mr. Manu Subedar: Who are the members of the Court of Enquiry? What are the names of parties who have been constituted as a Court of Enquiry? What is the rank of each member?

Mr. G. S. Bhalja: I said I shall be prepared to reply to all questions in this subject when the report of the Court of Enquiry is received and considered by Government

Mr. President: He wants to know the names

Mr. G. S. Bhalja: The report has not yet been received by the Government

Mr. Manu Subedar: What is the status of these men comprising the Court of Enquiry? Are they merely Lieutenants or are they superior officers of the army? Are they Britishers or Indians? That is what we want to know. Secondly, I want to know whether these Anglo-Indian women and their parents will be permitted to appear before this court of inquiry through their constituted lawyers

Mr. G. S. Bhalja: There is another notice of the same question coming up shortly and I shall be prepared to reply to all questions arising out of it on that day

Mr. President: Is it coming up today?

Mr. G. S. Bhalja: No, Sir, not today

Mr. Manu Subedar: Are Government fully alive to the very strong feeling in this country with regard to the honour of Indian women, so far as soldiers are concerned?

Mr. G. S. Bhalja: Government are not only fully alive to it but they consider it their first and primary duty to see that the honour of women of every community and class is safe

Mr. President: I would suggest to the Honourable the Defence Secretary that the other question which is coming up later may not be reached, and therefore if he has got any information he had better give it now

Mr. G. S. Bhalja: The question is down for another day By that time I hope to be in a position to give a full reply to all questions on this subject

Diwan Chaman Lall: Is it a fact that the court of inquiry is held under the ordinary procedure laid down in the Army Act?

Mr. G. S. Bhalja: I shall answer all this on the next day

Sardar Mangal Singh: Will the Honourable Member look into the allegation that on the identification parade only a few people were put up?

Mr. President: I suggest that whatever may be the constitution or the nature of the court of inquiry, the matter is something like *sub-judice* though not in the full sense of that term Therefore details should not be asked about this

Mr Manu Subedar: I should like to know where the court is sitting, what its status is and the capacity of the persons making the inquiry and whether it is only white men trying white men who will therefore be prejudiced in favour of the accused

Mr. President: That is exactly why I suggested that if the Honourable Member has got the information he might give it now, but he has not got it

Seth Govind Das But on the next day the question may be very low down in the list and may not therefore be reached.

Mr President: That is exactly what I said and I suggested that the information may now be given if the Honourable Member has got it, but he said he is collecting the information

Mr. Manu Subedar: If a court of inquiry has been appointed surely the Honourable Member should know all this

Mr. G. S. Bhalja: The court of inquiry is not appointed by Government, Sir

Sardar Surjit Singh Majithia: Has this court of inquiry been instituted by the Commanding Officer of the soldiers who committed that act?

Mr. G. S. Bhalja: I shall require notice of that question also

Fuel Shortage in Delhi and New Delhi

307. ***Sri R. Venkatasubba Reddier:** Will the Honourable the Home Member please state

(a) whether Government are aware that for some months past the supply of fuel—charcoal, soft coke and firewood—to the personnel of the Government of India in New Delhi and Delhi has been very bad in quality and limited in quantity and that damp fuel is being sold at exorbitant rates,

(b) whether there is any difficulty in procuring charcoal and firewood from surrounding areas, from which the trade used to get them in pre-war days, and if so, what are those difficulties, and

(c) whether Government are aware that there is a widely-believed rumour that the officials in charge of fuel-control are putting every obstacle in the way of free movements of fuel, in order to prolong their own tenure of office, and whether Government propose to investigate to what extent this is true?

The Honourable Sardar Vallabhbhai Patel: The question should have been addressed to the Honourable Member for Industries and Supplies It has accordingly been transferred to the list of questions for the 17th February, 1947, when it will be answered by him

BARRACKS AND MESSES IN NEW DELHI FOR BRITISH AND INDIAN TROOPS AND OFFICERS

308. *Sri R. Venkatasubba Reddiar: Will the Secretary of the Defence Department please state

(a) the number of barracks built for British and Indian troops in New Delhi and surrounding areas, and the number of messes for officers, with the accommodation in each (number of rooms and floor area),

(b) how many of them are being occupied and to what extent— as on the 1st January 1947,

(c) whether the question of returning or handing them over to the Works, Mines and Power Department for the purpose of allotment for civilian accommodation has ever been considered and if not, why not,

(d) whether in case the messes or barracks are partially occupied, steps will be taken to remove all personnel belonging to the Defence Department to one compact area as far as possible, with a view to release accommodation for civil personnel in the various departments in view of the present serious housing shortage, if not, why not,

(e) whether Government are aware that the B O Rs and other barracks in front of the Rakabganj Gurdwara (north of the Council House) in particular are very partially occupied and whether Government propose to remove the personnel that may be there now to other barracks or buildings and hand them over for civilian use, if not why not, and

(f) whether similar steps are proposed to be taken in regard to such buildings in various other places in India, such as Poona and Bombay?

Mr. G. S. Bhalja: (a) and (b) I lay a statement on the table of the House, giving the required information It will be seen that all buildings in New Delhi are occupied, although in the case of four buildings accommodation has not, of late, been fully utilised It is proposed in the case of these four buildings to concentrate the personnel in one or two buildings and hand over the rest to the Works, Mines and Power Department in the course of the next two months This applies to items 1, 2, 3 and 14 of the statement As more accommodation becomes vacant in New Delhi it will be made over to the Works, Mines and Power Department

(c) Yes, Sir, in New Delhi buildings as they fall vacant are being made over to the Works, Mines and Power Department

(d) This is the present policy

(e) It will be seen from the statement being laid on the table that the barracks in front of the Rakabganj Gurdwara were originally built to accommodate 26 B O R 's 2 V C O 's and 274 Indian Other Ranks and are actually occupied by 18 B O R's, 2 V C O's and 402 Indian Other Ranks Therefore far from their being partially occupied there is considerable overcrowding

(f) Yes, Sir

Lala Deshbandhu Gupta: May I know whether Government have framed any rules for derequisitioning the property which is no longer needed by Government?

Mr. G. S. Bhalja: I said that the moment a property is not required by Government it is released in the case of New Delhi to the Works, Mines and Power Department for disposal as it thinks fit

Mr. Manu Subedar: With reference to part (f) may I know whether complaints have not reached Government that many military buildings in the Back Bay in Bombay are not being made available in the manner in which he has indicated, though they are lying vacant?

Mr. G. S. Bhalja: If there are any specific complaints made by the Honourable Member or by anybody else they will be duly investigated

RETURN OF REQUISITIONED PRIVATE BUILDINGS TO THEIR OWNERS IN BOMBAY AND NEW DELHI

309. *Sri R. Venkatasubba Reddiar: Will the Secretary of the Defence Department please state

(a) the number of private buildings or flats requisitioned for the Defence Department for use as messes or otherwise which are still in such occupation and not returned to their owners, in New Delhi and in Bombay,

(b) when it is proposed to return such buildings,

(c) whether the buildings are being put to the use for which they were requisitioned in all cases, and whether any such buildings are lying vacant, though rent is being paid by Government for them in Bombay and in New Delhi, and

(d) whether it is proposed to remove all such Defence Department personnel in occupation now of requisitioned accommodation to government buildings or to cantonments nearby, if not, why not?

Mr. G. S. Bhalja: (a) In New Delhi 64, and in Bombay 54

(b) Certain houses in New Delhi are being returned to the Works, Mines and Power Department It will not be possible to return the rest until suitable alternative accommodation is found The buildings in Bombay will be released as they fall vacant or when it is found possible to provide alternative accommodation.

(c) Yes, Sir, the buildings and flats in Bombay and New Delhi are being used for the same or similar purposes for which they were requisitioned in all cases and no such buildings are lying vacant for which rent is being paid by the Defence Department

(d) This is not yet possible There are no suitable Government buildings in Delhi or Delhi Cantonment where accommodation could be found for them. There is no cantonment or camp in the vicinity of Bombay other than the transit camp which is required for transit purposes

Mr. Manu Subedar: Have Government examined the question of removing some of their personnel from Bombay City metropolitan area to suburban and farther areas—between Bombay and Poona, for instance, or between Bombay and Jhansi—where there are vast camps and not merely transit camps?

Mr. G. S. Bhalja: The question is so general that it will be difficult to give a reply to it without notice But I suggest that my Honourable friend who is a member of the Advisory Board appointed for Bombay may bring this matter up at the next meeting, and I shall do my best to see that all his queries are answered

Lala Deshbandhu Gupta: With reference to the reply to part (a) of the question may I know whether out of these 64 buildings still under requisition some are located in Connaught Place which is a very thickly populated civil area?

Mr. G. S. Bhalja: I am afraid I cannot answer that without notice because I have not got a list of the buildings which are in possession of the Defence Department

Lala Deshbandhu Gupta: Will the Honourable Member consider the desirability of at least getting such buildings vacated as are in thickly populated civilian areas?

Mr. G. S. Bhalja: As I am not sure of the facts I can hardly give any such assurance

Mr. Ahmed E. H. Jaffer: May I know what steps have been taken since the Requisitioning Bill was discussed in this House two months ago with regard to the camp at Malad near Bombay, which is a fishermen's colony and is now used by the military as a health resort and not for military purposes?

Mr. G. S. Bhalja: I suggest that the Honourable Member should have this question raised at the next meeting of the Advisory Board which I hope will be held early next month The meeting unfortunately could not be held last month because Honourable Members of this House who are members of the Board did not find it convenient to attend on the date fixed

Mr. Ahmed E. H. Jaffer: May I know how one who is not a member of the Advisory Board can bring it up there?

(No reply was given)

Lala Deshbandhu Gupta: Is the Honourable Member aware that in the last meeting of the Advisory Board it was decided that certain principles should be laid down and rules made about derequisitioning of property? If so what progress has been made in that direction?

Mr. G. S. Bhalja: The question should be addressed to the Secretary of the Works, Mines and Power Department who is Chairman of the Advisory Board established at Delhi

Shri Sri Prakasa: Will the Honourable Member state what the Works, Mines and Power Department does with the building made over to it?

Mr G. S. Bhalja: I suggest that the question should be addressed to the Secretary of the Department concerned

Shri Sri Prakasa: But does not the Honourable Member make sure that good use will be made of these buildings before they are made over to that Department? Is he not responsible for seeing that they are made over to people who really need them and can make good use of them?

Mr. G. S Bhalja: I may explain that the buildings in New Delhi were mostly requisitioned for the Defence Department by the then Labour Department, and so under the ordinary procedure these buildings must be relinquished by the Defence Department, if they are no longer required, to the Department which requisitioned them

REFUSAL OF FINANCIAL SANCTION FOR DEVELOPMENT SCHEMES AND PROJECTS

310. *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Finance Member please state if it is a fact that Government are opposed to all developmental schemes and are refusing financial sanction except in the case of such schemes as the Mahanadi Project which went through all the stages of deliberation and decision before October 1946?

The Honourable Mr. Liaquat Ali Khan: No, Sir

REPORT OF THE PAY COMMISSION

311. *Shri D. P. Karmarkar: Will the Honourable the Finance Member be pleased to state

(a) when the Pay Commission is likely to conclude its work and when the Report of the Commission is expected to reach Government; and

(b) the date on which Government expect to introduce new scales of pay in the light of the Commission's recommendations?

The Honourable Mr. Liaquat Ali Khan: (a) On present expectations, the Commission is likely to conclude its work and submit its final report by the end of June 1947 relating to pay scales submissions to Government have just begun on portions

(b) Government will pass on the pay scale recommendations at the earliest possible date. The new scales have effect from the 1st January 1947

Shri Sri Prakasa: Is it the intention of the Government to accept all the recommendations of the Pay Commission?

The Honourable Mr. Liaquat Ali Khan: All the recommendations of the Pay Commission have not been received yet

Shri Sri Prakasa: Will the Government see to it that unnecessary burden is not thrown on the tax-payers as a result of the recommendations of this Pay Commission?

The Honourable Mr. Liaquat Ali Khan: That would be my earnest endeavour, and I hope my Honourable friends of this House will help me in that

NEGOTIATIONS WITH HIS MAJESTY'S GOVERNMENT RE-SERVICES UNDER THE CONTROL OF SECRETARY OF STATE

312. ***Mr. Manu Subedar:** (a) Will the Honourable the Home Member please state what is the stage of negotiations between the Government of India and His Majesty's Government with regard to the conditions, under which the Services under the control of the Secretary of State for India will come under their control?

(b) When can a final statement on this subject be expected?

The Honourable Sardar Vallabhbhai Patel: (a) and (b) The final proposals of the Secretary of State are still awaited and I am not in a position to make any statement at present

RETRENCHMENT IN THE H M I DOCKYARD, BOMBAY

313. ***Mr. Ahmed E H. Jaffer:** (a) Will the Secretary of the Defence Department be pleased to make a statement on the crisis in the H M I Dockyard, Bombay?

(b) What is the number of workers recently discharged from the H M I Dockyard?

(c) Have Government received urgent representations on the policy of retrenchment in the Dockyard?

(d) Do Government propose to take any steps for expediting expansion of the Dockyard thus obviating the recently announced wholesale retrenchment in the Dockyard?

(e) Are Government aware that Naval Headquarters have gone back on their solemn assurances to the workers that there would be no wholesale retrenchment until 1947, and that there would be alternative employment for a large number of workers?

Mr. G. S. Bhalja: (a) I lay a statement on the table

(b) 800 workers were discharged with effect from the 1st January 1947, and 267 from the 1st February 1947

(c) Yes, Sir, and they were fully discussed with the representatives of the Dockyard workers

(d) The future scope and composition of the Dockyard are the subjects of examination by a Technical Committee known as Committee 'A', now sitting in Bombay

(e) No, Sir, there has been no wholesale retrenchment and in any case no such assurances were given. The retrenchment proposed is from 9,000 to 7,500 workers, and may not be completed before the end of the year

In June 1946, the Dockyard Workers' Union in H M I Dockyard[illegible]y, represented fifteen grievances and gave a notice to strike if their grievances[illegible]committees known as Committees

As a result of this, Government decided to appo[illegible] a retired Admiral R N with Dockyard experi- 'A' and 'B'

[illegible]to enquire into the Dockyard Organisation and to Committee 'A' was to be pres[illegible]scope and composition of the administrative and labour ence, and to be a techn[illegible]the future fleet of the Royal Indian Navy make recommendations to be presided over by an Official of the Labour Department to enquire force [illegible]grievances, other than those relating to Pay and Allowances and condi- [illegible] service, which were the subject of examination by the Central Pay Commission, and [illegible]recommend to Government for consideration practicable steps to ameliorate the workers' grievances

Committee 'B's report was presented in September 1946, and on examination was found to contain recommendations on many points which were closely linked with the Pay Commission's deliberations and could not therefore be considered pending the report of the Pay Commission Such of the recommendations as could be implemented without waiting for the Pay Commission's report were, however, carefully examined by Government and a number of concessions were made to the workers in December 1946, e g , abolition of the Pali system, provision of an interim cadre of 4,000 workers on a permanent basis, food allowance to workers employed outside the Dockyard, 10 paid holidays per annum, and certain minor measures

Committee 'B's report also included certain recommendations in regard to the method of retrenchment to be adopted in order to reduce the labour force of the Dockyard to current requirements These measures proposed dispensing with 300 workers at the end of October 1946 and 300 at the end of November 1946, and anticipated the wasting out of some 900 workers during 1947 However, Government must obviously review retrenchment in accordance with the load of work On December 21st 1943 they confirmed the issue of notices to 300 workers on 1st December 1946 and to a further 300 on 1st January 1947 This was in accordance with the recommendations of the Committee They further announced that in succeeding months 300 men a month would be reduced until 1,500 men had been reduced On account of this, the workers claimed that Government were effecting retrenchment without implementing all the recommendations of Committee 'B' simultaneously Besides expressing their intention to strike from 13th January 1947, they requested Government to authorise a delegation of 3 members of their Union to visit Delhi for the purpose of clarifying certain points on which the workers had misapprehensions The Delegation was invited to Delhi, and on 9th January 1947 discussions were held and the position generally clarified It was explained that the figure of 300 a month was a maximum for retrenchment and normal wastage together and that it was not intended to retrench this number in addition to wastage Further, due to unexpected work arising, retrenchment after 1st February 1947 would probably not have to proceed As a result of this clarification, the threatened strike was averted

PUBLIC HEALTH DEPARTMENT IN AJMER-MERWARA

314. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Secretary of the Health Department be pleased to state what steps have been taken by Government to initiate and organise the Department of Public Health in the province of Ajmer-Merwara during the year 1946-47, and what expense, if any, has been incurred on such department so far?

(b) If the answer to the above be in the negative, do Government propose to create such Department in the province and what amount do they propose to provide for the same in the budget for the year 1946-47?

(c) Have Government taken any steps so far to implement the recommendations of the Bhore Committee in the province of Ajmer-Merwara, as promised by Government in answer to my starred question No 1911, dated the 17th April 1946 during the last Budget Session of the Assembly If none, why?

Mr. S. H. Y. Oulsnam: (a), (b) and (c) No expenditure has been incurred in 1946-47 on the reorganisation of the Public Health Department of Ajmer-Merwara A sum of Rs 51,000 is being provided in the budget for 1947-48 for

a headquarters health organisation Plans have been prepared for the development of medical relief and public health organisation in Ajmer generally on the lines recommended in the Bhore Committee's report as far as the funds allocated permit A provision of 14 lakhs is being made in the budget for 1947-48

COST OF IMPROVEMENT IN THE VICTORIA HOSPITAL, AJMER

315. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Secretary of the Health Department be pleased to state what expenditure, if any, have Government incurred in improving the Victoria Hospital at Ajmer during the year 1946-47 and have Government any further improvements in view during the coming year 1947-48?

(b) What progress, if any, has been made and what expenditure, if any, has been incurred towards the opening of dispensaries and hospitals in the rural area of Ajmer-Merwara since the last Budget Session of the Assembly?

(c) If none, do Government propose to make sufficient provision in the next Budget for taking up this work?

Mr. S. H. Y. Oulsnam: (a) An expenditure of Rs 75,000 is expected to be incurred by Government upto the end of the current financial year in improving the Victoria Hospital, Ajmer A provision of Rs 7,35,000 has also been made in the next year's budget on account of the cost of a scheme for further improvement and expansion of the hospital

(b) and (c) In addition to the expenditure for improvement of the Victoria Hospital a provision of Rs 6,95,000 has been made in the next year's budget for post war schemes of medical and public health development in Ajmer-Merwara and these include schemes for improvement and opening of dispensaries and hospitals in rural areas

FINANCIAL GRANTS TO MUNICIPALITY IN AJMER-MERWARA

316. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Secretary of the Health Department be pleased to state whether Government are aware that all the main Municipalities in the province of Ajmer-Merwara, like—Beawar, Ajmer and others are faced with a financial crisis and deficit Budgets due to the abnormal conditions created by war and that this financial crisis has further been precipitated by the municipal employees' demands for revised scales of pay and dearness allowances with retrospective effect in terms of the Government of India's circular allowing the same to Government employees?

(b) If so, do Government propose to consider the desirability of making sufficient grants to the Municipalities to enable them to tide over the financial crisis If so, in what manner and if not, why not?

Mr. S. H. Y. Oulsnam: (a) Government are aware that the financial condition of the Municipalities in Ajmer-Merwara is unsatisfactory

(b) A request for assistance from the Ajmer Municipal Committee is under consideration No representation has been received from other municipal committees

POST-WAR RECONSTRUCTION OFFICER IN AJMER-MERWARA

317 *Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable the Home Member be pleased to state whether Government are aware that the present Deputy Commissioner of Ajmer-Merwara has himself taken over all the work originally entrusted to the Post-war Reconstruction Officer If so, when was this done and for what reasons?

(b) What duties, if any, are being discharged by the Post-war Reconstruction Officer at present or by the person who once had the said office and what salary is he drawing at present?

(c) At what stage at present are the various Post-war Reconstruction Schemes prepared by the different Departments in the province of Ajmer-Merwara?

The Honourable Sardar Vallabhbhai Patel: (a) The Deputy Commissioner, Ajmer-Merwara, is the ex-officio head of various Departments and as such is responsible for the preparation of post-war plans for these Departments, for their execution He was originally assisted in the preparation of plans by the Post War Reconstruction Officer But when the plans had passed the preparatory stage it was thought that the Post War Reconstruction Officer could be more usefully employed directly under the Chief Commissioner, and this change was effected in October, 1946

(b) The Post War Reconstruction Officer is in charge of the Reconstruction and Development Departments of the Chief Commissioner's Office, and he deals with all administrative and secretariat matters relating to post-war planning He draws a salary of Rs 1,100 in the scale of Rs 1,000—50—1,200 and a special pay of Rs 150 per mensem

(c) Eight schemes have been prepared by the Chief Commissioner and approved in principle by the Government of India They are now under technical and financial scrutiny with a view to the provision of funds in the Budget for 1947-48

Lala Deshbandhu Gupta: Have any post-war reconstruction schemes been prepared for other Centrally administered areas such as Delhi?

The Honourable Sardar Vallabhbhai Patel: I do not think that question arises in connection with the Ajmer-Merwara

ORDNANCE OFFICERS (CIVILIAN) IN THE I A O C

318. ***Mr. Tamiruddin Khan:** Will the Secretary of the Defence Department be pleased to state

(a) the present strength of the Ordnance Officers (Civilians) in the I A O C ,

(b) the number of Ordnance Officers (Civilians) proposed to be confirmed under the Post-war Scheme and the method by which they are proposed to be selected,

(c) whether the principle of reservation of 25 per cent vacancies for Muslims will be adhered to in filling up the vacancies, and

(d) whether Government propose to absorb the war-time officers in the permanent cadre under the Indianization Scheme of the Armed Forces?

Mr. G. S. Bhalja: (a) 980

(b) Until the size of the Post-war Army is settled it is not possible to determine the number of civilian officers that will be required in the post-war period

No decision has yet been taken as regards the method of selection

(c) This will depend on whether appointments will be made by promotion from the permanent staff of civilian storekeepers and clerks or not

(d) Whether any of the war-time ordnance officers (civilians) can be absorbed in the permanent cadre of other Branches of the Service depends upon the size of the post-war army and forms part of the larger issue upon which the Nationalization Committee is expected to make recommendations

Mr. Ahmed E. H. Jaffer: Is it a fact that junior British officers are being imported to replace the war-time Indian Ordnance Officers (Civilian), and if so, what are the reasons for that?

Mr. G. S. Bhalja: No, Sir

Sri R. Venkatasubba Reddiar: Is it a fact that the cadre of Civilian Ordnance Officers is proposed to be abolished?

Mr. G. S. Bhalja: There is no proposal to abolish the Indian Army Ordnance Corps

Sri R. Venkatasubba Reddiar: Has the Director of Ordnance Services recommended the abolition of the cadre of the Ordnance Officers (Civilians)?

Mr. G. S. Bhalja: If the Honourable Member had listened to my reply I said that the number of Civilian Officers to be retained in the Post-war Army would be settled after the size of the post-war Army was decided This means that some civilian officers are to be retained

Seth Yusuf Abdoola Haroon: May I know from the Honourable Member whether senior Indian officers are being released and junior British officers are still being retained?

Mr. G. S. Bhalja: I must have a notice of that question I must make enquiries

Haji Abdus Sattar Haji Ishaq Seth: With reference to the Honourable Member's reply to part (b) of the question, may I know whether he is aware that a number of Civilian Gazetted Officers—about 190—have been served with notice and they have been asked to quit on a certain date? If nothing has been decided, what is the meaning of this notice?

Mr. G. S. Bhalja: I must ask for notice of the question as to how many have been served with notice

Haji Abdus Sattar Haji Ishaq Seth: It means that my Honourable friend is aware that some people have been given notice to quit?

Mr. G S. Bhalja: I have no information, Sir

Mr. Ahmed E. H. Jaffer. Supposing there is any truth in the statement of my Honourable friend, will he see that this notice is withdrawn and this matter is referred to the Indianisation Committee?

Mr. President: It is a hypothetical question

Mr. Ahmed E. H Jaffer: May I ask the Honourable Member whether he is prepared to refer this matter to the Indianisation Committee before discharging the war-time Indian Ordnance Officers (Civilians) who have got the highest University qualifications and who have got the highest record of good service in this country?

Mr. G. S. Bhalja: As you rightly pointed out, Sir, all this is hypothetical

Mr. Ahmed E H. Jaffer: May I ask the Honourable Member whether he is prepared to give us an assurance on the floor of this House that these war-time Indian Ordnance Officers will not be removed from service until the question is finally considered and decided by the Indianisation Committee?

Mr. G. S. Bhalja: I should say the Nationalization Committee has already been charged with the duty of going into the case of every branch of the Service and report when it can be completely nationalised

Haji Abdus Sattar Haji Ishaq Seth: He has not replied to the operative part of my question Before taking action, will my Honourable friend wait until the report of the Nationalisation Committee is received?

Mr. G. S. Bhalja: The Government will consider the question

Mr. President: Question hour is over

(*b*) WRITTEN ANSWERS

FUTURE OF INDIAN CIVIL SERVICE

319. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Home Member be pleased to make a statement on the negotiations carried on with the Under Secretary of State for India regarding the future of Indian Civil Service and the conditions of retirement of the present incumbents, voluntarily or otherwise?

(b) What scheme has been evolved for recruiting members for an All India Service replacing the present recruitment of I C S men?

(c) What is the total strength of the cadre? For what posts are they recruited and what is their scale of pay?

(d) Have all Provincial Governments agreed to this scheme?

(e) Is it also part of the scheme that certain posts in the provinces should be reserved only for the centrally recruited men as heretofore?

(f) Who is the controlling authority for such centrally recruited officers?

The Honourable Sardar Vallabhbhai Patel: (a) to (f) I would refer the Honourable Member to my replies to questions No 103 and 196 given on the 6th and 11th February 1947 respectively

RETENTION OF SUPERANNUATED EUROPEANS AND INDIANS IN THE GOVERNMENT OF INDIA

320. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Home Member be pleased to state

(a) the number of superannuated Europeans and Indians who are still in service, in the Government of India, their present position and pay,

(b) the steps taken to retire them and replace them,

(c) whether Government propose to direct that no longer superannuated men will be retained, continued or reappointed in Government service,

(d) are Government aware that in some Government Departments superannuated men are being retained or reappointed and that even claims of seniority are overlooked, and

(e) the kind of control that the Home Department exercises over the other Departments and in the cases where seniority is overlooked, and the kind of check the Home Department exercises over such irregularities?

The Honourable Sardar Vallabhbhai Patel: (a) and (d) The information is not readily available but is being collected and will be laid on the table of the House when it is complete

(b) I invite attention to my reply to Mr Jaffer's starred question No 522 on 13th November 1946 All Departments have since been asked to examine cases of extensions of service already granted with a view to the termination of such service where continuance of employment is not essential in the interests of the public service

(c) In addition to the instructions referred to above, it has also been directed that in the case of the Central Services, Class I and Class II, the Federal Public Service Commission should be consulted before an extension is granted for more than six months This is expressly designed to protect the interests of junior men There is also the general policy of Government as embodied in F R 56 I do not think any further instructions are necessary

(e) Home Department are responsible for Government's policy in this matter and other Departments must be trusted to carry out that policy in individual cases It is proposed, however, to call for an annual statement of superannuated personnel retained in employment in order to ensure that instructions are not lost sight of in any individual case

HOUSE BUILDING ADVANCES TO CENTRAL GOVERNMENT EMPLOYEES

321. *Maharajkumar Dr Sir Vijaya Ananda: Will the Honourable the Finance Member please state, whether, in view of the acute housing shortage, Government propose to consider the question of granting house-building advances to the Central Government employees, as a means of solving the problem?

The Honourable Mr. Liaquat Ali Khan: It is doubtful whether the grant of house-building advances would make any appreciable contribution to the housing shortage, but Government will consider whether the system could with advantage be introduced for Central Government servants, and if so, from what date

SHORT NOTICE QUESTION AND ANSWER

South African Governments Refusal of Passport for India to Drs Dadoo and Naiker

Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable Member for Commonwealth Relations please state if it is within the rights of one Government to raise with another Government matters relating to the issue of passports? If so, does he propose to enquire into the refusal of passports by the South African Government to Dr Y M Dadoo and Dr G. M Naicker to proceed to India to inform the Indian public about the policies of the South African Government and attend Asian Conference?

12 NOON

The Honourable Pandit Jawaharlal Nehru: The grant or refusal of a passport to one of its own nationals is entirely in the discretion of the Government within whose jurisdiction the applicant resides The Government of India regret that Dr Dadoo and Dr Naicker have been prevented by the refusal of passports from coming to India to inform the Indian public about the policies of the South African Government and to attend the Asian Relations Conference

Shri Sri Prakasa: Were these two gentlemen Indian or South African nationals? If they were Indian nationals, how could the South African Government, under the terms of the Honourable Member's reply refuse them passports?

The Honourable Pandit Jawaharlal Nehru: They are not Indian nationals.

Shri Sri Prakasa: What nationals are they? The names are dangerously Indian

The Honourable Pandit Jawaharlal Nehru: The Honourable Member is getting mixed up with names, racial origin and nationality Nationality has nothing and should have nothing to do with race Any person can become a national of a country provided he fulfils certain conditions

Shri Sri Prakasa: Or is born there!

The Honourable Pandit Jawaharlal Nehru: Or is born there! That is one of the conditions, and the Indians residing in South Africa are presumed to be South African nationals The question raised in the United Nations Assembly in regard to them was not because they were Indian nationals but it was admitted that they were South African nationals and yet the question was raised

Shri Sri Prakasa: Are Englishmen born in India Indian nationals?

Mr. President: Order, order That is a matter of opinion

Shri Sri Prakasa: If our people become South African nationals

Mr. President: It will be a matter of argument

INDIAN ARMS (AMENDMENT) BILL

Mr. Ahmed E. H. Jaffer (Bombay Southern Division Muhammadan Rural) Sir, I beg to move

"That the Bill to amend the Indian Arms Act, 1878, be circulated for the purpose of eliciting opinion thereon"

[Mr Ahmed E H Jaffer]

There is a small amendment that I have proposed in the Bill and I am sure the Government will have no objection for the motion of circulation I have suggested that in section 10 of the Indian Arms Act, 1878, after clause (b), the following proviso shall be added

"Provided that nothing in this section shall apply to the transport of arms and ammunition and military stores from a licensed warehouse to another licensed warehouse within British India"

At the moment the Act provides that the Governor General in Council may from time to time by notification in the *Gazette of India* regulate or prohibit the transport of any description of arms, ammunition or military stores throughout the whole of British India or any part thereof either altogether or except under a license to the extent and in the manner permitted by such license and cancelled in such notification

The position at the moment is this All the arms dealers in India are licensed If a dealer in Bombay wants to import from a dealer in Delhi say 2,000 rounds of cartridges, he has to apply for a transport license whereby he is saddled with an additional fee of Rs 10 In the present circumstances I think this is hardly necessary and it is an unnecessary burden on the small dealer At the moment before a dealer could dream of importing this ammunition he has to apply to the District Magistrate of Bombay, get hold of a no-objection certificate, send it to the dealer in Delhi, whereby the dealer in Delhi applies to his District Magistrate, waits for about a week or 10 days, deposits Rs 10 which is ultimately recovered from the dealer in Bombay This is an unnecessary waste of time and money and it is hardly necessary

Let us examine what is the position of an individual Suppose I have to import, in Poona, 1,000 rounds of ammunition from a dealer in Delhi I write to him I am not speaking as a Member of this House, but say as an individual He writes to the dealer in Delhi and the dealer sends the ammunition to me in Poona without getting this transport license and I am expected to pay Rs 10 The dealers at both ends have under the present rules to submit returns to the District Magistrates of both the places The dealer of Delhi, perhaps through a separate statement, sends a copy to the District Magistrate of the original place where the license is granted and another to the District Magistrate of his own province, so that both are informed that 1,000 rounds are sent to a particular person I am sure that it is in the mind of the Honourable Member that there should not be a miscarriage of ammunition in these present days But I can assure him that it is hardly possible because in the present circumstances proper care has been taken by the police authorities and the District Magistrates So I see no reason or any justification to charge these dealers Rs 10 as an additional fee and to ask them to take out transport license

I do hope the Honourable Member will consider my proposal and will not object to circulate the Bill

Let us wait for the opinions of the Provincial Governments and other individuals and the arms dealers and then we can examine the question

Mr. President: Motion moved

"That the Bill to amend the Indian Arms Act, 1878, be circulated for the purpose of eliciting opinion thereon"

The Honourable Sardar Vallabhbhai Patel (Home Member) On behalf of Government I rise to oppose the motion for the circulation of this Bill In the first place, I do not see any necessity for this kind of Bill at the present stage On the ground of necessity I may say that no inconvenience is caused to the public but the inconvenience suggested is to certain individual licence-holders The object of the Bill is that a licencee may be permitted to transport arms from one province to another without getting a licence, that is, the transport of

arms should be unlicensed. It is sought to be justified on the ground that as the present check for the license of arms is not going to be relaxed there will be no difficulty

I see a fallacy in this argument because if the transport of arms from one place to another without a license is allowed, there would be a good deal of illicit traffic and black-marketing Unless a man carrying arms from one place to another is asked to explain on the way or show the licence for carrying these arms and ammunition from a particular licencee, how is any check going to be maintained It is no use arguing that all the accounts are kept by the licence-holder or by the person who is sending these arms to another place and therefore there is no danger of arms being miscarried or being smuggled, because the accounts in Bombay of a licencee could not be tallied or compared with the accounts of the person to whom the arms are sent in the Punjab They are not both at one and the same place and it would take a long time, there are also other difficulties in checking Therefore at the present moment, particularly at this juncture to allow such facilities would be dangerous

The only ground which is suggested is that of fees If the payment of a fee of Rs 10/- is such a very great hardship in these times, then I think that for this House to consider such a small question, which affects very few people to whom any inconvenience is caused would involve a considerable amount of money . Therefore I feel that this motion should be opposed both on merits as well as necessity There is already Section 10 which authorises Government to make rules and any rules, if necessary can be made at any time to cover this matter, I therefore strongly oppose this Bill At the same time I may point out that the Provinces were consulted and all the Provinces have also unanimously opposed this Bill

Mr. Tamizuddin Khan (Dacca *cum* Mymensingh Muhammadan Rural) Sir, I rise to support the motion It is surprising that the Honourable the Home Member is opposing the simple proposal to send the Bill for circulation There may be cogency in the arguments which the Honourable Member has advanced against the merits of the Bill but just now we are not seriously considering the merits of the Bill at all What the Honourable the Mover asks for is that the Bill should be sent for circulation It is not only the question of the fee of Rs 10-/ which a dealer has to pay for taking a transport license but there is also the question of the tremendous inconvenience that he is put to in taking these licenses The Mover of the Motion contends that it is unnecessary to put him to this trouble and he has given reasons for that The Honourable the Home Member replied that if a measure like this is passed into law, then it will be very difficult to check smuggling I do not know how that could take place Smuggling can of course take place in all circumstances, in spite of every precaution that Government may take There is smuggling of opium in spite of stringent laws, as every one knows Therefore that is no argument why unnecessary hardship should be placed on such persons or those dealers who take arms and ammunition from one place to another within British India These dealers are certainly licensed dealers but I do not know how other persons can escape being caught as smugglers on the plea that they were licensed dealers They must prove to the police officer by whom they are apprehended that they were licensed dealers. Only a dealer who holds a license will be able to satisfy the police officer concerned but a smuggler will not be able to satisfy him. Therefore I think there is hardly any cogent reason why a measure like this should not be passed but, as I said in the beginning, this is not the stage where we should seriously consider the actual merits of the Bill There is no gainsaying the fact that there are hardships on the part of certain class of people Their number may not be very large but there is hardship and

[Mr Tamizuddin Khan]

the Bill simply proposes that that hardship should be removed How it can be removed is proposed in the body of the Bill and the proposal now is that the Bill may be circulated for opinion If it is found that all or most of the provincial governments have advanced arguments similar to those of the Honourable the Home Member, in that case of course the House will be disposed to say that it would be inadvisable to pass the Bill into law. Therefore I see no reason why this proposal to send the Bill for circulation should be opposed Sir, I support the motion

Shri D. P. Karmarkar (Bombay Southern Division Non-Muhammadan Rural) Sir, I oppose the Bill I was surprised that a Bill like this should have been moved at a time when possibly greater safeguards and precautions were necessary against the movement of arms and ammunition from one place to another Two reasons were sought to be advanced by the Honourable Member who preceded me The first argument was that at the present moment a very modest proposal has been made, viz , that this motion be circulated for eliciting opinion The point is that even when a Bill is to be circulated for opinion, there must be some reasonable ground for entertaining the Bill at all. When we examine this Bill we would see unforeseen possibilities for the abuse of the provisions of the Bill and on that ground I suggest that this Bill does not deserve to be considered for one single moment

The second argument that was advanced by the speaker who preceded me was that in spite of any law to the contrary there is ample smuggling going on already irrespective of any legal provisions and why not pass this Bill We all know to our very great regret how some months ago arms and knives and other lethal weapons were sought to be circulated to all the provinces from particular centres and we know also how very difficult it was for Government to prevent their circulation Under those circumstances when every effort should be made to prevent any possibility of smuggling of arms from one part of the country to another and when any movement of arms should not take place without the knowledge of the Government, at such a time to pass a Bill or place on the statute book a measure of this kind, which is likely to be abused by interested persons would be extremely undesirable, Sir I feel that a measure of this kind ought not even to be considered In these circumstances I oppose the Bill very strongly It is a Bill which is not at all necessary. As was pointed out by the Honourable the Home Member the hardship or inconvenience which this Bill seeks to remedy is not of a universal nature If, for instance, in a population of 40 crores, 20 crores were to come forward before this House and say that they were prevented from the possession of arms because this difficulty stands in their way and prevents the transport of arms from one part of the country to another, there would be some ground for a Bill of this kind The possibilities of smuggling arms are very great at present and at such a time I should like to be enlightened as to how many dealers in arms have really suffered on account of the provision under Section 10 of the Arms Act Section 10 is a very salutary provision The Governor General in Council may from time to time by notification in the *Gazette of India* regulate or prohibit the transport of arms It is not a power which the Government always assumes. It is a permissive power to be assumed by Government when necessary and under those circumstances any amendment of the provision of Section 10, as it is in the Arms Act, would be liable to be abused in a very bad manner, particularly in the present critical conditions of the country Sir, I oppose the Bill

Mr. Ahmed E. H. Jaffer: Sir, I have heard with very great attention the speech of the Honourable the Home Member and I must say that I was not convinced as to why the Honourable Member should object to the circulation of this Bill.

The Honourable Member who preceded me asked as to what inconvenience this section in the Arms Act has caused to the arms and ammunition dealers and how many of them have complained about it I may point out to you, Sir, respectfully that I have been approached by the All-India Arms and Ammunition Dealers' Association here. The dealers approached me and pressed me to bring forward this Bill to remedy their grievances and as a representative of a firm of arms and ammunition dealers in Poona I do feel that their grievances are just and real

With regard to the financial loss the dealers are put to, the Honourable the Home Member said that in the present conditions Rs 10/- is a small amount and that any dealer can easily bear it May I point out that it is a question of paying Rs. 10/- every time and not once As you know there are so many small dealers all over India Every time he wants to send some ammunition he must pay Rs. 10 and every time he must produce his transport licence. Where is the distinction between an individual and a dealer?

The Honourable the Home Member said that there is a possibility of black-marketing I am surprised to hear about the possibility of black-marketing in arms and ammunition. It may be pointed out that there might be illicit sale and smuggling. But I am not convinced of the argument about the possibility of black-marketing And I would personally say that there is no possibility at all for illicit trade in arms and ammunition First of all, arms and ammunition are sent by rail. The dealer does not go, for instance, to his representative at Delhi that you can say that there is any possibility of misuse As soon as a parcel of arms and ammunition leaves Delhi, immediately the District Magistrate at the other end is informed The police go to the dealer, at Bombay or any other place, and find out whether the arms and ammunition have been received If they are not, immediate inquiries are made May I in this connection ask the Honourable the Home Member whether he has received any complaint that any consignment of arms and ammunition sent by one dealer to another has gone wrong or astray? I can say that not one consignment has gone astray There is a strong watch by the police over the consignments sent from one place to another

The same thing would apply to the individuals Suppose I come to buy arms from a dealer in Delhi and I want to take them to Bombay I must have with me my arms licence; I am open to inquiry by the police Without my own personal licence I cannot carry arms and ammunition in the train Similarly, assuming that the dealer comes to Delhi and carries with him a huge quantity of arms and ammunition, he must produce his dealer's licence My contention is why is this transport licence required when all the dealers are licensed; they carry with them their arms licences given by the District Magistrate.

If it is a question of financial loss to Government, then we can understand But the Honourable Member says there is no financial loss. I had expected that with the coming of the present Government there would be some change The Bill was introduced in the last Budget session and I had an occasion to discuss it with the former Home Member I can assure you that the then Home Member had assured me that he had no objection to have it circulated and that if the opinions were favourable then the matter could be considered later My request is for circulation If the Honourable the Home Member and my friends here want to throw it out I do not mind. I have done my duty in the interests of the arms and ammunition dealers. If the Honourable Member feels that by a majority they can throw this out they are welcome to do so.

Mr. President: The question is

"That the Bill to amend the Indian Arms Act, 1878, be circulated for the purpose of eliciting opinion thereon"

The motion was negatived

CRIMINAL TRIBES (AMENDMENT) BILL

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput Non-Muhammadan Rural) Sir, I move

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration"

Sir, in doing so I do not wish to take much of the time of the House A perusal of the Act, as it stands, will certainly show that it is unnecessary still to continue the provisions of the Act or to have it any longer on the Statute book With that idea I have also given notice of a motion for the repeal of this Act But my attention has been drawn to the fact that it was not incumbent on the provincial governments to have the provisions of this Act extended to their province, and any province which is now having this Act under its administration may have it cancelled by a notification in the Gazette I have also come to understand that the Madras Government has now before its Legislature a Bill to proceed with the repeal of the Act so far as that province is concerned I do not therefore press the other motion about which I have given notice namely to repeal this Act I shall be satisfied with these amendments which I now move

Under the provisions of this Act, if a provincial government wants it can declare a certain community to be a criminal tribe irrespective of the fact whether all the members of that tribe deserve to be included in criminal tribes or not Immediately after that the District Magistrate is given power to register certain members of that tribe in the register under this Act As soon as they are registered they have to intimate to the Government or to the police officer at particular times of the day, week, month or year At fixed dates they have to intimate Some of them are watched everyday, in the night, at about 11 o'clock or at 3 o'clock in the morning They are put to all sorts of inconvenience by the constables of the Police Department They are under the mercy of these police officers In spite of that this Act is sought to be continued on the statute book

My amendment is this The amendment which I propose is to section 28 of the Act which seeks to impose additional punishment on those persons belonging to this tribe when they are found guilty of certain offences under the Indian Penal Code In my opinion these punishments are very severe That is why I have tabled this amendment in a Bill and I seek the permission of the House for the consideration of this Bill

The amendments which I propose are three in number Under section 28 (1) of the Act as it stands the officers of the court are not given any option as the wording is "shall"

"Whoever being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code, schedule I, is convicted of the same or of any other such offence *shall*, in the absence of special reasons to the contrary be punished, etc."

For the word "shall" I propose to substitute the word "may"

In sub-clause (a) between the words "second" and "conviction" I am suggesting the insertion of the words "*or further*" The reason is that even if a man is convicted once, on a second trial he may be punished with imprisonment for a time not less than seven years

Here I propose to substitute the word "more" for "less" Under the existing provision no choice is given to the deciding officer of the court to award a punishment which is less than 7 years I want discretion to be given to the presiding officer.

The last amendment which I propose is the deletion of sub-clause (b) which reads "on the third or any subsequent conviction with transportation for life". There is absolutely no justification for imposing a punishment of this sort even if a man is found guilty several times under the provisions of this Act.

These are the amendments which I propose to move and I hope Government will accept my amendments With these few words, Sir, I move that the Bill be taken into consideration

Mr. President. Motion moved

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration"

The Honourable Sardar Vallabhbhai Patel: On behalf of Government, I rise to support the Bill for the amendment of the Criminal Tribes Act It has a limited purpose to remedy the position in so far as it is obligatory on the trying courts to impose a sentence which is not based on any reference to the crime, but on the unfortunate fact of the person being born in a particular community. That is, in itself, not a defensible principle and therefore it can be objected to As the House is aware, there are few sections in the Indian Penal Code which prescribe the minimum sentence to be awarded, but that applies to all cases irrespective of community, but in this case a person is to be given this punishment simply because he is born in a particular community The unfortunate circumstance of a man being born in a particular tribe or particular class or particular community should not be the basis for imposing a higher sentence I have therefore no hesitation in supporting the Bill

Mr. President: The question is

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration"

The motion was adopted

Mr. President: The question is

"That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

Sri R. Venkatasubba Reddiar: I move

"That the Bill be passed."

In doing so, I have to thank the Home Member for having accepted the amendment

Mr. President: The question is

"That the Bill be passed."

The motion was adopted

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

AMENDMENT SECTIONS 161 AND 162)

Sri T. V. Satakopachari (Tanjore *cum* Trichinopoly Non-Muhammadan Rural) No 4 on the List

On further consultation with friends who were also responsible for sponsoring this Bill, I have resolved not to move the Bill for consideration I beg leave of the House to withdraw my notice that the Bill be taken into consideration

Mr. President: That is not necessary.

Sri T. V. Satakopachari: I do not propose to press the Bill

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

Sri T. V. Satakopachari (Tanjore cum Trichinopoly - Non-Muhammadan Rural) When I gave notice of this Bill, there was no intention on the part of the then Government to table such a Bill before the House with the same objects in view But after I had placed this Bill before the House and I was permitted to introduce it, I found from a circular issued to us tabulating the Bills that are proposed to be moved by Government a Bill with the same object in view, that is, to preclude disciplinary action on the basis of a conviction for an offence not involving moral turpitude The present Bill has the same object in view I was anxious to know whether the Government will sponsor a Bill like this and whether there will be a possibility of the Bill being introduced in this Session itself I now learn that the Government have prepared the Bill They have got the draft ready and they will be introducing it in this session If Government introduce such a Bill, there is a much greater chance of its becoming law It is a much surer way and if, as I believe, Government will kindly take us into confidence and consult us also or place the Bill before a Select Committee in which we might have a chance of modifying it if necessary, I would be eminently satisfied and my friends here who were with me in sponsoring this Bill will also be satisfied In view of these facts, I do not propose to move my motion

Mr. President: So that falls to the ground

DELHI MUSLIM WAKFS (AMENDMENT) BILL

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, I move

"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes, be taken into consideration "

This Act was passed in 1943 and has been in force since then The actual working of the Act has disclosed some defects which exist in the provisions of the Act and the object of my Bill is to remove those defects.

First of all there is no provision in the Act to indicate the authority competent to accept the resignation of a member of the *Majlis-i-Awkaf* or of the *Sadr* of the *Majlis* These defects were discovered lately when certain members had to tender resignations and the *Sadr* had to resign In the actual working of the Act, it has been found that although duties are laid on the *mutawallis* of the several *wakfs* to supply certain information regarding their income and expenditure, yet there is no provision in the Act whereby a *mutawalli* who fails to give the necessary information with regard to the statutory obligation laid on him can be dealt with in case of failure to perform those duties The practical result of the absence of such a provision in the Act has been that the registration of the *wakfs* in the area concerned has not been completed up to now although four years have elapsed since the Bill became law and there is no way of dealing with the recalcitrant *mutawallis* It is therefore proposed to have two new section sections 72 and 78 Under section 72 the *Majlis* or the *Nazir* or any person authorised by the *Majlis* will have the same power as a civil court to summon and enforce the attendance of witnesses, to get documents produced and to elicit information and section 78 provides the penalties to be enforced on the recalcitrant *mutawallis* I may say that these provisions are not new to the kind of legislation which was enacted in 1943. We have got the Bengal Wakf Act (Section 38) and the United Provinces Muslim Waks Act (Section

46) which empower an officer of the Wakfs Board who is inquiring into a waki case to elicit information to get documents produced and call witnesses just like a Civil Court

I will read section 33 of the Bengal Wakf Act It runs thus

"For the purposes of any inquiry under this Act the Commissioner or any person authorised by him in this behalf shall have the power to summon and enforce the attendance of witnesses including the parties interested and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908"

As to the penalties that are proposed in proposed section 78 there is section 57 of the Bengal Wakf Act which says

"(1) If a mutawalli fails—

(a) to apply for enrolment,

(b) to furnish statements of particulars or of accounts or returns as required by this Act

(c) to supply information or particulars as required by the Board or the Commissioner or a person authorised by the Board or the Commissioner

(d) to allow inspection of wakf properties, accounts, or records or deeds and documents relating thereto, or assist inquiries and investigations, if called upon to do so by the Board or the Commissioner or a person authorised by the Board or the Commissioner

(e) to deliver possession of any wakf property if ordered by the Board of the Court

(f) to carry out the directions of the Board or the Commissioner or a person authorised by the Board or the Commissioner

(g) to pay the contribution payable under section 59

(h) to discharge any public dues or

(i) to do any other act which he is lawfully required to do by or under this Act,

he shall, unless he satisfies the Court that there was reasonable cause for his failure, be punishable with fine which may extend to five hundred rupees"

Thus I have shown that there are corresponding provisions in those Acts and the proposed sections 72 and 78 have nothing novel about them Therefore, I submit that in order to make the Delhi Muslim Wakfs Act work better in this matter and to prevent the evasion of the duties laid on the *mutawallis* by this Act, it is necessary to pass this Bill which I have the honour to move for consideration Sir I move

Mr. President: Motion moved

"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943 for certain purposes be taken into consideration."

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

The Assembly re-assembled after Lunch at Quarter Past Two of the Clock, Mr President (The Honourable Mr. G V Mavalankar) in the Chair

EXPUNGING FROM THE PROCEEDINGS OF THE ASSEMBLY CERTAIN REMARKS BY DR G V DESHMUKH AND SJT. N V. GADGIL

Mr. President: I have received a request jointly from Dr. G. V. Deshmukh and Sjt N V Gadgil for expunging from the proceedings of the Assembly certain passages from what they spoke in the House on 6th February 1947, during the course of Dr Deshmukh's Bill *re* amendment to the Civil Marriage Act of 1872

The passages proposed to be deleted have been indicated in the said letter and I think it desirable that the House may be pleased to agree to the proposed deletion

A copy of the passages proposed to be deleted can be inspected by Honourable Members, who would like to do so, in the Notice Office till 2-30 P M on Monday, the 17th instant If the House agrees to comply with the request made by Dr G V Deshmukh and Sjt N V Gadgil, I shall be glad to order that the said passages be expunged from the proceedings

Several Honourable Members: We agree, we agree

Mr. President: This will be done

RULING *RE* ENTRY INTO THE DIVISION LOBBY DURING DIVISION OF MEMBERS OF THE EXECUTIVE COUNCIL NOT BEING MEMBERS OF THE LEGISLATIVE ASSEMBLY

Mr. President: A letter was addressed to me by Mr K C Neogy I have considered the point mentioned in his letter dated the 5th instant Before I deal with the point raised, I should mention the impression I had of what Mr Neogy drew my attention to He mentioned to me that Honourable Messrs **Abdur Rab Nishtar and Ghazanfar Ali Khan, 'were present in the House'.** I have no recollection that the fact of their having gone into the 'Ayes' lobby was mentioned to me It may be that my memory on this question may be slippery Anyway, what was actually conveyed to me is not of any consequence so far as my final decision on the point raised goes My decision is based on the assumption that the two Honourable Members "actually went to the 'Ayes' lobby"

Section 63-E(4) of the Government of India Act, as set out in the Ninth Schedule, says that "every Member of the Governor General's Executive Council shall have the right of attending in and addressing the other Chamber" of which he has not been nominated a Member It is, therefore clear that they have a right of being present in the Chamber at all times when the House is in session The Section, to my mind cannot be restricted to mean "a member of the Council of State can attend this Chamber only when he is *addressing* this House" Such a construction would be not only unnatural but if accepted, would lead us to a *reductio ad absurdum* If he can attend only while addressing, it would mean he cannot be present to hear discussion on any motion in respect of which he wishes to address I do not think Mr Neogy wishes to treat them as strangers in the House whenever they attend it, without addressing

The real question is as to whether they are 'strangers' so far as the Division Lobbies go while any Division is in progress and voting is taking place in the

Lobbies It has been ruled in this House in September 1938, that the "Ayes and Noes Lobbies are an integral part of the House where the Members discharge their responsibility of recording their votes" The question therefore is as to whether the right of attending the 'House' extends to the Lobbies also, when, for the purposes of voting, the Lobbies are considered as an integral part of the House

The procedure for Division is well known On the final demand for Division, the President says

"Ayes to the Right and Noes to the Left"

This is a clear direction by the presiding authority of the Chamber that only those who have got a right to vote will enter the Lobbies, which are considered to be an integral part of the House Notwithstanding the fact that an Honourable Minister who is a Member of the Council of State has a right of attending and addressing the House he has no right of voting and therefore though the Lobbies are an integral part of the House to enable the Members of the Assembly to discharge their responsibility of recording their votes an Honourable Minister who is a Member of the Council of State having no right to vote in this Assembly cannot have any access to the Lobbies while voting is going on In pursuance of the direction of the President to the "Ayes" and "Noes" to go respectively to the Right and Left Lobbies only "Ayes" and "Noes" *i e*, Members of the Assembly who have a right to vote are entitled to go therein and none who is not a Member of the Assembly has any right to enter or be present in Lobbies while any Division is in progress

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DELHI MUSLIM WAKFS (AMENDMENT) BILL

Mr. President: Consideration of the Motion moved by Syed Ghulam Bhik Nairang 'that the Bill further to amend the Delhi Muslim Wakfs Act 1943, for certain purposes be taken into consideration'

Syed Ghulam Bhik Nairang: I have finished my speech

Mr. Shavax A. Lal (Government of India Nominated Official) With your permission, Sir I may say that the Government have no objection to leave this Bill to the decision of Honourable Members who represent the community, and have it passed with such amendments as may be moved

Mr. President: The position is clear The question is

"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes, be taken into consideration"

The motion was adopted

Mr. Siddiq Ali Khan (Central Provinces and Berar Muhammadan): Sir, I move

"That in clause 2 of the Bill, before the words 'Muslim Wakfs Act' the word 'Delhi' be inserted"

Mr. President: The question is

"That in clause 2 of the Bill, before the words 'Muslim Wakfs Act' the word 'Delhi' be inserted"

The motion was adopted

Mr. President: The question is

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

The motion was adopted.

Clause 2 as amended was added to the Bill

Clause 3 was added to the Bill

Mr. Siddiq Ali Khan: Sir, I move

"That in clause 4 of the Bill—

(a) for the words 'first Nazir' wherever they occur the word 'Nazir' be substituted,

(b) in the proposed section 72 of the Act, after the words 'in the case of' the letter 'a' be inserted, and

(c) in sub section (3) of the proposed section 73 of the Act, the words 'of this section' be omitted"

Mr President The question is

"That in clause 4 of the Bill—

(a) for the words 'first Nazir' wherever they occur the word 'Nazir' be substituted,

(b) in the proposed section 72 of the Act, after the words 'in the case of' the letter 'a' be inserted, and

(c) in sub section (3) of the proposed section 73 of the Act, the words 'of this section' be omitted"

The motion was adopted

Mr. President: The question is

"That clause 4, as amended, stand part of the Bill"

The motion was adopted

Clause 4 as amended was added to the Bill

Mr. Siddiq Ali Khan Sir, I move

"That for sub clause (1) of clause 1 of the Bill, the following be substituted

'(1) This Act may be called the Delhi Muslim Wakfs (Amendment) Act, 1947'"

Mr. President. The question is

"That for sub-clause (1) of clause 1 of the Bill, the following be substituted

'(1) This Act may be called the Delhi Muslim Wakfs (Amendment) Act, 1947'"

The motion was adopted

Mr. President: The question is

"That clause 1, as amended, stand part of the Bill"

The motion was adopted

Clause 1 as amended 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"

Mr. President: The question is

"That the Bill, as amended, be passed"

The motion was adopted

Sri S. T. Adityan (Madura and Ramnad *cum* Tinnevelly. Non-Muhammadan Rural): Sir, I move

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration"

I will in a few words mention the object and the effect of the Bill As it now stands, there is a provision in the Indian Evidence Act, section 90, which concerns mainly the practitioners in law courts The section runs thus

"Where any document purporting or proved to be thirty years old is produced from any custody which the Court in a particular case considers proper, the Court may presume that the signature and every other part of such document, which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested"

The effect of the section is that as soon as a document which is more than 30 years old, and which is therefore technically called an "ancient document" is produced in court and is proved to be more than 30 years old or an "ancient document", the presumption applies that it was properly executed and properly attested The presumption therefore, as you can see, applies only to a document which is produced in original in a trial court What is sought by the amendment is to apply the same presumption to a document which is undoubtedly more than 30 years old but which has been lost and of which therefore only a certified copy is produced Of course the ordinary term "certified copy" relates in legal language to a number of documents, for instance, a copy certified by a district munsiff's court, a copy certified by the sub-registrar, a copy certified by any other officer who has got custody of the original document, etc But as far as my amendment is concerned I seek to apply the presumption only to copies certified by the sub-registrar and not to those certified by other officers because there may be certain difficulties in applying such presumption to such copies As far as sub-registrars' copies are concerned I think this amendment will enlarge the benefit of this section It is well known that the system of registration of documents relating to immoveable property has been very highly developed in this country to an extent which does not obtain in England or any other part of the British Empire So I think it is high time that we should give due recognition to this aspect of the question

Then there are one or two other points I should like to mention When a copy of a document more than 30 years old is presented before a court it so happens that under the present law due execution of the original is to be proved because the original is not before the court Therefore the practice obtains of putting in a witness—obviously to make a false statement—who is not more than fifty years old to go in and say that he is 75 or 80 years old so that he may be able to prove the formal execution of a document It is a fraud committed on the court by all the parties concerned but as all are agreed as to the genuineness of the document the court winks at it Today the plaintiff's vakil does it and next day it is the defendant's vakil who will claim the same privilege Under these circumstances the practitioners know the difficulty of the existing Section 90, and therefore the enlargement of it is now proposed

I need not go further into this question now I will simply say that the Government wants that this Bill should go before a Select Committee I understand that a motion will be moved with regard to this, and therefore the details can be settled by the Select Committee Sir, I move that the Bill may be taken into consideration

Mr. President: Motion moved

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration."

Mr. Shavax A. Lal (Government of India Nominated Official) Sir, I have an amendment to move Government have no objection to the principle of the Bill, but they would like to have it further examined from the point of view of drafting, and with that object in view I move

"That the Bill be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, Sri S T Adityan, Shri D P Karmarkar, Pundit Thakur Das Bhargava, Sri T V Satakopachari, Mr Sasanka Sekhar Sanyal, Sardar Sampuran Singh, Khan Mohammad Yamin Khan, Mr Tamizuddin Khan, Mr P J Griffiths and Mr W M Martin, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Mr. President: Does it mention any date by which the report of the Select Committee should be presented to the House?

Mr. Shavax A. Lal: No date is mentioned

Mr. President: The question is

"That the Bill be referred to a Select Committee consisting of the Honourable Mr Jogendra Nath Mandal, Sri S T Adityan, Shri D P Karmarkar, Pundit Thakur Das Bhargava, Sri T V Satakopachari, Mr Sasanka Sekhar Sanyal, Sardar Sampuran Singh, Khan Mohammad Yamin Khan, Mr Tamizuddin Khan, Mr P J Griffiths and Mr W M Martin, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

The motion was adopted

INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 25, 31, 32, ETC.)

Dr. G. V. Deshmukh (Bombay City. Non-Muhammadan Urban) Sir, I move.

"That the Bill further to amend the Indian Companies Act, 1913, (Amendment of Sections 25, 31, 32, etc.), be circulated for the purpose of eliciting opinion thereon"

Sir, it is a very modest attempt to improve the Companies Act in the light of the experience gained after the passing of this Act, particularly the experience of recent years

I will briefly mention the main objects of the Bill The proprietors, or the member, or the shareholder, who is really the owner of the company, should have more knowledge as regards the affairs of the company—that is the main object of this amending Bill If you want the future industrial development of the country which of course is all important and vital, you must pay proper attention to the laws which govern the Companies, because unless the companies are properly managed and unless people are aware of the provisions of the Memorandum and of Articles of Association of a Company they will not come forward to invest their capital in these industrial concerns In suggesting these amendment we are not making any innovations in fact, in other countries also Governments are trying to improve the Companies Act in the post war period For instance, in England they appointed, what they call Cohen Committee, and as a result of the Cohen report a Bill is already coming forward before the House of Lords

I will now explain briefly the objects of the various amendments which have been embodied in this Bill First of all, when the Prospectus and Articles of Association are published it is very necessary that they should be made available to any person who needs them if necessary, on a small payment of one-rupee The advantage of this will be that before an investor puts his money into a company he will know exactly where he stands I know that even at present the Prospectus and the Articles of Association are printed and published and distributed, but if it is made compulsory by law it will be to the advantage of the ignorant investor in this country

Then, Sir, there is a system of joint-holders of shares It is very necessary that the proprietors of the company, in other words the shareholders, should

know who are their colleagues in the company I know that generally joint names are put forward, but it is not always done, and therefore I have proposed that the name of every joint holder should be put on the register separately

Then, Sir, coming to the management of the companies, we find that the Directors very often merely say that these shares cannot be transferred to any particular person who wants to invest his money in the company Of course the Directors may have the right to reject the transfer of shares, but at the same time I think it is only right that where they refuse transfer they should give their reasons for that refusal As it is if somebody goes to the market and buy shares, and when the question of transfer of shares comes in, the Director decides without giving any reason that the shares cannot be transerred I think it is very necessary that the reason for not transferring the shares should also be mentioned when the transfer is denied That is another provision which I have put in

The other thing is before the general meeting when the general report is passed Suppose if it is not an unanimous report of the Directors There are no reasons given and no mention made of the dissenting opinion After all Directors are appointed by the shareholders and if a Director thinks it is worth while to dissent from the general opinion, it is only right that it should be obligatory or should be necessary on the part of the company to put before the general meeting the reasons why the Director has differed

With regard to the auditing of companies, we know that the auditors are appointed and that they may attend the meeting I want to make it obligatory that the auditor should attend the meeting and not only that but when called upon I think he should be made to explain and if he has any complaints or any remarks to make on the annual report of the company he should be allowed to do so As it is auditors merely attach their reports Very often they are present All the same, the auditors cannot make any independent statement and as such the shareholders of the company are in no position to know the reasons They have merely to go by what the then elected President tells them. This is not in the interests of the shareholders

There is one thing more and I have mentioned it in clauses 9 and 10 in the amendment As it is the Inspectors are apointed for the proper administration of the companies but these inspectors do not seem to have the powers necessary to enforce the efficient working of the companies You will find that I have mentioned that actually the inspector said he had no such powers to ask for the auditors report I find that this is not a very desirable state of things We have appointed inspectors under the old Companies Act but we have not given them sufficient powers to see that the affairs of the company are properly conducted. I find from Cohen's report that actually these inspectors who are appointed by the Board of Trade have every power to call for all the records They can even examine independent witnesses They can refer it to the Courts and even they have power to wind up a company after putting it before the Courts In a country like ours, where capital is shy and it is very vital that industry should develop, I think, we cannot do better than give a little more power to these inspectors who after all have no personal interest and they will see to it that the company's affairs are properly administered

These are some of the reasons for bringing forward this modest measure I have not tried to change the framework of the Companies Act I have not even gone as far as they are going in other parts of the country with regard to the Companies Act For instance, I am informed that the Government may not have any objection to sending this round for eliciting public opinion. I am very happy to know that this is the attitude of the Government and I am told that they want to bring forward a comprehensive Act with reference to this

[Dr G V Deshmukh]

Companies Act I therefore, request the Government to take a few more things into consideration which I have not included in this Bill

When the company is floated, the public is informed that 60 or 70 per cent of the shares are taken by the Directors, their friends and relatives This has a very pernicious effect on the public The public think that since the Directors have taken 60 to 70 per cent of the shares, therefore the company must be good and it is worth while investing it Very often it so happens—I am not talking of all the Directors, but I have had experience in Bombay since I come from a commercial place and represent a commercial constituency—that this action is meant to boost up the shares The Directors take just the qualifying shares and leave the other shareholders ignorant Those who do not know the intricacies of these workings have to hold the baby, so to say Very often after the Directors have gone out we find that the premium drops and the company is not in as good a position as it should be in When the Government takes up this comprehensive Act, they will look after these capital issues and see to it that those Directors and others who say that they have taken 60 per cent of the shares, that for a period of at least six months or a year these shares are registered in their names When they say that they have taken a share, it is only right and correct that they should have it for at least six months or a year I hope the Government will see to this

The second thing

Mr. President: It is beyond the scope of the present Bill

Dr. G. V. Deshmukh: I think I will take the opportunity of suggesting these measures when the Government brings forward this Bill There is however a suggestion, emanating from England that no person over 70 years of age should remain a Director I should suggest the age of 60 in this country After these suggestions and since there is no opposition to the Bill on the part of the Government, I move for the present that this should be sent round for public opinion

Mr. President: Motion moved

'That the Bill further to amend the Indian Companies Act, 1913, (Amendment of Sections 25, 31, 32, etc), be circulated for the purpose of eliciting opinion thereon '

Mr. Shavax A. Lal (Government of India Nominated Official) As my Honourable friend has just mentioned, Government has already under consideration a comprehensive revision of the Indian Companies Act, and they have appointed an eminent solicitor from Bombay to examine the Act and the changes that may be necessary therein and we expect the report very shortly In anticipation of these changes, we have forwarded to him a copy of this Bill, and I am sure he will consider the amendment suggested by my Honourable friend when he submits his report I should, however, myself prefer that this present Bill should be held up till the Government introduces the comprehensive measure on the point, because piece-meal interference with the Indian Companies Act is not really desirable in the public interest But if my Honourable friend, Dr Deshmukh persits in his intention, then Government would not object to it Of course at this stage Government cannot commit itself to any particular course of action in regard to the suggestions made

Dr. G. V. Deshmukh: May I give one explanation It may be that I am merely persisting for no reason If you permit me I will tell you the reason

Mr. President: The request, as I have understood it, is this In view of the report of the gentleman concerned, and in view of the fact that this Bill has been sent to him for consideration before making the report, it is suggested that Dr Deshmukh need not press his request for circulation If he is very particular that it should be sent for circulation, Government have no objection though they do not wish to commit themselves to any of the suggestions

Dr. G. V. Deshmukh: I wish to explain why it should be sent round Four years ago in the case of Clause 86(f) I wrote to the Government to move an amendment to the Companies Act Four years have passed I was promised then that Government would soon be moving in the matter but they have done nothing of the kind I hope I will be a stimulus to the Government

Sjt. N. V. Gadgil (Bombay Central Division Non-Muhammadan Rural) Injection!

Dr. G. V. Deshmukh: Yes, injection! I think my giving this amendment will specially help the Government to get public opinion to proceed with the Bill more quickly The impression might be given that I was unreasonable in persisting in spite of the Government's request As a matter of fact I am merely doing this to help the Government to get public opinion as soon as they can and I hope the House will agree to sending this Bill for eliciting public opinion

Mr. President: The question is

"That the Bill further to amend the Indian Companies Act, 1913 (Amendment of Sections 25, 31, 32, etc.), be circulated for the purpose of eliciting opinion thereon "

The motion was adopted

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. S. Guruswami (Nominated Non-Official) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railway Act, 1890

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Indian Railway Act, 1890 "

The motion was adopted

Mr. S. Guruswami: Sir, I introduce the Bill

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

Pundit Thakur Das Bhargava (Ambala Division Non-Muhammadan) Sir, I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929 "

The motion was adopted

Pundit Thakur Das Bhargava: Sir, I introduce the Bill

DURGAH KHWAJA SAHEB (AMENDMENT) BILL

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, I beg to move for leave to introduce a Bill further to amend the Durgah Khwaja Saheb Act, 1936

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Durgah Khwaja Saheb Act, 1936 "

The motion was adopted

Syed Ghulam Bhik Nairang: Sir, I introduce the Bill

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDDURE (AMENNDMENNT) BILL

Pundit Thakur Das Bhargava (Ambala Division Non-Muhammadan) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898

Mr. President. The question is

"That leave be granted to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898."

The motion was adopted

Pundit Thakur Das Bhargava: Sir, I introduce the Bill

INDIAN MINES (AMENDMENT) BILL

Mr. S. Guruswami (Nominated Non-Official) Sir, I beg to move for leave to introduce a Bill further to amend the Indian Mines Act, 1923

Mr. President: The question is.

"That leave be granted to introduce a Bill further to amend the Indian Mines Act, 1923"

The motion was adopted

Mr. S. Guruswami: Sir, I introduce the Bill

STATEMENT OF BUSINESS

The Honourable Pandit Jawaharlal Nehru (Leader of the House) Sir, I would suggest to the House, in view of the fact that there is a great deal of official business and during the last few days the progress has been slow, that during the next three weeks the House should sit till Six O'clock on the days of official business That will mean that the House will sit till Six O'clock on the 17th, 21st and 27th February and also on the 5th March, that is for four days This would give us four extra hours which might enable us, if the House cooperates, to get through the official business May I also beg of Honourable Members to help us in getting through this business not exactly by limiting their speeches but by not speaking at such length as sometimes they are tempted to do

3 P.M.

Mr. President: I believe the House has no objection to the suggestion

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th February, 1947

LEGISLATIVE ASSEMBLY

Monday, 17th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

DIFFICULTY IN REGARD TO PRINTING OF QUESTION LISTS DUE TO STRIKE IN THE PRESS

Mr. President: Before I call the questions, I have to invite the attention of Honourable Members to the fact of the strike in the Government Central Press. It has therefore become impossible to get the Questions printed in sufficient numbers and we have to resort to cyclostyling the copies Naturally, we cannot get a sufficient number of copies in cyclostyling We have therefore no other alternative but to ration the distribution So, what is proposed to be done, and will be done, till the Press is available for printing Questions, will be that copies of the cyclostyled questions will be sent only to Honourable Members whose names appear in the List As regards the other Honourable Members who wish to have copies, they can have them from the Secretary and the Notice Office It will not be possible to despatch copies to Honourable Members at their places and to place them on the table here That is one part

Then, as regards Questions, we do not reach or take everyday more than about twenty-five questions on an average for answers Instead, therefore, of cyclostyling copies consisting of all the questions for the day, it is proposed to cyclostyle about forty questions per day, so that, that much work also will be saved We shall see how the system works It is not anticipated that more than 40 questions would be taken up in one day Even assuming that some Members are absent and their questions are passed over, forty will be the maximum number that will be reached The answers to those Questions which are not included in the cyclostyled List will be laid on the table of the House and later on printed in the debates

I shall now take up Questions

PLANNING PANELS FOR THE DEVELOPMENT OF FOOD INDUSTRIES CONNECTED WITH SUGAR PRODUCTS, FLOUR MILLING AND BISCUIT INDUSTRY

322. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Food Department please state

(a) whether the Planning panels for the development of food industries connected with sugar products and confectionery, the flour milling and biscuit industry in India have submitted any plans,

(b) the steps which have been taken or are proposed to be taken to reduce the price of the products of the industries referred to above and to improve their quality, and

(c) the results achieved so far?

Mr. K. L. Panjabi: (a) No, the Panels have met once and have only considered the outlines of plans which they will finalise when further information is available

(b) and (c) No steps have been taken, pending the receipt of the reports of the Panels

Pandit Sri Krishna Dutt Paliwal: May I know how long it will take for the Panels to finalise their plans?

Mr. K. L. Panjabi: The next meeting of the Panels is fixed at the end of this month and we hope to receive the reports as soon as possible.

ASSISTANCE TO FOOD INDUSTRIES

328. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Food Department please state

(a) the proposals for assistance by Government to food industries which have been materialised, and

(b) whether the research institutes, reformation Bureau and an institute for standards have been started?

Mr. K. L. Panjabi: (a) No proposals have been finalised so far They are awaiting the recommendations of the technical Panels which have not yet reported These panels, of which two have met, are considering the assistance which Government should give to food industries

(b) (i) The proposal for the setting up of an Institute of Food Technology is still under consideration

(ii) Necessary information is being collected to set up an Information Bureau

(iii) The Industries and Supplies Department are setting up the Indian Standards Institute in which food items are included

Mr. Sasanka Sekhar Sanyal: May I know whether there has been any materialisation in respect of the proposition of tinned milk food?

Mr. K. L. Panjabi: The technical panel has not yet reported on the question.

INCREASE IN THE SIZE OF POST CARD

324. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Communications Department please state

(a) whether Government propose to increase the size of the post cards, and

(b) if not, the reasons for keeping the present size?

Sir Harold Shoobert: (a) No

(b) The dimensions of the post card were standardised many years ago and the post card machines at the Security Press were built to produce cards of that size No change could be made without extensive alterations to the machinery

Shri Sri Prakasa: When Government permit private postcards to be of a larger size than the embossed one, may I know why they cannot now take steps to make the necessary improvements in those machines and print out a larger postcard than is actually printed

Sir Harold Shoobert: I feel that the postcard which Government issues to the public for use has plenty of room for correspondence—I have got one here and there is space for a lot of correspondence in it Actually, it would be possible under the Buenos-Aires Convention to make the postcard about half an inch bigger each way But, as I have explained, it involves a very great deal of alteration and very expensive alteration to the machinery of the press In view of the fact that Government supplies to the public a postcard for the price of the stamp without any additional charge for the stationery, I do not think that the Honourable Member need press this question

Pandit Sri Krishna Dutt Paliwal: May I know how long it will take for the present machinery to wear out?

Sir Harold Shoobert: I must have notice of that question

Seth Govind Das: May I know from the Honourable Member the expenditure which would be involved if the machinery is changed?

Sir Harold Shoobert: We have no estimate, but the expenditure would be very considerable, and indeed we are already losing a great deal of money on the Posts and Telegraphs Department by reducing the postage on the card

Khan Abdul Ghani Khan: Can it not be duplicated?

Mr. President: Order, order

Shri Sri Prakasa: May I know the difference between the larger size postcard permitted and the embossed postcards that are being sold to the public?

Sir Harold Shoobert: The embossed postcard which is sold to the public is 5½ inches by 3½ inches The largest postcard which may be permitted by the Convention is 15 centimetres by 10 centimetres, that is, approximately 6" by 4"

Mr. Sasanka Sekhar Sanyal: Is it not possible to release some portion of the space in the postcard which is occupied by the printed portion and the stamps?

Sir Harold Shoobert: Sir, I think the Honourable Member has probably to deal generally with calligraphists, because I feel that most members of the general public already find small enough space for writing the address We cannot reduce the space for the address

RESTORATION OF RAILWAY MILEAGE AND ROLLING STOCK REMOVED FROM INDIA DURING THE WAR

325. ***Seth Govind Das:** (a) Will the Honourable Member for Railways please state the total Railway mileage and rolling stock removed from India during World War II for other War theatres,

(b) how much of these have been restored after the war, and

(c) how long will the completion of such restoration would take?

The Honourable Dr. John Matthai: The question has been split up into two parts Part I relates to Rolling Stock and Part II to Railway Mileage

Part I—(a) I lay on the table a Statement showing Rolling Stock removed from India during World War II for other war theatres the stock returned from overseas and additional stock put into service

(b) It will be seen from columns 4 and 5 of the statement that the additions made far exceed the numbers retained overseas

(c) Does not arise

Part II—(a) As regards *Railway Mileage*, a track of 591 miles was despatched overseas

(b) Out of the Branch lines dismantled the following lines extending to 434 miles are being considered for restoration

(1) Shaistaganj-Habiganj	10 Miles B.A.
(2) Moranhat-Khowang	8 Miles B.A.
(3) Ammure Chapal-Nawabgonj	8 Miles B.A.
Bombay—	
(4) Vasad Kathana	27 Miles B.B & C. I.
Madras—	
(5) Bobbili-Salur	10 Miles B.N.
Punjab—	
(6) Nogrota-Jogindernagar	35 Miles N W.
(7) Rohtak-Panipat *via* Gohana	20 Miles N.W.
U. P.—	
(8) Cawnpore-Khairada	81 Miles G T P.
(9) Unao-Madhoganj-Balamau	78 Miles E.I.
(10) Bijnor-Chandpur Sisu	21 Miles E.I.
(11) Utraitia Sultanpur-Zafarabad	136 Miles E.I.
	434 Miles.

The traffic survey reports of items (1), (2) and (4) have since been received and a scrutiny of these reports reveals that the lines, if restored, will be commercially unremunerative On obtaining further information from the Railways concerned regarding capital cost of the various assets of these lines, a reference will be made to the Provincial Governments regarding subsidising these lines if they consider the restoration necessary The restoration of No (3), *viz*, Cawnpore Khairada has been sanctioned and the preliminary works in connection with its construction are now in progress

(c) It is not possible at this stage to state which of the above lines will eventually be restored and how long such restoration will take untill the survey reports are received and scrutinised

Statement showing locomotives and rolling stock supplied by Indian Railways for Overseas returned therefrom and Additional Stock put into service

Items	Total stock supplied for overseas			Stock returned from overseas to date			Stock *not* to be returned from overseas			Additional Stock arranged
	Iraq & Iran	Egypt & West Africa 2	Total	Iraq & Iran	Egypt 3	Total	Iraq & Iran	Egypt 4	Total	5
1										
Standard Gauge converted from Broad Gauge (4 8 1/2)—										
General Service wago s (4 wheeled)	1 241		1 241	230		230	1 011		1 011	27 590
Flat Wagons (4 wheeled)	54		54				54		54	260
Tank Carrier Flats (Bogies)	50		50				50		50	210
Tank Wagons (4 wheelers)	14	9	23		2	2	12	9	21	700
Drake Vans (4 wheelers)	52		52	24		24	28		28	290
Cochins Stock (Bogies)	78		78	20		20	58		58	1 460*
Coaching Stock (4 wheelers)	8		3	4		4	4		4	
Metre-Gauge (3 3 3")	183	23	206	30	12	42	153	11	164	367†
Locomotives										
General Service Wagons*	5 893	375	6 273	1 035	336	1 371	4 863	39	4 902	11 756
Flat Wagons*	1 172	16	1 188	249	10	259	923	6	929	
Tank Carrier Flats (Bogies	99		99				99		99	100
Tank Wagons*	129	152	281		86	86	129	66	195	708
Brake Vans (4 wheelers)	77	23	100		9	9	77	14	91	186
Coaching Stock (Bogies)	84		84	12		12	72		72	757*
(4-wheelers)	8		8	1		1	7		7	
Cranes Steam	4		4	1		1	3		3	104
Cranes Hand	6	4	10	5		5	1	4	5	
Rail Car	1		2				1	1	2	
Brakedown Vans (4 wheelers)		2	2	---		---	--	2	2	---
Narrow Gauge (2 6)—		6	6	---	---		---	6	6	---
Locomotives										
General Service Wagons (Bogies)	---	50	50	---	--		---	50	50	
Coaching Stock (Bogies)	--						---			---

* Both bogies and 4 wheelers provided.
Figures represent equivalent 4-wheeled units.
† 358 MAWD s from D G of Disposals and Garrets from U K.

REMARKS

Mr. Manu Subedar: Will the Honourable Railway Minister tell this House in what form the loss incurred and the great sacrifice imposed on the people of this country by the removal of these wagons as well as railways and the cost of restoration and reconstruction which will be incurred by us will be made good? What is the financial compensation with regard to this item?

The Honourable Dr. John Matthai: I can answer this question only from the point of view of the Railway Department As far as the Railway Department is concerned, we have been paid for these materials removed by the Defence Department and the formula on which these materials were sold to the Defence Department, briefly is replacement cost prevailing in 1915 less depreciation As regards the general question of financial compensation, that concerns the Finance Department

Mr. Manu Subedar: As regards the cost incurred by the Government on the reconstruction of these lines, from where is this expected Is it also expected from the Defence Department or will it be a sacrifice on the part of the Railway finance?

The Honourable Dr. John Matthai: That is a matter that would require consideration

Shri Sri Prakasa: Is it not a fact that the Bimor-Chandpur Siau Line was put on the priority list and has the idea of its restoration been abandoned now?

The Honourable Dr. John Matthai: That is one of the lines which are being examined The survey in respect of it has not been received yet

Dr Zia Uddin Ahmad: Is the Honourable Gentleman putting in the regular budget the expenditure to be incurred on the restoration of these lines? Will he show some income against that?

The Honourable Dr. John Matthai: That question has not arisen yet, because as you will have seen from my answer none of these schemes have been finally decided on The survey reports in respect of them are expected We have to come to a decision whether the restoration of these lines will be remunerative or not

Dr. Zia Uddin Ahmad: The Honourable Member is going to present the Budget Will he show there the sums needed for reconstruction?

The Honourable Dr John Matthai: Wait and see

Seth Govind Das: By what time is a decision expected to be reached on this?

The Honourable Dr. John Matthai: As soon as possible is the only answer I can give at present

BOOKING CLERKS AT DELHI RAILWAY STATION

326. *Seth Govind Das: Will the Honourable the Railway Member be pleased to state

(a) whether it is a fact that the booking clerks on East Indian, Great Indian Peninsular, Bombay, Baroda and Central India Railways Booking Offices at Delhi Railway Station are heavily overworked,

(b) whether it is a fact that only three persons are required to deal with the whole booking in all the 24 hours for which the office is supposed to be open and that when the booking clerks change duty passengers have to wait for a long time at the risk of missing trains for getting tickets,

(c) whether Government are aware that these Booking clerks have to work for extra three hours every day in counting cash and adjusting accounts, and

(d) if so, whether Government propose to take immediate steps to set this right in order to give proper facility to passengers and relieve the booking clerks of their burdensome duty?

The Honourable Dr. John Matthai: (a) Information received from the Railway Administration does not support the allegation that the staff in question are heavily overworked

(b) Each booking window is manned by three men working in shifts of eight hours each, excepting the E I Railway III class booking window, which on account of heavy work has two men in each shift of eight hours

As regards the second portion, Government are informed that the change of duty of the booking clerks is effected without much delay and does not cause any inconvenience to the public The Railway Administration have so far received no complaints from the public in regard to this matter

(c) This is not the case The counting of cash and adjustment of accounts, which constitute the normal duty of a booking clerk, ordinarily involve not more than 20 to 30 minutes' work

(d) Does not arise in view of the reply to parts (a) to (c)

Seth Govind Das: Will the Honourable Member take it from me that even I had to wait at the window of the booking office of first class and second class several times and the information which the Honourable Member has received from his department is not true?

The Honourable Dr. John Matthai: The question of the hours of work and the rest to be given to booking clerks and the staff generally is now under examination by the adjudicator and before his report is received I should be reluctant to make any change in the present system

Maulana Zafar Ali Khan: May I know whether these clerks get any remuneration for the extra work they do every day?

The Honourable Dr John Matthai: The position is that under the statutory rules which have been made in regard to hours of employment on railways the maximum limit of hours of work is 60 per week on the average during a month for booking clerks, so that if you take a shift of eight hours and add 20 to 30 minutes to it that would still be within the statutory limit That is technically the position

Shri Sri Prakasa: Is the Honourable Member aware that the trouble is due to the fact that printed tickets are not available in sufficient quantities these days and that clerks have to take extra time to make up these tickets on cards and that is why passengers are kept waiting in queues?

The Honourable Dr. John Matthai: I am aware of the position It is being looked into and the position is improving

FAILURE OF INDIAN FOOD SUPPLIES

327 ***Mr Ahmed E. H. Jaffer:** (a) Will the Secretary of the Agriculture Department please make a statement in the House on the failure of Indian food supplies for the past year and since the end of the war?

(b) Are Government aware that despite the fact that the war ended nearly two years ago, the food supplies, especially rice, are more short than ever before, resulting in great hardship on the people?

(c) Why the Deltaic plains of India have not been stimulated into producing the necessary quantity of rice for the starving population of India?

(d) Have Government worked out a policy for the stimulation of the Deltaic plains for the production of increased quantities of rice in future years, instead of relying on imports of this important item of food?

Sir Pheroze Kharegat: (a) A comprehensive review of the food position was given to the House during the last session of the Assembly and a Memorandum bringing the position up-to-date has been circulated at the beginning of this session

(b) Before the war India used to import rice to the extent of about 1½ million tons per year Since then the population has probably increased by approximately 30 million The situation was met in 1942—45 by increased production in India but in 1946 both the *Kharif* and the *rabi* crops were bad in the

greater part of the country and there was a shortfall estimated at about six million tons It was also difficult to obtain supplies from abroad, as world production and distribution had not recovered from the devastation and dislocation caused by the war The Government of India succeeded in obtaining imports of 2½ million tons during the year which included 325,520 tons of rice

(c) The whole of India, including the deltaic plains have been stimulated to produce as much grain as possible

(d) Targets for increased production, for the works to be constructed, and the supplies to be made available for the purpose have now been fixed in consultation with the provinces and special arrangements are being made for the purpose But it has to be pointed out that there is an acute shortage of materials and that the bringing of uncultivated land into cultivation in deltaic areas, involves measures against the encroachment of salt water or for reducing the intensity of flood waters The construction of embankments for the purpose often results in damage to larger areas in the upper regions of the rivers In the circumstances, there are practical difficulties and the progress has been slow but wherever practicable works are undertaken to encourage the production of foodgrains in these areas

Mr. Ahmed E. H. Jaffer: What is the period during which the population is supposed to have increased by 30 millions and what are the causes of such an increase?

Mr. President: The Honourable Member may answer about the period only

Sir Pherozе Kharegat: 1941 was the year of the census and it is presumed that, roughly, there has been an increase of about five million people per year That means 30 million in six years

Mr. Ahmed E. H Jaffer: I only wanted to know the causes by which the population has been increased Has the population been increased by importing people from abroad?

Mr. President: That is outside the scope of the question

Shri Sri Prakasa: With reference to the answer to part (c) of the question, may I ask if the use of rice is provocative to the increase of population?

Mr President: Mr Gounder

Sri V. C. Vellingiri Gounder: In view of the very poor return of the last year from the grow-more-food campaign, may I ask what suggestions Government are going to make for the improvement in the coming grow-more-food campaign, which Government is going to finance for another five years?

Sir Pherozе Kharegat: Government have already announced that they propose to continue the grow-more-food campaign for another five years, but the question of the finance to be made available for the purpose is still under consideration.

Sardar Mangal Singh: May I know whether the Government of India has considered the proposal of collective farming as a method of increased production along with the grow-more-food campaign?

Sir Pherozе Kharegat: The matter has certainly been considered and various practical difficulties are expected in implementing the proposal But there is a definite concrete proposal to take up an experiment in this in a selected area and to try it out on a practical scale and see how the difficulties are going to be overcome

Dr. Zia Uddin Ahmad: Is the Honourable Secretary in a position to give us an assurance that the additional amount of food which can be produced in this country by virtue of the improved method of cultivation and the increase in the cultivable land will be at least 1½ per cent more every year than what we have been producing, because the increase in population has been 1·2 per cent?

Sir Pherozе Kharegat: I can only give my personal opinion on the subject. As I have stated more than once before, if all the facilities that are required for increased production can be made available in the shape of money, materials and men and a guarantee in respect of prices, it is perfectly possible for India to become self-supporting within a period of five to ten years

Srosjut Rohini Kumar Chaudhuri: May I ask if the Government has considered that a propaganda or a campaign of eating less food is more effective than the grow-more-food campaign?

Sir Pherozе Kharegat: I am afraid that when people are already starving or living on the border-line of starvation, it is not possible to ask them to eat less food

Sri V. Gangaraju: May I know whether the Government knows that the reason for not producing more paddy is the low price offered to the producer?

Sir Pherozе Kharegat: That, Sir, is a matter of opinion

ENQUIRY AGAINST CHIEF SIGNAL INSPECTOR, NEEMUCH, B B & C I RAILWAY

328. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Railways please state whether it is a fact that an enquiry was made by the Signal Engineer, Bombay, Baroda and Central India Railway, M G System, against Chief Signal Inspector, Neemuch, in the year 1943?

(b) If so, what was the enquiry about and what was the final result of the enquiry?

(c) Are Government aware that adverse remarks were passed by the President of the said enquiry committee stating that it was a made up case and there was no material substance available to substantiate the charges?

(d) Is it a fact that the findings of the enquiry committee were not given (as per rules it should have been given) to the said subordinate for his information though asked for by him?

(e) What action is being taken for redressing the wrong done to him?

The Honourable Dr. John Matthai: (a) An enquiry against the Chief Signal Inspector, Neemuch, was ordered by the Signal Engineer, Metre Gauge System, in 1942

(b) The enquiry was for the purpose of investigating certain allegations against the Chief Signal Inspector, *viz*, mis-appropriation and misuse of railway material, falsification of movement certificates and nepotism Government understand that this enquiry led to a further enquiry which was ordered by the Chief Engineer in respect of the three charges mentioned The result of the latter enquiry was that the three main charges against the Chief Signal Inspector were not proved, though the enquiry committee reported dissatisfaction with the working of the Chief Signal Inspector, for which he was reprimanded

(c) Government are informed that only in respect of one charge, the Committee of enquiry ordered by the Chief Engineer considered that the statement of one of the witnesses was malicious and not supported by facts

(d) The rules do not provide for copies of the findings of enquiry committees being given to the subordinate concerned but Government are informed that in the case in question the substance of the finding of the enquiry committee was communicated to the Chief Signal Inspector.

(e) Government do not consider that action is called for in view of the replies to parts (b), (c) and (d) above

Dr. Zia Uddin Ahmad: Will the Honourable Member lay a copy of this report on the table of the House?

The Honourable Dr. John Matthai: I will consider the matter

MALICIOUS SEARCH OF THE PERSON OF CHIEF SIGNAL INSPECTOR, NEEMUCH

329. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Railways please state if it is a fact that the Assistant Signal Engineer, Bombay, Baroda and Central India Railway, M G System took search of one of the Subordinates Bungalow (CSI) at Neemuch who was a Chief Signal Inspector?

(b) Will Government be pleased to state the law and order under which he took this action?

(c) Is it a fact that no order from any Magistrate was obtained for such action and he was taken unaware when he was on sick bed suffering with high fever?

(d) Is it a fact that charges levelled against the said subordinate proved false and malicious?

(e) Will Government be pleased to state the amount spent on this enquiry?

The Honourable Dr. John Matthai: (a) Government are informed that the facts are not as stated by the Honourable Member, but that the Chief Signal Inspector himself invited three officials into his house and volunteered to show them whether he had any railway material

(b) and (c) Do not arise in view of the reply to para (a)

(d) I presume that the Honourable Member is referring to the proceedings against the Chief Signal Inspector mentioned in his preceding question If so, I would refer him to the reply given to part (b) of that question

(e) Government have no details, but the only expenditure, if any, incurred in holding such enquiries is that on account of travelling allowances where an employee has to come from another station in connection with the enquiry

DISPARITY IN THE PRICE OF PADDY AND RICE IN BENGAL

330. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Food Department be pleased to state

(a) whether Government are aware that during the last three months remarkable disparity in the price of paddy and rice is prevailing in Bengal, that is, whereas they are selling at forbidden rates in several parts of East Bengal, in some parts of central and west Bengal they are not fetching even remunerative price, and

(b) the reasons for the abovementioned state of things and the steps that Government propose to take for preventing or remedying the same?

Mr. K. L. Panjabi: (a) and (b) Government are aware of the disparity in the prices of rice and paddy in various parts of Bengal This is due to heavy purchases by traders in certain areas and shortage of Government stocks and the tendency to withhold stocks in some areas in expectation of getting higher prices later in the year The Government of Bengal have a network of procurement godowns in Central and West Bengal districts and Government officers there are ready to purchase stocks direct from any seller at the ceiling prices fixed by Government, which are considered remunerative In the districts where prices are high, the Government of Bengal are placing as much of their stocks on the market as they can with a view to bringing prices down The Provincial Government have also decided to restrict the area of operations of licensed paddy and rice traders to one thana as was the case till August, when this restriction was relaxed Steps have also been taken to restrict the number of licensed traders in procurement areas

Mr. Sasanka Sekhar Sanyal: May I know what steps the Government of India take for bringing about parity of prices between one province and another, particularly when on the border-line between the two provinces there is so much disparity?

Mr. K. L. Panjabi: The existing prices of paddy and rice in various provinces have been fixed in consultation with the Government of India and no particular steps are necessary to bring them in parity

Dr. Zia Uddin Ahmad: What steps have Government taken to see that there is parity of price between district and district in the same province?

Mr. President: The Honourable Member's reply is that parity is considered not necessary

Sri V. C. Vellingiri Gounder: How does Madras price compare with Bengal price?

Mr. President: A comparison of inter-provincial prices will not be admissible under this question

Sri V. C. Vellingiri Gounder: The Madras prices are poor

Srejut Rohini Kumar Chaudhri: Is it a fact that rice is exported from Assam to Bengal at a cheaper rate and sold at a higher rate by the Bengal Government? Will the Honourable Member give me the respective control prices of Bengal and Assam? Who is pocketing the profit?

Mr. K. L. Panjabi: I have not got complete information about the prices.

FIXATION OF REMUNERATIVE PRICE OF PADDY

331. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Food Department be pleased to state

(a) the ratio that the present price of rice bears to the price that it bore in an average year immediately preceding the outbreak of the last war, so far as selling in the market is concerned,

(b) the proportion that such ratio bears to the ratio of the present price of any other non-agricultural essential commodity for domestic consumption in relation to its price in an average year immediately preceding the last year, so far as purchasing in the market is concerned, not referring to any such non-agricultural essential commodity, whose price has been controlled, and

(c) whether Government have examined the price index of all common articles of domestic consumption of the average agriculturist family in considering whether price of paddy should be fixed at a level higher than what is prevailing at present, and also in considering whether such price is remunerative?

Mr. K. L. Panjabi: (a) There is considerable disparity in prices of rice in different parts of the country, but taking the average for a few important centres in the Eastern Region, the present prices may be taken to be about 3½ times the pre-war level

(b) The prices of most of the essential non-agricultural commodities, such as sugar, cotton textiles, iron and kerosene, which enter into the cost of living of the agriculturists are controlled The only other factor of some importance to the agriculturists of which the price is not controlled is leather and its present price is 3·6 times of the pre-war price

(c) While fixing prices of rice and paddy, Government takes into account the prices of consumer goods commonly used by the agriculturists The present prices are considered fair and Government does not think that there is a case for an increase in the present level of prices

Mr. Sasanka Sekhar Sanyal: May I know if in preparing the reply to this question, particularly with regard to parts (b) and (c) whether Government have taken into consideration the pre-war prices and the present prices in respect of indispensable and essential articles such as hurricane lanterns and so on?

Mr. K. L. Panjabi: The price of hurricane lanterns was not taken into account

Dr. Zia Uddin Ahmad: People are praying that you cease to exist in order that they might get more food, better food, and cheaper food

Sri V. Gangaraju: Will the Honourable Member give figures for price of paddy in Madras presidency both before the war and in the present day?

Mr. K. L. Panjabi: I want notice

PROMOTION OF TEMPORARY EMPLOYEES IN THE FOOD SUPPLY DEPARTMENT ON THE BENGAL ASSAM RAILWAY

332. *Mr. Nagendranath Mukhopadhyay: (a) Will the Honourable Member for Railways please state if it is a fact that during the last war the employees and even the temporary employees of Food Supply Department on the Bengal Assam Railway were not ordinarily permitted to apply for better jobs anywhere else?

(b) Are Government aware that the Food Supply Department of that Railway, in their Circulars No 150, dated 22/23-5-45 and 194, dated 23-7-45 held out prospect of future promotions to Assistant Store-keepers and Ward-keepers among whom there are many temporary employees?

(c) Are Government aware that the General Manager (Personnel) issued some Circulars after war, whereby all temporary employees have been debarred from being eligible for promotion to the temporary posts of Inspectors and Assistant Store-keepers of the Food Supply Department?

(d) If the answer to part (c) above be in the affirmative, do Government propose to get the said disability of those temporary employees removed?

The Honourable Dr. John Matthai: (a) The reply is in the affirmative

(b) In 1945, the Bengal Assam Railway Administration having found that the verification of stocks in the Grain shop depots revealed heavy shortages issued a warning to Ward-keepers, clerks in charge Stores Delivery clerks and Food Supply Inspectors indicating the procedure which it was proposed to follow to deal with cases where such shortages occurred The staff addressed were also warned that a record of shortages against the persons concerned would be maintained and that future promotion would largely depend on the results as shown by the record The second letter referred to by the Honourable Member gave a list of the names of the staff at whose grain shops losses of one per cent, two per cent and over had occurred and specifically warned the persons concerned with losses of over two per cent of the consequences It will thus be seen that while the effect which had working would have on future promotion was generally referred to, the circulars could not be considered as holding out prospects of promotion in cases where the staff were not eligible for such promotion

(c) In a Circular letter issued by the Railway Administration in September 1945, it was made a condition of eligibility for promotion to the posts of Food Supply Inspectors that the staff should have completed ten years' service Temporary employees were ineligible for promotion as they did not fulfil this condition

(d) As the Honourable Member will no doubt appreciate, it is essential that in such a large organization as the Railway Grainshops the satisfactory working and the prevention of leakage of stocks is vitally necessary Government, therefore, consider that the action of the Railway Administration was eminently desirable and do not see any justification for reversing it

FOOD SUPPLY INSPECTORS ON THE BENGAL ASSAM RAILWAY

336. *Mr. Nagendranath Mukhopadhyay: (a) Will the Honourable Member for Railways please state if it is a fact that the General Manager (Personnel) Bengal Assam Railway issued Circular letter No 80E/69(S), dated 6/7-9-45 for filling up temporary posts of Food Supply Inspectors? If so, did it impose any conditions to be satisfied by the candidates?

(b) Did the Selection Board select some efficient temporary employees in January 1946 for those posts besides other permanent employees and place the names of the selected candidates on the panel in order of merit?

(c) Were the names of only those selected candidates who were temporary, employees subsequently removed from the panel? If so, why?

(d) Do Government propose to see that the names so removed are restored in the panel and appointments thrown open to them?

The Honourable Dr. John Matthai: (a) The reply to the first part is in the affirmative As regards the second part, the circular stated that, as far as possible, the posts in question would be filled by permanent employees of that Railway having at least ten years service to their credit and drawing a salary of not less than Rs 100 per month

(b) The reply is in the affirmative.

(c) The reply to the first part is in the affirmative With regard to the second part, the reason for removing the names of temporary employees from the panel was that they had no chance of appointment to the posts in question in view of the condition of ten years service laid down by the Administration and referred to in my reply to part (a) above

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

SELECTION OF SECTION CONTROLLERS AND ASSISTANT STATION MASTERS ON N W. RAILWAY

334. *Seth Sukhdev. (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that a selection was held in the North Western Railway Headquarters Office, Lahore in August or September last, to select employees from amongst qualified employees, for promotion as Section Controllers and Assistant Station Masters grade IV?

(b) Will Government please lay on the table of the House a statement showing the number of candidates who appeared at the selection and the number who were selected, from each division separately?

(c) Is it a fact that from a large number of candidates sent by Karachi division, only one Christian employee was selected? If so, why?

(d) Is it a fact that employees have expressed dissatisfaction with such selections?

(e) Do Government propose to issue instructions for abandonment of such selections and make promotions on the examination results?

The Honourable Dr. John Matthai: (a) The Honourable Member is presumably referring to a selection which was held in the North Western Railway Headquarters Office, Lahore, in July 1946 to select employees for promotion to posts of Assistant Station Masters, Grade IV

(b) I lay a statement on the table of the House giving the required details in respect of the selection referred to in my reply to part (a)

(c) The reply to the first portion is in the affirmative As regards the latter portion, of the persons recommended by the Karachi Division only one was considered suitable by the Selection Board on grounds of merit

(d) and (e) Government are not aware that there has been any general dissatisfaction regarding the procedure for making promotions by selection. As regards the question of making promotions on the basis of examinations instead of by selection, I would refer the Honourable Member to the reply to Seth Govind Das's Starred question No. 48 on the 28th October, 1946

Statement showing the number of candidates who appeared and the number selected at the selection held in July 1946 on the North Western Railway for posts of Assistant Station Masters, Grade IV

	Divisions								Total
	Delhi	Ferozpur	Lahore	Multan	Karachi	Quetta	Rawalpindi	Walton Training School	
Number appeared	32	6	8	6	10	5	9	1	77
Number selected	6	1	2	1	1	1	5	.	17

Sreejut Rohini Kumar Chaudhuri: May I know if there is anything like provincial quota in the matter of appointments and also if the length of miles in any particular province is taken into consideration in making appointments in that province in the Railway Department?

The Honourable Dr. John Matthai: This question refers to promotion and not to initial recruitment

PERMIT SYSTEM FOR PURCHASE OF MOTOR CARS

335. ***Sardar Mangal Singh:** Will the Honourable Member for Transport please state

(a) whether Government are aware of the fact that motor cars are scarcely available at the controlled prices and that very often the purchasers have to pay an extra amount over and above the fixed price to complete the bargain, and

(b) whether Government propose to re-examine the question of introducing the permit system or do something else to remedy this evil?

The Honourable Dr. John Matthai: (a) and (b) The prices of motor cars are no longer controlled by the Central Government Towards the end of last year, Government did receive complaints that exorbitant prices were being charged for motor-cars, and methods for preventing black marketing were considered in consultation with motor-vehicle importers A Press report of this meeting was published about December 12th, 1946, in which it was stated that any member of the public who considers himself to be a victim of profiteering should not hesitate to report the dealer concerned to the distributor and to the Motor Dealers' Association

The power to control the distribution and price of motor cars has vested in the Provincial Governments since the lapsing of the Defence of India Rules At present, however, only four Provincial Governments exercise control by means of Provincial Legislation

Sardar Mangal Singh: Is the Honourable Member aware that blackmarketting in motor cars is going on in Delhi under the very nose of the Government? What steps are Government taking to put a stop to this?

The Honourable Dr. John Matthai: As regards this question of black-marketting, motor cars are imported generally through the two maritime provinces of Bengal and Bombay At present I understand the arrangement is that the Association of Motor Manufacturers and Importers publish retail prices from time to time in the newspapers, so that the only way in which black marketing can be prevented is that if a person finds that he is being charged a price above the retail price notified he should report the fact at once to the distributor concerned.

Seth Govind Das: In part (b) the question was asked whether Government in these circumstances would like to reimpose the permit system which existed before this control was lifted Will Government consider the advisability of having the control and permit system again, as black marketing is going on?

The Honourable Dr. John Matthai: I presume the Honourable Member is asking whether the centre should resume control The difficulty with regard to that is that the control of this particular article normally vests in the provincial legislature, so that it is only by special Parliamentary authority that the central legislature can act in this matter This happens to be one of the articles which have not been included in the Parliamentary legislation recently enacted

Mr. Manu Subedar: Will Government examine the possibility of making at least a certain number of taxis available in New Delhi, where they are not available, and whether they will not take some steps so that those who wish to run taxis in New Delhi may be enabled to acquire the vehicles?

The Honourable Dr. John Matthai: There was a recent conference between officers of my department and the principal distributors, and the arrangement arrived at was that regional distribution would be based on prewar sales, that I think would be the most equitable arrangement that we could think of at present

Mr. Manu Subedar: May I not urge once again that it is desirable to make a few public vehicles available before private parties are enabled to acquire vehicles? And may I know whether Government will not take this aspect into consideration and have the question examined whether those who run public vehicles may not be given some chance to acquire these vehicles in order to run them as taxis in New Delhi?

The Honourable Dr. John Matthai: I will have that question examined

Mr. Ahmad E. H. Jaffer: In view of the fact that some of the provinces have got the permit system in force at present, will the Government of India consider the advisability of having a uniform policy throughout the country of control and distribution of these vehicles?

The Honourable Dr. John Matthai: That refers again to the point raised by my Honourable friend Seth Govind Das

Lala Deshbandhu Gupta: Has the Honourable Member's attention been drawn to an advertisement in the *Statesman* offering for sale a V-8 Ford car for Rs 15,000, whereas the retail price fixed is Rs 9,000?

The Honourable Dr. John Matthai: If the Honourable Member will give me the date of the advertisement I will look into it

Mr Ahmed E. H. Jaffer: May I take it then that there is still control over the sale prices? I am told it is not so

The Honourable Dr. John Matthai: As I have said, there is Government control only in four provinces The centre has no power of control in this matter, and therefore I am not in a position to give a reply to these questions

Lala Deshbandhu Gupta: If control rests with the provinces what is the position of Delhi, which has to be looked after by the centre?

The Honourable Dr. John Matthai: Delhi stands on the same footing as other provinces I would mention again two points in the present arrangement The first is that regional distribution is on the basis of pre war sales; and the second is that retail prices are published from time to time by the motor importers, and therefore the public are in a position to know what prices are to be paid for cars

MANUFACTURE IN INDIA OF THE FLOATING DOCK FOR U K GOVERNMENT

336. *Mr. Manu Subedar: (a) Will the Honourable Member for Industries and Supplies please state under what arrangements was the floating dock for the United Kingdom Government manufactured in India?

(b) What quantity of timber and steel have been used?

(c) On what basis and by whom and at what rate were these materials supplied for this purpose?

(d) What was the total cost?

(e) Have the Government of India incurred any liability in connection with this?

The Honourable Sri C. Rajagopalachari: (a) The Honourable Member presumably refers to Admiralty Floating Dock No 35 The Contract for the construction of this Dock was placed on Messrs B B J Construction Co Ltd, Calcutta, by the Director General of Munitions Production on behalf of the late Department of Supply as agent for the Admiralty Commissioners The basis for the contract was actual cost plus a fixed profit of Rs 7,50,000

(b) The actual tonnage of steel and timber used is not known as the cost accountang has not been completed The estimated requirements for steel were, however, 20,400 tons as detailed below —

	Tons
Plates	13,000
Heavy structurals	5,300
Light structurals	200
Bars	40
Rods	60
Nut, Bolts and Rivets	1,000
Total	20,400

The value of timber is estimated at Rs 5 76 lakhs

(c) Except for 368 tons of Rivets, which were obtained from the U K, the steel, as detailed in (b) above, was found either from Lease-Lend stocks, or from indigenous sources at controlled rates In return for structural steel supplied from Indian production, U K supplied 6,000 tons of rails to India The supply of timber was arranged by the Director of Timber Supplies at rates determined by him

(d) The total cost is not yet known as the cost accountang has not been completed It is, however, estimated that the cost will amount to about Rs 98 lakhs

(e) No.

Mr. Manu Subedar: May I know why steel and timber which were required for use in this country were permitted to be used for this purpose? And if they were so permitted during the war period, will Government now try to retain this dock for the Government of India as the bulk of the material was not only supplied from India but was probably paid for by India and is merely going into the accounts?

The Honourable Sri C. Rajagopalachari: This order and its execution were during the war period, but the war ended a little earlier than was expected, and so it happens that this construction was completed after the war was over. The dock was a very large one capable of accommodating a 50,000 ton battleship, and it is no use whatsoever for the Government of India to retain it. I may also mention that, as I have already said, all the steel did not come from India and I have given the details We received back 6,000 tons of rails

from the U. K As regards retaining it, I have already said that it will be a white elephant, or perhaps, worse than a white elephant,—a floating war dock may be more expensive and less useful than a white elephant As regards the question of future policy referred to by the Honourable Member that will of course be kept in mind.

Shri Sri Prakasa: Where is the dock floating at present?

The Honourable Sri C. Rajagopalachari: It was completed at Bombay, where it now is, and will go to the Admiralty very soon

Mr. Ahmed E H. Jaffer: May I know who paid for it? Did the Government of India pay anything towards the cost?

The Honourable Sri C. Rajagopalachari: No, Sir, the Government of India does not pay for it It was only an adjustment, the Admiralty will pay for it.

Mr. Manu Subedar: Did not the Government of India pay out 95 lakhs *plus* 7½ per cent commission to the party which constructed it? And has not this merely gone into the general account against the U K and added to the sterling balances?

The Honourable Sri C. Rajagopalachari: That may be so.

REDUCTION OF FOOD RATIONS IN DELHI

337. ***Sardar Mangal Singh:** Will the Secretary of the Food Department please state

(a) Whether it is a fact that the scale of wheat ration in Delhi has progressively been reduced during the last two months,

(b) Whether Government propose to consider the question of increasing the wheat quota in the case of Punjabees and of giving more rice to the people from the south, and

(c) the efforts that Government have made to restore the ration to its original minimum scale of 1 lb a day?

Mr. K. L. Panjabi: (a) Yes, Sir

(b) It is not administratively feasible to make any differentiation between consumers on the basis of Provinces from which they come The present composition of the cereal ration permits limited choice to the consumers Of the 12 oz cereal ration per adult per day wheat and rice can together be drawn upto the limit of 10 oz, rice alone upto the limit of 10 oz and wheat or wheat products upto the limit of 6 oz, Gram upto the limit of 2 oz, Maize and barley can be drawn to the fullest extent of 12 oz

(c) Government have been making and are continuing to make all efforts to get the maximum quantities of cereals by imports and through tightening up of internal procurement in order to be able to increase the size of the overall cereal ration

Seth Govind Das: Are Government aware that the wheat that is available in Delhi is of bad quality which it is often difficult to eat?

Mr. K. L. Panjabi: No, Sir, it is of fair average quality.

Lala Deshbandhu Gupta: In view of the fact that Delhi has no rural area to support it and will always remain a deficit area, have Government considered the desirability of linking Delhi with the Punjab for purposes of rationing?

Mr. K. L. Panjabi: No, Sir

Lala Deshbandhu Gupta: If so, will Government now consider the desirability of requesting the Punjab Government to include Delhi in the Punjab for purposes of rationing?

Mr. K. L. Panjabi: Government will consider that suggestion.

Shri Sri Prakasa: Is the quantity prescribed for vegetarians and meat-eaters the same?

Mr. K. L Panjabi: Yes, Sir

Shri Sri Prakasa: Then how does the Honourable Member expect vegetarians to make up for the amount of meat that the other people get?

Mr. K. L. Panjabi: By eating more vegetables

Lala Deshbandhu Gupta: May I know if the Honourable Member has made enquiries about the quality of gram which is being supplied in Delhi for the last 15 days is not fit for human consumption

Mr. K. L. Panjabi: Some complaints have been received, but they are being examined

Shri D. P. Karmarkar: Is the Honourable Member aware that some officer connected with the Rationing Department in Delhi actually went round himself and said that the gram available was unsuitable for human consumption?

Mr. K. L. Panjabi: I am not aware of the identity of the officer nor the incident

TEXTILE CONTROL BOARD

338. *Shri D. P. Karmarkar: Will the Honourable Member for Industries and Supplies be pleased to state

(a) the number and names of members of the Textile Control Board,

(b) the date of their appointment and duration,

(c) the number of members representing the interests of (i) Mills, (ii) Labour, (iii) Cotton Growers, (iv) Consumers on the Textile Board, and

(d) whether Government propose to reconstitute the Board giving adequate representation to the cotton growers and the consumers' interests?

The Honourable Sri C. Rajagopalachari: (a) A statement is tabled showing the names of the 25 members of the Textile Control Board.

(b) All these members were appointed on the 26th June, 1943, except Sir V N Chandravarkar and Messrs Hamid-ul-Huq, Dange, Morarji and Price, who were appointed in January 1944, July 1943, July 1943, July 1944 and September 1946 respectively No duration has been prescribed

(c) Fifteen for mills, two for labour, and I believe it may be counted that the list includes two representing cotton growers' interests and two consumers' interests Interests other than the millowners are more strongly represented on the appropriate Committees of the Board

(d) The Government have under consideration a proposal to reconstitute the Board I would, however, point out (i) that the Board does not take decisions for Government, and its advice can be and has on occasion been rejected by the Government of India, and (ii) that since its functions are largely technical it is necessary to have represented on it all textile producing areas and interests whose numbers alone do not have many significance since Governments decisions do not depend on the voting strength of any of the interests represented on the Board

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Statement

(1) Mr Krishnaraj M D Thackersey (2) Mr T V Baddeley (3) Mr Kasturbhai Lalbhai (4) Mr Salarjal Balabhai (5) Dewan Bahadur C S Ratnasabapathi Mudaliar (6) Mr B W. Batchelor (7) Sir Padampat Singhania. (8) Mr K J D Price (9) Seth Chaturbhujdas Chimanlal (10) Sir Shri Ram (11) Mr R. C Jall. (12) Mr B N Bagrl (13) Sir V N Chandravarkar (14) Sir James Doak (15) Mr J C Lancashire (16) Sir Purshotamdas Thakurdas (17) Sir Chunilal B Mehta. (18) The Honourable Mr Hossain Imam (19) Mr H A. Sather H Essak Sait (20) Mr S A Dange (21) Mr S C Mitra (22) Mr G G Morarji (23) Mr Hamid-ul Huq (24)Mr Mohanlal L Shah (25) Mr Bhogilal Saterla.

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member, in regard to part (b) of his reply, why is there no duration prescribed, when the new Board will come into being, and how long is the Board going to continue?

The Honourable Sri C. Rajagopalachari: The duration was not prescribed when it was formed many years ago and we cannot now discuss the policy followed by Government at that time But as regards the merits of the question now, the producers' interests are represented and the mills do not change, and we will have to repeat the names even if we have renominations As I have said, the Government have under consideration the proposal to reconstitute the Board

Shri D. P. Karmarkar: With reference to part (b) of the question, is the Honourable Member in a position to state by what time the Board will be reconstituted?

The Honourable Sri C. Rajagopalachari: As soon as possible

Shri Sri Prakasa: Does this Board impose any financial liability on the Government?

The Honourable Sri C. Rajagopalachari: No, Sir

Seth Govind Das: Will the Government also consider the advisability of fixing some duration of the present Board so that it may be changed?

The Honourable Sri C. Rajagopalachari: It will be taken into consideration

Dr. Zia Uddin Ahmad: May I ask whether the handloom industry is represented on the Board? If not, why not?

The Honourable Sri C. Rajagopalachari: The handloom industry has nothing to do with the functions on which advice is taken from this Board, but there is a committee on which the interests of handloom industry are represented

Shri Mohan Lal Saksena: Is it a fact that the decisions of this committee again come up before the Board for sanction?

The Honourable Sri C. Rajagopalachari: No, they do not come up before the Board, but there is no objection to the Board considering them, but they all come before the Government

Shri Mohan Lal Saksena: Is the Government aware that several statements have appeared in the press in which the millowners themselves have criticised the policy followed by this Board?

The Honourable Sri C. Rajagopalachari: Very likely, because individual interests always differ from the combined decisions of the Board, and must differ

Shri Mohan Lal Saksena: Is it a fact that in spite of the decisions of this Board there has been scarcity of cloth and people have not been able to get even the cloth for which permits were given to them?

The Honourable Sri C. Rajagopalachari: The decisions of the Board cannot make cloth it is obvious, but the Board has to recommend methods by which the production may be increased, and they are very actively considering the question at the present time

Mr. Ahmed E. H. Jaffer: Are the interests of consumers represented on this Board?

The Honourable Sri C. Rajagopalachari: Government which is in close contact with the Legislature whose members are in close contact with the consumers must be presumed to represent the interests of consumers There is no way of getting representation of the consumers, other than this method

Mr. Mann Subedar: In view of the feeling in the country that this Board has misled Government on several material issues, and that the millowners have reaped extra advantages more than they should have at the expense of

the consumers, will Government re-examine the whole position about the constitution of this Board, and revise it?

The Honourable Sri C. Rajagopalachari: As I have already said, we are reconstituting the Board and considering the various aspects, but I do not wish it to be left unanswered, the allegation that the Board has misled the Government The Government knows very well the constitution of the Board, the Government knows that the Board consists mostly of producers of cloth in their respective mills We therefore with open eyes take the opinion of the principal producers concerned and act according to the best of our judgment.

Seth Govind Das: How can the Honourable Member know whether the previous Government was misled by this Board, or not?

The Honourable Sri C. Rajagopalachari: That is why I do not go into that question, but the allegation has been made that they were misled and I did not wish it to be left untouched When we deal with the planters, we know they will deal with the matter according to their own interest, when I deal with the millowners, I know they will deal with the problems according to their own interest, but the Government's function is to keep a watchful eye and act according to the best of their judgment

Dr. Zia Uddin Ahmad: Does the Government know that the prices were fixed by the millowners themselves without the interests of the consumers and the cottage industry being represented on that Board, and the Government accepted those prices?

The Honourable Sri C. Rajagopalachari: The Government when it accepts a particular price takes the responsibility for it The decisions of the Board are not the final voice in the matter of the fixation of prices

Dr. Zia Uddin Ahmad: But the Government have accepted them

Mr. President: Next question

CONTROL PRICES OF COPRA AND COCONUT OIL

339. Shri D. P. Karmarkar: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether it is a fact that prices of copra and cocoanut oil have been controlled and if so, what are the current controlled prices, and

(b) whether it is a fact that while edible copra and cocoanuts have been excluded from price control, and if so, what are the reasons therefor?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir The ceiling prices of copra and cocoanut oil have been fixed as follows with effect from 15th January 1946 —

	Copra	Cocoanut (without containers)
	(per ton)	
	Rs.	Rs.
Cochin	884	1,300
Madras	936	1,456
Bombay	934	1,462
Calcutta	978	1,488
Karachi	948	1,475

(b) Yes, Sir White edible copra is of a superior quality and the above ceilings cannot apply to it Coconuts vary both in size and quality and prices would be fixed best by Provincial Governments The Provincial Governments have been addressed to fix suitable ceilings for coconut and edible copra if they consider it necessary

SHORT SUPPLY OF CLOTH FOR POORER CLASSES

340. *Shri D. P. Karmarkar: Will the Honourable Member for Industries and Supplies be pleased to state

(a) whether it is a fact that there is a cloth shortage in India at present, especially of cloth required by the poorer classes of the population;

(b) whether such shortage is partially due to the fact that Textile Mills have been manufacturing more cloth of finer count than before, and

(c) the steps Government propose to take for the adequate supply of cloth required by poorer sections of the population at fair prices?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir, there is a general shortage of all types of cotton cloth at present inclusive of that required by the poorer classes.

(b) It is probable that mills have changed the scope of their production with a view to producing types and varieties which are comparatively more remunerative to them than others which are less, but it is doubtful whether such shift of production could be responsible to any significant extent for the shortage

(c) Fall in production is due to many causes (i) to reduction of the working day from nine hours to eight hours since August last, (ii) to disturbances, strikes and absenteeism; and (iii) to some extent to shift of production from relatively coarser to relatively finer types and counts The problem is complicated Government will enquire into the problem and obtain recommendations after consultation about measures for rationalisation of production, so that it may be concentrated on types and varieties required in greater quantity and for rationalization of prices so that mills will have no inducement to shift from one type of production to another to the detriment of yardage, Government will also encourage mills to work three shifts and extend such assistance as is required for the purpose besides endeavouring to induce mills where three shift working is impracticable to work nine hours in place of eight

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member the reasons why a huge quantity of cloth was disposed of by the Textile Commissioner, to Bombay merchants who have not only exported it out of India but it has gone into the black market This cloth would have been useful to the poorer people of this country

The Honourable Sri C. Rajagopalachari: That is an allegation, Sir, and if he will give me details as to who broke the law, I shall take steps to get them prosecuted

Mr. Ahmed E. H. Jaffer: Why was it not sold to the poorer people? Why was it sold to merchants?

Mr. President: Order, order Question hour is over

IMPORT OF RICE FROM BURMA

341. *Shri D. P. Karmarkar: Will the Secretary of the Food Department be pleased to state

(a) the quantity of rice imported from Burma from 1st April, 1946 to 31st December, 1946 and at what rate;

(b) whether Government propose to import rice from Burma during the next year and if so, what is the quantity anticipated to be imported; and

(c) whether Government had consultations with the Interim Government in Burma in this matter and with what result?

Mr. K. L. Panjabi: (a) A statement is laid on the table of the House

(b) Yes The Burma rice surplus is allocated by the International Emergency Food Council India's allocation for the first half of 1947 is 3,66,000 tons The allocation for the remainder of the year has not yet been made

(c) No, Sir

Statement showing arrival of Burma Rice in India from 1-4-46 to 31-12-1946

	Tons
April	Nil
May	9,381
June	24,377
July	36,566
August	22,906
September	54,248
October	Nil
November	10,045
December	40,743
Grand Total	198,270

The price paid from old rice was Rs. 10-3-9 per maund and for new rice Rs. 14 per maund F O. B Burma Ports.

EXPORT AND SLAUGHTER OF MILCH CATTLE

342. *Shri D. P. Karmarkar: Will the Secretary of the Department of Agriculture be pleased to state:

(a) the number of milch and draught cattle exported from India or slaughtered in India every year from 1939 to 1946;

(b) whether Government propose to initiate measures for prevention of depletion of cattle now going on in India by slaughter or export and if so, what those measures are, and

(c) the steps that Government are taking for conservation of, and increase in the cattle-wealth in India?

Sir Pherozе Kharegat: (a) A statement showing the number of cattle exported is placed on the table As was mentioned in reply to Question No 147 of Mr. Manu Subedar on 11th February 1946, no figures are available about the number of cattle slaughtered for the civil population

(b) There is no evidence to show that any depletion of cattle is going on. But the restrictions on the slaughter of useful cattle imposed during the war lapsed on the 30th September last It was suggested to Provincial Governments that they should take suitable action Madras and Bombay have passed the necessary legislation and the question is under consideration in the U P. Bengal do not consider such legislation to be necessary as in their opinion, with the cessation of military demand, the incentive for the sale of useful cattle for slaughter has disappeared Replies from other Provinces are awaited

The restrictions imposed under the Defence of India Rules on the export of cattle have been re-imposed under the Emergency Provisions (Continuance) Ordinance of 1946

(c) The Honourable Member may kindly see the reply given to part (c) of Question No. 147 asked by Mr Manu Subedar on 11th February 1946.

Statement showing number of cattle and buffaloes exported from India from 1938-39 to April 1946.

1938-39	1939-40	1940-41	1941-42	1942-43	1943-44	1944-45	1945-46 April 1946
1,426	2,244	1,371	1,824	2,509	3,446	1,512	8 Nil

CONFERENCE OF PROVINCIAL AND STATES MINISTERS *re* CLOTH

343. ***Shri D. P. Karmarkar:** (a) Will the Honourable Member for Industries and Supplies be pleased to state whether a Conference of Provincial and States Ministers was held under his Chairmanship on the 10th January 1947 regarding production and distribution of cloth?

(b) If so, what was the nature of discussions and the conclusions arrived at in the Conference?

The Honourable Sri C. Rajagopalachari: (a) A conference of Provincial and States Ministers was held under the Chairmanship of Dr John Matthai, on 10th January, 1947

(b) The Conference discussed the Textile Control generally in all its aspects and the following were the main matters which arose for discussion Some of these are under examination of Government and in others decisions have been arrived at

The view of the Conference was that the Textile Control should continue.

It was suggested by the conference that the Textile Control Board should be reconstituted so that consuming interests would have a larger representation on it The decision will shortly be implemented

It was agreed at the conference that the Government of India will take decisions on major matters and questions of policy after consulting Provincial Governments

It was agreed that competent whole time experts should assist the Textile Commissioner for the purpose of scrutinizing production, deliveries and stocks at mills This is under consideration, the difficulty being one of securing competent men

It was suggested by the Conference that an appeal should be made to labour as Labour's co-operation is one of the major elements required for improving production of cloth This question is under consideration

It was the general feeling of the conference that quota-holders should be eliminated The quota-holders maintain it would be wrong to interfere with normal commercial channels which have played their part in the recent past and would be necessary when conditions of supply once more become normal. They further affirm that they are performing an essential function in the present system of distribution The question has been fully examined and a decision will be taken very shortly

The conference also discussed the question of *per capita* quotas of cloth for the Provinces Reduced quotas have been fixed for this year on a consideration of the points made in discussion and our present estimates of production

One major decision taken at the conference was that the whole matter of prices of cloth and yarn on which Government have been unable to accept the Textile Control Board's advice should be dealt with by a Government committee. The Government of India will shortly have at their disposal a report on (i) rationalisation of prices with a view to checking the tendency of mills to move from less remunerative to more remunerative types of production from

time to time, and (u) the standardization of cloth with a view to reducing the number of varieties produced and increasing production This material will be placed before the Commodity Prices Board on whose recommendation the prices of cloth and yarn will be fixed by Government, and will also be dealt with by Government in the Industries and Supplies Department for improving production.

AGREEMENT BETWEEN SIAM, U S A AND U K. OVER THE DELIVERY OF RICE

344. *Prof. N. G. Ranga: Will the Secretary of the Food Department be pleased to state

(a) whether Government are aware of the report dated 25th December 1946 of an agreement between Siam, U S A and U K over the delivery of rice;

(b) why it is that the Government of India were not represented at that conference,

(c) whether Government of India has its own representative in Siam, and

(d) whether any portion of 600,000 tons of undelivered rice is to be sent to India?

Mr K. L. Panjabi: (a) Yes, Sir

(b) As the Government of India was not a signatory to the original Tripartate Agreement between Siam, U S A and U K, relating to Siamese rice, signed in May 1946, she was not made a party to the fresh agreement reached in December 1946, which, in fact, is a continuation of the old agreement with slight modifications

(c) A Consul has been recently appointed at Bangkok

(d) The entire rice made available under this agreement goes into the South East Asia Pool from which allocations are made by the International Emergency Food Council India's share for the first half of 1947 has been allocated from Burma and French Indo-China and the arrangement is that if there is a shortfall in a particular source of supply in South East Asia, the allocations are revised with a view to give proportionate share to each country from the supplies available.

DETENTION OF TRAINS AT HOWRAH YARD OF E. I. RAILWAY

345. *Mr. Nagendranath Mukhopadhyay: Will the Honourable Member for Railways please state why are the local trains and passenger trains detained at Howrah yard of the East Indian Railway since October, 1946 which causes the passengers much inconvenience?

The Honourable Dr. John Matthai: Since 1st October, 1946, the suburban train services have been increased by a little over 38 per cent These trains are run in quick succession and detention to one train, or the late running of a through train, reacts on the services generally and the late running in turn causes disorganisation of reception platform arrangements at Howrah Station resulting in a hold-up of trains outside signals.

There has also been an increase in recent months of trains being stopped on account of improper use of alarm chains which has contributed to the detentions complained of by the Honourable Member

The Railway Administration are taking steps to improve the running of both through and suburban trains.

TRANSFER OF DELIVERY WORK FROM STEAMERS CARRYING FOOD AT WEST COAST PORTS FROM EUROPEAN FIRMS TO INDIAN FIRMS

346. *Sri A. K. Menon: (a) Will the Secretary of the Food Department be pleased to state whether it is a fact that when steamers carrying food stuffs (rice, etc.), at the instance of the Government, arrive at the West Coast Ports,

European firms are always interposed for the purpose of taking delivery at the pier as middlemen between the Agents of the said steamers and the Agents of Government empowered to receive the food stuffs?

(b) What is the rate of commission paid to such European Companies and what function do they perform?

(c) Have the Government of India received any petition or memorials from any Indian Companies of the West Coast to transfer this work from European Companies to them in case intermediaries are considered necessary by Government?

(d) Do Government propose to transfer such work to those Indian Companies who have already applied?

Mr. K. L. Panjabi. (a) The Honourable Member is presumably referring to the clearing agents appointed by the Government of India for the landing and clearance of foodgrains from the ships, and delivering them to the recipient Governments Out of the six ports on the Western Coast, namely, Okha, Bhavnagar, Bombay, Marmagoa, Cochin and Karachi, the clearing agents at the first four posts are Indian firms At the other two ports the work is handled by European firms

(b) The functions of the clearing agents are the following (i) Landing and clearing foodgrains from the ships, (ii) Bagging the foodgrains arriving in bulk, (iii) Giving delivery ex-Port Commissioners' Transit shed to recipient administrators, (official nominees) against a clear discharge and (iv) Removing the foodgrains to the Storage Depot in case they are not to be handed over ex-Transit shed directly on arrival

It will not be in the public interest to make public the terms of the agency agreements, as the question of fresh contracts for the agency work is under consideration

(c) Yes

(d) Notices of termination of the Agencies on the Western Coast ports have already been given and tenders have been invited New appointments will be made after due consideration of the tenders received

Interference by Jodhpur Railway in the Management of Hyderabad (Sind) Station

347. *Seth Sukhdev: With reference to the Honourable the Railway Member's reply to parts (b), (c) and (d) of starred question No 17, asked on 26th October, 1946 regarding the interference by the Jodhpur Railway Administration in the management of Hyderabad (Sind) Station, will the Honourable Member for Railways be pleased to state

(a) whether under para 5 (c) of the agreement between the North Western and Jodhpur Railways, the former has to book all Jodhpur Railway traffic in Hyderabad Sind area, if so, why Jodhpur Railway has allowed a separate Tourist Agency at Hyderabad Sind;

(b) whether it is a fact that there is no genuine tourist traffic at present;

(c) why tourist agency was terminated by the North Western Railway at Hyderabad Sind;

(d) whether it is a fact that the number of upper class tickets issued by the Jodhpur Railway Tourist agency at Hyderabad Sind is too small,

(e) whether it is a fact that the Tourist Agents recognised by the Indian Railway Conference Association are allowed to operate in the area in which a particular railway system can issue tickets; and

(f) whether it is proposed to terminate this Tourist Agency at Hyderabad Sind, if not, why not?

The Honourable Dr. John Matthai: (a) Yes The agreement entered into between the North Western and Jodhpur Railways is in respect of the performance of all work in connection with Jodhpur Railway traffic at Hyderabad station as is expressly stated in the preamble to the agreement The expression "Hyderabad area" in clause 5(c) therefore refers to the area of Hyderabad station and not to Hyderabad City The tourist agency of the Jodhpur Railway is working in Hyderabad (Sind) City and not in Hyderabad (Sind)

(b) There is some, although not very much, tourist traffic at present

(c) This question presumably relates to the agreement which formerly existed between the North Western Railway and a recognised firm of tourist agents This agreement was terminated as the Railway were not entirely satisfied with the work of the agents

(d) This question presumably relates to the number of upper class tickets which is permitted to be issued each day The issue of upper class tickets from Hyderabad (Sind) is at present regulated by a quota allotted by the Jodhpur Railway since provision has to be made for through passengers from Karachi who have to be given preference With the decline in Military passenger traffic from Karachi a larger quota is being allotted for traffic from Hyderabad (Sind)

(e) Yes Such agents are permitted to issue tickets in towns in which they have their offices

(f) The question is under consideration by the Jodhpur Railway

NORTH WESTERN RAILWAY SUBORDINATE SERVICE COMMISSION

348. *Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) when the North Western Railway Subordinate Service Commission was appointed,

(b) how long the Superintendent and Secretary of the Commission have remained in their posts,

(c) whether it is a fact that these are tenure-posts, if so, the duration of the tenure posts,

(d) what steps Government propose to take to ensure that one officer does not monopolise a tenure post?

The Honourable Dr. John Matthai: (a) The North Western Railway Service Commission was set up as a temporary measure from 15th July 1942 and has been made permanent since 15th July 1946

(b) From 15th July 1942 to 14th July 1944, the office of the Commission was in charge of a Superintendent This post was abolished from the 15th July 1944 and a post of Secretary to the Commission was created from the same date The incumbent of the post of Superintendent, who occupied the post for the two years of its existence, was appointed to the post of Secretary from the 15th July 1944 and is still holding it

(c) The question of making the Superintendent's post a tenure post did not arise as the Commission was originally sanctioned on an experimental basis The post of Secretary is a tenure post, the period of tenure being four years.

(d) In view of my reply to part (c) of the question, this does not arise

DENIAL OF RELIEF OF RS. 4-8-0 P M TO RAILWAY EX-EMPLOYEES

349. *Seth Sukhdev: (a) With reference to the Honourable the Railway Member's reply to part (c) of my starred question No. 18, asked on the 28th October 1946 regarding the denial of relief of Rs 4-8-0 in pay to Railway employees who ceased to be in service after 1st July, 1945, will the Honourable

Member for Railways be pleased to state whether the interim relief of Rs 4-8-0 per mensem granted to each railwayman with effect from 1st July 1945 is part of his wages?

(b) Were the orders of denial of this amount to such employees who ceased to be in service before 1st August 1946, represented to the Railway Board, as involving infringement of the provisions of the Payment of Wages Act? Was this aspect of the question considered by Government?

(c) If the reply to second portion of part (b) above be in the negative, is it proposed to do so now?

(d) Was the Labour Department of the Government of India consulted on the subject?

(e) What steps do Government propose to take to avoid mass infringement of the law contained in the Wages Act?

The Honourable Dr. John Matthai: (a) The additional pay granted by way of interim relief is part of the wages of persons to whom it is admissible It is, of course, not included in the wages of persons to whom it is inadmissible and, as indicated in my predecessor's reply to the Honourable Member's previous question, it is inadmissible to former railway servants who left the service before the 1st August, 1946

(b) and (c) No such representation was made and for the reason indicated in my reply to part (a) the Payment of Wages Act has, in the opinion of Government, no conceivable application to the question at issue

(d) The Honourable Member is not entitled to be informed of the course of inter-Departmental dis

(e) No question of mass infringement of the law arises but I may point out that any person who considers that the additional pay in question is part of his wages is free to make an application under sub-section (2) of section 15 of the Payment of Wages Act on the footing that payment of his wages has been delayed.

PERCENTAGE OF INDIANS IN THE POSTS OF FOREMAN IN LOCO AND CARRIAGE DEPARTMENT OF B B & C I RAILWAY

350. ***Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that the percentage of Indians (excluding Anglo-Indians) in the posts of Foremen and Assistant Foremen in the Loco and Carriage Departments of the B B & C I. Railway Metre Gauge is less than 10?

(b) If the reply to (a) be in the affirmative, what are the reasons therefor and do Government propose to take steps to accelerate Indianisation?

The Honourable Dr. John Matthai: (a) If only the posts designated as Foremen and Assistant Foremen are taken into consideration, the percentage of Indians (excluding Anglo-Indians) holding these posts is less than ten To get a correct appreciation of the position, however, we would have to include other posts which though designated differently, such as Junior Foremen, Chief Progressmen and Progress Inspectors, are equivalent to those of Foremen and Assistant Foremen On this basis the percentage of Indians is over 25

(b) The policy of Indianisation is being implemented to the fullest extent possible having regard to the availability of trained Indian staff and to the claims of other senior men eligible and fit for promotions The pace of Indianisation will increase as the present numbers of non-Indians become reduced by retirements and normal wastage

PROMOTION OF INDIANS IN CARRIAGE AND WAGON DEPARTMENT OF B B. & C I. RAILWAY

351. *Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that no Indian (excluding Anglo-Indian) subordinate of the Carriage and Wagon Department of the B , B & C. I Railway Metre Gauge has ever been promoted to the ranks of (1) Assistant Loco and Carriage Superintendent, (2) Foreman and (3) Assistant Foreman?

(b) If the reply to (a) be in the affirmative, do Government propose to investigate the reasons therefor?

The Honourable Dr. John Matthai: With your permission, Sir, I propose to reply to questions Nos 351 and 352 together

I have called for the information and will lay a statement on the table of the House in due course

ANGLO-INDIANS OF LOCO DEPARTMENT PROMOTED TO CARRIAGE AND WAGON DEPARTMENT OF B B & C I RAILWAY

†352. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Railway Member be pleased to state the number of Anglo-Indians of the Loco Department of the B , B & C I Railway Metre Gauge transferred on promotions to the Carriage and Wagon Department ever since the amalgamation of the two Departments, and the reasons why no employee of the Carriage and Wagon Department could be trained for those posts?

CULTIVATION OF VEGETABLES NEAR CENTRAL VISTA IN NEW DELHI

353. *Mr. Tamizuddin Khan: (a) Will the Secretary of the Department of Agriculture please state whether the cultivation of vegetable and Indian corn, etc near Central Vista in New Delhi under the "Grow More Food Scheme" during the last summer season was carried out under the supervision of an officer of the Agricultural Department or under the supervision of the Superintendent, Horticultural Operations?

(b) What was the acreage under each vegetable and the out-turn per acre?

(c) What has been the total expenditure on the scheme?

(d) Is it a fact that the scheme has resulted in a loss?

(e) What are the reasons and circumstances which led Government to give this work of vegetable growing to a contractor for the winter season, 1946-47?

Sir Pheroze Kharegat: (a) The work was done under the supervision of a Grow More Food Committee consisting of representatives of both the Works, Mines and Power and Agriculture Departments The actual cultivation of this land was carried out by the Superintendent, Horticultural Operations

(b) A statement is laid on the table

(c) Rs 10,173 including Rs 3,000 for fencing

(d) The income so far realized is Rs 6,405/13/9 The loss is due to the fact that the whole of the capital expenditure in a case like this cannot be recovered in the first year Moreover 55 acres were ploughed up, trenched, manured and prepared for cultivation but due to acute shortage of labour and water only 25·3 acres could be sown in the summer

(e) The normal strength of labourers and malis in the employment of the Horticultural Division was considered inadequate for continuing vegetable growing through them

† For answer to this question see answer to question No. 351

Statement

Vegetables grown in the Central Vista	Area sown (Acres)	Quantity produced and marked (Maunds)
Lauki	3	21
Khira	1¼	1
Red Gourd	2	19
Bitter Gourd	2	31½
Lady's Finger	¼	5½
Arvi	¼	22
Tinda	1¼	6¼
White Gourd	1/8	12
Kulfa Sag	1/16	1¼
Spinach	1/16	5
Maize	14·3	Not known as it was sold as a standing crop.

MISAPPROPRIATION IN THE PAY AND CASH OFFICE OF MADRAS AND SOUTHERN MAHRATTA RAILWAY

354. *Sri Ananthasayanam Ayyangar: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that three members of the staff of the Pay and Cash office of Madras and Southern Mahratta Railway were charged with misappropriation of a sum of Rs 40,000 of the Railway and whether two of them were finally convicted by the High Court of Madras;

(b) whether Government are aware that one of the persons so convicted—Thangavelu Pillai—had a bad record even prior to his appointment and that in spite of it Mr. W Jolly who was the Deputy Chief Accounts Officer was primarily responsible for putting him in charge of Pay and Cash office, and whether it is a fact that the Sessions Judge passed strong remarks in his judgment stating that the Accounts Officer failed to exercise proper check on the accounts of his Branch,

(c) whether Mr Jolly has retired in November, 1946 and if his gratuity is yet payable;

(d) whether Government propose to withhold his gratuity until Mr. Jolly's responsibility is fixed; and

(e) the steps Government propose to take for realising this sum of Rs. 40,000?

The Honourable Dr. John Matthai: (a) The reply to both parts is in the affirmative?

(b) Government are informed that the facts as given by the Honourable Member are not correct. I would add that the conviction by the lower Court of Mr Thangavelu Pillai was set aside by the High Court of Madras

(c) The reply to both parts is in the affirmative

(d) Does not arise, in view of the reply to part (b).

(e) The provident fund bonus, interest and special contribution of the two employees convicted in this case have been withheld. It may be mentioned, however, that they have appealed to the Privy Council.

WAITING ROOM AT MOKAMEH GHAT STATION ON E I RAILWAY

355. *Mr. B. B. Varma: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that the absence of a waiting room or even a proper shed at Mokamah Ghat is causing great inconvenience to passengers during cold nights, when the steamers coming from Samaraghat miss connection at Mokamah Ghat, with the trains on the main line of the East Indian Railway resulting in hundreds of passengers, including ladies and children being stranded in the open with nothing to protect them against the inclemency of the weather, and

(b) whether Government propose to take necessary steps to redress the grievances of the travelling public by providing a waiting room or a proper shed?

The Honourable Dr. John Matthai: (a) Upper Class Waiting Rooms, an Inter Class Waiting Hall, and a III Class Waiting Hall are provided at Mokameh Ghat which is the normal point of transhipment of passengers between the O T and E I Railways Due to the river channel at Mokameh Ghat closing, the passenger jetty had on the 13th November last temporarily to be moved to Hathdah Ghat, a station which has to be brought into use for short periods on such occasions which are rare At Hothdah Ghat waiting facilities are not provided as they are not normally required there It is expected that the passenger jetty will be returned to Mokameh Ghat by the end of May 1947

(b) Arrangements are being made to provide a temporary waiting shed at Hathdah Ghat

RAIL ROAD BRIDGE OVER THE GANGES TO CONNECT NORTH BIHAR WITH PATNA

356 *Mr. B. B. Varma: Will the Honourable Member for Railways be pleased to state

(a) whether Government have arrived at a definite conclusion regarding the construction of a Rail Road bridge over the Ganges to connect North Bihar with Patna,

(b) where the bridge will be constructed,

(c) when the construction is likely to take place,

(d) whether Bihar Government have made any representation in this connection, if so, what is its nature, and

(e) what is the Government of India's decision thereon?

The Honourable Dr. John Matthai: (a) No, the matter is still under examination

(b) The Honourable Member is referred to the reply given in this House on the 6th November 1946, to part (b) of Mr Madandhari Singh's starred question No 215

(c) It is not possible to reply to this part of the question at present in view of the reply under (a) above

(d) and (e) Yes; the Bihar Government desire the bridge to be constructed at Patna, but as already stated under (a), the matter is still under examination

RE-INTRODUCTION OF RETURN JOURNEY TICKETS AND GRANT OF CERTIFICATES BY GUARDS

357. *Mr. B. B. Varma: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that the discontinuance of the system of issuing Return Journey Tickets and the grant of certificates by Guards is

causing great hardship to the travelling public particularly on the Oudh and Tirhut Railway and the East Indian Railway, and

(b) whether Government propose to re-introduce the system in the near future?

The Honourable Dr. John Matthai: (a) Government are aware that the system of issuing return journey tickets and of granting of certificates to passengers without tickets by guards of trains has been discontinued, and that this may be causing inconvenience to the travelling public using the Oudh Tirhut, the East Indian and other railways

(b) It is the Government's intention that these facilities shall be restored at the earliest possible moment, *i e*, as soon as travel conditions have improved sufficiently to permit of this

RETRENCHMENT IN ORDNANCE DEPARTMENT

358. *Sjt. Seth Damodar Swroop: Will the Honourable Member for Industries and Supplies please state

(a) if it is a fact that great discontent and resentment prevails amongst the employees of the Ordnance Department because of the retrenchment scheme of Government, if so, whether Government propose to set up a joint Government Labour Board to provide employment to the retrenched employees or employees due to be retrenched,

(b) if it is a fact that in the Ordnance factories only 3 years' service is recognised as war service, if so, how do Government propose to help those employees who have long period of service to their credit and being over aged after discharge, are not eligible for Government service elsewhere,

(c) if it is a fact that in carrying out the scheme of retrenchment in the Ordnance Department not only the period of service but educational qualifications and confidential reports are also taken into consideration, and

(d) whether Government propose to secure the co-operation of various other Departments of the Government of India to meet the question of re-employment of those who are retrenched or are about to be retrenched from the Ordnance Department?

The Honourable Sri C. Rajagopalachari: (a) Retrenchment has given rise to a certain amount of discontent The Government of India have set up Employment Exchanges to assist retrenched personnel in finding other employment These Exchanges are notified of all discharges from Ordnance Factories carried out under retrenchment

(b) Yes Service in Ordnance Factories between the 1st May 1942 and the 8th May 1945 has been recognised as War Service Discharged personnel who have long service and are over-aged are normally qualified for Provident Fund benefits Employment Exchanges render them assistance if they require further employment

(c) Retrenchment in Ordnance Factories is made in the following order (i) Men over 55, (ii) Men who wish to be released, (iii) Men to be transferred to parent Establishments, (iv) Others Claims for retention are considered according to the following factors (i) Conduct, particularly regularity of attendance, (ii) Ability and efficiency in work, (iii) 'Key' nature of man's employment, (iv) Length of service Normally the latest recruits are the first to be discharged

(d) As I have stated, all discharged personnel are notified to the Employment Exchanges and other Departments of the Government of India, so far as I am aware, make full use of these Exchanges in recruiting personnel

INDIAN CATERING ARRANGEMENTS IN THE BENGAL NAGPUR RAILWAY

359. *Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Railways be pleased to state

(a) whether Government are aware that in the Bengal Nagpur Railway European catering arrangements are subsidised by licence fees from Indian catering contractors to the tune of one lakh rupees, and

(b) the reasons for the above and the steps Government propose to take for remedying the same?

The Honourable Dr. John Matthai: (a) No European catering arrangements on the B N Railway are departmental and they are not subsidised by license fees received from Indian Catering Contractors

(b) Does not arise in view of reply to part (a) of the question

PASSENGER FACILITIES AT PURI STATION ON B N RAILWAY

360. *Mr. Sasanka Sekhar Sanyal: (a) Will the Honourable Member for Railways be pleased to state whether Government are aware of the importance of the Puri Station on the Bengal Nagpur Railway where large number of pilgrims visit from all parts of the country throughout the year,

(b) if so, do Government propose to consider the advisability of providing that station with (1) covered platforms, (2) permanent catering arrangements for Indians, and (3) permanent tea stalls?

The Honourable Dr. John Matthai: (a) Yes

(b) (i) The Post-war Reconstruction Programme for 1947-48 includes the provision of covered passenger platforms at Puri station

(ii) During pilgrim festival periods, temporary structures are provided to meet pilgrim catering requirements, more permanent arrangements for Indian catering have not been found necessary

(iii) A permanent tea stall is already provided

LATE RUNNING OF TRAINS BETWEEN CALCUTTA AND DELHI

361. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Honourable Member for Railways please state how many days in the month of January 1947 the 13-Up and 14-Down trains of the East Indian Railway have reached their destinations Delhi and Calcutta in time?

(b) Is it a fact that these trains are running late every day about 4 to 8 hours?

(c) What are the causes of their late running?

(d) Has any action been taken in regard to the late arrival of both these trains and with what result?

(e) Are Government aware that all other trains on the East Indian Railway main line also run late for nearly 15 days in a month?

The Honourable Dr. John Matthai: (a) and (b). Enquiries made show that 13 Up train did not arrive at Delhi to time on any day during the month of January 1947. Information in regard to the arrival of 14 Down train at Calcutta could not be obtained in time, but it is presumed that the running of 14 Down train was equally bad in view of the fact that the rake which arrived at Delhi as 13 Up was also utilised to work 14 Down from Delhi

(c) The late running of these trains was due mainly to the fact that owing to disturbances in Calcutta in the early part of January, 13 Up and 14 Down trains had be to diverted from Sealdah, which is the normal despatching and receiving station for these trains, to Howrah, with the result that 13 Up often

started late owing to inadequate platform facilities at Howrah There was also difficulty in providing a sufficient number of rakes for these trains due to a shortage of stock, with the result that the running of 14 Down has been adversely affected by the late running of 13 Up owing to the narrow margin between the arrival of 13 Up at and departure of 14 Down from Delhi

(d) An additional rake is now being provided and engine power arrangements on the Sahibganj loop line have been strengthened in order to eliminate detentions The Railway Administration is also considering further steps to improve the running of these trains

(e) There has been a good deal of unpunctuality in the running of trains on the East Indian Railway, but in a number of cases, this is due to causes which are beyond the control of the Railway Administration, such as the frequent misuse of Alarm Chains and delays at stations due to very heavy passenger traffic.

CONSTITUTION OF RAILWAY BOARD

362. *Diwan Chaman Lall: Will the Honourable the Member for Railways please state·

(a) the present constitution of the Railway Board, its functions, its responsibilities and powers, as also the qualifications considered necessary for membership normal tenure of a member and the conditions for confirmation,

(b) whether the Railway Board functions collectively or whether all authority is centered in the Chief Commissioner of Railways,

(c) the extent to which the Chief Commissioner can over-rule other members singly or collectively,

(d) whether when asking for orders of Government on any important question of policy, it is incumbent on the Chief Commissioner to inform Government if he has consulted other members of the Board, and in the event of a difference of opinion within the Board, to place before Government the views of dissenting members besides his own, or whether the dissenting members can claim that their views shall be so placed, and

(e) the exact position of the Financial Commissioner in the Railway Board?

The Honourable Dr. John Matthai: (a) The Railway Board as at present constituted consists of the Chief Commissioner Financial Commissioner and three Members, *viz*, Members Staff, Transportation and Engineering. The Secretary, Transport Department is *ex-officio* Member of the Board and attends all Board meetings The Railway Board is responsible for the management of Indian Government Railways, and for the application of relevant sections of the Indian Railway Act to Company owned and Indian States Railways For this purpose they exercise with certain exceptions, the powers of the Central Government The qualifications for Membership are wide experience of the particular subject of which a Member will be in charge together with proved technical and administration ability of a high order The normal tenure of the posts mentioned above is five years. There are no special conditions prescribed for confirmation in a post of Member, except that of the Financial Commissioner, in which post an officer is eligible for confirmation after two years

(b) Constitutionally all authority is centred in the Chief Commissioner acting in concurrence with the Financial Commissioner where financial considerations are involved In practice, in important matters the Board functions collectively, and in others individual members dispose of cases on behalf of the Chief Commissioner.

(c) The Chief Commissioner has the authority to overrule the other Members singly and collectively, except the Financial Commissioner on matters in which finance is involved.

(d) The reply to all three parts of the question is in the negative, except that where financial policy is involved the Chief Commissioner has to mention the Financial Commissioner's views In practice, however, the views of all the Members of the Board are available to Government in most matters

(e) In respect of finance, the Financial Commissioner is the representative of the Finance Department in the Railway Board and has the powers and status of a Secretary to Government with the right of direct access to Honourable Member Finance in financial matters In respect of matters which do not involve finance, he has the same standing as any other Member of the Board

INDIANIZATION OF THE RAILWAY BOARD

363. *Diwan Chaman Lall: Will the Honourable Member for Railways please state

(a) the names of the present members of the Railway Board, the dates of appointments and confirmations of each, and the reasons for the non-confirmation of those who have not yet been confirmed, and

(b) the reasons for there being only one Indian member of the Railway Board in spite of Government having accepted as far back as 1924 the Assembly's resolution for rapid Indianisation of the Railway Board?

The Honourable Dr John Matthai: (a)

Name	Date of appointment	Date of confirmation
(1) Col. R B Emerson, C I E., O B E. (Chief Commissioner)	20th May, 1946	Confirmed in August, 1946 with effect from 20th May, 1946
(2) Mr. A. C. Turner, C S.I., C.I.E., M B E, I.C.S (Financial Commissioner)	30th June, 1945	Not yet confirmed.
(3) Mr. G. A. Rowlerson (Member, Transportation)	28th September, 1946.	Not yet confirmed.
(4) Mr. Z. H. Khan (Member, Staff)	19th July, 1946	Confirmed in August, 1946 with effect from 19th July, 1946.
(5) Dr. H. J. Nichols (Member, Engineering).	18th October, 1945.	Confirmed in May, 1946 with effect from 18th October, 1946.

Two years have not yet elapsed since Mr. Turner took charge of the post, and therefore, as mentioned in answer to part (a) of Question No 362, the question of his confirmation has not yet arisen

Mr Rowlerson's confirmation is under consideration

(b) Government have implemented the policy referred to to the extent that suitable Indians with the necessary experience have been available

SUPPLY OF FUEL TO THE PERSONNEL OF GOVERNMENT OF INDIA IN NEW DELHI AND DELHI

364. *Sri R. Venkatasubba Reddiar: Will the Honourable Member for Industries and Supplies please state.

(a) whether Government are aware that for some months past the supply of fuel—charcoal, soft coke and firewood—to the personnel of the Government of

India in New Delhi and Delhi has been very bad in quality and limited in quantity and that damp fuel is being sold at exorbitant rates,

(b) whether there is any difficulty in procuring charcoal and firewood from surrounding areas, from which the trade used to get them in pre-war days, and if so what are those difficulties, and

(c) whether Government are aware that there is a widely believed rumour that the officials in charge of fuel-control are putting every obstacle in the way of free movements of fuel, in order to prolong their own tenure of office, and whether Government propose to investigate to what extent this is true?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir Neighbouring Provinces and States appear to be diverting better quality charcoal to Bombay where prices are higher than Delhi and inferior varieties to Delhi Prices have since been increased in Delhi for good dry charcoal, and new rates sanctioned for wet and inferior coal

(b) Yes, Sir The difficulty arose in respect of charcoal exported from Gwalior territory along the Bina Kotah Line owing to a ban of C P Government having been by mistake interpreted to cover exports along that line. This misunderstanding was removed and booking reopened from the latter part of December 1946 But as stocks of reserve had been exhausted, the shortage was felt

As regards firewood, the difficulty was due to the ban imposed by Government of Punjab on exports This ban has since been withdrawn but wagons are not available within the priority sanctioned for the booking of firewood The Railway Authorities had reported shortage of wagons but they have now agreed to make empties available As a result the position has eased to some extent

(c) No Sir Such rumours have no basis, and the question of any investigation into the matter does not arise

FERTILIZER FACTORY AT SINDRI

365. *Babu Ram Narayan Singh: Will the Honourable Member for Industries and Supplies be pleased to state

(a) the stage the proposed scheme of establishing a fertilizer factory at Sindhri near Dhanbad has reached, the estimated amount to be required, and

(b) the period within which it is expected to be completed?

The Honourable Sri C. Rajagopalachari: (a) and (b) According to the programme as it stands now, it is anticipated that pilot production of ammonium sulphate will start early in 1949, and that full production will be established by the middle of 1949. The estimated cost of the project is Rs 10·76 crores exclusive of the cost of the additional plant required for the supply of electricity to the Bihar Grid.

An agreement has been concluded with an American firm of consultants for the design of the factory An agreement is being negotiated with a British firm of chemical engineers (Messrs Power Gas Corporation) for the supply of some plant and for construction of the factory In the meantime the supply of some of the plant is proceeding, in anticipation of the finalisation of details of the contract About three quarters of the plant required has been ordered, with fairly good delivery dates having regard to the world shortage of capital goods The first instalment of plant from abroad will begin to arrive towards the end of 1947

A considerable amount of plant and all the structural steelwork will be made in India

All land required for the factory is in Government's possession Difficulties are being experienced over the acquisition of land for the township, but it is

hoped this matter will be settled shortly All necessary arrangements for water supply are in hand Work is well advanced on the preparation of the factory site and the installation of foundation will commence in March A considerable amount of temporary accommodation has been constructed for staff engaged on erecting the factory The construction of permanent accommodation for staff to operate the factory will start shortly A temporary railway siding has been installed for the receipt of plant. The permanent railway link, five miles long, will be completed as a single track connection by August this year, the construction of the marshalling yard and the factory sidings will follow Arrangements for the supply of raw materials, such as, coal, coke and gypsum are in hand

The draft of the constitution of the Statutory Corporation for the operation of the factory is in the final stage Particulars of the staff required for operating the power-house have been sent to the Federal Public Service Commission for recruitment, particulars of the chemical and engineering staff will be sent shortly Arrangements have been made for Indians to be sent abroad for training They will return to the country before the factory starts operation

Specifications have been drafted for the machinery for the cement factory to operate on the lime sludge thrown up as a by-product in the manufacture of fertilizers

More detailed information is available in the Chief Technical Adviser's Monthly Situation Report for January, a copy of which is laid on the table †

UNSTARRED QUESTIONS AND ANSWERS

SUPPLY OF MILK AND FODDER

46. Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Department of Agriculture be pleased to state

(a) whether Government are aware that fresh milk as an article of food has become very scarce and dear in the country,

(b) whether Government are further aware that our children and expectant and nursing mothers have been suffering from malnutrition for want of adequate milk,

(c) if so, the reasons for the above mentioned state of things and what is being done by Government in the matter,

(d) whether Government are aware that fodder for cattle is either not available or is available at prices which are beyond the reach of ordinary families, if so, whether Government have considered the question of supplying cattle fodder at control prices, and

(e) whether Government have in contemplation the starting of a network of dairy farms for increasing and improving fresh milk and for making that available at reasonable prices?

Sir Pherozе Kharegat: (a) Government are aware that the present milk supply is inadequate and consequently the price is comparatively high

(b) Government are aware of the fact that there is a considerable amount of under nutrition in India due to lack of adequate protective foods including milk

(c) The main reason for this is the lack of adequate production The steps being taken to increase milk production are mentioned in the reply to part (g) of question No 146 asked by Mr Manu Subedar on the 11th February 1946

(d) There is a shortage of cattle fodder and its production has to be increased The question of the control of fodder prices was dealt with in reply to question No 119 asked by Seth Govind Das on the 7th February, 1947

† Not printed in these Debates. Copy placed in the Library of the House.—*Ed of D*

(e) The Government of India invited the attention of Provincial Governments in 1945 to the need for establishing dairy farms wherever necessary or subsidising their establishment as one of the means for ensuring a regular supply of fresh milk

RULES re GRANT OF LEAVE PREPARATORY TO RETIREMENT ON RAILWAYS

47. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state what principles have been laid down in granting leave preparatory to retirement in respect of Railway staff? If no such principles or rules exist, is it proposed to frame them now?

The Honourable Dr. John Matthai: The grant of leave preparatory to retirement is subject to the provisions of Rules 2106 and 2127 of the State Railway Establishment Code, Vol II, a copy of which is in the Library of the House. Provision exists in the rules for the refusal of leave preparatory to retirement if the requirements of the public service so demand But in March 1946, the Railway Board ordered that with a view mainly to facilitating the absorption of surplus non-gazetted staff on Railways, leave preparatory to retirement should not be refused Where it is necessary for special reasons to refuse such leave, the sanction of the Railway Board is required The latter portion of the question does not arise

IMMUNITY FROM TRANSFER OF CERTAIN CATEGORIES OF RAILWAY STAFF TO QUETTA DIVISION

48. Seth Sukhdev. (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that certain categories of railway staff are immune from transfer to Quetta Division of the North Western Railway after attaining the age of 45 years owing to climatic and other conditions, if so, what are those categories?

(b) Are Special Ticket Examiners and their Group Inspectors so exempted from transfer to Quetta Division? If not, why not?

(c) Do Government propose to review the list of exempted categories? If not, why not?

The Honourable Dr. John Matthai: (a) to (c) The North Western Railway having found it necessary, in the interests of Administration, to require certain classes of staff such as Station Masters, Assistant Station Masters, Commercial clerks, Drivers, Guards, Permanent Way Inspectors and Train Examiners, to gain experience of working on the Frontier and Ghat sections of the Railway, introduced a scheme whereby staff of these classes are transferred to the Quetta Division for a period of three years In view of the climatic conditions prevailing on the Quetta Division, however, an exemption from transfer in terms of the scheme has been allowed in the case of the categories of staff, subject to the scheme, who are over 45 years of age This exemption does not apply where transfers to the Quetta Division are made in respect of any category, including those mentioned above, in the interests of the service or on promotion Special Ticket Examiners and their Group Inspectors do not belong to classes covered by the scheme and they are, therefore, liable to be transferred to Quetta in the interest of the service or on promotion The question of granting them the same exemption as is allowed to persons falling under the scheme referred to does not, therefore, arise

RECOMMENDATIONS OF MITRA COMMITTEE IN CONNECTION WITH CONSTRUCTION OF RAILWAY QUARTERS

49. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) the summary of the recommendations of the Mitra Committee appointed by the Railway Board in connection with the type of quarters to be constructed for railway staff;

(b) the Committee's recommendations in connection with expansion of old quarters to conform to the new standards, and

(c) the decision, if any, arrived at by Government on the report of the Mitra Committee?

The Honourable Dr. John Matthai: (a) The Summary of the recommendations of the Mitra Committee appointed by the Railway Board in connection with the type of quarters to be constructed for Railway staff is in Annexure A.

(b) The Committee's recommendations in connection with expansion of old quarters to conform to the new standards have been shown in Part IV of the Summary at Annexure A

(c) Government have these recommendations under active consideration.

ANNEXURE A

Summary of the Recommendations of the Mitra Committee

Mitra Committee's Report has been made out in four parts Part I deals with accommodation and amenities to be provided, and the designs and construction of quarters Part II deals with classes of staff to be housed Part III deals with basis of assessment of rent and financial aspect of return Part IV deals with improvements in the existing quarters.

PART I

Accommodations

(1) *Accommodation* —The minimum living accommodation should not be less than two living rooms The minimum size of rooms to be provided should be 12'×10' with a height of 12' at the centre and 9' at the eaves for a gable roof, and a minimum height of 11' for a flat roof

(2) *Plinth.*—Plinth level should not be less than 18" above ground level.

(3) *Doors* —Height of doors should not be less than 6'-9", width should not be less than 3' for main doors but may be 1'-9" for bath rooms

(4) *Windows* —Window area should not be less than 1/6 of the floor area.

(5) *Ventilators* —Roof ventilators should be provided but not the sky lights.

(6) *Kitchens* —No kitchen should be less than 60 sq -ft in area

(7) *Verandahs* —Verandahs are considered necessary next to the living rooms and kitchen.

(8) *Fire place* —These should be provided only at stations where winter temperatures are below 40° F

Amenities

The following amenities should be provided for all staff quarters —

(9) Good, adequate and pure water supply for which a special staff should be employed in every Railway.

(10) A compound wall of not less than 6'-6" in length and with a minimum clear width of 16' from the building should be provided for 'A', 'B', 'C' and 'D' type quarters

(11) An independent bathing place with a small cistern for storing water

(12) A small shed for keeping odds and ends.

(13) Sufficient numbers of shelves, almirahs and lofts

(14) An independent sanitary latrine for every quarter

(15) A smokeless chula in each kitchen along with boiler for hot water

(16) A small dust bin with a platform.

(17) A washing place with an independent tap in all types of quarters excepting 'A'

(18) Electric lights where current is available.

(19) Few pegs for hanging clothes, mosquito nets, etc

(20) Community Centres for colonies with 200 units of houses or more where provisions should be made for.

(a) Health and Welfare Centre.

(b) Community Hall

(c) Primary and Adult School

(d) Recreation ground

(e) Playground for children.

(f) Co-operative shops, and

(g) Co-operative dairies

(21) Welfare Organisation with an Assistant Welfare Officer, in charge of 200 units of quarters

(22) Cattle sheds should not be allowed inside small houses Independent lock-in type sheds with proper drainage and out fall may, however, be provided where necessary, rental at 5 per cent on capital cost being charged from the stall holders.

Designs and Construction

On the basis of accommodation and amenities described above, six one line type drawings for quarters for various classes of subordinate staff have been prepared Copies of drawings have been placed in the Library of the House.

Enclosed type

A 2 rooms for workmen—unskilled and skilled

B 3 better rooms for lowest grade of subordinates

C 3 rooms for intermediate grades of subordinates

D 4 rooms for higher grades of subordinates (over a salary of Rs. 200 p m.)

Open type

E 3 better rooms for Assistant Inspectors or Assistant Foremen and others of equivalent status

F 4 better rooms for Inspectors, Foremen and others of equivalent status.

The Committee recommends the setting up of four Research Institutes, one each at Calcutta, Madras, Bombay and Delhi, each station to be under the control of an Engineer Director and that the work of railways should be required to dovetail in with the work done at these Institutes The objective of these Institutes should be to find materials good for 20 years and others good for 70 or 80 years They would include such things as cheap materials for paint or plaster, stabilising of soil for use in Walls, rot-proofing of grass, bamboo and timber, etc.

The Committee recommends as essential—

(a) the appointment of a number of architects and Town Planning Engineers attached to the Railway Board's office or to the railways in the more important towns;

(b) the immediate purchase of land which will ultimately be required to complete the housing programme which is estimated to spread over 10 years,

(c) the standardisation for mass production of as many parts as practicable;

(d) the despatch overseas of several Engineers of the rank of Deputy Chief Engineers to study mass production methods in other countries

PART II

Classes of Staff to be housed

The Committee recommends:

(a) the provision of houses for over 80 per cent of the permanent staff. Essential staff will form about 62 per cent of the total staff and they should be dealt with first;

(b) that permanent staff under certain circumstances should be encouraged to build their own houses.

PART III

Rent

The Committee recommends that all staff should pay rent Skilled and unskilled workmen on the lowest grades occupying the Committee's A and B type quarters should pay rent at the rate of 6½ per cent. of emoluments and other staff should pay rent at the rate of 10 per cent. of emoluments

Return

The total cost of new building work envisaged in order to provide living accommodation for about 80 per cent of the railway staff is estimated at about Rs 174 crores as a rough guess, Rs 114 crores Capital and Rs 60 crores Revenue The Committee estimates that the income in rental would yield about 2 13 per cent. on new capital to be spent on the whole scheme The Committee points out that depreciation should form no part of the charges to be met by rent

PART IV

Improvements in existing quarters

The objective in improving the existing quarters should be to bring them to as near the new standards as practicable. It should be possible to alter most of the single-roomed existing inferior type quarters into two roomed units and provide other necessary amenities In some large colonies some of the blocks of quarters could be converted into Bachelors' dormitories with centralised kitchen, privy and stores

ABOLITION OF LOWER GAZETTED SERVICE ON RAILWAYS

50. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) how the proposal regarding abolition of the Lower Gazetted Service on the Indian Railways was decided, and

(b) how many officials of the Lower Gazetted Service on the North Western Railway are still officiating but have not been confirmed?

The Honourable Dr. John Matthai: (a) As announced in H M War Transport's Budget speech in February 1944 Government have decided to abolish the Lower Gazetted Service at the appropriate time The proposal has not yet been implemented

(b) The number of persons officiating in the Lower Gazetted Service on the North Western Railway is 109, but only twelve of these, who are officiating against permanent vacancies, are eligible for confirmation The question of their confirmation is under consideration It may be added that of the balance approximately half the vacancies are due to the creation of temporary posts on the North Western Railway in connection with post-war schemes of expansion, rehabilitation, etc

INDIANS IN MECHANICAL AND TRAFFIC (POWER) BRANCH PROMOTED TO LOWER GAZETTED SERVICE ON RAILWAYS

51. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) how many subordinates of the Mechanical and Traffic (Power) Branch have been promoted to Lower Gazetted Service from 1st April 1943 up-to-date, by communities; and

(b) whether Government are aware that Indians have not been promoted in large numbers; if so, why?

The Honourable Dr. John Matthai: (a) The following are the details by communities regarding the number of subordinates permanently promoted to the Lower Gazetted Service in the Transportation (Power) and Mechanical Engineering Departments of those Indian Government Railways on which this Service exists during the period 1st April, 1943 to 31st January, 1947

(i) Europeans	9
(ii) Anglo Indians	10
(iii) Indian Christians	2
(iv) Muslim	1
(v) Hindus	2
(vi) African (British subject)	1
Total	25

(b) Government do not accept the implication in the first part of the question Of the 25 men promoted, 15 were Indians which number includes Anglo-Indians who are statutory Indians The second part does not arise

RULES *re* CHARGESHEETING OF AN EMPLOYEE BEFORE REVERSION FROM AN OFFICIATING APPOINTMENT ON RAILWAYS

52. Seth Sukhdev: Will the Honourable Member for Railways be pleased to state

(a) whether rules exist to present a charge sheet to an employee before reverting him from an officiating appointment, if he had drawn one or more annual increments, if so, where such rules are published, and

(b) if not, whether it is proposed to frame such rules?

The Honourable Dr. John Matthai: (a) The Rules governing Discipline of non-gazetted railway servants are contained in Chapter XVII of the State Railway Establishment Code, Vol I, a copy of which is in the library of the House These require that before an employee is awarded one of the penalties specified in the rules he must be informed of the offences for which it is proposed to impose a penalty on him and be asked to submit his explanation A list of offences for which penalties can be imposed is also given in the rules referred to The reversion of an officiating incumbent of a post to his substantive post is in itself not a penalty unless it takes the form of reduction to a lower post for one of the specified offences

Government have the right to revert an officiating incumbent of a post when either the vacancy in which he is officiating or the justification for his continuous employment in the higher post ceases to exist The fact that increments have been drawn by the officiating incumbent does not affect that right

(b) In the light of the explanation I have just given, Government do not consider any further action is called for

ADVICE BY SUGAR CONTROL ADVISORY COMMITTEE *re* INCREASE OF EX-FACTORY PRICE OF SUGAR

53. Sri D. P. Karmarkar: Will the Secretary, Food Department be pleased to state

(a) the personnel of the Sugar Control Advisory Committee, the date on which it was constituted and the authority under which it was constituted,

(b) the representatives of the consumers on that committee, and

(c) the reasons for the advice that the Committee gave to Government for increasing the ex-factory price of sugar by Rs 4-4-0 a maund?

Mr. K. L. Panjabi: (a) The Committee has no fixed personnel, but is comprised of representatives of the Provincial and State Governments concerned with sugar industry and of Indian Sugar Syndicate, Indian Sugar Mills Association, Deccan Sugar Factories Association, Bengal Sugar Mills Association, South Indian Sugar Mills Association and Sugar Merchants' Association of Cawnpore and Bombay The Committee is not a statutory body and only advises the Sugar Controller for India It was constituted in July, 1942

(b) Consumers are not directly represented on the Committee

(c) The main consideration which influenced the Committee to recommend an increase in the cane price was that there had been an appreciable fall in the area under cane in the two main sugar producing provinces of the U P and Bihar and a consequent fall in the production of factory sugar owing to the great disparity between its price and the price of foodgrains and other agricultural produce The ex-factory price of sugar had to be increased to correspond to the increase in the price of sugarcane

SHORT NOTICE QUESTION AND ANSWER

EXPORT OF *Gur* PRODUCED IN N W F PROVINCE TO PUNJAB

Khan Abdul Ghani Khan: Will the Secretary of the Food Department please state

(a) whether Government are aware that all the *gur* produced by the North-West Frontier Province has been allocated to the Punjab,

(b) whether Government are aware that the North West Frontier Province people are not allowed to export their *gur* anywhere else unless they complete the quota allotted to the Punjab,

(c) what is the quota allotted to the Punjab,

(d) whether Government are aware that the Punjab is asking the commodity at an uneconomical price, and

(e) whether the Government propose to consider the necessity of allowing free export of *gur* to any part of India?

Mr. K. L. Panjabi: (a) and (c) No Sir Out of the total production of about 1,07,000 tons and an exportable surplus of 70,000 tons, a quota of 50,000 tons has been allotted to the Punjab

(b) Yes Sir This is in pursuance of an agreement reached between the Sugar Controller for India and the representatives of the Governments of the N. W F P and the Punjab

(d) No Sir A ceiling price of Rs 15 F O R per imperial maund was agreed to between the representatives of the N W F P and the Punjab Governments as being fair compared with the price of U P *gur*, which is only Rs 12 per maund

(e) No Sir Control over prices and movement of *gur* all over India has been adopted to maintain sugar production and also to make *gur* available at a reasonable price to the poorer consumers who take it in place of sugar Free trade in *gur* is considered to be inadvisable

Khan Abdul Ghani Khan: The Honourable Member said in reply to (a) that only 50,000 tons were allotted to the Punjab Where has the rest been allotted?

Mr. K. L. Panjabi: 4,000 tons have been allotted to Baluchistan and 4,000 tons to Kashmir That is the total allocation

Khan Abdul Ghani Khan: Is it a fact that this *gur* was not allotted till the Punjab quota was completed and the Punjab Government was using the Sugar Controller of the Central Government to stop the export to various places?

Mr. K. L. Panjabi: It was agreed that the quota to the Punjab would be met first

Khan Abdul Ghani Khan: May I know which representative of the North-West Frontier Province agreed that Rs 15 was an economic price?

Mr. K. L. Panjabi: I have not got his name but I have the agreement with the North-West Frontier Province

Khan Abdul Ghani Khan: Is it a fact that negotiations between the North-West Frontier Province and the Punjab Government were going on for over a month and now the Frontier Government is allowed to export the *gur* other than to the Punjab Government, because the former refused to give the goods at such an uneconomic price?

Mr. President: Is it a fact that the North-West Frontier Province have allowed the export of *gur* to provinces other than to the Punjab?

Mr. K. L. Panjabi: I have no official information on that point

Khan Abdul Ghani Khan: Will Government give an assurance that in future they will not allow their Controller of Sugar to become a tool of one province?

Mr. President: Order, order This question presumes that he was a tool.

DIFFICULTY IN REGARD TO PRINTING OF BILLS DUE TO STRIKE IN THE PRESS

Mr. President: The House now proceeds with the next item on the agenda.

I will invite the attention of the Honourable Members that in the agenda for the Legislative Business, there are two Bills for introduction. One is a Bill further to amend the Indian Coinage Act and the other is a Bill further to amend the Reserve Bank of India Act. There have been difficulties with regard to the printing of this Bill and it has not been possible to place it on the Members' tables. But copies are cyclostyled and Honourable Members wishing to have copies can get them from the Secretary or after the recess, from the Notice Office.

I am stating this before the other business is taken up so that Honourable Members who wish to study the Bill before the motion comes before the House may have an opportunity of getting copies and reading it.

Dr. Zia Uddin Ahmad (United Provinces Divisions Muhammadan Rural): It will not come up today for discussion?

Mr. President: It is for introduction. The motion is a formal one and Members would like to see copies.

RAILWAY BUDGET FOR 1947-48

The Honourable Dr. John Matthai (Member for Railways and Transport): **Sir, I have the honour to present the Railway Budget for 1947-48.**

This is, I venture to think, a unique occasion in the history of the Railways and of India as a whole, since today for the first time the Railway Budget is being sponsored by a Government at the Centre reflecting the political opinions of almost the entire House—I might say of almost the whole of British India. As the House is aware, it is only a month ago that I took over charge of the Railway Department from my distinguished predecessor Mr. Asaf Ali. I must, therefore, crave the indulgence of the House in performing the difficult task of presenting the finances of the Indian Railways with the necessarily brief acquaintance I have with these problems.

2. The Indian Government Railways are by far the largest industrial concern under one management in the country, employing over 9 lakhs of workers of all grades. Further they are almost completely nationalised and their financial stability has, therefore, a large bearing on the financial stability of the Central Revenues and consequently on the economic position of the country generally.

3. In view of the magnitude of this undertaking conditions in Railway service have not only an influence on other Government Services, but must of necessity have a profound effect on the industrial situation in the country. In the past, close contact has been maintained between the Railway Board and organised Railway labour and this contributed in no small measure to the industrial peace which, with very few exceptions, prevailed during the difficult years of war. It was, however, but natural that the large body of Railway servants who had worked so loyally and strenuously in furtherance of the war effort should, directly hostilities ended, have felt that their economic troubles would come to an end with the end of the war, and viewed with apprehension the possibility of retrenchment due to reduction in Railway activities and absorption of ex-servicemen. Thus in the cold weather of 1945-46 a number of communications were received by Government from the All-India Railwaymen's Federation over a constantly enlarging field.

Having carefully selected the demands in respect of which an impartial investigation might serve a useful purpose, Government appointed an Adjudicator in April, 1946, to consider the hours of work and periodic rest of Railway servants, the adequacy of the existing leave reserve and the leave rules applicable to daily-rated and inferior staff. So far as retrenchment was concerned Government while appreciating the workers' anxiety could not agree that

[Dr John Matthai]

the question whether there would or would not be work enough for all employees was a matter for adjudication as demanded by the Federation, since work must necessarily vary with the load which the Railways are called upon to carry Government considered that it was the responsibility of Government as a whole to explore the possibilities of absorbing staff surplus to Railway requirements in alternative employment

In May 1946 Government announced the appointment of the post-war Pay Commission with wide terms of reference which *inter alia* included consideration of machinery for the settlement of disputes relating to conditions of service arising between Government and Government's employees.

The All-India Railwaymen's Federation were, however, not satisfied with the steps taken by Government and on the 1st of June 1946 gave notice of a strike to commence on the 27th of that month The acceptance of the Federation's demands would have involved additional expenditure far beyond the capacity of Railway finances, and the demands were, therefore, referred to the Standing Finance Committee for Railways for their consideration in the light of the expenditure which would be involved. Having heard in person the Secretary of the Federation and having considered their claims against the background of the economic life of the country and the condition of Railway finances, the Standing Finance Committee recommended the grant of interim relief to Railwaymen in receipt of a pay of Rs 250 per month and below with retrospective effect from the 1st of July 1945, involving an additional expenditure in the current financial year of some 9 crores of rupees Government accepted this recommendation and in consultation with the Federation it was decided to distribute this amount at the uniform rate of Rs 4/8/- per month to all employees drawing Rs 250 per month and below The Standing Finance Committee were of opinion that the question of retrenchment was not a trade dispute and that the Federation could not in law ask for the matter to be referred to an Adjudicator They recommended, however, that in order to allay the fears of Railwaymen a high power committee should be set up, charged *inter alia* with suggesting practical methods of absorbing surplus staff on the Railways In pursuance of this suggestion Government have since set up the Indian Railways Enquiry Committee, 1947 When the recommendations of the Standing Finance Committee were discussed with the All-India Railwaymen's Federation the latter contended that Government should not prejudge the issue of retrenchment by continuing to discharge surplus staff pending the Adjudicator's award on the hours of work, etc Government agreed to this proposal and instructions were issued to the effect that no Railway servant in service on 15th September 1945 should be discharged on becoming surplus unless he refused alternative employment until the Adjudicator's award had been considered by Government In pursuance of this policy the number of discharges that have taken place since July 1946 is 490 It may interest the House to know that since the end of the war out of a total of about 9,25,000 Railway employees 37,100 were declared surplus of whom 29,000 have been provided with alternative employment and only 8,100 have been discharged of which over 4,000 were men who had been employed by the Railways, not on Railway work, but on behalf of other Government Departments

The strike notice was finally rescinded by the Federation on the 21st of June 1946 nevertheless sudden strikes and stoppages of work have occurred in isolated Railway centres from time to time and one major strike—that on the South Indian Railway in August and September last—persisted fitfully for a number of weeks and although it never caused a total stoppage of traffic, it resulted in considerable inconvenience to the public and substantial loss to the Government and to the strikers themselves In spite of every sympathy with the legitimate demands of labour I feel it my duty to warn

those who have the great responsibility in these difficult times of advising and directing organised labour that strikes, stoppages of work and "go slow" policies will react detrimentally on both the country's economy and the workers themselves. Among the repercussions of such activities are a fall in revenue, dislocation of trade and industry, diminution of production and therefore a general deterioration of national well-being If the earnings of the Railways are reduced the improvement of service conditions which the workers and Government alike desire cannot possibly be effected. With a Government in power pledged to the amelioration of conditions of life not merely of their own employees but of the masses generally, there can be no justification for strikes or "go slow" policies merely because time has necessarily to elapse before a full examination of such a complex subject can be carried out and decisions arrived at It may be that for some time while these complex problems are under active examination the conditions of service, particularly of those who are not highly paid, may not be all that could be desired but all Railway servants must rest assured that decisions on pay and conditions of service will be taken by Government as rapidly as possible after the reports of the Adjudicator and the Pay Commission have been received by Government In view of this assurance, Government trust that, pending the revision of conditions of service, Railwaymen will observe strict discipline and apply themselves honestly, diligently and with good-will to the duties which are assigned to them Indian Railwaymen have a great tradition to live up to and I hope that both in their own interests and in the country's they will make a determined effort to maintain it.

4 While on this subject of pay and conditions of service I feel it incumbent on me to utter a word of caution Inflationary tendencies prevail in India today as is evidenced by the upward trend of prices during the last few months and no one can regard this with equanimity Should the upward trend be emphasised by any factor the position may well get out of hand and we have learnt from the bitter experiences of the 1930 slump the extent of the hardships and suffering likely to follow in the wake of a period of severe inflation Substantial increases in the pay level have to be met in turn by increases in freight rates no matter what economies may be found possible towards offsetting the increase in the pay bill. This in turn may lead to increases in the prices of commodities including necessities, and so the wage earner finds himself no better off while inflation has received a fillip And so the spiral goes on.

Prices of many of the necessities of life in India today are well above world prices and it is imperative that the upward trend should be arrested and the disparity reduced I do not wish to prejudge the issue of the level at which wages should be fixed But it is well to remember that if wages and salaries are pitched too high, they may not merely not result in any benefit to the workers themselves but may cause serious damage to the economy of India as a whole

'It seems to me quite possible that after a time retrocession from inflationary conditions may set in and the greater the height to which inflation reaches the greater will be the subsequent retrocession. Railways, as Government's largest spending industrial concern, will try so to arrange their development programmes as to be spending at the maximum rate when retrocession sets in, though meanwhile, in spite of the present inflationary tendency, Railways will be forced to undertake heavy expenditure in order to overtake the arrears of maintenance which war conditions occasioned and to render the Railways capable of carrying the load which the eventual industrialisation and development of the country will produce. It would be short-sighted in my opinion to postpone this very essential expenditure.

[Dr John Matthai]

New Constructions and Restorations

5 The post war Railway Programme of new line projects and restoration of dismantled lines was prepared in 1944 in consultation with the Provincial Governments concerned, and a fresh reference has recently been made to them with a view to finding out whether any modification to the programme is considered necessary Detailed survey investigations of projects comprising about 6,000 miles of new constructions and of about 400 miles of restorations of lines dismantled during the war are at present in hand Survey reports in respect of some of these projects have already been received and are under examination.

6 The present declared policy of the Central Government in respect of the financing of unremunerative lines has been to ask the Provincial Governments concerned to give an unlimited guarantee against loss for an indefinite period This system has, however, not been found satisfactory, and two alternative proposals of financing branch lines have been offered to the Provinces, *viz.* :—

(a) that the Railway Department and the Provincial Government concerned should share both the capital cost and the earnings on an agreed basis, or

(b) that an initial lump sum subsidy should be paid by Provinces so as to render the capital cost to be incurred by Railways remunerative, the Province having no share in the profits

Economy and Financial control.

7 This brings me to the steps we are taking to improve the position regarding expenditure by the Railways The Railway Board have already impressed on all Administrations the urgent need for effecting economy in expenditure in all possible directions In addition, among the matters referred to the Indian Railways Enquiry Committee, 1947, to which I have already alluded, is the following.—

"To suggest ways and means of securing improvement in net earnings by—

(a) economies in all branches of Railway administration, and

(b) by any other means."

It will be seen that the Committee will be covering the whole field of Railway administration in a search for economies and in addition will be exploring the possibilities of improving net earnings through schemes which while involving additional outlay will yield net gains

8 Another line of action which the Railway Board are pursuing to secure economy is the tightening of the machinery for financial control of railway expenditure, both at the headquarters of the Government of India and on the Railways This matter has recently been receiving the attention of the Standing Finance Committee for Railways As a first step the Railway Board have, with the approval of the Public Accounts Committee and the Standing Finance Committee for Railways, rearranged the structure of the Demands for Grants with effect from the Budget for 1947-48 A self-contained note explaining the changes and reasons underlying them has been separately printed as part of the Budget literature to which I would draw the attention of Honourable Members.

The Railway Board have also under examination the development of a technique of control over expenditure better suited to the needs of a commercial department like the Railways than that now in force, which was worked out primarily for ordinary non-commercial spending departments of Government They are also taking effective and practical measures to place at the disposal of the General Managers of railways improved machinery for financial advice and control The reorganisation in the Board's office, which was an essential preliminary to the reorganisation on the railways, has recently been carried out The next step is to bring into existence a Finance Branch on each railway, which will not be concerned with routine accounts checks and

which will be amalgamated with the Budget Branch of the General Manager's office. The necessary detailed investigations to this end have now been taken in hand

Regrouping of Railways

9 With the management of Government-owned railways passing into the hands of Government the problem of regrouping them into convenient units for more efficient management has assumed greater importance Accordingly this matter has been considered afresh and while Government are alive to the necessity for taking up this question at the earliest possible moment, they feel that for two reasons no firm decision in this regard can be taken in the immediate future. Firstly, the railways have not yet recovered from the effects of war, and any attempt at regrouping at this stage would tend to throw the organisation out of gear to such an extent as to hamper rapid rehabilitation Secondly, several new line constructions and restorations of dismantled lines are under investigation and any decision on regrouping would be premature until the investigations are completed and a decision is taken as to which of the projects are finally to be taken in hand

Revision of the Rating Structure

10 In the course of last year's Budget speech mention was made of the need that exists for revising the railways' goods rating structure and to the progress made in that direction The task is complex and difficult In order to afford the House and the general public an insight into the nature of the problem, Government have had printed and circulated a pamphlet explaining the existing structure and the steps that are being taken to rationalise the rates The revision calls for extreme caution both in the interests of the public and of the Railways If a uniform rating system, simple to understand and apply, is to be evolved, there must be assimilation not only of varying rating practices and procedures but also of the different commodity rate levels at present obtaining on the different railways Assimilation infers changes to the advantage of some and to the disadvantage of others, as also changes which in some cases will benefit the trade and in others the Railways Such is the inevitable result of any attempt to introduce uniformity where considerable diversity exists and if progress appears to be slow it is because of the complex nature of the many problems involved and the necessity for solving them in a manner which will be equitable both to the Railways and their constituents Honourable Members will no doubt have seen the Press Note issued by the Railway Board in connection with the proposed experiment with the new type of telescopic 'class' rate to be applied to Manures, Oilcake and Bonemeal (for manure) on a continuous mileage basis The experiment commenced on the 1st of this month and will extend over a period of six months and much useful data, which will assist the work of revision of the rating structure as a whole, is expected to be obtained Meanwhile, the revision of rules and regulations affecting the interchange of goods between the different railways; the routing of traffic; the division of earnings; procedure for the quotation and alteration of rates, the introduction of Station Rate Registers; and the revision of longstanding traffic agreements to bring them into line with the national character of the Railways, are all matters which are receiving close attention and satisfactory progress towards finality is being made

There is still much work to be done and some considerable time must elapse before the changeover from the present rating system can be completed, but in order that the period shall be reduced to the minimum, a standing committee of Railway Rating experts has been set up with the dual object of hastening completion of the investigation and advising the Railway Board on all connected problems as they arise.

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Restoration of passenger services.

11. The House will be interested to hear what has been accomplished so far towards the restoration of pre-war railway facilities. A total of 1,046 train services, covering a daily mileage of over 67,000 had been restored or extended since the war ended on the principal Railways up to 1st October 1946 and certain further additional trains the details of which have not yet been received from railways have been re-introduced since then Although the restoration in full of all services curtailed during the war has not yet been possible, considerable progress in this direction has been achieved The present passenger train mileage ranges from 80 to 90 per cent of the pre-war services on most of the Railways. The Railways are most anxious to restore passenger train services to the pre-war level, but they are still handicapped by lack of coaching stock, a considerable amount of which is still on loan to the Defence Department.

During the war, in order to cope with heavy operational moves, the Indian Government Railways loaned 1,300 bogies and 68 four-wheeled carriages to the War (now Defence) Department, and these were used for the running of Military Special Trains and Military Mail Trains By the end of January 1947 the Defence Department had released 679 bogies and 22 four wheelers, leaving a balance of 711 bogies and 46 four-wheeled carriages still in use by the Defence Department.

The Railways are fully aware of the urgent necessity for placing the maximum amount of stock into service in order to relieve the present congestion in trains and every effort will continue to be made to increase train services to the maximum extent possible consistent with the stock available.

12. During the war 927 stations were closed for goods traffic and 515 for passenger traffic on the various Railways Up to December 1946, 360 stations had been reopened for goods traffic and 146 for passenger traffic.

The Railway Administrations propose to continue the policy of reopening stations and restoring train halts as and when it is possible to do so

13. I now turn to the question of rolling stock

Manufacture of Locomotives and Boilers in India

The Ajmer workshops of the B.B. & C.I. Railway have continued to manufacture locomotives so far as their capacity permitted The first batch of ten XT/1 class locomotives was completed last February and handed over to the N. W. Railway. Work on another batch of ten is now in hand and an order for fifty-eight YB passenger locomotives was placed on these shops last August The boilers for the latter will be manufactured in Tata's Singhbum shops Reference was made in last year's Budget speech to the delay occasioned in converting the locomotive repair shops at Kanchrapara into a locomotive manufacturing plant owing to the fact that the whole capacity of the shops had to be used for essential repair work to Broad Gauge locomotives A subsequent survey of the capacity available for repair work and the volume of work to be carried out in future revealed, that none of the capacity of the Kanchrapara shops could be spared for manufacture It has therefore been decided to erect an entirely new production plant at Kanchrapara North, a short distance away from the existing repair shops Having in view our future requirements of locomotives the plant will be designed to produce 120 locomotives and 50 boilers a year with single shift working, to which a further 30 locomotives could be added by working a double shift The Standing Finance Committee for Railways approved of the scheme at a cost of Rs 11.4 crores at their meeting last December The construction of the shops and

colony and installation of machinery are expected to be completed by September 1949 Thereafter manufacture can begin but the production of complete locomotives is not expected to begin in any appreciable numbers before the end of 1950

As the House is aware the Singhbum workshops of the E I Railway were handed over to Tatas on the 1st of June 1945 They are now engaged on the manufacture of 100 SGS class boilers

Imported Locomotives

14. Of the total of 934 goods type Broad Gauge locomotives ordered during the war, 930 have already been received and the balance will have been received and put into service by the end of the current financial year The receipt of these locomotives has eased the situation considerably on the Broad Gauge as far as goods power is concerned Our most pressing Broad Gauge requirements now are express passenger type locomotives An order has already been placed in the United Kingdom for 84 such locomotives to an existing design A further order has just been placed in the U S A for 16 locomotives to a new design which will burn non-coking coal These will be used as prototypes for subsequent orders These 100 locomotives are expected during 1948 49 An order for a further 300 locomotives has recently been placed in the United Kingdom though the final specification will not be decided upon until full trials have been carried out with the 16 prototypes This has been done because capacity for manufacture and suitable delivery dates cannot be secured unless orders are placed now The 300 locomotives are for delivery by 1950 These orders were placed with the approval of the Standing Finance Committee for Railways

359 of the American goods type Metre Gauge locomotives owned by the War Department but used by the Railways have been purchased by the Railways

By the 1st of March 1948 we expect to have in service approximately 6,100 B G and 2,300 M G locomotives as against 5,215 and 2,064 respectively in 1939 Of these approximately 2,100 B G and 800 M G will be over age

Coaching Stock

15 Our Carriage Workshops are having to cope with the extensive repairs to coaching stock necessitated by the intensive use to which it was subjected during the war, often without adequate maintenance Nevertheless it is hoped they will be able in addition to turn out 200 new coaching vehicles during the current year Work has been hindered to some extent by shortages of material and labour difficulties

Of the 216 B G and 94 M G underframes on order in Australia very few have arrived as yet owing to a shortage of suitable shipping It is expected that most of them will be received in the course of this year Orders have been placed in India for 826 B G and 254 M G underframes On 350 of the B G underframes it is intended to have metal bodies built by outside firms The Railway Board have decided that future broad gauge passenger coaches shall be 11′ 8″ wide instead of 10′ wide and it is hoped that the manufacture of these vehicles will be undertaken as from April 1948

The various amenities discussed from time to time will be incorporated in these vehicles and for the purpose of demonstrating the standards of comfort planned by the Board for each of these new classes a train of prototype vehicles which will contain samples of the new III, II, I and Air conditioned classes will be placed on exhibition in Delhi in March

It will be appreciated that the designs for these new vehicles which are to be of special light weight construction and to have all metal shells, cannot be prepared rapidly, and the earliest time from which the introduction of the

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change-over was considered possible was April 1948. It has therefore been necessary to construct the vehicles referred to above to the old width of 10' At the same time every effort is being made to incorporate as many improvements in these carriages as can be managed This in the present difficult design and production situation, is the best that could be done

By the 31st of March 1948 we expect to have in service approximately 14,100 B G and 7,800 M G coaching vehicles as against 12,347 and 7,309 respectively in 1939 Of these approximately 3,500 B G and 3,200 M G. will be overage

Wagons

16 Of the 19,290 Broad Gauge general service wagons ordered abroad during the war 11,455 had been delivered by the end of 1945-46 leaving a balance of 7,835 Practically all these have since been received, and all but 2,000 of these wagons are expected to be in service by the end of next month

The Railways have also purchased 6,505 Metre Gauge bogie general service wagons as well as some special type wagons which belonged to the Defence Department but were being used by the Railways

During the war, orders for 19,135 Broad and Metre Gauge general service wagons together with some special type wagons were placed on the indigenous wagon building industry Practically all these wagons are expected to be in service by the end of this financial year

In all 11,538 new Broad Gauge general service wagons and 101 new Metre Gauge general service wagons were put into traffic from the 1st of April 1946 to the end of December last It is expected that a further 3,240 Broad Gauge and 75 Metre Gauge wagons will be put into use by the end of the current financial year

By the 31st of March 1948 we expect to have in service approximately 168,000 B G and 56,500 M G general service wagons as against 140,000 and 51,350 respectively in 1939 Of these about 6,200 B G and 10,100 M G will be overage

Coal

17 Keeping the Railways adequately supplied with coal remains an ever present anxiety and, in some instances train services have had to be curtailed and booking restrictions imposed for short intervals to tide over the more difficult periods The North Western and Oudh Tirhut Railways and latterly the Great Indian Peninsula Railway have been particularly affected Out of a total of some 26 million tons of coal despatched annually from the pitheads the Railways' requirements are of the order of 10 million tons so that fuel economy on the Railways is of very special importance The Railway fuel economy campaign continues to be vigorously pursued Every possible method of eliminating the wasteful use of coal is followed up and the special fuel economy staff, who were reintroduced in 1944, were responsible for a total saving in coal consumption of 174,418 tons in 1945-46, as well as seeing that the coal which is burnt is used more efficiently Coal for locomotives is issued on an accurately rationed basis and a strict check is kept on consumption The careful training of engine crews in the most economical methods of operation receives constant attention In suitable areas, where locomotives can be effectively operated on oil fuel, increasing use is made of it, although this should only be regarded as a temporary substitute because it makes the Railways dependent on imported fuel For ancillary services no coal is used where any suitable alternative fuel is available and increasing use continues to be made of cinders, scrap wood, scrap sleepers, etc In workshops, measures for the conservation of heat such as the lagging of boilers and steam lines progress, as efficient lagging materials become increasingly available. Fuel economy Bulletins, are

issued periodically by the major railways reviewing progress to date and detailing results achieved and measures under trial.

The production of the better grades of steam coal continues to be inadequate to meet the ever increasing demands and Railways, much to the detriment of operation, are forced to accept higher proportions of less suitable varieties and lower grades of coal This has added to the difficulties of securing economy

18. As a long term policy the Railway Board are planning to reduce overall coal consumption by the introduction of rolling stock, both passenger and goods, materially lighter than that in use today

19. In their construction projects the Board have given the highest priority to those in the coalfied area and those designed to facilitate the expeditious distribution of the increased raisings of coal that have been planned The further additions to wagons and rolling stock which these developments will necessitate and other connected matters are now under active examination.

20 In their report the Indian Coalfields Committee have drawn attention to the need for conserving India's limited resources of good metallurgical coking coal The Railway Board were already fully alive to the situation and are prepared to forego the use of those particular high grades of coal required for metallurgical purposes as soon as suitable alternative arrangements can be effected These are being examined, but the situation is not simple and an immediate change from existing coal resources to others is not possible

21 The Board are also exploring the possibilities of alternative forms of power They have under examination the prospects of electrifying 1,500 route miles of India's railways including the Bombay-Ahmedabad section of the Bombay Baroda and Central India Railway the Howrah-Moghalserai section *via* the Grand Chord on the East Indian Railway and the extension of electrification on the Great Indian Peninsula Railway from Igatpuri to Bhusawal and from Poona to Dhond

In addition the development of diesel electric, gas turbine and other forms of traction is being investigated

Co-ordination of Transport

22 In November last, my predecessor referred in his address to the Transport Advisory Council to the possibility of all forms of transport in the country being brought within the same focus and their co-ordination being entrusted to a Joint Transport Board A beginning has been made in this direction by the formation recently of a Central Board of Transport for co-ordinating the planning and execution of transport development with a view to eliminating wasteful competition Though to start with, the Board is composed entirely of officials and has only advisory functions, it is hoped that it will in due course develop an integrated machinery for the co-ordination of all forms of transport so as to provide the best possible service at the least real cost to the community Coming now to one aspect of this, namely road-rail co-ordination, the House will recollect that in February last a sum of 8 48 crores included in the Budget for 1946-47 for investment in road services was refused on the recommendation of the *ad hoc* Committee of the House that further action should be postponed until the new Provincial Governments had had an opportunity to study individual schemes of rail-road co-ordination Ministerial Governments in Provinces have since considered the subject and a number of them have intimated that they are in favour of co-ordinating both forms of land transport on the basis of financial association by railways with road undertakings The Government of India have also reviewed the subject and are convinced that co-ordination is essential to avoid wasteful competition, protect Government finances and provide better transport services for the public While of the

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view that in most Provinces this could best be achieved in the case of passenger transport by the formation of tri-partite companies in which the Railways, the Provincial Government and road interests would participate, they would, however, permit Railways to associate financially in provincialised transport schemes while continuing to urge that an equitable adjustment of the existing operators rights should not be overlooked The Governments of Bombay, United Provinces and Sind have formulated schemes which include the Railways and it is expected that about 76 lakhs will be required for investment by Railways in these schemes in the Budget year It has not been possible to estimate precisely the amount that will be required for investments in other Provinces but, judging by available data, some 75 lakhs will be required. A provision of 151 lakhs has, therefore, been made on this account in the Budget, with the approval of the Standing Finance Committee, on the understanding that no actual investment will be made in any undertaking until a detailed scheme has been approved by the Committee

23 I will now proceed to explain the general budgetary position

Actuals for 1945-46

Our revised estimates of gross traffic receipts for 1945 46 were put at 225 crores The actuals exceeded this by only ¼ crore Net miscellaneous receipts were 41 lakhs above the revised Expenditure proved 4 8 crores less than anticipated mainly due to the throwforward of part of the anticipated debit to revenue of the inflationary element in the cost of rolling stock, the deliveries of which did not come up to expectations by the end of the year, partly offset by an increase in the loss on grain shops The net result was a surplus of 38 20 crores as against the revised estimate of 32 07 crores Of the surplus 32 crores went to General Revenues and the balance of 6 20 crores into the Railway Reserve The throwforward of rolling stock resulted in a reduction of about 3 crores in the withdrawals anticipated from the Fund The balance in the Reserve at the end of the year stood at 88 13 crores as against the revised estimate of 29 05 crores

Revised Estimates for 1946-47

24 Our budget estimate of gross traffic receipts for the current year was 177 crores The revised estimate has been put at 206 crores, an improvement of 29 crores Passenger earnings are up by 20½ crores of which some 7 crores are due to the military load falling away more slowly than had been anticipated at this time last year Civilian passenger traffic has shown a remarkable upsurge due largely to the part restoration of pre-war train services and facilities Other coaching receipts are up by 5 crores, again largely because of the slower reduction in military specials Goods receipts are expected to be 3 crores higher

25 On the other hand ordinary working expenses are now estimated at 159 crores, an increase of some 38 crores over the budget estimate Of this, 10½ crores is occasioned by throwforward from the previous year in delivery of locomotives, boilers and wagons the inflationary element in the cost of which is debitable to revenue under the special war-time arrangement of which the House is aware, and the payment of hire for Defence Department locomotives and wagons used by the Railways Ten crores is due to the grant of interim relief and increased rates of dearness allowance with retrospective effect Our budget estimate of the loss on grain shops anticipated some reduction in food prices Food prices have, however, risen and this accounts for a further expenditure of 6¾ crores The fuel bill is up by 1½ crores

Total working expenses, including depreciation and payments to worked lines, are now estimated at 174 crores There is a saving of 65 lakhs in interest charges and an improvement of 6 lakhs in net miscellaneous receipts which partly offset this increase

Supplementary demands voted by the House in November last, cover the major portion of the increased expenditure and further supplementary demands will be placed before the House later in this session to cover the remaining 7½ crores

26 The net result of all the variations is that we now expect a surplus of 8 64 crores after meeting all charges, as against a budgeted surplus of 12 22 crores In accordance with the *ad hoc* agreement mentioned in the budget speech last year General Revenues will receive only 5 61 crores against the budget expectation of 7·36 crores, the Betterment Fund will receive 3 crores and the Railway Reserve 3¼ lakhs

27 The Betterment Fund was inaugurated this year with an initial transfer of 12 crores from the Railway Reserve It will be debited with 1 4 crores for works chargeable during the current year and after receiving the credit of 3 crores *plus* interest will stand at about 13 8 crores

28 The balance in the Railway Reserve will be reduced by the 12 crores transferred to the Betterment Fund and by some 5 crores under the special rules for allocation of the cost of rolling stock ordered during the war It is therefore expected to stand at some 21¼ crores at the close of the year, out of which 5 crores, is earmarked for arrears of maintenance which accumulated owing to war conditions

Budget 1947-48

29 With existing rates and fares the budget estimate of gross traffic receipts for 1947-48 is 183 crores The decrease of 23 crores from the revised estimate includes a further reduction of 14 crores in military traffic and 3 crores from parcels The estimate makes some allowance for the adverse effects of increasing competition from road and other forms of transport, which are inevitable

30 Our estimate for ordinary working expenses has been put at 135½ crores. I may mention that this estimate does not take into account any increase in the total wage bill which may result from the decisions which Government take on the recommendations of the Adjudicator and the Pay Commission To cover any such increase it will be necessary to approach the House at a later date with supplementary demands Out of the reduction of 23¼ crores from the revised estimate for 1946-47, the fact that the special debits to revenue of part cost of works and rolling stock ordered during the war will be virtually completed in the current year and the non-recurrence of hire charges on locomotives and wagons owned by the Defence Department and used by the Railways, account for nearly 21 crores The non-recurrence of arrears of interim relief and dearness allowance accounts for a fall of over 8¼ crores These reductions are partly offset by an increase of 1¾ crores in the provision for repairs under works and rolling stock

The appropriation to the Depreciation Fund has been placed at 15 34 crores, of which 1 84 crores is a special appropriation made in order to credit to the Fund the amounts that would have accumulated therein if the Bengal and North Western and the Rohilkund and Kumaon Railway Companies' lines had been Government-owned from 1924-25 and had maintained a Depreciation Fund like the rest of the Government Railways Payments to worked lines on the basis of present charges would be 1 6 crores and net miscellaneous receipts 2 95 crores Interest charges are expected to be 26 58 crores. The net balance would then be 7 crores which has to provide for the contributions to General Revenues, the Betterment Fund and the Railway Reserve

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31. The revised estimates indicate that the contribution to General Revenues in the current year is likely to fall 1¼ crores short of the Budget estimate of 7 36 crores and in view on the one hand of the heavy commitments of the Government of India in respect of large development schemes and on the other of shrinking revenues and public borrowings, Government have fixed the contribution to General Revenues for next year at 7¼ crores after the loss on strategic lines has been met

32 The Betterment Fund is expected to open the Budget year with a balance of about 13 8 crores out of which it is expected to spend 4¾ crores This Fund as the House is aware has to defray the cost of amenities for passengers, works connected with staff welfare including quarters for inferior staff, and certain non-remunerative operative improvements designed for the safety of passengers and improvement in the efficiency of the services rendered in future years and it is considered essential that the appropriation to the to the public Expenditure from this Fund will increase rather than diminish Fund in the Budget year should at a minimum be 5 crores.

33 The Railway Reserve is expected to stand at 21¼ crores at the end of the current financial year out of which 5 crores are earmarked for the arrears of maintenance which have accumulated owing to war conditions leaving a free balance of 16¼ crores. Expenditure from the Reserve in the Budget year is put at 2 lakhs so that the balance at the end of the year would remain practically unchanged A Reserve of this order for a commercial concern with over 800 crores capital at charge can only be regarded as quite inadequate This fact was recognised by the Wedgewood Committee who recommended in 1937 that the Reserve should be built up to at least 50 crores Government therefore consider it essential to provide for a contribution of not less than 5 crores in the Budget year Even at this rate it will take seven years to build up the Reserve to the minimum level.

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34 The requirements for contributions thus total 17½ crores to meet which the estimated balance is 7 crores There is thus a gap of 10½ crores to be covered.

35 When there is a gap between revenue and expenditure, an industrial concern would set about putting matters on a sound financial basis by endeavouring to reduce costs as far as practicable and if by this means the gap could not be covered then it would have no option but to raise the prices of its products It is in this way I have addressed myself to the problem I have indicated earlier in my speech the attempts that are already being made to reduce working expenses and we trust that some further economies may evolve from the recommendations of the Railways Enquiry Committee The measure of possible economies must of necessity be limited and this will be seen from a rough breakdown of the estimates of working expenses Out of the total of 185½ crores, staff including pay, allowances, gratuities, provident fund contributions and loss on grain shops, account for 85½ crores Government have pledged themselves to no retrenchment of staff until after the Adjudicator's recommendations are published and there is the possibility of a further increase in the pay bill as the result of the recommendations of the Pay Commission

Fuel accounts for nearly 22½ crores, the cost of which is not within the control of Railway administrations though they are constantly pursuing measures to secure economy in consumption

Consumption of stores for operation and maintenance including clothing, accounts for 23¾ crores In view of the load to be carried and the arrears of maintenance which have to be overtaken in the next few years the possibility of reduction under this head seems remote

The remaining 4 crores covers a variety of smaller items such as the provision of stationery, forms and tickets, compensation for goods lost or damaged and for accidents, police, and certain contributions and grants

36 Hopeful as Government are that some economies may prove practicable it is expected that they will do no more than arrest the rise in operating costs and the gap which exists now is not likely to be lessened in the near future Government have therefore come to the conclusion that it is essential while effecting all possible economies, to take steps concurrently to moderate the decline in earnings This can only be achieved on a falling volume of traffic handled, by a lift in the level of charges for both passengers and merchandise

Early in 1940 when it became apparent that additional revenue would be required to cover the rising cost of operation due to war conditions, a surcharge of 12½ per cent was applied to freight on general merchandise except for foodgrains, manures and fodder, and 6¼ per cent to passenger fares above Re 1 No other increase was made in the general level of railway charges throughout the war years, except that the surcharge on parcels traffic by passenger train was raised from 12½ per cent to 25 per cent, and so long as high revenue levels were maintained no further enhancements were made in spite of a phenomenal rise in the working costs

Today, however, we are faced with the inevitable result of the changed economic and social conditions that have emerged in the aftermath of war—higher wages and higher costs of materials, stores and fuel, all aggregating to the continuance of a high level of operating expenses, while on the other hand the level of revenues has commenced to decline and it is not at present possible to foresee the level to which they may eventually recede Not only have the large revenues from military traffic and traffic actuated by the needs of war been cut off, but soon, road and other forms of competitive transport will be revived and intensified, as the vehicles of movement become increasingly available In spite of the high degree of co-ordination with such forms of transport which the railways hope to achieve, a decline in railway revenues is inevitable

37 Most reluctantly, therefore Government have decided that the time has come to raise the level of railway charges to ensure the solvency of this national undertaking, and this, it is proposed to do by a 6¼ per cent increase on the present level of fares above Re 1 and the application of a 6¼ per cent increase to fares below Re 1 which have hitherto not been called upon to make any contribution to the increased costs of operation The minimum fare of one anna will, however, remain The yield from this increase is estimated at Rs 4¾ crores

As regards merchandise by goods trains, to which an increased charge of 12½ per cent already applies, (except for foodgrains in wagon loads, manures and fodder) and to that by passenger train to which an increased charge of 25 per cent applies, Government are anxious to avoid any action calculated to retard the development of nascent industry or to increase the retail prices of the necessities of life, but at the same time additional revenue to the extent of Rs 5¾ crores has to be found and a rise in the freight rates for the carriage of merchandise cannot wholly be avoided without throwing a heavier burden on passenger traffic than is proposed It is necessary to explain that there are many commodities, the general level of rates for which are today lower—and in many cases much lower—than what the traffic can bear, and it is believed that the additional revenue required can be obtained by lifting, within the framework of the present scales of authorised charges, the level of many of the special and station-to-station rates now in existence These rates owe their existence and the low level at which they are pitched,

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to economic and transport conditions which no longer obtain, and many commodities can afford today to bear a higher general level of charges than in prewar days Nevertheless, the increases contemplated, particularly in so far as these relate to the necessities of life, as for example foodgrains and piecegoods, will be individually far too small to offer any justification for an increase in retail prices The incidence of the freight increases will never exceed one pie per seer of foodgrains or one pie per yard of cloth. The yield anticipated from these freight adjustments is about 5¾ crores, and although this may appear to be a large sum in the aggregate, the incidence of the increase will be so spread as to fall equitably and in just proportion to the ability of the different commodities to bear it Government are of the view that this is a more satisfactory method of securing the additional revenue required than a general percentage increase which would fall equally on all varieties of merchandise irrespective of the lesser or greater ability of different commodities to pay the higher freight charges

38 In making these proposals, Government have kept in mind the importance of keeping in check the inflationary tendency which still prevails It will be realised that an increase in passenger fares is deflationary in effect, resembling in this respect an increase in direct taxation An increase in freight rates on the other hand tends to raise prices but as I have explained, our proposals are so framed that they will have no perceptible effect on the prices of essential commodities Moreover they involve no alteration in the general structure of our goods rates but are confined to a readjustment of the special rates brought into existence by conditions which no longer apply The position roughly is that as against an increase of 185 per cent in our wholesale price index and of 159 per cent in the cost of living index (based on Bombay prices) the increases in rates and fares since the war started, and including those now proposed have not reached 12½ per cent and 13 per cent respectively

The increase in passenger fares will take effect from the 1st March next and in the freight rates concerned from the 1st April next

39 The effect of these changes will be to cover the gap of 10½ crores at present visible The gross traffic earnings will then become 193½ crores The printed budget estimates I am presenting today include the anticipated receipts from these enhanced charges

Capital, Betterment Fund and Depreciation Fund Expenditure 1946-47

40 The budget estimate of the works programme for the current year was 34 54 crores, against which the revised estimate is 32 90 crores, 13 49 crores under Capital, 1 42 crores under Betterment Fund and 17 99 crores under Depreciation Fund This includes a small provision of 7 lakhs for capital expenditure on the Vizagapatam Port, the administrative control of which was transferred to the Railway Department from the War Department on 1st April 1946 The settlement of the terms under which the Railway Department will assume full financial responsibility for the Port is nearing completion

The expenditure on New Constructions in the current year is expected to be only about 42 lakhs, against 2 crores included in the budget, as final decisions have not yet been taken in regard to the constructions it was then thought might be commenced this year Open line works expenditure is, however, likely to exceed the budget provision by 2.61 crores, mainly on the housing of colliery labour and the creation of a reserve of coal at Bokaro Colliery Suspense balances are now expected to be reduced by 1 57 crores in pursuance of the policy of cutting down surplus stocks now that the war emergency is over. Expenditure on rolling stock is now expected to be about a quarter of a crore less than the budget since 144 suburban electric coaches

for the Bombay Baroda and Central India and Great Indian Peninsula Railways, a ferry steamer for the South Indian Railway and 6 Broad Gauge locomotives for the Madras and Southern Mahratta Railway and some boilers provided for are not expected to be received till 1947-48 As against these throwforwards provision has now been made for the difference between the price of 850 MacArthur locomotives and 2,100 Metre Gauge wagons purchased from Defence Department and provisionally adjusted last year and the price as now finally settled this year, as well as for the cost of 8 more MacArthur locomotives and 4,588 more Metre Gauge wagons which it has now been decided to purchase Of the expenditure of about 2 8 crores involved in this, one crore will be charged to Revenue Working Expenses under the special rules of allocation for stock ordered during the war and the balance of 1 8 crores to Capital, the Depreciation Fund and Railway Reserve Besides this, provision has also been included for certain Broad Gauge locomotives and wagons expected last year but received only in the current year

1947-48

41 The works programme for the budget year is for a gross total of 58 42 crores, 33 45 crores under Capital, 5 50 crores under Betterment Fund and 19,47 crores under Depreciation Fund 2 47 crores is for New Constructions and for the restoration of dismantled lines, which include the Bhimsen-Khairada Section on the Great Indian Peninsula Railway and the Rupar-Talaura line on the North Western Railway, which is expected to be opened to traffic during the year 35 lakhs has been provided for the purchase of the Mandra-Bhaun Railway, of which 6 lakhs, representing premium, has been provided under Revenue Working Expenses A provision of 1 51 crores has been made for probable investments in road services No investment will be made without prior reference to the Standing Finance Committee for Railways Capital expenditure on Vizagapatam Port accounts for 15 lakhs For Open Line Works we have provided 54 crores, which includes 5½ crores for staff quarters, the major portion being for inferior staff Over 97 lakhs has been included for expenditure on amenities to staff such as the provision of institutes, hospitals, dispensaries, maternity and child welfare centres and improvements in sanitation and water supply in railway colonies A lump sum cut of 15 per cent has been made on the programme for Works, Rolling Stock and Machinery, as it is probable that the railways will not be able to spend the full amount The net provision thus comes to 50 crores of which 4 7 crores will be charged to the Betterment Fund and 16 09 crores to the Depreciation Fund

Taking into account the increased receipts expected from the increases in fares and certain freight rates the balances in the Betterment Fund, Depreciation Fund and Railway Reserve at the end of 1947-48 are estimated at 14.56 crores, 101 92 crores and 26 45 crores respectively

The Convention

42 An exhaustive investigation has been carried out by officers of the Railway Board of the data available with Railway Administrations pertaining to replacements of the various classes of railway assets in past years From these data provisional conclusions have been reached as to the appropriate figures for the lives of the various classes The capital at charge of each railway is now, with the use of such records as exist, being apportioned between the various classes When this has been completed it will be possible to calculate the appropriate annual contribution to the Depreciation Fund. It is hoped that this work will be finished in time to put the proposals before the Standing Finance Committee for Railways next July

[Dr John Matthai]

Government expect to arrive at early decisions on the recommendations of the Adjudicator and the Pay Commission so that the resulting effects on the Railway pay bill should be known within a reasonably short time Although the future trend of traffic receipts may still be a matter for some speculation it would in Government's opinion be advantageous to appoint a Committee now to review the whole question of the Railway Separation Convention Even though the Committee may not be able to start their work in earnest before the late summer, if they are constituted now they will certainly be able to take up the work before the next session of the Legislature

I shall therefore during the course of this session bring forward a motion regarding the election of Members of the House to the Committee which Government propose to set up

43 The first full year of peace is drawing to a close and looking back evidence is not wanting that some progress has been made along the difficult return path from war to peace conditions The changeover is, however, so great and its effects on such a vast organisation as the Indian railway system are so profound, that it is not surprising if strains and stresses develop in many directions and a variety of difficult problems are thrown up Added to the general unrest, which always follows in the wake of wide-spread war, there have been the unsettling effects of political changes But given goodwill and the exercise of a little patience by the staff and the public alike, which I think the House will agree this Government is entitled to expect, the major difficulties will be smoothed out in the near future and we can apply ourselves to the rehabilitation and development which we all so earnestly desire

44 I should like in conclusion to express on behalf of Government our warm appreciation of the work done by the staff and by all railway employees during the year It has been an exceptionally trying and difficult year which has imposed a heavy strain on the whole of my organisation from the Chief Commissioner downwards I wish to take this opportunity to pay a tribute to the loyalty and zeal with which they have discharged their duties under adverse conditions

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 Mr G V Mavalankar) in the Chair

BANKING COMPANIES BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I present the Report of the Select Committee on the Bill to consolidate and amend the law relating to Banking Companies

RAILWAYS (TRANSPORT OF GOODS) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Dr. John Matthai (Member for Railways and Transport) Sir, I present the Report of the Select Committee on the Bill to confer for a limited period special powers for regulating the transport of goods on railways

INDIAN COINAGE (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I beg for leave to introduce a Bill further to amend the Indian Coinage Act, 1906.

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Indian Coinage Act, 1906."

The motion was adopted.

The Honourable Mr. Liaquat Ali Khan: Sir, I introduce the Bill.

RESERVE BANK OF INDIA (AMENDMENT) BILL

The Honourable Mr. Liaquat Ali Khan (Finance Member) Sir, I beg for leave to introduce a Bill further to amend the Reserve Bank of India Act, 1934.

Mr. President: The question is

"That leave be granted to introduce a Bill further to amend the Reserve Bank of India Act, 1934."

The motion was adopted.

The Honourable Mr. Liaquat Ali Khan: Sir I introduce the Bill.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

The Honourable Mr. Liaquat Ali Khan (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, four members to be members of the Committee on Public Accounts in place of Syed Ghulam Bhik Nairang, Shri Mohan Lal Saksena, Sjt B S Hiray and Pandit Sri Krishna Dutt Paliwal, who retired on the 31st January, 1947 in accordance with sub rule (4) of the same rule."

Mr. President: 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, four members to be members of the Committee on Public Accounts in place of Syed Ghulam Bhik Nairang, Shri Mohan Lal Saksena, Sjt B S Hiray and Pandit Sri Krishna Dutt Paliwal, who retired on the 31st January, 1947 in accordance with sub rule (4) of the same rule."

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR LABOUR DEPARTMENT

The Honourable Shri Jagjivan Ram (Labour Member) Sir, I move

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one non official member to serve on the Standing Committee to advise on subjects with which the Department of Labour is concerned for the financial year 1946-47, *vice* Sir Hasan Suhrawardy deceased."

Mr. President: The question is

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one non official member to serve on the Standing Committee to advise on subjects with which the Department of Labour is concerned for the financial year 1946-47, *vice* Sir Hasan Suhrawardy deceased."

The motion was adopted.

Mr. President: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following two Committees —

—	Date for nomination	Date of election
Committee on Public Accounts . .	20th February, 1947	22nd February, 1947
Standing Committee for the Department of Labour.	Do. . .	Do

The nominations will be received in the Notice Office up to 12 Noon on the date mentioned for the purpose The elections, 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

INDUSTRIAL DISPUTES BILL

Mr. President: The House may now proceed with the further consideration of the Bill to make provision for the investigation and settlement of industrial disputes and for certain other purposes as reported by the Select Committee

Mr. Vadilal Lallubhai (Ahmedabad Millowners' Association Indian Commerce) As I said, this amendment is a consequential amendment to Clause 1 which has been amended in the Select Committee In the old Bill an award was not binding and the wording of the Bill as introduced in the last session were

"That in the event of such an award the appropriate Government may by order in writing declare the award binding wholly or in part But if the appropriate Government rejects the award it shall record its reason therefor"

In the Select Committee we changed it and made the award compulsorily binding on all concerned except where it affected Government As we have changed this into a compulsorily binding award, I do not see why this change in this sub-section of clause 3 should not be made If we allow both parties to carry on the struggle in spite of there having been appointed a Board of Arbitrators which would go into the merits of the case and give a binding award whereby the necessity of a further strike is definitely avoided, there is no meaning in keeping these wide powers with the Government so that although they refer the matter to the tribunal, they would be empowered to allow both the parties to carry on the struggle which would only be harmful both to industry and labour and also to consumers in the country at large Further if such a strike is allowed to be carried on, the proceedings of the tribunal would be vitiated to the extent that the atmosphere will be hot and the strike may be going on in that city or industry while the arbitrators are actually discussing the matter with the parties

Sir, the only objective to my mind would be, and that objective cannot be of the Government but a charge may be laid at the doors of the Government that they want to keep these powers with them so that in case a labour union is not seeing eye to eye with the Government of the day that labour union may be allowed to suffer if the lock-out is allowed to be continued so that that labour union may come to grief or *vice versa* If the industrialist concerned do not see eye to eye with the Government of the day that power may be used in such a fashion that the industrialists by the carrying on of the strike would be made to suffer so heavily that in the future they would think ten times before opposing any established Government, although they may believe that in certain respects that the Government was not doing the right thing That would be the charge laid at the door of the Government if the Government would interfere and that

is why I would say that such a wide power ought not to be given I would therefore request the Labour members here that they must consider that aspect of the case before they oppose this amendment of mine and if they would not agree to this amendment of mine, I would not press for it, because I would not like that any unnecessary difference should be created I thought it my duty to show to the House that this amendment is just a consequential one and a very necessary one, so that all strikes and lock-outs are avoided, because actually there is not going to be any fruitful results as a result of these strikes being continued once the matter is before a tribunal or a Board Sir, I move

Mr. President: Amendment moved

"That in sub-clause (3) of clause 10 of the Bill, for the word 'may' where it occurs for the first time, the word 'shall' be substituted"

The Honourable Shri Jagjivan Ram (Labour Member) Sir, my friend Mr Vadilal Lallubhai has made two points The first, that his amendment is a consequential amendment to Section 15 I do not understand how it could be consequential to a section which we have not yet considered I do not want to dilate on that point The amendment is not consequential

The second point that he has made is that when the Government refers a matter to arbitration or a Board, the award of that body is binding I want to make it clear that the award of the Conciliation Board is not binding It is only the award of adjudication that is binding I would refer my Honourable friend to Section

Mr. Vadilal Lallubhai: If the Honourable Member would agree to a compromise only in the case of a tribunal, I would agree

The Honourable Shri Jagjivan Ram: I will come to that I would draw the attention of my Honourable friend to clause 1 of the section under consideration, according to which it is not compulsory for the Government to refer any disputes to conciliation or adjudication If my Honourable friend has agreed to give such wide powers to the Government, whether to refer or not a dispute to conciliation or adjudication, I do not understand why these powers should not be left with the appropriate Government to decide in which case to direct that the strike shall not continue and in which case to let the matter as it was In that view of the matter I do not accept the amendment and I hope my Honourable friend will not press for it

Miss Maniben Kara (Nominated Non-Official) Sir, I am sorry that we cannot accept the amendment which has been moved by my Honourable friend, Mr Vadilal Lallubhai, because we are not convinced by the arguments which he has advanced However, I am glad to know that he has agreed to respect our desire to the extent of withdrawing the amendment, if we did not accept it The point is that Mr Vadilal Lallubhai by moving the present amendment is asking the Government in all cases to compel the unions to withdraw their strikes Our anxiety is that Government has too much power already They can intervene at any stage and ask the workers to withdraw their strike That being the position, under no circumstances will we be prepared to accept Mr Vadilal Lallubhai's amendment, which compels the Government in all circumstances to ask us to withdraw the strike With these words I oppose the amendment

Mr. Vadilal Lallubhai: Sir, I would like to withdraw my amendment

The amendment was by leave of the Assembly withdrawn

Mr. President: The question is

"That clause 10 stand part of the Bill."

The motion was adopted

Clause 10 was added to the Bill

Clause 11 was added to the Bill

Miss Maniben Kara: Sir, I move

"That in sub-clause (6) of clause 12 of the Bill, for the word 'fourteen', the word 'seven' be substituted."

I do not intend to speak long on this amendment as I have made it clear from the very start that I am against any compulsory arbitration Since that is my position I am anxious to have as short a time as possible for the report of the proceedings Clause 6 reads "A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings". The dispute will not only be referred to the Board of Conciliation, but after it is referred to the Board of Conciliation it may be referred further on to the Court of Enquiry and also to adjudication In that case the period is very much prolonged and the workers will not be in a position to go on strike We would accept the clause as it stands provided the Government would not insist on the withdrawal of the strike during the pendency of the conciliation proceedings We feel that if that right is taken away, the workers lose their bargaining power For these reasons we are very anxious that the report be ready as early as possible For conciliation machinery I do not understand why seven days should not be sufficient The Conciliation Officers will have only to bring the two parties together and get facts If the Conciliation Board is going to take a fortnight, then it naturally follows that the other proceedings also will take a lot more time For this reason, I would appeal to the Honourable the Labour Member to accept our amendment for seven days in the case of the Conciliation Board

Mr. President: Amendment moved

"That in sub-clause (6) of clause 12 of the Bill, for the word 'fourteen', the word 'seven' be substituted "

The Honourable Shri Jagjivan Ram: Sir, the period provided in this clause is already a small period In matters of conciliation, if the dispute is spread over a wide range, it may take rather a longer period than fourteen days even But here the option has been left to the appropriate Government to fix a period shorter than this if the Government feels that the dispute will not take a longer time I do not therefore see how a period of seven days will be sufficient for them I do not accept the amendment Sir, I oppose it

Mr. S Guruswami (Nominated Non-Official) Sir, in supporting the amendment moved by my Honourable friend, Miss Maniben Kara, I must point out that the intention of the amendment moved by her is this, namely, that fourteen days time cannot be allowed for conciliation for public utility services It is this important period which should be utilised by all the parties concerned and the Government to bring about conciliation All that we ask is that the Conciliation Officer should not take 14 days As a matter of fact even one day is sufficient if he is available for the purpose and if he knows his job Extending the period of conciliation by a Conciliation Officer to fourteen days would be an attempt not only to prolong the dispute but to see that the strike does not take place on the specified date Therefore, as Miss Maniben Kara rightly pointed out, when the Government have armed themselves with the powers that no strike should continue if they so decide during the pendency of conciliation proceedings, there should be no further difficulty for the Government to accept this amendment Fourteen days is too long a time And what is it that a Conciliation Officer will do if he cannot bring both the parties together and if he cannot suggest some *via media* for a compromise In actual practice two days would be sufficient. You should appreciate the fact that we agree to seven days instead of saying that it should be two days so far as the Conciliation Officer is concerned With these words I would ask the Honourable Member not to stick to his original drafting but to see also our point of view instead of relying on the majority.

Mr. P. J. Griffiths (Assam European) Sir, my Honourable friend, Miss Maniben Kara, appears to be under a misconception that this section has some bearing on the period of report of a Conciliation Board This clause is concerned purely, as I read it, with the report of the Conciliation Officer The power of Government to prohibit strikes or lock-outs during conciliation proceedings, to which she referred, applies not to the proceedings of the Conciliation Officer but the proceedings of a Conciliation Board It has no relevance to this section Miss Maniben Kara says in effect that Government has the power to prohibit strikes during the period of conciliation and therefore the period of conciliation should be short Government has no power under this Bill to prohibit strikes during the proceedings before a Conciliation Officer There is therefore no argument to the effect that the period should be kept short under this section Miss Maniben Kara's remarks would apply to proceedings before a Conciliation Board but it would not apply to the proceedings contemplated under this section by a Conciliation Officer I oppose the amendment

Sir Cowasjee Jehangir: (Nominated Non-Official) Mr President, there is some misunderstanding Under the Bill, as it is drafted, a notice of fifteen days for a strike is only required for public utility services and not for any other strike We are of the opinion that there should be a fifteen days notice for every strike, whether it be a public utility concern or not If my friends would concede the point that a fifteen days notice should be given for every strike, then I would not have any objection to making it seven days instead of fourteen They cannot have it both ways If Government do not declare under their powers under this Bill a certain strike to be in respect of a public utility concern

Mr. President: I am afraid there is some misapprehension on the part of the Honourable Member The section deals with the report by a Conciliation Officer The sub-clause says that it should be submitted within fourteen days Miss Maniben Kara's contention is that it is a long time and that the report should be submitted within seven days That is the only point It does not deal with notice at all

Sir Cowasjee Jehangir: Their argument is, as Mr Griffiths said very clearly, that a notice of fifteen days has to be given for a strike and that period of fifteen days should be utilised by both parties for conciliation I pointed out that fifteen days notice is not necessary for a strike in all cases under this Bill If it was I would be quite prepared to accept seven days There are certain strikes which can be lightning strikes—which I consider to be the weakest point in this Bill We shall come to it when we deal with the clause But to use this argument that a strike cannot take place without fifteen days' notice is not correct It is not so for all strikes It is so only for a certain class of strikes Therefore this fourteen days' time is an absolute necessity in the case of a strikes which is a lightning strike That is the point

Dr. Zia Uddin Ahmad (United Provinces Southern Division Muhammadan Rural) I do not fight on the number of days, whether it should be fourteen or seven I want to stress that in a matter of this kind there should be no delay Delay is not a good thing in the interests of the general discipline and the general welfare of the people The quicker the Government decide the better. From my personal experience, I can say that even a day's delay makes an enormous difference This matter ought to be decided very quickly and I think the shorter the time the better it will be

3 P. M

Mr. President: The question is:

"That in sub-clause (6) of clause 12 of the Bill, for the word 'fourteen', the word 'seven' be substituted."

The motion was negatived

Mr. President: The question is.

"That clause 12 stand part of the Bill."

The motion was adopted

Clause 12 was added to the Bill

Miss Maniben Kara: Sir, I move

"That in sub clause (5) of clause 13 of the Bill, for the words 'two months' where it occurs for the first time, the word 'fortnight' be substituted"

I am glad to hear my friend Mr Griffiths advance the argument on the previous occasion that when the dispute is before a conciliation officer it does not debar workers from going on a strike and his support was based on that argument

Mr. P. J. Griffiths: On a point of personal explanation I did not support the argument I said it was not relevant to this clause

Miss Maniben Kara: In this particular case, where the dispute is referred to a Board, the workers may or may not have given 14 days' notice The workers whose dispute has been referred to this Board will not be in a position to go on strike even after having given notice and if the Board is going to take two months to decide about this dispute and give their report, it means that the workers will not be in a position to go on strike for 2½ months

Once again I would repeat that this reference to the Board is not with the consent of the parties The Government accepts the responsibility to decide at which particular stage they would intervene and at which particular stage they will refer the dispute to the board of conciliation Under those conditions, where the parties are not agreeable to referring the matter to the Board, where they think that as a result of their strike they may get their demands granted and if at this stage the Government intervene, and do not publish the report for two months, it would be most unjust to the workers It will be most unjust because the workers will be compelled to put up with those intolerable conditions The workers do not necessarily go on strike until the conditions of work are intolerable Strikes very often take place as a result of a sudden decision on the part of the employers to make changes in the conditions of their work Moreover it is not said at what stage the Government will intervene Government may not intervene immediately They may do so after assessing the strength of both the parties and after intervening they are not compelled to publish the report for two months This is most unjust and unfair to the workers, that they should be kept waiting for 2½ months We are not being irresponsible and asking you to publish the report in a week We are prepared to give two full weeks I hope Government will accept this amendment

Mr. President: I would suggest to the Honourable Member that she may move the next amendment also It is a corollary to what she has just moved The arguments will be identical and I shall put both together to the House

Miss Maniben Kara: Sir, I move

"That in the first proviso to sub-clause (5) of clause 13 of the Bill for the words 'two months', the word 'fortnight' be substituted"

Mr. President: Amendments moved

"That in sub clause (5) of clause 13 of the Bill, for the words 'two months' where it occurs for the first time, the word 'fortnight' be substituted", and

"That in the first proviso to sub-clause (5) of clause 13 of the Bill, for the words 'two months', the word 'fortnight' be substituted"

The Honourable Shri Jagjivan Ram: We have the same anxiety that all these proceedings should be finished as early as possible but the practical point

of view has to be taken as well There may be cases in which it will be physically impossible for the Conciliation Board to finish the proceedings within a period of two months To cite a concrete case, take the case of coal fields If the disputes in the coal fields of Bengal and Bihar were referred to a board of conciliation and if the disputes were between a number of unions and a number of colliery owners and there were half a dozen points at issue, the time taken will naturally be longer and this period of two months in such cases will not be considered very long Of course the power is there for the provincial governments or the appropriate governments to fix a shorter period as well and if they feel that the dispute is a very small one and may be finished in one or two weeks, they will fix that period but in some cases even this period of two months may not be considered to be adequate and in that case power has been given to the appropriate governments in proviso (1) to this clause to extend that period but that period will not extend to more than two months, taking all the extensions together Therefore I do not think the period that has been provided is unreasonably long and therefore I do not accept the amendment

Mr S. Guruswami Sir, I am sorry the Labour Member has not been able to appreciate the point of this amendment that has been moved In the first place, there is proviso No 2 which says

"Provided further that the time for the submission of the report may be extended by such period as may be agreed on in writing by all the parties to the dispute"

After all, a considerable number of the Members of the Board consist of labour representatives and will it be necessary to continue the proceedings if they feel to the contrary? There are ample powers in this clause to extend the time of conciliation proceedings by the Board But if the labour representatives do not consider that there is any case for extension of the conciliation proceedings, then all that we ask is that you should not have more than a month to extend the proceedings of the conciliation Instead of two months, we say that the Board of Conciliation should not sit for more than a fortnight in the first place, and, if necessary, this period may be extended by another fortnight. This means to say that the Government will have power, if they accept the amendment moved by Miss Maniben Kara, to conduct the proceedings for at least one month and more with the co-operation of the labour representatives The very nature of the constitution of the Board of Conciliation is such that, unless labour members co-operate, there can be no effective proceedings of the Board of Conciliation Therefore, trying to secure powers which will be useless in actual practice without the co-operation of the members representing labour is only an attempt to sabotage a strike, that might otherwise be successful That is why I say it is not fair that the Government should arm itself with powers to stop a strike during the pendency of the conciliation proceedings It is also unfair to have the power to prolong the proceedings of the Board of Conciliation by nearly four months as the proviso contemplates Therefore, I would ask the Government to consider that the labour is prepared to accept on merits the extension of the proceedings to an indefinite period which may be agreed to by the labour representatives In the circumstances, Government should not compel them to keep quiet by dragging the proceedings of the Board of Conciliation, especially at a time when a successful strike in defence of a good cause is possible and there is no faith in the outcome of a Conciliation Board's proceedings

Mr. S. C. Joshi (Government of India Nominated Official) Sir May I point out to my Honourable friend the inconsistency that will arise and the difficulties that will be felt if this amendment is carried? Just now we have passed clause 12, which provides 14 days period for the conciliation proceedings before a Conciliation Officer, and the period of one month that is prescribed in sub-clause (5) of clause 18 is of two months from the date of the notice under section 22 Therefore, if the 14 days period, as is contemplated by the amendment, is carried, the result will be that the Conciliation Officer will take the

[Mr S C Joshi]

same period during which the Conciliation Board has to complete the proceeding Therefore, it will be inconsistent with what we have already decided Conciliation proceedings by conciliation officers are compulsory in public utility services and such conciliation proceedings have to be finished before the expiry of the 14 days notice, which has got to be compulsorily given under clause 22 It is only after such conciliation proceedings have failed that a Board will be appointed, and yet the Board will take only two months from the date of the notice under clause 22 Therefore, the whole period is not of two months and 15 days, it is really of one month and 15 days

Mr S Guruswami: On the understanding that the Board of Conciliation is appointed after the completion of the proceedings, which is not necessarily the case

Mr S C Joshi: Yes, it is not necessarily the case but it will generally be the case Therefore, we have to provide for cases which are likely to occur and what I have said is likely to occur Therefore, it will be inconsistent with what we have already decided

The second thing is that in conciliation proceedings in disputes like the railway disputes, is it possible to finish the proceedings within 14 days from the date of notice? My Honourable friend represents railway labour and he knows it perfectly well that he himself will take 14 days to prepare his case and to appear before the Conciliation Board He will have to collect all his friends and colleagues and discuss the matter with them before he puts up his case It has been found that even in the case of proceedings before the Railway adjudicator it was difficult for him to put up his case for a period of two months, although he was crying hoarse that the proceedings should have been finished in a shorter time by the adjudicator But he himself was not able to put up the case of the railwaymen before the adjudicator within a period of two months Let him say by what time from the date of adjudication he was able to put up the statement of his case? In such cases, therefore, it is useless to say for my Honourable friends that the Board of Conciliation can finish the proceedings within a fortnight It is not possible at all The same thing happened in the case of Posts and Telegraphs adjudication proceedings

Mr P J Griffiths: The wording of the clause is

"Provided that the appropriate Government may from time to time extend the time for the submission of the report by such further periods not exceeding two months in the aggregate"

It is not clear which are the periods which in the aggregate must not exceed two months Is it the total of the extensions that must not exceed two months or is it the aggregate of the original period plus the extension? I take it to mean that the period will be two months in the first place and there may be another two months extention altogether That is not exactly as it was put just now by the Labour Commissioner

Mr President: Does the Government accept that view? But even if the Government accepts it, it does not matter because it will be for the court of law to interpret the meaning Is the question clear?

The Honourable Shri Jagjivan Ram: No, Sir

Mr. P. J. Griffiths: The wording say that the aggregate period must not extend two months Now, what are the periods which in the aggregate must not exceed two months? Are they merely the periods of extensions or are they the total period from the time of first giving notice? Suppose the Government first fixes a period of 7 weeks for report? Could they afterwards extend the period for a further 2 months? One reading of it is that the whole thing must be finished within two months from the date of giving notice, and the other reading is that you may fix the first period to be say seven weeks and

after that you may give an extension, but the total extensions must not be for more than 2 months, so that your total period may be two months and seven weeks

The Honourable Shri Jagjivan Ram The intention of the Government is the latter one

Mr President. I propose to put both the amendments together, but if the Honourable Member wishes me to put them separately, I will do so

Miss Maniben Kara: That is not necessary, they can be put together

Mr President. The question is

"That in sub clause (5) of clause 13 of the Bill for the words 'two months' where it occurs for the first time, the word 'fortnight' be substituted', and

'That in the first proviso to sub clause (5) of clause 13 of the Bill for the words 'two months', the word 'fortnight' be substituted"

The motion was negatived

Mr President: The question is

'That clause 13 stand part of the Bill

The motion was adopted

Clause 13 was added to the Bill

Miss Maniben Kara: Sir, I beg to move

That in clause 14 of the Bill for the words 'six months' the words 'one month' be substituted'

Mr President. The argument seems to be the same as in the case of previous amendments

Miss Maniben Kara: No, Sir Slightly different

Mr President: Let there be no repetition of arguments Only the difference may be pointed out

Miss Maniben Kara. The clause as it now stands says 'six months from the commencement of its enquiry' Sir, the difference in this clause is that Government will institute an enquiry at any stage, not necessarily at the stage when the strike notice is given The Government will institute an enquiry at any stage, and from the date of enquiry will take six months to publish the report

The Honourable Shri Jagjivan Ram: What is the harm?

Miss Maniben Kara: Six months is certainly too long a period Assuming in certain cases where the strike is already going on for a month or so, it may be going on for two months Government do not intervene for two months and then the Government may decide to refer the matter to the Board Then the dispute might come before the Court of Enquiry Report will take six months not from the commencement of the strike, but from the time when the dispute is referred to the Court of Enquiry This will mean strike period plus six months before the report is published I would certainly try to understand the reason why the Government should take such a long time to publish their report

The Honourable Shri Jagjivan Ram: There is nothing about publication

Miss Maniben Kara: I am sorry I mean the conclusion of their enquiry As was pointed out by my Honourable friend Mr Guruswami, if this enquiry is going on with the consent of both parties, then certainly the workers will not grudge the prolonged time, that is being taken

The Honourable Shri Jagjivan Ram: That is another clause

Miss Maniben Kara: But here taking six months and making strikes illegal, compelling workers not to go on strike . .

The Honourable Shri Jagjivan Ram. They can go on strike

Miss Maniben Kara. Compelling the workers to keep their conditions pending for six months All that we are asking for is that they should finish their conclusions within one month so that the workers may exactly know their fate I am hoping that this amendment of one month will be accepted by the Honourable the Labour Member

Mr. President: Amendment moved

That in clause 14 of the Bill, for the words 'six months' the words 'one month', be substituted "

Mr. S. Guruswami: I rise to say a few words in support of the amendment on the ground that a strike is not illegal during the pendency of a court of enquiry It was on this basis alone that I appealed to Government not to insist upon illegalising the strikes during the pendency of enquiry by Board of Conciliation or Tribunal While that is so, we would also like to make it clear that labour is not anxious to go on strike simply for strike's sake There are organised Unions which would like to know the result of a Court of Enquiry before deciding whether they should go on strike or not and to prolong the proceedings for six months and with no safeguarding clause that the report is binding or will be accepted by the employers is only to put them at a disadvantage so far as public opinion is concerned This is not a very vital clause so far as Government is concerned especially when they do not think that the appointment of a Court of Enquiry is of such a serious nature as to require their being armed with powers to illegalise the strikes during the pendency of proceedings of a Court of Enquiry That is why I am appealing to Government whether they should not at least show their token sympathy with our demand by saying that they will accept this amendment

The Honourable Shri Jagjivan Ram: I have only one point to place before the House This period is for a Court of Enquiry, it is not for a Conciliation Board or a Tribunal I would ask my Honourable friends who represent labour interests in the House whether they honestly think that it will be possible for any Court of enquiry where a big dispute is involved to finish their labours within a period of one month I put this question direct to them I am sure they will agree with me that in many cases it will take a much longer period than six months Therefore, I hope they will not press this amendment.

Mr. President: The question is

'That in clause 14 of the Bill for the words 'six months' the words 'one month' be substituted "

The motion was negatived

Mr President: The question is '

' That clause 14 stand part of the Bill "

The motion was adopted

Clause 14 was added to the Bill

Mr. President: Clause 15 There are three amendments to this clause The Honourable Member Miss Maniben Kara may move all the three amendments at the same time, let us have common arguments for all the three amendments .I will put them to the House separately

Sir Cowasjee Jehangir: They are all alternative amendments

Mr. President. They are not alternative in the sense of one against every other

Miss Maniben Kara: I do not move the first amendment

Sir, I move

"That in sub clause (2) of clause 15 of the Bill, after the word 'binding' the following be added at the end, namely

'where reference to the Tribunal was made with the consent of the parties to the dispute'', and

"That the proviso to sub clause (2) of clause 15 of the Bill be omitted "

Sir, the reason for my not moving the first amendment is that where the parties themselves have asked for Government intervention, then naturally they are expected to bind themselves by any decision I do not move my first amendment as it is covered by my second amendment which says "where reference to the Tribunal was made with the consent of the parties to the dispute" If the workers themselves feel that they are not in a position to get their demands granted as a result of the negotiations, or as a result of any other machinery, or even as a result of a strike, then if these workers themselves approach the Government and refer their dispute to the Government and ask their intervention, in such cases, the award may be binding on both sides But what happens in the present case is that Government reserve the right to decide whether they should intervene or not They deprive the workers of their right of choice, they do not give freedom to workers What they say is, we shall intervene, we shall decide for you and then make it compulsory and binding on the workers the award which is given by us The proviso says that the Government reserve the right of accepting or rejecting the award Now, on this point, curiously enough, Sir Cowasjee Jehangir and myself find each other in agreement Government appoint on this Board their own men—High Court Judges and various other people—in whom they have confidence They feel that they are competent and responsible persons If Government themselves have no confidence in the people they appoint how can they expect the workers to have confidence in them? This clause practically reduces the award to a farce If the award is not going to be binding on Government and they refer the matter to the legislature, why unnecessarily go through all these proceedings and have an award? I think it will be very unfair and one-sided If Government expect workers to have confidence in their machinery then they themselves must have confidence in the machinery which they create They create a machinery and if the award is not acceptable to them they want to reserve to themselves the right to go to the legislature and get their vote on it I cannot understand or appreciate this kind of one-sided stand Government must be compelled to abide by the award If you are not prepared to accept the award you will not be justified under any circumstances to expect labour to abide by it, and for this reason I would ask for the deletion of the proviso

Mr President Amendments moved

"That in sub-clause (2) of clause 15 of the Bill, after the word 'binding' the following be added at the end, namely

'where reference to the Tribunal was made with the consent of the parties to the dispute' and

"That the proviso to sub-clause (2) of clause 15 of the Bill be omitted"

The Honourable Shri Jagjivan Ram: Sir, I oppose these amendments As I explained on previous occasions, the fundamental principle of this Bill is whether, where a dispute exists or is threatened, Government should intervene and if necessary, refer the matter compulsorily to adjudication Adjudication will have no meaning if the award is not to be binding, it will simply take away time without any result And as regards the proviso I feel that this power should be in the hands of the appropriate Government There is no question of having no confidence in High Court or other Judges, but the question is to examine the award from a wider point of view, to examine the award from the point of view of the repercussions which it might produce on the economy of the country And Government is the competent authority to examine the award from that point of view Therefore the power provided under the proviso should be there in the hands of Government, to alter the award if necessary with the sanction of the legislature I think the clause as it stands is necessary and I do not accept the amendment

Mr. S. Guruswami: Sir, this clause 15 is a very important clause and affects the policy of Government relating to settlement of trade disputes This goes further than what they stated at the beginning For example, the

[Mr S Guruswami]

Ahmedabad mill industry was cited as a very model case where the employers and the employed agreed to fix their conditions of service on the basis of voluntary arbitration This clause proposes even to vitiate that principle. Government want to arm themselves with powers to modify an award that may be given by a tribunal which may be appointed with the consent of both the parties Even though both parties may be willing Government seem to feel that they should have the power not to make them agree It is not a power for settlement of a dispute but for its prolongation which Government seek under this clause

Then the principle of compulsory arbitration is not supported by a majority of workers throughout the world Except in Australia and New Zealand the principle of compulsory arbitration does not obtain anywhere else Therefore those who want to model the growth of trade union movement in this country not on the basis of what happens in Australia and New Zealand would strongly oppose it And I as a representative of the Trade Union Congress would strongly oppose this clause which is sought to be introduced by the Government of India But, as I have already said on another occasion, I am myself a believer in compulsion I have a dual attitude, but I have made my position quite clear, that I will not support compulsory arbitration unless the necessary social security legislation is first introduced, and then the fixing of conditions of service by the rule of strike or rule of lock-out should be out of order Till then I would submit the right of strike to be given prominence, and not only given prominence but Government should also encourage strikes In 1938, I visited Mexico, and I had an experience of Government instigating strikes, so that the capitalists might say that they could no longer run the industry and Government might nationalise that industry On that basis I would ask Government either to accept the basis that they will implement the awards only when they are in favour of the workers —if they declare that policy I will support it —but if they are against the workers they should not implement the award I know this the Government will not do I will cite a recent example In Madras the adjudicator's award has been flouted by a Congress party by a declaration of strike against the binding award of an adjudicator in Coimbatore textile mills I do not think the Tamil Nad Congress Committee will accept this policy that is adumbrated in this clause 15 I would ask the Honourable Member how he would explain the attitude of the Tamil Nad Congress Committee in Combatore in support of their action for improvement of their conditions of service, but according to the rule laid down in this clause 15 it would be an unreasonable strike I want him to explain his attitude in this matter by application of this specific case to this clause Apart from this I do submit that there should be no reference to an Assembly in regard to awards that are not accepted by Government This would make an award a political issue and not a trade union issue Therefore I oppose the clause which provides for reference to the Central Assembly or to the appropriate provincial legislature where the Governments do not accept the award I also oppose the binding nature of the awards where they go against the workers

Mr. President: The question is

"That in sub clause (2) of clause 15 of the Bill, after the word 'binding' the following is added at the end, namely

'where reference to the Tribunal was made with the consent of the parties to the dispute' "

The motion was negatived

Mr. President: The question is

"That the proviso to sub clause (2) of clause 15 of the Bill be omitted "

The motion was negatived

Mr. S. C. Joshi: Sir, I beg to move

"That in the proviso to sub-clause (2) of clause 15 of the Bill, for the words 'the appropriate Government is a party to the dispute and in its opinion', the words 'in the opinion of the appropriate Government' be substituted"

The clause says that the award shall be made binding by an order issued by the appropriate Government in writing, and in case where the appropriate Government feels that it would be inexpedient on public grounds to give effect to the whole or any part of the award, the matter will be referred to the proper Legislative Assembly The proviso as it stands seeks to restrict the power to make reference to the Assembly only in those cases where the appropriate Government is a party to the dispute, but not in other cases I personally feel that in cases where the Government is not a party to the dispute the matter before the adjudicator will be such as may be of general interest and in which Government may be concerned And yet Government may not be represented before the adjudicator It is possible that the adjudicator's award may be such as will affect not only the employer but the entire economy of the country And it is on that ground that I personally feel that the Government should have the power in all cases I am conscious of the feelings of a section of this House that they do not like such a wide power to be given to the appropriate Government, and they want that the power should be restricted only to those cases where the appropriate Government is a party to the dispute It might also be said that if the Government is reserving the power only in those cases where Government is a party—that will be an accusation of selfishness on the part of the Government

Sir Cowasjee Jehangir: We do not accuse you of that

Mr. S. C. Joshi: I personally feel that it would be necessary to have that wide power Therefore I have moved this motion Sir, I move

Mr. President: Amendment moved

"That in the proviso to sub-clause (2) of clause 15 of the Bill, for the words 'the appropriate Government is a party to the dispute and in its opinion', the words 'in the opinion of the appropriate Government' be substituted"

Sir Cowasjee Jehangir: Sir, this amendment requires a little further explanation than has been given by the Honourable the mover In the first instance there were some in the Select Committee who opposed power to be given to Government to make an award binding But we saw that in certain cases in which a matter was sent to a tribunal the award could not be made binding, and I will explain in which cases In the cases in which Government themselves are concerned, the award may mean a very big financial liability and Government may not be prepared to incur that very big financial responsibility without the backing of the Legislature, and therefore being reasonable persons we conceded the argument that in such cases the award should not be binding, but that Government should be given the right and the privilege of bringing before this House the rejection of the award or the modification of the award and this House should then judge the award on its merits especially from the financial point of view That was the real foundation for the amendment as it was moved in the Select Committee I would have preferred that in clause 10 of the Bill which gives power to Government to refer a dispute to a tribunal that that power should be allowed to be exercised by Government only in the case of public utility concerns and in the case of a grave national disturbance, but the Select Committee did not accept that They said that Government should be given the power to send the dispute to a tribunal in all cases Then Sir when we came to this clause where it was to be decided whether the award of a tribunal shall be binding or not, Government said 'Oh! no, it should not be binding; it should be left to us to decide' We contended in the Select Committee that if the Government had the power to refer any dispute to a tribunal

[Sir Cowasjee Jehangir]

the Government should not have the power of reviewing the award in the case of those disputes in which Government was not concerned and in which there was no question of a public utility concern The Select Committee saw the force of that argument and ultimately we came to the conclusion that only in certain cases, such as the ones I have explained, should Government through the instrumentality of this House have the power to upset or modify an award

Now, Mr President, Government have moved an amendment upsetting the compromise we came to I do not mean to contend that we are taken by surprise, we are not We were told that Government having been defeated in this matter, they would move an amendment, but it was said in a half hearted way Mr Joshi has let the cat out of the bag by saying that some people may accuse the Government for using the power in their hand in those cases where Government is a party We do not accuse Government of that We say that if you refer the dispute to a tribunal, the decision of that tribunal should be binding on both sides, and Government shall have no voice in the matter Therefore there is no question of Government being accused of anything It is we who ask for it and, therefore, Mr President, I trust Government will see their way to withdraw this amendment In short we consider that in all cases in which public utility concerns are not a party to the dispute or where there is no national crisis and if Government send a dispute to a tribunal, the decision of that tribunal shall be binding on both sides and no one shall have the power to interfere with that decision, and therefore I hope that the Honourable the Labour Member will now ask the Honourable Member who sits behind him to withdraw this amendment

Sjt N V Gadgil (Bombay Central Division Non-Muhammadan Rural) Mr President, I want to offer a few remarks, and I also join, probably for the first time, with my Honourable friend, Sir Cowasjee Jehangir, in requesting the Government to withdraw this particular amendment

The Honourable Shri Jagjivan Ram He is fortunate today

Sjt N V Gadgil The whole idea of this Bill is based on one central fact, namely compulsory arbitration and that is justified on the ground that the Government represents the community, and as a guardian of every interest concerned it must have the power in certain emergent cases to refer any dispute in the interest of the community to arbitration When the matter is referred to arbitration it is only logical and reasonable that the award should be binding in normal circumstances If the justification for compulsory arbitration is the highest interest of the community, then it is also in the same interest that the award given by the arbitrator in normal circumstances should be binding. Now, there may be an exception and that exception is provided for by the proviso to sub-clause 2 In matters in dispute where the parties are private employers and employees both parties are effectively represented before the arbitrator and in normal circumstances it is not possible to say that any point of view was not pressed before the arbitrator

A point was made by my Honourable friend, Mr Joshi that in certain proceedings, questions of a general character may arise and that may ultimately affect the economy of the country I do not share that view though I can well visualise what normally are the trade disputes that are referred to the adjudicator Most of them are with respect to conditions of work and wages There are certain recognised principles on which the adjudicator has to act It may be that he may be called upon to consider whether the wages represent a living wage It may be that he is asked upon to adjudicate whether a particular wage rate that has been received by the employees in the particular dispute represents a fair wage Or it may be whether the demanded rate the particular industry can bear These are the main recognised principles on which wages are usually fixed Where the employer is a private person, I do

not think that he will ever neglect to put before the adjudicator all points relevant to the capacity of the industry to bear the burden Therefore, there is no possibility of any question of such a general nature being decided by the adjudicator so as to affect the entire economy of the country. If the object of the whole Bill is to have finality of the dispute as early as possible, if the object of the Bill is to secure industrial peace, it is hardly fair that the matter should be delayed from time to time.

Some point has been made by my Honourable friend representing labour that in this process of conciliation and enquiry and tribunal a good deal of time is usually wasted If after the last process has come to an end, if Government reserves for itself a power to accept or not to accept,, or partly accept the award made by the adjudicator, I do not think that there will be an end to the dispute at all Further, it may be said that there will be a good deal of opportunity for lobbying, for bringing pressure and influence by the capitalist, and by the employer class on the Government

Mr. P. J. Griffiths: Or by labour!

Sjt N. V. Gadgil: It is not fair that Government should sit on the judgment of the adjudicators' award Just imagine what a man who has been appointed to make an enquiry and give his decision would feel Who in the normal circumstances would accept such a position when what he has carefully enquired into, when he has come to a conclusion after weighing all the evidence and the *pros and cons* should have this possibility that his award may be held in suspense and may not be ultimately accepted It is only fair that judicial decision should not be ordinarily disturbed by executive act But that apart, the consideration that weighs with me most is that the dispute must be finally settled and as quickly as possible, otherwise the very object of this Bill is frustrated I humbly submit, Mr President, that this amendment runs counter to the very spirit of this Bill and hence the Government should see its way to withdraw it When I said that in normal circumstances an award of this character must be held binding, it followed that in abnormal circumstances the Government must have power either to reject it or vary it and those abnormal circumstances are provided for in the proviso For instance if a big concern like the railways in which the Government is the employer and a dispute is referred to a tribunal the award may raise serious questions Now the financial implications as was suggested by my Honourable friend, Sir Cowasjee Jehangir, may be huge and serious I do not suggest that the Government of the day is not representative at any rate of the majority of the country At the same time no one will deny that no Government can be 100 per cent representative of the country The financial implications mean additional taxation for the citizens of the country Now, it is just possible that their point of view may not have been adequately presented even by the best legal talents of the Government before the adjudicator Further, if it is a question of wages in a private enterprise, the courts can certainly find out from the balance sheets what the particular industry can bear But is there any measure to ascertain the capacity of the country so far as its capacity to pay taxes is concerned? That is a matter more or less to be discussed not before a court of the character contemplated in this Bill, but is a matter which must be thoroughly discussed in a House which is representative and a House in which the taxpayers' point of view is urged in a fair manner Therefore, Sir, when the Government is the employer and when the Government thinks that accepting the award fully entails a large financial liability it must have an opportunity to get the sanction of the Legislature Or if it wants to reject partly or wholly it must have the backing of the representatives of the country Therefore in those abnormal circumstances only a departure from the binding character of the

[Sjt N V Gadgil]

award is justified Otherwise the binding character of the award must remain intact I respectfully, submit, as I have stated, that this amendment runs counter to the very spirit of the Bill and I would urge on the Honourable Member kindly to withdraw it

Mr. S. C. Joshi: In view of what has been stated, I would not press the matter but would ask for leave to withdraw the amendment

Mr. President The Honourable Member wishes to have leave to withdraw his amendment

The amendment was, by leave of the Assembly, withdrawn

Mr President: The question is

"That clause 15 stand part of the Bill"

The motion was adopted

Clause 15 was added to the Bill

Clause 16 was added to the Bill

Miss Maniben Kara: Sir, I move

"That in clause 17 of the Bill, for the words 'one month the word 'fortnight' be substituted"

The clause itself reads

The report of a Board or Court and the award of a Tribunal, together with any minute of dissent recorded therewith, shall, within a period of one month from the date of its receipt by the appropriate Government be published in such manner as it thinks fit'

It is no more a question of getting evidence, or witnesses, or making an enquiry After all this procedure has been gone through, all that we have asked for is the publishing of the award and I do not understand why a fortnight should not be enough for the publication From the very beginning we have been consistent in our opposition to any compulsory arbitration and its delay in report The Government have asked for one whole month Certainly the Government of the country must be in a position to print things as quickly as they like We are not asking for any great thing but we are asking for publishing the report in two weeks It is a small amendment and I hope the Honourable the Labour Member will accept it

Mr President: Amendment moved

"That in clause 17 of the Bill, for the words 'one month' the word 'fortnight' be substituted"

The Honourable Shri Jagjivan Ram There is one difficulty the Government may have to face—the difficulty which you yourself pointed out this morning Sir, as a result of which a Bill could not be printed and had to be cyclostyled

Miss Maniben Kara: There will be no strike

The Honourable Shri Jagjivan Ram: There may be a report of a Court of Enquiry which may sit for six months and it may produce a voluminous report and it may be, Sir, that at that particular time there may be strikes in the presses So, if you make a specific provision that Government shall have to print within such and such a time or even within a fortnight, Government may be charged with breaking the Act itself Therefore this provision is necessary

Mr. President: Shall I put the amendment to the House?

Miss Maniben Kara: Yes, Sir

Mr. President. The question is

"That in clause 17 of the Bill, for the words 'one month' the word 'fortnight' be substituted"

The motion was negatived

Mr. President: The question is

"That clause 17 stand part of the Bill"

The motion was adopted

Clause 17 was added to the Bill

Clause 18 was added to the Bill

Miss Maniben Kara: Sir I move

"That in sub-clause (2) of Clause 19 of the Bill—

(i) the words 'and if no such period is agreed upon, for a period of one year' be omitted,

(ii) for the words 'three months' the words 'one month' be substituted"

Sir, the clause says 'such settlement shall be binding for such period as is agreed upon by the parties' If the two parties, the employer and the employees, as a result of their negotiation agreed to a particular period, naturally they will be bound by it and in most cases they will agree that the award should be binding for a specific period But the clause further says that if no such period is agreed upon, for a period of one year I think this period of one year and the compulsion on the parties that this award should be binding on them for one year is a great setback to the liberties of the workers Not only that the clause goes further and says "until the expiry of three months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement" I think that this clause as it stands is most detrimental to the working classes I certainly cannot accept that there should be such compulsion when both the parties are not agreeable This one year is too long a period and it should not be there

4 P M

The Honourable Shri Jagjivan Ram. It is going to be reduced

Miss Maniben Kara: I am glad to hear from the Honourable Member that he is going to reduce it I hope he would reduce it to the extent of my amendment

The Honourable Shri Jagjivan Ram: Then I hope you will withdraw your amendment

[At this stage Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yunus Khan)]

Mr. Deputy President Amendment moved

"That in sub clause (2) of Clause 19 of the Bill—

(i) the words 'and if no such period is agreed upon for a period of one year' be omitted,

(ii) for the words 'three months' the words 'one month' be substituted"

The Honourable Shri Jagjivan Ram Sir another amendment is going to be moved by Mr S C Joshi, which will reduce both the periods and I hope that in view of that this amendment will not be pressed

Mr. Deputy President: Does the Honourable Member want to press her amendment, in view of the subsequent amendment that is going to be moved?

Mr. S. Guruswami: Sir I should like to support the amendment moved by my Honourable friend Miss Kara, because the very fact that a settlement has to be a mutual one and during the period of the settlement no strike or lockout can be declared would militate against any compulsory period being prescribed without the agreement of the parties concerned If both the parties do not

[Mr S Guruswami]

agree to a settlement later and if they were good enough to come to a settlement at any time, to prolong the effective period of that settlement to one year under this clause is not a proper thing To reduce it to six months or even to one month makes no difference A settlement must be binding during the period when there is mutual agreement The effect of having such a clause is the one that is complained of is to discourage mutual settlement between the employer and the employees and I would therefore request the Honourable Labour Member to accept the amendment of Miss Maniben Kara

Mr Deputy President: The question is

"That in sub clause (2) of Clause 19 of the Bill—

(i) the words 'and if no such period is agreed upon, for a period of one year' be omitted,

(ii) for the words 'three months' the words 'one month' be substituted"

The motion was negatived

Mr. S C. Joshi Sir, I beg to move

"That in sub clause (2) of Clause 19 of the Bill—

(i) for the words 'one year', the words 'six months be substituted, and

(ii) for the words 'three months', the words 'two months' be substituted"

Sir, I do not want to make any speech The matter is very clear and I hope Honourable Members representing labour will support the amendment

Mr. Deputy President: The question is

"That in sub-clause (2) of Clause 19 of the Bill—

(i) for the words 'one year', the words 'six months' be substituted, and

(ii) for the words 'three months', the words 'two months' be substituted'

The motion was adopted

Mr. S. C. Joshi: Sir, I beg to move

"That for the proviso to sub clause (3) of clause 19 of the Bill, the following be substituted, namely —

'Provided that if, of its own motion or on the application of any party bound by the award, the appropriate Government considers that there has been a material change in the circumstances on which the award was based, it may refer the award to a Tribunal for a decision whether or not the award should, by reason of such change cease to be in operation before the expiry of the period so fixed, and the period of operation of the award should be determined by the decision of the Tribunal on such reference' "

Sub-clause 3 of clause 19 refers to the operation of the award which is made binding It reads as follows

'An award declared by the appropriate Government under section 15 to be binding shall come into operation on such date as may be specified by the appropriate Government and shall remain in operation for such period, not exceeding one year, as may be fixed by that Government."

It might so happen that during the period, the award is made, binding circumstances might change and in that case it may become necessary to reduce the period of one year during which the award is to be binding The question is as to whether or not there has been any material change in the circumstances on which an award is based An application for reducing the period may be made by other party If the proviso as it stands is to operate, it would only mean that as soon as an application is received by the appropriate Government, that application will have to be forwarded to the Tribunal and it is the Tribunal that will decide the same I am afraid there will be many such applications from time to time It is not unlikely that every day there will be applications, to the effect that there has been a material change in the circumstances On every

such application the tribunal will have to be moved which will be difficult Therefore, I think, Sir that it is necessary that the appropriate government should have the power to decide whether there has been *prima facie* use regarding material change in the circumstances so as to justify a reference to the tribunal Of course a *prima facie* case has got to be made out and if it is made out, it is not the Government that will finally decide whether a material change in the circumstances has or has not occurred It is for the tribunal to decide that question finally. But a *prima facie* case has got to be made out That is the whole object of my amendment It might happen that the tribunals may be *ad hoc* and not permanent tribunals The tribunal, after the award is made, may cease to exist In that case on the application made by any party at any time the tribunal will have to be reconstituted It is much better to refer the application to the same tribunal to decide whether or not there has been a material change in the circumstances on which the award was based It is only on the ground of expediency that the powers should be given to the appropriate government to decide whether a *prima facie* case has or has not been made out. Suppose one application is made and it is referred to the tribunal and the tribunal has decided that there is no material change in the circumstances Later on another application may be made within a week When the application is made, even though on the face of it the application is frivolous or vexatious, still Government cannot do any thing but to reconstitute the whole tribunal It is only on that ground that the power should be given to the appropriate government to decide whether a *prima facie* case is made out or not With these words I move the amendment

Mr Deputy President: Amendment moved

'That for the proviso to sub clause (3) of clause 19 of the Bill, the following be substituted, namely —

'Provided that if, of its own motion or on the application of any party bound by the award, the appropriate Government considers that there has been a material change in the circumstances on which the award was based, it may refer the award to a Tribunal for a decision whether or not the award should, by reason of such change cease to be in operation before the expiry of the period so fixed, and the period of operation of the award should be determined by the decision of the Tribunal on such reference' "

Mr. Vadilal Lallubhai: Sir, I cannot understand why when any one of the parties to a dispute does not want this to be referred again to the Tribunal the Government wants to step in and say that new circumstances have arisen and although both parties to the dispute do not realize that there are special circumstances Government realize that there are special circumstances and so Government will interfere I think it is too wide a power and it is not necessary If even one of the parties does not want to come to a tribunal again for deciding whether there are new circumstances on which the award may be considered once again, why does Government want to interfere? If both the parties do not want any interference why should Government want this new amendment? Sir, I oppose the amendment

Mr. Deputy President: The question is

sub clause (3) of clause 19 of the Bill, the following be substi-

Provided that if, of its own motion or on the application of any party bound by the award, the appropriate Government considers that there has been a material change in the circumstances on which the award was based, it may refer the award to a Tribunal for a decision whether or not the award should, by reason of such change cease to be in operation before the expiry of the period so fixed, and the period of operation of the award should be determined by the decision of the Tribunal on such reference' "

The motion was adopted

Mr Deputy President: The question is

"That clause 19, as amended, stand part of the Bill

The motion was adopted

Clause 19, as amended was added to the Bill

Clauses 20 and 21 were added to the Bill

Miss Maniben Kara: Sir, I move

"That after sub-clause (1) of clause 22 of the Bill, the following new sub-clause be inserted, namely —

'(1A) No employer in a public utility service shall make in breach of contract, any change in the conditions of work of his workmen to their disadvantage without giving to them a fortnight's notice in a prescribed manner.'

Sir this particular clause places a number of restrictions on the workers Firstly it says that the workers will not go on strike without giving notice It also says that during the pendency of any conciliation proceeding before a Conciliation Officer, and even seven days after the conclusion of such proceedings the workers will not be able to go on strike When the Bill attempts to place so many restrictions on the workers, all that my amendment seeks is that when the employer in a public utility service wants to make any changes in the conditions of the work of the workmen he also should be asked to give notice of the contemplated changes I hope that the Labour Member who claims to represent capital and labour, who also wishes to do justice to capital and labour at the same time will certainly not find it difficult to accept the amendment which only says that, while placing so many restrictions on the shoulders of the workers, kindly ask the employers that before they make any changes in the conditions of work of the workmen they will give notice to the workers From my experience in the trade union movement I can say that the employers have a knack of quietly making changes in the conditions of the work of the people thus compelling workers to go on strike If the workers go on strike as a result of their not having received any notice of the change in conditions of work, even then, according to the clause as it stands there are penalties for the workers

This clause is a very important clause because it deals with the public utility services Workers in public utility services are subjected to lot of restrictions, but the employers are going scot free All that is being asked is that, when they make any change which the workers do not like they should give notice Employers have no right to make changes without giving notice to the workers The workers are not in a position to oppose this except through a strike for which they will be treated as criminals They may be imprisoned, and fined If the employers desire to effect certain changes in the conditions of their work, certainly the workers must have notice The argument put forth by the employers generally is "Are we bound to consult the workers, before we can make any changes in our own establishment?" Why should the employers who are the bosses and who govern the lives of thousands of workers come down to the level of being compelled to give notice of any changes which they may want to effect in their own establishment? I ask in the name of justice—is this right I have known employers shrewdly making certain changes and trying to explain away that these changes are not of a fundamental nature This will create terrible lot of dissatisfaction among the workers I would appeal to the employers and the Labour Member to see the justice of my amendment which only wants employers to give notice of their intention to make changes This is a harmless amendment If you desire industrial peace, then let the workers first have some right, so that they can undertake corresponding responsibility We cannot expect the workers to undertake responsibility without giving them certain rights Let the workers get the notice from the employers of the contemplated changes and then they will be free to give counter notice saying that they will not be prepared to work under those conditions This is only fair to the workers and I hope the Honourable Labour Member will accept my amendment and will not object to the principle underlying it

Mr Deputy President Amendment moved

"That after sub clause (1) of clause 22 of the Bill, the following new sub clause be inserted, namely —

'(1A) No employer in a public utility service shall make, in breach of contract, any change in the conditions of work of his workmen to their disadvantage without giving to them a fortnight's notice in a prescribed manner' "

The Honourable Shri Jagjivan Ram: Sir I rise to just point out that there is already a provision which is wider than the one suggested by this amendment I shall refer my Honourable friends the Labour representatives to the Standing Orders Act, sections 10 and 13 whereby no employer can modify the standing orders without previous notice to the certifying authority and if he does that he is penalised and punished That provision is already there and that provision, I claim, is a wider one than what is proposed by this amendment This amendment only claims that notice should be given and nothing more but here there is a penalty in addition Therefore this amendment is unnecessary This amendment will be rather detrimental to the workers and I hope my friend will withdraw the amendment

Mr. Deputy President: The question is

"That after sub clause (1) of clause 22 of the Bill the following new sub clause be inserted, namely —

'(1A) No employer in a public utility service shall make, in breach of contract, any change in the conditions of work of his workmen to their disadvantage without giving to them a fortnight's notice in a prescribed manner' "

The motion was negatived

Mr Deputy President: The question is

That clause 22 stand part of the Bill "

The motion was adopted

Clause 22 was added to the Bill

Mr Vadilal Lallubhai: Sir, I beg to move

That in clause 23 of the Bill, after the words 'shall declare a lock out', the following new parts be inserted, namely —

'(a) without giving to the employer and employees respectively notice of strike or lock out as hereinafter provided within six weeks before striking, or declaring lock out as the case may be, or',

'(b) within 14 days of giving such notice,' and parts (a), (b) and (c) be renumbered as parts (c), (d) and (e) respectively "

The clause as it is in the Bill is a weak link in this Bill, the object of which is to reduce industrial disputes but if this clause is kept as it is, disputes will start and then Government will step in to see whether there should be arbitration or conciliation and so on In all progressive legislation, it is customary that some days notice at least is given by both sides to each other, so that in the meantime both parties may come to a settlement if they can If they cannot and if the situation is serious, Government also gets a certain amount of time to decide whether it is worth interfering and in that case Government would establish a board or a tribunal

When I first read this Bill, I was surprised that there was no notice clause in this Bill If you read the Bill passed in Bombay, we see there a provision about the notice period The object of this is to avoid strikes and lockouts and if the notice period is not given, there is bound to be lightning strikes, on account of which the country may suffer in all respects That is why I am suggesting that 14 days notice should be given by both parties within which period both may come together and also strikes and lock-outs may be avoided

Mr. Deputy President: Amendment moved

"That in clause 23 of the Bill, after the words 'shall declare a lock out', the following new parts be inserted, namely —

(a) without giving to the employer and employees respectively notice of strike or lock out as hereinafter provided, within six weeks before striking or declaring lock out as the case may be, or',

(b) within 14 days of giving such notice,' and parts (a), (b) and (c) be re numbered as parts (c), (d) and (e) respectively "

Mr. P. J. Griffiths Mr Deputy President, I rise to support the amendment because it seems to me to be in keeping with the whole spirit underlying the present Bill The intention of this Bill is to diminish the number and severity of industrial disputes and to do that by making the machinery of conciliation such that it will be used on all occasions of such disputes If conciliation machinery is to function, somebody has to press the lever, somebody has to press the button and set that machinery in motion Under normal circumstances as prescribed in this Bill, that somebody will be the Government How is the Government to set in motion the machinery of conciliation without notice of disputes? It may not even know that a dispute has taken place Surely, if the Government is to operate the conciliation machinery, it is necessary that the notice of strike must be given in all cases, so that the Government can apply its mind to the question whether it is or is not suitable occasion for using their powers It does not seem to make sense to say that conciliation is to be the normal process and yet not to insist that the employer or the employed as the case may be shall give notice before a strike takes place I cannot see any rhyme or reason saying on the one hand that conciliation is to be made compulsory and, on the other hand, hesitating to say that no one shall go on strike, no employer shall lock-out his men, until notice has been given There is no question here of imposing any restriction on the ultimate right to strike or the right to lock-out All this amendment seeks to say is that before you go on strike, before you lock-out, you must tell Government so that action may be taken to try to bring two parties together I cannot conceive any grounds on which this amendment can be opposed, and it seems to me that the amendment itself breaths the whole spirit of the Bill and must logically be accepted by the Government if they really believe and I think they do believe that conciliation is the right way of settling industrial disputes Sir, I support the amendment

Sir Cowasjee Jehangir: Mr Deputy President, Sir, this amendment, in my humble opinion, remedies one of the weakest spots in the Bill I do not know whether Honourable Members realise that in this Bill a distinction is made between strikes in two different kinds of companies, in a public utility company and in a company which is not treated as a public utility company by Government In a public utility company or a company held to be a public utility company by Government 15 days notice is necessary under clause 22 which we have just discussed Under clause 23, which deals with other companies, no notice is required of a strike In other words, it means that in all these companies a lightening strike is possible Now, that is what I should think this Bill is out to remedy We do not want lightning strikes It has just been stated that after 15 days notice a strike can take place; there is nothing to stop that strike, unless Government steps in under this Bill Why has this been done by Government? Why has this distinction been made? That is what I want to know If Government desire to obviate lightning strikes, if Government desire to make the chances of a strike less, then I should have thought that the first clause that should have been included in a Bill of this character was to make a notice compulsory before a strike takes place

Now, another distinction has been made As you know, the rules under the Defence of India Act are still in force, and under these rules no strike can take place without 15 days notice If on this very day a strike takes place without

15 days notice, it will be deemed to be illegal But when this Bill comes into force, a strike may take place under certain conditions without 15 days notice Therefore, it is a retrograde measure It is going back on a very good provision which is in existence today by an ordinance and which has been found to be very useful during the war years Why go back on it? What is the object? Why make this distinction? You give power for a lock-out to certain companies without notice Why should there be a lock-out without notice? Let the workmen have a notice of the lock-out just as the employer desires a notice of a strike I see no reason to make a distinction between public utility companies and others that are not public utility companies as has been made by clause 22 and clause 23 of this Bill

Sir, I think an explanation is due to this House and to the country I believe that this Bill has been founded to a great extent on a measure that has been passed by the Bombay Legislature lately, which took the place of all these ordinances In this Bill there is a provision for giving 15 days notice Why have you not embodied it here? Why do you make lightning strikes possible? What is your object? It goes against the fundamental basis of this Bill I trust that we shall receive a satisfactory reply from Government and that they will see their way to accept Mr Vadilal's amendment Personally, I am very much surprised to see the omission of this very salutary provision

Then, there is another point It in the Bombay Act there is such a provision as has been provided for by Mr Vadilal s amendment to this Bill, which takes the precedence? This or the Bombay Act There is no conflict If the Bombay Act takes precedence, then in the province of Bombay 15 days notice will be necessary, whereas in all other provinces where this Bill is accepted, no notice is required for a strike Is this the position you want to create in this country? I am unable to understand the position Therefore, I would urge that Mr Vadilal's amendment be accepted or some sort of explanation given to us which we can understand as to the omission of this provision in this Bill I would also like an explanation as to how this difference is going to be worked between a province like Bombay and the other provinces all over India who are going to accept your Bill I think that there should be as far as possible similar legislation throughout the country, at least for labour, The Government of India should at least try and see that sound provisions in legislation passed on concurrent subjects by Provincial Governments should be included in their legislation If they do not do that, then I am afraid this question of concurrent legislation will become a farce Let not Government make this question of concurrent legislation a farce Let them do something that appeals to commonsense and reason I trust that our appeal will at least on this occasion have some effect and Government will see their way to remedy this defect, if not now for some reason or other which I do not know, at some later date

Miss Maniben Kara: Sir, I rise to oppose the amendment which has been moved by my Honourable friend Mr Vadilal Lallubhai Sir, I listened with great interest to the arguments advanced in support of the amendment by my Honourable friends Mr Griffiths and by Sir Cowasjee Jehangir While listening to them, I felt that they were under the impression that workers go on strike without notice Sir, for lightning strikes, the employers alone are responsible The workers generally do give notice of prolonged strikes I believe that workers should give notice of strikes There is nobody who will be against such notice being given But we are against making a law compelling the workers to give notice of strike Sir, the implication of this Bill is known to the Members here that the failure to give notice will be a criminal offence I agree that the workers must give notice if they want to go on strike But failure to do that can only mean the breaking of a civil contract It cannot be a criminal offence What my Honourable friend Sir Cowasjee Jehangir

[Miss Maniben Kara]

is trying to do is that in every case the workers must be compelled to give notice. Sir, what happens in other countries What happens in highly industrialised countries? The workers generally do give notice of their intention to go on strike But there is a machinery provided for voluntary agreement. There is a machinery provided where the two parties can refer their disputes to Tribunals but here no such machinery exists In the absence of such a machinery, any compulsion will certainly be stoutly opposed by labour I can assure my Honourable friends that if healthy relationship is established between employers and employees, take it from me, Sir, Cowasjee, that workers will give you strike notice The workers do not give you strike notice because you treat the workers as mere dust under your feet If the workers are not treated as human beings, if they are not considered as essential to the industry as capital, the workers do not generally respect their employers, they regard their employers as their exploiters, as their blood suckers By passing such laws, you are not going to make the workers to give you notice, you are not going to succeed in your attempt to treat workers as criminals Under the Defence of India Rules, workers are compelled to give strike notice, but how many workers gave notice even under the Defence of India Act? Simply by passing laws the workers are not going to be cowed down Let us pass such laws which the workers under the present conditions can respect Let us not create lawlessness by bringing in such laws which the citizen will not simply abide by My Honourable friend, Sir Cowasjee Jehangir, wants that notice rules should be made whereby workers failing to give notice, will have to be treated as criminals Do not distrust workers Let workers come to their own Let the workers get some confidence, restore to them the prestige that they are as essential to industry as capital, let their importance be recognised, let them feel that they have the right to sit across the table with the employers to settle disputes, let the employer adopt such methods, then the workers will give you notice before going on strike So long as the present relationship exists between employers and the employees, we will oppose any sort of imposition from above We will not accept any compulsion We shall resist all compulsions My Honourable friends Mr Joshi, Mr Guruswami and myself all belonging to the trade union movement, are of the opinion that workers must give notice of their strike But we are against compulsion You tell me there are lightning strikes I can tell you that lightning strikes are forced by you on the workers Most of the lightning strikes take place because of some change in the condition of work I will give you an example of Bombay Corporation Sir as a result of the last strike, some of the employees in the Bombay Municipality who were serving for a number of years were made permanent Workers working for over three years were made permanent Now, Sir, after the Municipality made them permanent as a result of the strike, the municipal authorities did not put up notices to show that certain holidays will be given as holidays with pay to the workers to which they were entitled For days and days, for months and months together, correspondence passed between the workers and the municipal authorities on this subject The municipal authority wrote to us saying that till this concession was passed by the Standing Committee, leave to workers on holidays will be deducted from their casual leave For six months and more the workers had to sacrifice their leave out of their casual leave simply because of this red tape of the municipality This state continued till such time as there was a lightning strike on a particular holiday The workers would not work unless and until they were given this holiday with pay to which they were entitled Until the matter reached that climax the Corporation would not move in the matter Sir, lighting strikes take place only on such issues They do not take place on major issues Where workers can give strike notice, they do and they should give such notice In the case which has been mentioned by my Honourable friend Sir Cowasjee

Jehangir about a strike in the Delhi Government Press, well, Sir, I am not connected with that strike, nor do I know the conditions of workers in that Press

Sir Cowasjee Jehangir: I never mentioned anything about the Press strike in Delhi Government press I know nothing about it

Miss Maniben Kara. As far as I know Delhi strike was declared after giving strike notice In a major issue, all workers are involved so the workers carry on strike propaganda, they canvass and explain to their colleagues the reason why they are going to strike The preparation for a strike is done openly in the meetings and the employers know about such strikes in advance We are only opposed to any compulsion from outside I therefore hope that the Government will not accept this amendment which has been moved by my Honourable friend Mr Vadilal Lallubhai

Sjt. N. V. Gadgil: Mr Deputy President, I join my humble voice to that of Honourable friend Miss Maniben Kara in requesting my Honourable friend Mr Vadilal Lallubhai to withdraw his amendment Now, Sir, my reasons are these My reasons are that the private employer must have an obligation to keep his employees satisfied After all people do not like to go on a strike for the fun of it, because it means great loss to them In the Bombay Act, as was stated by my Honourable friend Sir Cowasjee Jehangir, there is already a provision for notice because there are certain standing orders If there are no such provisions or if there is no such legislation in other provinces it is for the other provinces to come in line with the Bombay legislation Meanwhile the best course would be to remove as far as possible the suspicion and distrust of the working classes Throughout the discussion of this Bill you must have seen, Sir, that the same thing is being harped upon again and again that the workers right to strike is being taken away, when there is a conciliation proceeding it is being taken away, and before and after conciliation, and somehow or other they come to feel—wrongly—that this Bill is an attempt to circumvent what little freedom they have That is not really the case, but if suspicions can be removed by not accepting the amendment of my Honourable friend Mr Vadilal Lallubhai it should be done

Now the difficulties of employers are sometimes real if they are to face a sudden lightning strike But at the same time, as I said, the workers are not all mad men, they know their own interest as much as any other citizen in the community Let us see how many lightning strikes have taken place in the course of last year, you will find that the percentage of such strikes to strikes undertaken after due notice will not work even to 3 per cent That does not entail very much harm, and for these reasons I submit that instead of making the suspicions still worse my Honourable friend Mr Vadilal should withdraw his amendment

Mr. S. C. Joshi: Sir, I should like to invite the attention of the House to the consequence of the acceptance of this amendment From the beginning of this Bill a distinction has been made between industrial establishments which constitute public utilities and those which do not constitute public utilities, and if this amendment is accepted that distinction will be completely wiped out and also an anomalous position will arise

Mr. Vadilal Lallubhai: That is not correct, sub-clauses 3, 4, 5 and 6 of clause 22 are quite different

Mr. S. C. Joshi: I was going to refer to those very sub-clauses On clause 22 of the Bill which has just been passed my Honourable friend had given notice of an amendment to remove the words "public utility service", but he did not move it What will be the consequence of this? He knows very well that if that amendment had been moved, the various sub-clauses of that clause, *viz*., 3, 4, 5 which have got a bearing on the question at issue would be applicable to a notice that would be required to be given either by an employer or by a workman when a lock-out or a strike is to be declared in a public utility service

Now if this amendment to clause 28 is carried the consequence will be that

[Mr S C Joshi]

while the clause will provide for the giving of notice by the employer or by the workmen as the case may be there will be nothing at all in the clause dealing with the question of the person by whom the notice is to be given, the person or persons to whom notice is to be given and how the notice is to be served All these provisions are absent in clause 23 which is based on an entirely different footing But if my Honourable friend, Mr Vadilal, really wanted that there should be no discrimination in regard to the giving of notice then the proper place for amendment would have been clause 23 He had given notice of that amendment but did not move it That was possibly because he wanted that the distinction between public and non-public utility services, which is made in that clause of the Bill and this clause should remain What will happen now?

There will be another anomaly if this amendment were carried, and that is this In the case of public utility services under clause 10 Government is under an obligation to refer the dispute to a tribunal if conciliation had failed There is no such obligation placed in regard to other undertakings Now my Honourable friends want that there should be notice given by the workmen in a non-public utility service before going on a strike, and at the same time these workers are not given any facility of compulsory reference to a tribunal Compulsory reference to a tribunal in the case of a public utility service is, according to me, an advantage to the workers That advantage is to be denied to the workmen who are in a non-public utility service The fundamental principles of the Bill will be completely frustrated if this amendment is carried

Then my Honourable friend Sir Cowasjee Jehangir asked why a distinction has been made in this Bill and why the provisions of the Bombay Bill are not followed The Bombay Bill and this Bill do not stand on the same footing at all In the Bombay Bill the fundamental principle is the Standing Orders and that is the basis of the subsequent provisions of that Bill The Standing Orders must be registered and no change in them can be made or can be demanded without the giving of notice either by the employers or by the workmen concerned, and it is only that kind of notice, namely, a notice to make a change in the provisions of the Standing Orders that makes a strike either legal or illegal Want of notice to make the change makes a strike illegal Whereas, in this case we are not concerned with the Standing Orders which are provided for by another enactment which has been passed, and that gives us ample scope for the registration of Standing Orders The Standing Orders Act also provides that once the Standing Orders are certified by the employer no change can be effected by him within a period of six months from the date of the certification of the Standing Orders Once he makes a change in the Standing Orders and gets them certified, for a further period of six months he cannot make another change without an agreement between him and his workmen That is far more advantageous than the provisions which are contemplated by my Honourable friend The fundamental provisions of the Bombay Bill and this Bill are different Therefore it will not be correct to say that there is a provision in the Bombay Bill for the purpose of giving notice of a strike in every industrial undertaking, whereas there is no such provision in this Bill The only provision in the Bombay Bill is for a change in the Standing Orders but there is no provision for giving notice of a strike I do not think this amendment will serve any useful purpose

5 P. M.

Mr Deputy President: The question is

"That in clause 23 of the Bill, after the words 'shall declare a lock out', the following new parts be inserted, namely —

'(a) without giving to the employer and employees respectively notice of strike or lock-out as hereinafter provided, within six weeks before striking or declaring lock-out as the case may be or',

'(b) within 14 days of giving such notice,' and parts (a), (b) and (c) be re-numbered as parts (c) (d) and (e) respectively"

The Assembly divided

AYES—8

Griffiths, Mr P J	Lawson, Mr C P
Gwilt, Mr Leslie.	Martin, Mr W M
Hirtzel, Mr M A F	Ormiston, Mr J F
Jehangir, Sir Cowasjee	Tyson, Mr Geoffrey W

NOES—46

Adityan, Sri S T	Matthai, The Honourable Dr John
Banerjee, Sree Satyapriya	Menon, Sri A K
Bhalja, Mr G S	Mukut Bihari Lal Bhargava, Pandit
Chundrigar, The Honourable Mr I I	Narayanamurthi, Sri N
Gadgil, Sjt N V	Nazar Hasan, Mr Shah
Gangaraju, Sri V	Nehru, The Honourable Pandit Jawaharlal
Gokhale, Mr B K.	Neogy, Mr K C
Gole, Mr P B	Qulsnam, Mr S H Y
Gounder, Sri V C Vellingiri	Patel, The Honourable Sardar Vallabhbhai
Guruswami, Mr S	Panjabi, Mr K L
Ishaq Seth, Haji Abdus Sattar Haji	Rajagopalachari, The Honourable Sri C
Jagannathdas, Sri	Ram Narayan Singh, Babu.
Jagjivan Ram The Honourable Shri	Reddiar Sri R Venkatasubba.
Joshi, Mr S C	Saksena, Shri Mohan Lal
Kara, Miss Maniben	Sanval, Mr Sasanka Sekhar
Karmarkar, Shri D P	Satakopachari, Sri T V
Kharegat, Sir Pheroze.	Siddiq Ali Khan, Mr
Lahiri Choudhury, Srijut Dhirendra Kanta	Sinha, Shri Satya Narayan
Lal, Mr Shavax A	Thakur Das Bhargava, Pandit
Liaquat Ali Khan, The Honourable Mr	Turner, Mr A C
Mahapatra, Sri Bhagirathi	Varma, Mr B B
Mandal, The Honourable Mr Jogendra Nath	Zafai Ali Khan, Maulana
Mangal Singh, Sardar	Zia Uddin Ahmad, Dr

The motion was negatived

Mr. Deputy President: The Honourable Member cannot move this because sub-section (1A) of Section 22 has not been allowed by the House Therefore this is out of order

Miss Maniben Kara: Which amendment?

Mr. Deputy President: Item No 13 The amendment which the Honourable Member intended to move was insertion of new clause 23A

"A change in the conditions of work made by an employer, to the disadvantage of his workmen in contravention of sub-section (1A) of section 22, shall be illegal."

That becomes out of order because (1A) 22 has not been accepted by the House Therefore, there is no such section Accordingly it is out of order

Sir Cowasjee Jehangir: Have you put 23 to the vote?

Mr. Deputy President: I have not I will put it now The question is

"That clause 23 stand part of the Bill"

The motion was adopted

Clause 23 was added to the Bill

Mr. Deputy President: What does the Honourable want to say?

Miss Maniben Kara: I want to know whether you have disallowed clause 23 altogether

Mr. Deputy President: There is no such thing Has the Honourable Member got the number that she intended to move?

Miss Maniben Kara: That is gone.

Mr. Deputy President: "That after clause 23 of the Bill, the following new clause be inserted, " That is what the Honourable Member wanted. That sub-section referred to section (1A) of 22 There is no such thing as (1A) of 22 and therefore that becomes out of order

Miss Maniben Kara. There is another amendment

Mr. Deputy President: Where is that?

Miss Maniben Kara: It is in the printed form

Mr Deputy President: When I put the question, "That clause 23 stand part of the Bill", the Honourable Member would have been quite in order to oppose that, but saying that the whole clause be omitted, is a negative statement and that is not in order That amendment cannot be allowed, Clause 24

Miss Maniben Kara: I have an amendment Sir, I beg to move

"That in part (i) of sub clause (1) of clause 24 of the Bill the words 'or declared' be omitted"

The clause as it stands reads thus

"A strike or lock out shall be illegal if it is commenced or declared in contravention of section 22 or section 23"

Now, Sir, I can understand that if a strike has already started then you may declare it illegal But a mere declaration of a strike to be illegal is something which we cannot accept Sir, I can understand if there is a strike in progress but if the workers among themselves declare a strike, any declaration should not be considered illegal I therefore beg to move that the words "or declared" be deleted from this clause

Mr. Deputy President: Amendment moved

"That in part (i) of sub clause (1) of clause 24 of the Bill, the words 'or declared' be omitted"

The Honourable Shri Jagjivan Ram: Sir, it is necessary A strike is commenced or a lock-out is declared The word "commenced" goes for a strike, and the word "declared" goes for a lock-out There has never been the intention to make the declaration of a trike to be illegal Unless the strike is there it cannot be illegal Unless a strike commences there is no strike, and unless a strike is in existence it cannot be illegal That is the point I think the amendment is not necessary

Mr. Deputy President: The question is

"That in part (i) of sub clause (1) of clause 24 of the Bill, the words 'or declared' be omitted"

The motion was negatived

Miss Maniben Kara: Sir, I beg to move

"That part (iii) of sub-clause (1) of clause 24 of the Bill, be omitted"

Sjt. N. V. Gadgil: We will accept your amendment if you do not make a speech!

Miss Maniben Kara: I hope your acceptance or rejection will not be on such flimsy grounds

This clause says

"it has any object other than, or in addition to, the furtherance of an industrial dispute within the industry in which the workmen going on strike or the employers locking-out are engaged and the strike or lock-out is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel any Government in British India to take or abstain from taking any particular course of action"

This means that strikes which are called in sympathy with strikers in other industries will also be illegal I am very glad that I have the assurance of the Honourable Member that he would be good enough to accept our amendment, *viz* , the deletion of this clause and thereby ensuring the solidarity of the working classes not only in this country but in every other country Sympathetic strike is a right of the workers by which they express their sympathy and support to the strikers in distress in other industries Since this amendment has been accepted, I would not like to waste the time of the House by saying more on this amendment

Mr. Deputy President: Amendment moved

"That part (iii) of sub-clause (1) of clause 24 of the Bill, be omitted "

The Honourable Shri Jagjivan Ram: Sir, I want to make it clear that I felt that this clause was a necessary clause as it qualified such sympathetic strikes and made them illegal only, in case they were prolonged and caused severe and prolonged hardship to the community and thereby tried to compel Government to take or not to take a certain course of action But as I find a strong feeling in the House and functioning as a responsible government we have to respect the wishes of the Honourable Members of this House, I accept the amendment

Sir Cowasjee Jehangir: Sir, I would like to know the exact significance of the omission of this clause It is not a question of sympathetic strikes alone but I presume that the omission of this Clause makes political strikes possible A fundamental principle which was in the Bill is now being omitted and I would like Government to explain the omission If the Honourable the Labour Member will give me his ear for a minute, I will try to explain my point

I want to understand the exact significance of the omission of this clause I think it was discussed in the Select Committee and Government were of the opinion so far as I remember that political strikes are also to be made illegal A strike may be for any cause and if it is for a political reason, with which the employer is not really concerned, even then the strike can be made illegal Am I to understand that the omission of this provision will so enable my Honourable friends who sit behind me to have a political strike and that such a strike would not come within the mischief of this Bill. If that is the position the House should understand clearly as to what the Government is accepting The point raised and Government definitely stated that they intended that this Bill should affect strikes which may be caused for any reasons it may be wages, it may be some point on which the employers were discontented, it may even be for a political reason, in which the employer is not at all concerned Now, am I to understand that the omission now suggested affects this vital point If so the House must understand it clearly and I would like the Honourable Member in charge of the Bill to give an unequivocal explanation to this House as to why he agrees to the omission of this clause What will he do when there is a political strike It will mean that a political strike can take place and Government will have no remedy Is that the significance of the omission?

The Honourable Shri Jagjivan Ram: Sir, I do not agree with the view that if a political strike takes place and if Government wants to take any action, they will have no weapon in their hands to deal with such strikes The ordinary law can deal with that situation

Sir Cowasjee Jehangir: What is the ordinary law?

The Honourable Shri Jagjivan Ram: There is Section 144 and other sections which can deal with those strikes and their leaders as Government in provinces have been dealing with them

Sir Cowasjee Jehangir: What Act? Under the Criminal Procedure Code?

The Honourable Shri Jagjivan Ram: I shall explain the clause as it stands and show how far it helps Sir Cowasjee Jehangir and his friends It does not prevent a sympathetic or a political strike, unless it is severe or is bound to cause a severe general and prolonged hardship to the public or to society Sympathetic or political strikes are not illegal even under this clause and therefore, as I have explained previously, I thought the retention of this clause was necessary in cases of strikes which will cause inconvenience to society or force Government to take or not to take certain course of action But I have yielded to the wishes of a great number of the Honourable Members of this House It does not make much difference to industrialists even if the clause is there, sympathetic strikes may take place or even political strikes may take place They will be illegal only if they cause a general or severe and prolonged hardship to the community I would invite the attention of Sir Cowasjee Jehangir to those three words in the clause—severe, general and prolonged hardship and I think he will agree with me that even if the clause stands as it is in the Bill, it is not going to help him at all

Mr. P. J. Griffiths: Mr Deputy President, I shall be very brief I will begin by referring to the Honourable the Labour Member's remark that this does not very much matter to industrialists It is not as industrialists that we are opposed to the deletion of this provision, it is as persons concerned with the good Government of this country, persons concerned to see that certain bodies, certain organisations are not allowed to exercise a tyrranous power for the purpose of forcing Government or the public to do things which Government otherwise would not want to do The limitation which this amendment seeks to remove is a very narrow one indeed I shall summarise the section as it stands at present The only kind of strike made illegal under this clause is a strike that fulfils three conditions The first of those conditions is that it is not in furtherance of any industrial dispute The second condition is that it is calculated to inflict severe, general and prolonged hardship upon the community And the third condition is that it is intended thereby to compel any Government in British India to take or to abstain from taking any particular course of action Unless a strike satisfies these three conditions it is not hit by the mischief of this section A strike may be political, in the sense that it is not concerned with an industrial dispute Even then, unless it inflicts severe, general and prolonged hardship upon the community, and unless it also designs to compel the Government to do something which Government believes to be wrong—unless these are satisfied, the strike will not be illegal under the provisions of this sub-clause I cannot believe that any Government— least of all a Government like the present one endowed with a heavy sense of responsibility for the welfare of this country and for the preservation of law and order in it—I cannot believe that any Government would come forward and say "We are quite willing to allow people to go on strike with the object of inflicting prolonged and severe hardship upon the community, with the object of forcing us, the government of the day, to do things which we believe to be wrong Surely, such a principle is a negation of the parliamentary system If we are to allow men with impunity to set themselves out by threats to coerce Government into doing things which Government believes to be wrong—if that is the principle to be followed—let us close down the legislature and let us give up the pretence of rule by parliamentary methods of government Let us surrender ourselves frankly to those fascist methods which constitute the mischief contemplated in that section I can understand my Honourable friends objecting to a wide, sweeping clause prohibiting political strikes But I cannot understand them objecting to a clause which only prohibits strikes when those strikes are specifically intended to inflict prolonged and severe hardship upon the community and to compel Government to do that which Government believes to be wrong I suggest that if Government urge to agree to anything of this kind, they would be throwing away one of their sacred responsibilities

They would be undermining the very foundations on which the State, and they themselves are built. They would be laying up for themselves a store of trouble which it is difficult to think about or even to imagine I do therefore ask my Honourable friend, the Labour Member, to consider this again I know he is anxious to please this House and he very often does That anxiety has perhaps led him to misunderstand the wishes of the House. This House does not want him to throw away parliamentary government Let me tell my Honourable friend, the Labour Member, that he will be acting according to the real wishes of the House if he refused to accept this amendment If he does not do so, he will enable any body of men to inflict prolonged and severe hardship upon the public and compel Government to do what it believes to be wrong He will indeed be misunderstanding the wishes of the House If he realizes now that he should reject the present amendment, if he will do that, he will raise himself very high in our esteem, for it takes a very brave man to go back on what he has just said Let him prove that the welfare of the community matters so much to him that he will not accept this amendment, inspite of its previous acceptance to it

Sjt. N. V. Gadgil: Mr Deputy President, this clause is exactly a reproduction of the relevant clause in the Indian Trade Disputes Act, 1929, and that clause is exactly the copy of the relevant clause in the British Act My Honourable friend Mr Griffiths knows very well that practically the first act of the Labour Government in England was to repeal the whole Act If the British Government can do without it, there is nothing to prevent the Government of India to do without such a clause Assuming that it is there, the clause must be effective Otherwise it is no good putting it on the Statute Book and to see helplessly that it does not give the requisite results My Honourable friend Sir Cowasjee Jehangir must be aware of the fact that in 1928 and 1929 there was a general textile workers' strike in Bombay Some of the leaders of that strike were prosecuted under this particular section The Bombay High Court held in that case that, although the strike went on for six months, it was not so severe, nor so general, nor so prolonged as to cause such hardship on the community and thereby compel Government to do a particular thing or not do a particular thing Therefore instead of having such a thing on the statute book when we know how very difficult it is to make it effective it is much better not to have it and create unnecessary suspicion

Naturally then the question arises as to what would the Government do in circumstances which are really contemplated in this particular clause If the strike is of such a nature that it is a challenge to the state as such, I have no doubt that the state will issue ordinance after ordinance and accept the challenge and put down a strike of this nature But, short of that, it is perfectly clear that a Government which has pronouncedly deep sympathies for the working classes should not have such a thing on the statute book I should like to congratulate the Government for having accepted the amendment of the Labour representative and having responded to the general feeling and wishes of the House

Dr. Zia Uddin Ahmad: Sir, I share the apprehensions expressed by Sir Cowasjee Jehangir though I do not use the word 'political strike' I express it in a different manner My Honourable friend the Labour Member and his friends must be familiar with the activities of communists In every society, in every institution, in every industries they have got their nucleus and they carry on their work Their intention is not to benefit the workers, their intention is not to help the industries But they want to create disturbance of any kind, whatever it may be They are not interested in any party, or in the Government, or the employer or the workmen They are interested in creating troubles in order to paralyse the administration whether large or small If the disturbances are started by these communists, what would happen under this clause? They take a long time to think and these people then carry out their intentions. Certainly section 10 will be applied, but in what manner? I suppose neither the Government nor we on this side have any

[Dr Zia Uddin Ahmad]

sympathy with the disturbances created by communists with the intention of creating chaos in the country Who will, and in what manner will the Government stop such disturbances? The action of the Communists is so quick that they leave no time for you to think You please let me know under what clause such disturbances will be stopped. I share the view of Sir Cowasjee Jehangir that this is the kind of disturbance which we are looking forward to, and they are becoming a danger and will paralise the society, the industries and every organised form of administration

Mr. S. Guruswami: I should like to congratulate the Government on the manner in which they have accepted the amendment This is one of the material objections which were raised at the beginning It was raised in the 1929 legislation, and it has been very kindly accepted by the Government I understand Pandit Jawaharlal Nehru was responsible for inducing the Government to accept this amendment Whoever it be, it does remove a material objection to the Bill as it has been brought before this House

But I would also like to point out that this does not mean that strikes will become very easy Mr Griffiths' apprehensions are ill-founded In regard to strikes which are in furtherance of an industrial dispute there are so many restrictions under this Bill that the workers' rights have been taken away by being cribbed, cabinned and coffinned in every possible way under this Bill. For employers, whom he supports, there is matter for jubilation over this Bill and nothing to be afraid of What has been removed by accepting this amendment is that the Government is prepared to accept the challenge to deal with political or sympathetic strikes on their merits I must give the government their due and congratulate them for the bold step in accepting this amendment

Mr Deputy President: The question is

"That part (iii) of sub clause (1) of clause 24 of the Bill, be omitted "

The motion was adopted

Mr. S. C. Joshi: Sir, I move as a consequential amendment

"That in sub clause (1), part (ii) of clause 24 of the Bill, for the semi colon a full stop be substituted, and the word 'or' be omitted "

Mr. Deputy President: The question is

"That in sub clause (1), part (ii) of clause 24 of the Bill, for the semi colon a full stop be substituted, and the word 'or' be omitted "

The motion was adopted

Sjt. N. V. Gadgil: May I move that sub-clauses (2) and (3) be also omitted, and the other clauses be renumbered accordingly. This is also consequential

Sir Cowasjee Jehangir: If it is really consequential, this can be moved in the third reading stage It should not be allowed to be moved without notice We must understand the significance of these omissions

Mr. Deputy President: The implications of the omission of these sub-clauses must be studied I cannot allow it to be moved now

The question is

"That clause 24, as amended, stand part of the Bill "

The motion was adopted

Clause 24 as amended was added to the Bill

Miss Maniben Kara: Sir, I move

"That clause 25 of the Bill be omitted."

Mr. Deputy President: It has been explained by the Honourable the President several times that a purely negative amendment cannot be moved The Honourable Member can oppose the whole clause or move the alternative amendment down below

Miss Maniben Kara: Very well I move

"That in clause 25 of the Bill, between the words 'shall' and 'expend', the word 'knowingly', be inserted."

The clause as it stands says

"No person shall expend or apply any money in direct furtherance or support of any illegal strike or lock-out."

Now, Sir, my amendment says that a person must first have knowledge before he can be punished for helping a strike Very often, when there is a strike, the workers are in distress, with nothing to fall back upon Then, friends and sympathisers are approached and they give help in the form of rice or wheat Not only the strikers but also their families are in distress When thousands of workers are on strike, public sympathy is with the strikers whom they want to help. Those who help only know that they are helping a humanitarian cause It will be most unjust to punish those people who may not even know that to give any help in the form of money or kind will be punishable I would go further and say that I am opposed to this clause altogether I can understand, though I may not appreciate, that you want to penalise those workers who may go on strike But there can be absolutely no justification whatsoever to penalise their families, children and old people in the house for the action of those people who have gone on strike, and thus starve them all economically and in every other way This may apply even to newspaper publicity, even the people who give the news may be considered to be helping the strike simply because they sympathise with the strikers in editorial notes I would appeal that this clause may not be retained as it is because it will be an encroachment on the families and the relatives of the strikers If you want to take against those people who have gone on strike in an illegal manner, the clause provides so many penalties with which unfortunately we will have to deal clause by clause But the fact is that the workers are not the only people involved in a strike Suppose a thousand workers have gone on strike, then not only these thousand workers suffer but there are other 10,000 people who suffer Each worker has behind him dependants to the extent of 8 or 10 persons Now, Sir, shall we be justified to say that to help those persons who are starving for no fault of their own may be thrown on the streets and may undergo all sorts of difficulties because a few strikers have gone on strike? Those families may approach people to give them help, they may have some relief works started This is a humanitarian piece of work and I cannot understand why such a clause should be retained whereby even humanitarian and relief work should be penalised I would, therefore, appeal in the name of humanity and in the name of relief work for the distressed families that such help as may be given for the relief of those families be not penalised. I hope the Labour Member will give his serious and sympathetic consideration to my amendment The clause, as it stands, has even no relation with the spirit of the Bill If the Bill is to have industrial peace, if the idea of the Bill is to prevent strikes, if the idea of the Bill is that by making severe restrictions on the workers they will be able to minimise the strikes, can you tell me by what stretch of imagination are we going to help that process by even prosecuting those persons and by harassing those persons who in the name of humanity and in the name of relief work may want to give some assistance to the strikers and their families. There are already penalty clauses for the strikers, but we have no right whatsoever to deprive the helpless families of the help which they can get from their friends and sympathisers I would here make a special appeal to my Honourable friends in the Congress Party, to my friends who are sitting on other Benches here and to the Members of the European Group to see that

[Miss Maniben Kara]

they do not support a clause like this which makes it absolutely impossible for any relief work to be started Take, for example, the M and S M Railway strike That strike should not have taken place, but there was a strike Do you mean to say that in an eventuality like this where thousands of workers were involved, and there were many sympathisers and friends who helped the families of these railway workers, they should not be allowed to come forward and help them? They are not in any way directly helping the strikers as such They are not interested in the least whether the strike should continue or be withdrawn Those people who are helping these families who are in distress are doing so out of feelings of humanitarianism Sir, it will be absolutely wrong that we should have this clause and I, therefore, move that my amendment be accepted

The Honourable Shri Jagjivan Ram: Sir, I accept the amendment, though it does not make any difference

Mr Deputy President: The question is

"That in clause 25 of the Bill, between the words 'shall' and 'expend', the word 'knowingly', be inserted"

The motion was adopted

Mr. Deputy President: The question is

"That clause 25, as amended, stand part of the Bill"

The motion was adopted

Clause 25, as amended, was added to the Bill

Miss Maniben Kara: Sir, I move

"That in sub clause (1) of clause 26 of the Bill,—for the word 'fifty', the word 'ten' be substituted"

Sir, may I have the permission to move my first amendment that clause 26 be omitted

Mr. Deputy President: No

Miss Maniben Kara: Then, I will oppose the Bill as it stands, retaining my right to move the second amendment

Mr. Deputy President: The Honourable Member knows that if she does not move her second amendment now, the result will be that, when the question is put that this clause stand part of the Bill and the House accepts it, she will be debarred from moving her amendment

Miss Maniben Kara: I am sorry to cause you all this trouble, but I am not familiar with the rules of the House

Dr Zia Uddin Ahmad: I rise on a point of order When the Chair states that this clause should stand part of the Bill, I am at liberty to oppose

Mr. Deputy President: That is no point of order It has been explained so many times before

Miss Maniben Kara: Sir, this clause 26 is the most objectionable clause in the whole Bill

Mr. Deputy President: The Honourable Member has already moved her second amendment. She can continue her speech on the next day I will put her amendment to the House Amendment moved

"That in sub-clause (1) of clause 26 of the Bill, for the word 'fifty', the word 'ten' be substituted"

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th February 1947

LEGISLATIVE ASSEMBLY

Tuesday, 18th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Mr G V Mavalankar) in the Chair

MEMBER SWORN

Capt G T B Harvey, C I E, M L A (Madras: European)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RETRENCHMENT IN THE CENTRAL PUBLIC WORKS DEPARTMENT

366. ***Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Works, Mines and Power Department please state

(a) the total number of workers who on the termination of hostilities were in the service of Central Public Works Department throughout India directly and indirectly as (i) permanent, (ii) temporary, and (iii) work-charged,

(b) the number of these workers under each category at present,

(c) the number proposed to be reduced as a result of return to peace time economy, and

(d) the steps that Government have taken or propose to take to provide suitable employment to the workers so relieved?

Mr. B. K. Gokhale: (a) Presumably, the Honourable Member has in mind the manual labourers, and the figures given below relate to that category. (i) Permanent—Nil, (ii) Temporary—28,095, (iii) Work-charged—34,600, (Total—62,695),

(b) (i) Permanent—Nil, (ii) Temporary—38,175, (iii) Work-charged—23,762, (Total—61,937)

I might mention that a certain proportion of the work-charged establishment will be shortly made permanent

(c) No appreciable reduction seems likely owing to post war developments.

(d) In view of the answer given to part (c) above the question does not arise

FACILITIES FOR WORKERS IN THE CENTRAL P.W.D.

367. ***Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Works, Mines and Power Department please state

(a) whether Government are aware that arrangements for drinking water for the Central Public Works Department workers are not quite satisfactory,

(b) whether Government are aware that at some work places there are no urinals and latrines for them,

(c) whether Government are aware that the housing conditions for work charged men are unsatisfactory; and

(d) the steps Government have taken or propose to take to remove these grievances?

Mr. B. K. Gokhale: (a) to (d) It is not possible to answer these questions in the absence of information as to the locality to which these grievances relate Government are aware that housing conditions in general are unsatisfactory and the problem will have to be tackled as a whole The Central Public Works Department try to make adequate arrangement on all important construction works for supply of drinking water to workers, as also for urinals and latrines

Pandit Sri Krishna Dutt Paliwal: Have Government received any complaints about the lack of urinals, latrines, drinking water, etc.

Mr. B. K. Gokhale: These are matters dealt with by the Chief Engineer and he might have received complaints which he always tries to remedy

Miss Maniben Kara: Will the Honourable Member consider the desirability of doing away with contract labour and recruit labour directly under the auspices of the department?

Mr. President: How does this question arise?

Miss Maniben Kara: This question relates to contract labour

***Pandit Sri Krishna Dutt Paliwal:** No, it is the next question

APPLICABILITY OF LABOUR LAWS TO THE LABOUR IN CENTRAL P. W. D.

368. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Labour Member please state.

(a) whether Government are aware that Factories Act, Payment of Wages Act and Maternity Benefit Act are not applicable to the Central Public Works Department labour,

(b) whether Government are aware that most contractors evade the payment of exact compensation by trying to arrive at compromise with the injured workmen, and

(c) whether Government propose to make the Acts referred to in part (a) above applicable to the Central Public Works Department labour and prevent the contractors from evading the payment of exact compensation? If so, when and how?

The Honourable Shri Jagjivan Ram: (a) Yes.

(b) Government have seen reports that the payment of full compensation is evaded in some cases, but no such cases have come to the notice of Government

(c) The payment of wages in Central Public Works Department is regulated by the Central Public Works Department Contractors' Labour Regulations which follow substantially the Payment of Wages Act As regards Factories Act, it is proposed to take powers in the revised Factories Bill to extend certain provisions of the Factories Act relating to safety, health and welfare to Building Operations and Works of Engineering It is hoped to introduce the Bill in the current session of the Assembly The question of giving maternity benefits to the female labour employed in the Central Public Works Department is under consideration The question what measures can be taken to secure that compensation due under the Workmen's Compensation Act is paid properly in all cases is being examined

Miss Maniben Kara: Will the Honourable Member consider the desirability of doing away with contract labour and recruiting labour directly?

The Honourable Shri Jagjivan Ram: The Government are anxious to do away with contract labour as far as possible. We are examining the question but in C.P W.D., it is difficult to eliminate contract labour altogether in the present circumstances.

Miss Maniben Kara: Will the Honourable Member in the meanwhile consider the desirability of appointing labour officers whom the workers can approach for such complaints when they are harassed by contractors?

The Honourable Shri Jagjivan Ram: All these questions are under examination

Pandit Sri Krishna Dutt Paliwal: Has any time limit been fixed for the examination to be finished?

The Honourable Shri Jagjivan Ram: In such matters no time limit can reasonably be fixed We are trying to expedite the thing as early as possible.

CONTRACT BETWEEN INDIA AND HER NATIONALS IN COMMONWEALTH COUNTRIES

369. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Commonwealth Relations please state

(a) the steps Government have taken or propose to take to establish close contact between India and her nationals in the Commonwealth countries, and

(b) the names of the Ambassadors appointed by the Interim Government in these countries so far together with the names of the countries in which each Ambassador has been appointed?

The Honourable Pandit Jawaharlal Nehru: (a) Government have appointed High Commissioners in South Africa and Australia, a Representative and an Agent in Ceylon, and Representatives in Malaya and Burma Proposals for the appointment of Representatives in East Africa, Mauritius, West Indies and Fiji are under consideration Proposals to send goodwill missions to certain countries are also under consideration

(b) Dr M A Rauf has been appointed Representative in Burma

Mr. Ahmed E. H. Jaffer: Is there any truth in the statement that there is going to be appointed a High Commissioner or an Ambassador in France? If so, who is to be appointed?

The Honourable Pandit Jawaharlal Nehru: This question relates to Commonwealth countries It has no relation to other countries The Honourable Member must have seen a statement which appeared in yesterday's papers and also this morning to the effect that diplomatic relations are going to be established with France on an Embassy level A decision has been arrived at to this effect, but the question as to when it shall be done and who should be appointed has not been gone into

Mr. Sasanka Sekhar Sanyal: Do the Government possess any records to show the number of Indian nationals that are residing in each of the Commonwealth countries?

The Honourable Pandit Jawaharlal Nehru: Generally speaking we have these figures.

Mr. Sasanka Sekhar Sanyal: Is it possible for the Government to examine the question of publishing these figures periodically, once a year?

The Honourable Pandit Jawaharlal Nehru: Certainly, they can be published. I do not know exactly in what form the publication should be, whether it is to be in the form of a statement in the Press We shall certainly publish them now, if the Honourable Member so desires and revise them again next year

RESIGNATION BY MR. SHAMSUDDIN FROM THE EXECUTIVE AND THE LEGISLATIVE COUNCIL OF KENYA

370. *Seth Govind Das: (a) Will the Honourable Member for Commonwealth Relations please state whether Government are aware that Mr. Shamsuddin, a veteran Kenya Indian Politician, a Member of the Kenya Legislative Council and the only Indian Member of the Kenya Governor's Executive Council has resigned from both these bodies on the objection by the Governor on certain passages of his letter written in a Kenya Indian paper?

(b) Have Government any more information to give on this incident?

The Honourable Pandit Jawaharlal Nehru: (a) Yes, Sir.

(b) An enquiry was made from the Government of Kenya who stated that Mr Shamsuddin published a letter in a local Indian newspaper certain passages of which were considered by the Governor to be incompatible with Mr Shamsuddin's membership of the Executive Council In consequence Mr Shamsuddin tendered his resignation of his membership of both the Executive and the Legislative Councils. His resignation was accepted by the Governor

Seth Govind Das: Have Government received any communication from Mr Shamsuddin in this respect?

The Honourable Pandit Jawaharlal Nehru: Not that I am aware of We have received a communication from others in Kenya

Seth Govind Das: Will the Government write directly to Mr Shamsuddin, he being a veteran leader of that colony, and find out how the matter stands?

The Honourable Pandit Jawaharlal Nehru: I do think there is much doubt about it We did enquire and we got a copy of the letter on which apparently the Governor took action—the letter published by Mr Shamsuddin There is nothing further to enquire about

Mr. Tamizuddin Khan: Can the Honourable Member state the nature of the contents of the letter taken exception to?

The Honourable Pandit Jawaharlal Nehru: We received a copy of that letter part of which contains *inter alia* an exhortation to people to rise at 2 a m at night and murder large numbers of people

Sardar Mangal Singh: May I know whether another Indian has been appointed to that Council in his place?

The Honourable Pandit Jawaharlal Nehru: I am not quite sure, but steps were taken for some kind of election What exactly happened afterwards I cannot say

Seth Govind Das: Are Government aware that appointment to the Kenya Executive Council is made by nomination and not by election? Will Government therefore state if another Indian has been appointed in his place?

The Honourable Pandit Jawaharlal Nehru: When I spoke about election, I referred to the Legislative Council there and not the Executive Council As regards the latter we are of course naturally interested in having an Indian there but, as the Honourable Member knows, we can only make recommendations on the subject

Dr. Zia Uddin Ahmad: Can the Honourable Member lay that letter on the table of the House?

The Honourable Pandit Jawaharlal Nehru: Yes, if the House so desires But I would personally suggest that Honourable Members who feel interested may see it in the Commonwealth Relations Department

Haji Abdus Sattar Haji Ishaq Seth: May I know where the Honourable Member got the copy of the letter from and whether he is sure of its genuineness? Did he get it from the writer himself or from any other source?

The Honourable Pandit Jawaharlal Nehru: The letter was published in a local newspaper and we got a cutting of the newspaper with that letter We also got a separate copy not from Mr Shamsuddin but from other people in East Africa

Haji Abdus Sattar Haji Ishaq Seth: Having regard to the importance of the letter and the importance of the statement made in this House, will the Honourable Member make inquiries from the writer himself as to whether that is the correct version of the letter?

The Honourable Pandit Jawaharlal Nehru: Certainly, Sir

REFUSAL OF PERMISSION TO MR MAGANLAL HIRACHAND SHAH TO ENTER CANADA

371. ***Seth Govind Das:** (a) Will the Honourable Member for Commonwealth Relations be pleased to state if his attention has been drawn to a Reuter's message of the 15th December 1946 that Mr Maganlal Hirachand Shah, a member of the Bombay Legislative Assembly was refused permission to enter Canada on an alleged expression of opinion on Indian political situation?

(b) What is the detailed information available with Government in this connection?

(c) Do Government propose to enquire into the matter and represent to the Canadian Government so that ordinary travelling facilities are granted to every Indian visitor to Canada?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) and (c) Mr Shah was at first refused admission to Canada on the 6th December because the Government of Canada had information that he was connected with underground movement in India in 1942, was imprisoned for three years as a dangerous person and was debarred from entering the State of Mysore Mr Shah however, preferred an appeal against this initial order and the Government of Canada referred his case to the Government of India seeking definite information about the grounds on which his admission was held up The Government of India replied that Mr Shah's detention in India was for political reasons and represented to the Government of Canada that he should be allowed to enter Canada As a result Mr Shah was allowed entry into Canada as a "non-immigrant", that is to say, as a temporary visitor

Ordinarily there is no bar to Indians visiting Canada provided they have the necessary permit from the Canadian authorities

Seth Govind Das: Have Government received any information from Mr. Shah himself whether he would like to be there as a temporary visitor or to remain there permanently?

The Honourable Pandit Jawaharlal Nehru: As far as I remember, we received a number of cables on the subject The question of his desiring to go there as a temporary visitor or for a longer period was not before us

INDIANS IN BRITISH GUIANA

372 ***Seth Govind Das:** Will the Honourable Member for Commonwealth Relations be pleased to state

(a) the number of Indians in British Guiana,

(b) whether Government are aware that the Indian population there has not got even the fundamental right of voting, and

(c) if the answer to part (b) above is in the affirmative, the steps that the Government of India propose to take to safeguard the rights of Indians there?

The Honourable Pandit Jawaharlal Nehru: (a) 157,185 according to an estimate made in 1942

(b) There is no discrimination against Indians as such in respect of franchise qualifications in British Guiana

(c) Does not arise

Mr. Sasanka Sekhar Sanyal: Is British Guiana the only place in Commonwealth countries where Indians are refused privileges?

The Honourable Pandit Jawaharlal Nehru: They are not refused privileges there

Mr. Sasanka Sekhar Sanyal: Are they not restricted privileges?

The Honourable Pandit Jawaharlal Nehru: I stated just now that there is no discrimination against Indians as such in respect of franchise qualifications.

Mr. Sasanka Sekhar Sanyal: Does that mean that Indians there stand on the same footing in the matter of franchise as nationals of that place?

The Honourable Pandit Jawaharlal Nehru: I cannot give a positive reply. Under the present franchise regulations, so far as I know, any person may be registered as a voter in any one electoral district, and when registered may vote at the election of a member of the legislature, etc. Then various qualifications are laid down, *e g*, he should have attained the age of 21, he is not under any legal incapacity, he is a British subject by birth or naturalisation and possesses within the electoral district in which he claims to be registered as a voter one or more of the following qualifications, etc, which relate to the occupancy of land, and so on Then there are disqualifications, namely, that (a) he cannot read or write some language, (b) has within 12 months of his registration received any relief from public funds or funds of any local authority, (c) has been sentenced in any part of His Majesty's dominions to penal servitude, etc, for a term exceeding 12 months So there is no special disqualification with regard to Indians as such

Seth Govind Das: Except franchise, do Indians suffer from any other disqualification in British Guiana?

The Honourable Pandit Jawaharlal Nehru: I shall require notice

INDIANS IN THE UNITED NATIONS SECRETARIAT

373. *Seth Govind Das: Will the Honourable Member for External Affairs be pleased to state -

(a) whether Government are aware that out of 3,000 members of the United Nations Secretariat only 3 Indians have been appointed and that too in the lowest Secretariat Groups,

(b) whether Government are aware that some 70 to 80 applications by Indians have during the past few months failed to elicit any response,

(c) who are responsible for these appointments and what is the basis on which the recruitment is made,

(d) whether the above, 3,000 appointments are made after written examinations held by an International Civil Service Commission, and

(e) whether Government propose to give any information about the nationalities of the persons who have been appointed to fill the above 3,000 posts?

The Honourable Pandit Jawaharlal Nehru: (a) Eight Indians have been appointed; three in a higher grade

(b) Government have no information, how many Indians have applied, since a number of applications were sent direct and the Public Services Commission have only recently undertaken to forward applications

(c) The Secretary General, The Charter requires appointments to be made in accordance with the highest standards of efficiency, competence and integrity, and on as wide a geographical basis as possible

(d) No The question of constituting such a Commission will be considered by the United Nations Assembly in its next session

(e) A statement has been laid on the table in response to part (a) of question No 56 by Mr Vadilal Lallubhai

Mr. Manu Subedar: Have Government considered the question of pressing very strongly on the U N O authorities that there should be some relation between the amount of contribution that India is called upon to pay and the number of employees in the Secretariat taken from India?

The Honourable Pandit Jawaharlal Nehru: I can assure the Honourable Member that Government have been laying and will continue to lay the greatest stress on that.

Establishment of a Foreign Service School

374. *Seth Govind Das: Will the Honourable Member for External Affairs be pleased to state

(a) whether, in view of the recent references made by him to the building up of an Indian Foreign Service, any steps are being taken to establish a Foreign Service School in this country where the personnel of the foreign service would receive proper training before leaving this country, and

(b) if so, where this School is proposed to be located and by what time it would come into existence?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) It is not intended to open a separate training school for the Indian Foreign Service, but young recruits to this Service will generally be sent for training to the school to be opened shortly at Dehra Dun for recruits to the All-India Administrative Service It is hoped that Universities in India will start special courses in International Affairs and foreign languages Selected recruits will undergo a further course of training at headquarters in the course of which they will attend a special course in Delhi Probationers will also get training in Missions established abroad

Seth Govind Das: What would be the position of those who wish to join this service before any course is prescribed by the universities and before they pass those examinations?

The Honourable Pandit Jawaharlal Nehru: The Federal Public Service Commission will presumably in the course of a very few days issue a notification to this effect that those who possess certain qualifications and wish to apply should apply to them.

Mr. Sasanka Sekhar Sanyal: May I know what is meant by the expression "young cruits"? Is there any restriction of age in the matter of recruitment to this service?

The Honourable Pandit Jawaharlal Nehru: With regard to new recruits there is of course an age restriction, it will be the normal age for joining a service But in this intervening period other recruits will also be taken, that is to say, of higher ages to fill vacancies, because we cannot afford to wait till young people are trained up to fill these vacancies So a number of people of various age groups—probably it will be up to 40—will be taken Of these the senior persons presumably do not require the same type of training as younger recruits may require They have already had some training and so they will be posted immediately

Shri Sri Prakasa: Could the Honourable Member give us an idea of the qualifications required from these young persons? Would it be necessary for them to be graduates of Universities?

The Honourable Pandit Jawaharlal Nehru: The House will remember that these persons in future are going to be taken after a fairly difficult competitive examination—the same one in fact as for the All-India Administrative Services Apart from that the qualifications necessary now for applicants are going to be a first class University degree, that is normally only first class people will be considered; those who obtain first class in any recognized university That is supposed to be an essential qualification and preference will be shown to those who know foreign languages also, other than English, as well as those who have had some acquaintance with foreign countries

Shri Sri Prakasa: In view of the fact that under the advice of the Honourable gentleman and his colleagues, a large number of very capable men boycotted the Universities, would the Honourable Member at least see to it that the qualification of possessing first class degrees of Universities is deleted for applicants for this service?

The Honourable Pandit Jawaharlal Nehru: The point that the Honourable Member has made is worth consideration, but I am afraid if really competent persons are allowed to come to Service it is a little difficult to make vague rules and the Honourable Member will remember that the choice lies with the Federal Public Services Commission and it is they who are laying down the qualifications No doubt to some extent they are consulting others but the choice is entirely theirs and they lay down the qualifications

Shri Sri Prakasa: In view of the fact that non-cooperating students have a disqualification attached to them as such in the eyes of the Federal Public Services Commission, will the Honourable Member kindly inform that august body to delete this disqualification both from its written documents and from its mind?

The Honourable Pandit Jawaharlal Nehru: I certainly hope that there will be no disqualification on that account

Seth Govind Das: Will the Government see that besides the Universities which are recognized by the Government, degrees of other institutions like Gurukul Kangri, Shantiniketan, and others are also taken into consideration before the selection is made?

The Honourable Pandit Jawaharlal Nehru: It is a little difficult to give a precise answer to the Honourable Member's question, because there are various shades and grades of recognition, and I do not quite know which is recognized and to what degree, but obviously some institutions which the Honourable Member has mentioned are well known and are of great repute and in the case of others their standards are not very high, and therefore it becomes very difficult to draw the line

Sir Cowasjee Jehangir: I think the Honourable Member mentioned an examination Will that be an examination in the initial stage just now before the Federal Public Services Commission accepts applications?

The Honourable Pandit Jawaharlal Nehru: In the normal course, the Foreign Service is going to be drawn, like the Central Administrative Service, through a competitive examination for which I take it the Home Department are making arrangements We shall require some special subjects for this examination, but at present, apart from this normal procedure, we have to get a few persons to start the service and for this there will be no examination except such tests as the Federal Public Service Commission may set

Dr. Zia Uddin Ahmad: May I ask what does he mean by recognition? If recognition is for the purpose of admission to Universities, then Universities being autonomous bodies will not listen to you if recognition is for the Federal Public Service Commission, they are there

Mr. President: What is the question?

Dr. Zia Uddin Ahmad: Recognition for what purpose?

The Honourable Pandit Jawaharlal Nehru: I did not understand the Honourable Member's question

Pandit Govind Malaviya: Will the Government consider the question of the recognition of the degrees of these non-official institutions—like the ones which have been mentioned—for such purposes?

The Honourable Pandit Jawaharlal Nehru: I imagine recognition can be for one purpose and not for another Certainly that question should be considered in its wider context, not in this specific context only

MESSAGE OF BRITISH PREMIER TO THE LEADER OF THE ASSEMBLY *re* CONSTITUENT ASSEMBLY

375. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Leader of the House be pleased to state whether it is a fact that he received a message from the British Premier "to go ahead with the Constituent Assembly proceedings on the basis of the Cabinet Mission's Statement of May 6, and to ignore the speeches by Mr Winston Churchill and others and to ignore Mr Jinnah's boycott of the Constituent Assembly"?

(b) If so, was it communicated to all his colleagues in the Interim Government?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) I do not know to what message the Honourable Member refers, nor do I know from where the quotation in the question is taken Two messages were received by me from the British Prime Minister at the end of November and both these were published in the Press

CRIMES IN ARAKAN

376. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Commonwealth Relations please state whether Government propose to call for a report of the recent crime wave in Arakan"

(b) To what extent has this crime wave affected the rice crop in that area and has diminished the export of supplies of rice to India?

(c) Is it a fact that the Government of Burma on the representation of the Government of India have discontinued the movement of Indian harvest labour in the crime areas pending elimination of the dacoit menace in Arakan?

The Honourable Pandit Jawaharlal Nehru: (a) Government have received a report that there was widespread disorder in some districts of Arakan

(b) No information is available about the extent to which the rice crop has been affected but it is understood that the supply of rice to India from Burma has not been seriously affected

(c) No, Sir On account of the unsettled conditions in certain areas of Arakan the Government of Burma issued a warning to seasonal harvesting labourers to keep away from these areas A press note advising seasonal labourers in India not to proceed to these unsettled areas was also issued by the Government of Bengal at the instance of the Government of India

LORD SIMON ON CONSTITUENT ASSEMBLY

377. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state whether Government are aware of the speech by Lord Simon in the House of Lords on December 16th questioning the validity of the Constituent Assembly?

(b) Do Government propose to make a statement in the House on the important points raised by Lord Simon?

The Honourable Pandit Jawaharlal Nehru: (a) Since the Honourable Member has drawn my attention to the speech made by Lord Simon in the House of Lords on the 16th December, 1946, I have referred to it

(b) No In the course of the debate in the House of Lords the Secretary of State for India gave a reply to Lord Simon

Mr. Sasanka Sekhar Sanyal: Is it not a fact that many constitutional authorities and experts have declared that the validity of the Constituent Assembly is unquestionable?

Mr. President: Those are all questions of opinion

REDUCTION OF INDIA'S CONTRIBUTION TO U. N. O.

378. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for External Affairs please state whether India's contribution to the United Nations Organization has been reduced? If so, by how much?

(b) What are the reasons for the reduction?

The Honourable Pandit Jawaharlal Nehru: (a) No, the actual contribution has been increased though the proportion of the total expenditure that falls to India's share has been reduced The percentage fixed for India's contribution by the General Assembly was 4·09 per cent for 1946 and 3·95 per cent for 1947 India will however be required to pay approximately Rs 36,14,250 for 1947 as against approximately Rs 26,21,690 for 1946 as the total expenditure for 1947 is estimated at 27,740,000 dollars as against 19,390,000 dollars for 1946

(b) The reduction in the percentage is the consequence of the admission of new members to the United Nations

Mr. Manu Subedar: In view of the fact that India receives on the basis of 2 1 from the Allies as in reparations from Germany, have Government considered why when India has to pay the percentage should be of the order of 8 9 and 4 1 as in this case

The Honourable Pandit Jawaharlal Nehru: I have no doubt that Government have considered these figures in the past Personally, I can give no further information to the Honourable Member on the subject

Shri Sri Prakasa: Does this organization publish its budget and accounts and if so could we have a copy of the last year's budget and accounts?

The Honourable Pandit Jawaharlal Nehru: I have no doubt that they publish their budgets I myself have not seen them

Shri Sri Prakasa: Would it not be right on the Honourable Member's part to make sure that the Rs 30 lakhs and more he contributes are well spent?

Mr. Manu Subedar: In view of the reduction of the revenue which India will realise in this year and the following years, would Government make an effort to get this figure further reduced on the ground of the financial difficulties from which India is passing?

The Honourable Pandit Jawaharlal Nehru: I would hardly think that a desirable course for Government to adopt India is playing an increasing role both in the United Nations Assembly as well as in international affairs Either we play that role according to our position or we just are observer members playing an insignificant role If we can possibly save two or three lakhs of rupees, it would be very useful no doubt as every small sum is useful in India But I hardly think it would be in consonance with our position there to approach the United Nations for a reduction on an *ad miserere cordiam* basis

Sir Cowasjee Jehangir: I presume that the Honourable Member has assured himself that the contribution made by India is on some equitable principle which governs all countries

The Honourable Pandit Jawaharlal Nehru: Of course one principle is applied

LOSS DUE TO DECONTROL OF JUTE PRICE

379. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Commerce Member be pleased to state·

(a) whether Government are aware of the loss to which middlemen have been put as a result of decontrol of jute price,

(b) whether it is a fact that these middlemen made forward contracts on the basis of control in prices,

(c) whether it is a fact that middlemen in Bengal made such forward contracts at a time when the Government of India expressed an attitude for maintaining control of jute price,

(d) whether Government propose to avoid such loss on the part of the middlemen without disturbing the growers' opportunities for getting a good price, if so, how, and

(e) whether Government are aware that it is possible to induce the ultimate commercial consumers both within and outside the country to pay more price to the middlemen than what was actually stipulated, the margin of extra price being determined in proportion to the average difference between the price of jute prevailing at the time of control and that which it reached after such control was removed?

The Honourable Mr. I. I. Chundrigar: (a) to (e) Although Government have not received any representations to this effect, it is not unlikely that owing to the sharp rise in jute prices consequent on the withdrawal of price control, difficulties have been experienced in respect of forward contracts entered into prior to the 30th September 1945 Difficulties of this character should have been foreseen by the trade It is understood that they are settled by the parties concerned by mutual negotiation

Mr. Sasanka Sekhar Sanyal: May I know from the Honourable Member whether it is a fact that these commercial consumers are mostly non-Indians?

The Honourable Mr I. I Chundrigar: The majority of them are non-Indians But if Indians enter into a commercial transaction with any party, it is not possible for Government to intervene and say that this contract shall not be performed

Mr. Sasanka Sekhar Sanyal: Is it not a fact that when the Indian traders entered into commercial contracts, they did so on the basis of the control price existing at that time?

The Honourable Mr. I. I. Chundrigar: They should have anticipated the future trend of prices, and as the contracts were entered into voluntarily, both parties are entitled to the advantages as well as the disadvantages of the bargain they entered into

Mr. Sasanka Sekhar Sanyal: May I know from the Honourable Member if at that time, the third party, namely the Government which was responsible for the control order, were themselves aware of the time when the order might be terminated?

The Honourable Mr. I. I. Chundrigar: It was wellknown that the Defence of India Rules would expire on the 30th September 1946

DEVELOPMENT OF WATERWAYS IN INDIA

330. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Department of Works, Mines and Power please state

(a) the steps Government are taking for ensuring the unified and multipurpose development of the water-ways of the country,

(b) the progress of the research so far made and the practical results achieved, and

(c) the anti-malarial aspects of projects in connection with waterways?

Mr. B. K. Gokhale: (a) The Government of India have set up an expert organisation, the Central Waterways, Irrigation and Navigation Commission, for initiating and pushing forward schemes of unified and multi-purpose development of the watery-ways of the country The Central Technical Power Board is also investigating the question of multi-purpose developments on the Damodar A copy of the Resolutions setting forth the detailed functions and constitution of these organisations is laid on the table Considerable progress has already been made in conducting investigations in respect of the Damodar, Mahanadi and Kosi

(b) A good deal of research in connection with the unified and multi-purpose development of the waterways of this country has already been carried out by the Indian Waterways Experiment Station, Poona This has resulted *inter-alia* in ensuring stability of waterways at certain points, suggested possible economies in the execution of works and evolved solutions for the safety of some important bridges with the aid of model experiments

(c) Consideration of the anti-malaria aspects of the projects forms an integral part of those projects Anti-malaria experts are generally associated with these schemes

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GOVERNMENT OF INDIA

DEPARTMENT OF LABOUR

RESOLUTION

New Delhi, the 5th April, 1945

*No DW*101(2) —The Government of India have decided to constitute a Central Waterways, Irrigation and Navigation Commission The Commission will act generally as a central fact finding, planning and co-ordinating organisation with authority to undertake construction work It will be available to advise the Central, Provincial and State Governments in regard to Waterways, Irrigation and Navigation problems throughout the Country The Commission will be a strong technical organisation designed to conduct, where necessary, surveys and investigation with a view to secure planned utilization of the water resources of the country as a whole and, in consultation with the Provincial and State Governments throughout the country, to co ordinate and press forward schemes for the conservation, control and regulation of water and waterways and further, when so required by the Government of India, to undertake the execution of any such scheme

2. *Composition of the Commission* —The Commission, when fully constituted, will consist of a Chairman, two full time Members and such number of part time members as may from time to time be found necessary The part time members will include Hydro-Electric Expert from the Central Technical Power Board, an expert in mechanical irrigation, and an expert in soil conservation and erosion

The Chairman will be the Consulting Engineer for Waterways, Irrigation and Navigation with the Government of India The Members both full time and part-time will be fully qualified technically so as to ensure that the Commission is a highly competent technical body

The Commission will co opt as Members experts, when
malariology and the Chief Engineers of the Provinces
basins under consideration

The Commission will have the necessary technical and administrative staff to enable it to carry out its duties

The Commission, if it so requires, may retain Consulting Engineers for consultation on the problems within its purview, and will maintain lists of Consulting Engineers suitable for consultation on various matters

3 **Functions of the Commission* —I The Commission will be charged with the general responsibility for initiating, co-ordinating, and pressing forward schemes of control, regulation and utilisation of water and waterways in consultation with Provincial and State Governments concerned and to undertake, if so required, the construction of any such scheme on behalf of the Government of India

II In exercise of the above responsibility it will be the function of the Commission—

the control of water and waterways

(i) the prevention and control of floods
(ii) the prevention of erosion and soil conservation
(iii) the prevention of water logging and thur (alkahs) and reclamation of water logged lands by drainage and pumping and of thur land
(iv) the improvement of drainage,
(v) the development by appropriate Governments of flow irrigation from normal flows of rivers and from storage of dams, and of lift irrigation by pumping from tube well and deep set streams with cheap power,
(vi) the development by the appropriate authority of hydro-electric power,
(vii) the development of navigational facilities, &

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1 Resolution No DW101 (55), dated the 1st

(b) to assist Provincial or State Governments (or any river control Commissions or Boards that may be set up) in the investigation, survey and preparation of water control schemes,

(c) When so required by the Central Government, to prepare project reports outlining schemes for the control of any waterway and its waters and further to undertake construction work on any scheme on behalf of the Government of India.

NOTE.—When in the course of carrying out its functions under (a) to (c) above, any matter relating to the generation or possible generation of hydro-electric power on any waterway or any question of investigation into the possibilities of such generation arises the Commission will consult the Central Technical Power Board in regard to any such matter so as to ensure that interests of hydro-electric development are not overlooked

(d) organise and co ordinate the procurement and publication of statistical information relating to—

(i) waterways, *i e*, slopes, cross-sections in normal and flood flows, silt charge, meander characteristics, catchment-characteristics, *e g*, topography, geology, vegetable cover, land, use, etc,

(ii) tidal rivers,

(iii) rainfall and temperatures (these in conjunction with the Meteorological Department) and gauges and discharges of rivers, with a view to secure complete hydrological record, obtain rainfall run off relation slips and trends, and determine maximum floods, rate and volume of flood flows, their frequency, etc, for purposes of irrigation, drainage and hydro electric development,

(iv) silting of reservoirs,

(v) sub-soil water resources of the various regions of India with a view to investigating and pressing forward schemes of utilising subsoil water for irrigation,

(vi) behaviour of hydraulic structures, such as dams, weirs, navigation books, etc, under actual working conditions in respect of strength and durability of structure, and foundation materials, cracks, joints, temperature variation scour and erosion above and below the works, uplift pressure, etc, and

(vii) standardisation of methods of observation and record in regard to (i) to (vi) above, and the instruments required for such observations.

(e) to advise the Government of India and the Crown Representative on the principles that should be laid down to govern the settlement of disputes between Provinces and/or States as to water rights in so far as such rights appertain to water required for flood control, irrigation or navigation purposes, and the effect that any flood control, irrigation or navigation project may be likely to have on the interests of other Provinces or States, and on the interpretation of any agreement relating to flood control, irrigation and navigation between such Provinces and/or States

NOTE.—Before tendering any advice on disputes as to water rights, the Central Waterways, Irrigation and Navigation Commission should consult the Central Technical Power Board as to these rights in so far as they may appertain to the generation of hydro-electric power

(f) to initiate and devise schemes for the training of Indian Engineers in the specialised fields of Waterways, Irrigation and Navigation

(g) to advise the Government of India and the Crown Representative in regard to the settlement of priorities (where such settlement is necessary for procurement of plant and materials) as between various flood control, irrigation and navigation projects

(h) to advise the Government of India and the Crown Representative in regard to any other matter that may be referred to it in connection with Waterways, Irrigation and Navigation.

ORDER.—Ordered that this Resolution be communicated to all Provincial Governments, all Chief Commissioners, the several Departments of the Government of India [including Financial Adviser, War and Supply and Financial Adviser (Communications), the Additional Financial Adviser, Supply Finance], the Political Department, the Private and Military Secretaries to His Excellency the Viceroy and the High Commissioner for India.

Ordered also that the Resolution be published in the *Gazette of India*, for general information.

H C. PRIOR, Secy

GOVERNMENT OF INDIA
DEPARTMENT OF LABOUR
RESOLUTION
New Delhi, the 8th November, 1944

No EB-6.—The Government of India have decided to constitute a Central Technical Power Board This Board will act generally as a Central Planning Organization with authority to undertake construction work. Its will be available to advise the Central, Provincial and State Governments in regard to the universally accepted policy of encouraging, planning and pressing forward the widespread development of public electricity supply

throughout the country The Board will be a strong technical organisation designed to collect ideas, conduct surveys, and prepare outline schemes for electrical development in consultation with Provincial and State Governments and further, when so required by the Government of India, to undertake the execution of any such scheme

2. *Composition of the Board*—The Board, when fully constituted, will consist of a Chairman, two full time members, three part time members, and such number of *ex-officio* members as Government may from time to time find necessary Power will, however, be retained to increase the number of full-time and part-time members if circumstances so require.

The Chairman will be the Electrical Commissioner with the Government of India. The two full time members and all part-time members will be fully qualified technically The posts the holders of which will be *ex-officio* members of the Board, will be notified in the *Gazette of India* and will be posts such as those of the Industrial Adviser or the Agricultural Adviser to the Government of India.

The Board will have a staff of engineers and clerical establishment. The headquarters of the Board will be at Calcutta for the present.

*3 *Functions of the Board*—1 The Board will be charged with the general responsibility for initiating, co-ordinating and pressing forward schemes of electric power development and utilisation throughout the country in consultation with the Provincial and State Governments concerned and it undertake, if so required, the construction of any such scheme on behalf of the Government of India.

2. In exercise of the above responsibility it will be the function of the Board :—

(a) To make all surveys and investigations considered necessary with a view to the best use and development of electric power throughout India and in particular to—

(i) to survey the electric power requirements of any region which would appear to exhibit *prima facie* the need of an electricity supply scheme but in which no comprehensive plan appears to be in hand or in which supply is not already available or provided at economic cost;

(ii) to investigate and bring to light the prospects for the utilisation of electric power in any region where it would appear that the economic development of that region could benefit thereby,

(iii) to maintain contact with all Provincial or State Governments and assist such Governments with advice on methods for the further development of electric power throughout their territories;

(iv) to encourage in collaboration with Central, Provincial or State Governments the developments of power irrigation and rural electrical development wherever such schemes can be expected to assist the economic condition of the agriculturists and rural communities.

(b) To assist Provincial or State Governments in regard to the investigation, survey and preparation of schemes of power development (whether thermal, diesel or hydro-electric) for particular areas or regions;

(c) when so required by the Central Government, to prepare project reports outlining electric power development schemes and further to undertake construction work on any such scheme on behalf of Government of India.

NOTE—When in carrying out its functions under (a) to (c) above any question of generation of hydro-electric power on any waterway or any question of investigation into the possibilities of such generation arises, the Board will consult the Central Waterways, Irrigation and Navigation Commission in regard to any such matter so as to ensure that the requirements of flood control, promotion of flow and lift irrigation and navigation are not overlooked

(d) to review and lay down for the whole of India standard voltages and practices for generation, transmission and distribution of electricity Where proposals are made which depart from these standards, the attention of the authorities concerned to be called to the disadvantages of non-standard apparatus,

(e) to initiate the broad lines of research programmes desirable for the requirements of the special conditions of electric power development in India,

*As amended by Labour Department's Resolution No D.W.-101 (55), dated the 1st October 1945.

(f) to initiate propaganda for the education of the public in the use of electricity;

(g) to initiate and devise schemes for the training of Indian engineers in the specialised field of public electricity supply,

(h) to advise the Government of India and the Crown Representative on the principles that should govern the settlement of disputes between provinces and/or States relating to water rights in so far as these rights appertain to hydro-electric power and of disputes relating to transmission of power across Provincial or State borders or sharing of electrical power between Provinces and/or States, and on the effect that any hydro-electric project proposed by one Province or State may be likely to have on the interests of other Provinces or States, and on the interpretation of any agreement relating to hydro-electric or thermal power between such Provinces and States

NOTE.—Before tendering any advice on disputes as to water rights, the Central Technical Power Board should consult the Central Waterways, Irrigation and Navigation Commission, as to these rights in so far as they appertain to flood control, irrigation and navigation

(i) To advise the Government of India in regard to any other matter that may be referred to the Board in connection with hydro-electric or thermal power development "

4 *Relations with the Electrical Commissioner's Office.*—The relationship between the Central Technical Power Board and the Electrical Commissioner's Office will necessarily be very close The Board will become the Central planning authority as indicated in paragraph 3 above. The Electrical Commissioner's Office will for the time being remain as at present constituted and its functions while continuing to be mainly those concerned war time problems in connection with electricity supply including the procurement of heavy plant from overseas, will also include that of being the agency charged with maintaining all statistical data relating to the generation, supply and distribution of electricity and with giving general advice to the Central, Provincial and State Governments on the administration and control of electric utilities (including recommendations on model conditions for electric licenses, etc)

The Government of India will consider to what extent the personnel of the Electrical Commissioner's Office can be utilised in posts in the Central Technical Power Board in addition to their existing duties.

5. *Division of subjects in the Board's organisation.*—The Board's organisation will be divided into four sections as follows, the first two sections having several sub-divisions to deal with various subjects —

(a) Power system planning, covering —

(i) hydro power station sites, hydro electric surveys, etc

(ii) power transmission,

(iii) thermal power station investigations

(b) Power utilisation, covering .—

(i) power requirements of and supplies to electro-chemical and metallurgical industries,

(ii) power requirements of and supplies to industrial power and mining,

(iii) power requirements of and supplies to rural electrification and power irrigation,

(iv) standards, research and the development of electrical manufactures.

(c) Public relations and propaganda.

(d) Secretary, finance and treasurer

ORDER.—Ordered that this Resolution be communicated to all Provincial Governments, all Chief Commissioners, the several Departments of the Government of India (including Financial Adviser, War and Supply, and Financial Adviser (Communications), the Additional Financial Adviser, Supply Finance), the Political Department, the Private and Military Secretaries to His Excellency the Viceroy and the High Commissioner for India

Ordered also that the Resolution be published in the *Gazette of India*, for general information.

Pandit Sri Krishna Dutt Paliwal: Could the Honourable Member say whether any projects, referred to in part (c) have been finalised?

Mr. B. N. Gokhale: No project has yet been finalised

Mr. Sasanka Sekhar Sanyal: What about the Waterways Board?

Mr. President: What is the question?

Mr. Sasanka Sekhar Sanyal: What about the Waterways Board?

Mr. B. K. Gokhale: It is the Central Waterways, Irrigation and Navigation Commission I never said the Waterways Board

Mr. Sasanka Sekhar Sanyal: Not only the present Government of India but also previous Governments from time to time have engaged themselves on this question and they also announced from the floor of the House that the matter was engaging their attention, namely, the formation of a Central Waterways Board

Mr. B. K. Gokhale: This is exactly the Board which was set up It is called the Central Waterways, Irrigation and Navigation Commission

Mr. Sasanka Sekhar Sanyal: What is the composition of this Commission?

Mr. B. K. Gokhale: There is a Chairman who is also the Consulting Engineer of the Government of India—Rai Bahadur Khosla Then there are two Members —one is an Irrigation member and the other a Navigation member Of course there is the possibility of additional members There may be a Hydro-Electric member

Mr. Sasanka Sekhar Sanyal: Who advises this Commission in the matter of public health?

Mr. B. K. Gokhale: This Commission consults all different Departments of Government On matters of public health, I presume they consult the Director of Public Health

Mr. Sasanka Sekhar Sanyal: When was this Commission started?

Mr. B. K. Gokhale: On the 5th April 1945

Mr. Sasanka Sekhar Sanyal: What is the connection of this Commission with the provinces?

Mr. B. K. Gokhale: This is an All-India Commission which generally gives expert advice to Provinces when they ask for it

Mr. Sasanka Sekhar Sanyal: Since the Honourable Member says this Commission was started in April 1945, what is the position with regard to the question of setting up a Central Waterways Board, the contemplation of which was announced by the then Finance Member, Sir Archibald Rowlands on the floor of this House in March 1946?

Mr. B. K. Gokhale: I have no information about what Sir Archibald Rowlands had stated

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member consider the question of examining this matter?

Mr. President: Next question

EXCHANGE FOR THE PURCHASE OF AEROPLANES AND SHIPS FROM U. K. AND U. S. A.

381. *Mr. Manu Subedar: Will the Honourable the Commerce Member please state how much exchange have Government given for the purchase of (i) aeroplanes and (ii) ships from the United Kingdom and the United States of America (separately) during the years 1944/45, 1945/46 and 1946/47 (upto the last date for which figures are available)?

The Honourable Mr. I. I. Chundrigar: I presume the Honourable Member wants to know the value of aeroplanes and ships actually imported from the United Kingdom and the United States of America I lay on the table a statement giving the required figures for the years 1944-45, 1945-46 and the six months April—September 1946. Figures for the period later than September 1946 are not yet available.

Statement showing the value of Imports of Aeroplanes (including parts thereof) and Ships (and parts including launches and boats) from the United Kingdom and the United States of America during the years 1944-45, 1945-46 and 1946-47 (for first six months).

	Aircrafts and parts of aircraft			Parts of ships including launches and boats		
	1944-45	1945-46	April—September, 1946	1944-45	1945-46	April—September, 1946
	Rs	Rs.	Rs	Rs	Rs	Rs
United Kingdom	83,747	9,55,656	7,92,392	9,915	9,289	7,13,404
United States of America	3,84,459	5,64,338	6,48,241	27,30,788	19,35,609	19,022

Mr. Manu Subedar: May I know whether the Honourable Member has made any attempt to restrict the amount of exchange given out for the purchase of aeroplanes to these companies who are merely applying for a license and waiting for the decision on them? Because in the event of their not getting the license the exchange will have gone wasted?

The Honourable Mr. I. I. Chundrigar: In the event of their not getting a license, the exchange will not go waste Those aeroplanes will be purchased by the companies who will get the license

DAMAGE TO PROPERTY IN HAZARA DISTRICT AS A RESULT OF OUTRAGES BY THE NANDIHAR TRIBESMEN.

382. *Sardar Mangal Singh: Will the Honourable Member for External Affairs please state

(a) the extent of damage done to the property of the inhabitants of the Hazara District as a result of outrages committed by the Nandihar tribesmen in December 1946,

(b) the estimated amount of damage and whether the inhabitants of villages concerned or the owners of the property looted and destroyed were consulted in arriving at this estimate,

(c) the amount of fine imposed on and recovered from these tribesmen, and

(d) whether this fine was distributed to the sufferers and destitutes?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) The Government of India have no precise information about the extent of the material damage, but it is known that half the bazaar at Battal and the entire bazaar at Oghi were destroyed by fire In addition, a number of shops were looted at Garhi Habibullah and Jallu during the communal disturbances which supervened on the original raids The inhabitants of the villages concerned and the owners of the property looted were consulted and their estimate of the value of the damage is approximately Rs 3,50,000 This figure is however believed to be exaggerated

(c) The fine imposed was Rs 75,000 in cash and 75 rifles, of which Rs 53,350 and 49 rifles have so far been recovered The balance is to be recovered this month

(d) When collected in full the question of distribution among sufferers will be considered in consultation with the Local Administration

Sardar Mangal Singh: May I know from the Honourable Member whether Government are taking any steps to recover this fine?

The Honourable Pandit Jawaharlal Nehru: I have said that the greater part of it has been recovered The balance we hope to recover in a few days time.

Sardar Mangal Singh: Will the Honourable Member please state whether the hostages have been released?

The Honourable Pandit Jawaharlal Nehru: I have no information about that.

DIFFERENTIATION IN VALUATION BETWEEN A PROPRIETORY AND A MUTUAL LIFE INSURANCE COMPANY

383. *Shri D. P. Karmarkar. (a) Will the Honourable Member for Commerce be pleased to state whether Government are aware that the Superintendent of Insurance makes a difference between a Proprietory Life Insurance Company and a Mutual Life Insurance Company in favour of the former in acting under Section 22 of the Insurance Act, 1938 relating to the investigation and valuation of the Company by an actuary?

(b) What are the reasons for this difference?

The Honourable Mr. I. I. Chundrigar: (a) No

(b) Does not arise

Shri D P. Karmarkar: Will the Honourable Member please state whether a difference of this kind was made in the case of the valuation in 1945 of the Aundh Mutual Insurance Company?

The Honourable Mr. I. I. Chundrigar: No The position is that whenever a valuation is made of an insurance company it is sent to the Superintendent of Insurance and if he believes that the valuation is not made on a proper basis under Section 22 of the Insurance Act, he has the right of getting a revaluation made by a competent officer If the company is a proprietory company and a certain deficit is disclosed, the proprietors make up the deficit If it is a mutual life insurance company and their assets are insufficient, then naturally the mutual life insurance company has to be declared insolvent but that depends on the assets of a company No distinction whatever is made between a proprietory life insurance company and a mutual life insurance company under Section 22

Shri D. P. Karmarkar: May I know whether, in view of the difference which the Honourable Member said was made between mutual and proprietory life insurance companies, such difference was made with a view to assessing whether the valuation is valid?

The Honourable Mr. I. I. Chundrigar: The principles of valuation are the same in both cases

Shri D. P. Karmarkar: Will the Honourable Member please state as to whether such distinction is not prejudical to the growth of mutual life insurance companies and partial to the growth of proprietory insurance enterprise?

The Honourable Mr. I. I. Chundrigar: It is not, because any insurance company doing business must have assets enough for the purpose of securing the interest of its policyholders

Shri D. P. Karmarkar: Is it obligatory under section 22 of the Insurance Act to make such distinction or is the Superintendent of Insurance exercising his discretion in the matter?

The Honourable Mr. I. I. Chundrigar: The Superintendent of Insurance makes no distinction whatsoever The principle under Section 22 is that if the company is insolvent, then it has got to be wound up

UNDERTAKING REQUIRED BY THE SUPERINTENDENTS OF INSURANCE FROM THE INSURER BEFORE ISSUING AN ORDER UNDER SECTION 22 OF INSURANCE ACT

384. *Shri D. P. Karmarkar: (a) Will the Honourable Member for Commerce be pleased to state whether it is a fact that the Superintendent of Insurance requires an undertaking on the part of the Insurer that his order will be carried out before issuing an order under section 22 of the Insurance Act?

(b) If so, why is such an undertaking required?

The Honourable Mr. I. I. Chundrigar: (a) No

(b) Does Not arise

POPULATION OF EXCLUDED AND PARTIALLY EXCLUDED AREAS

385. *Mr. Tamizuddin Khan: (a) Will the Honourable the Leader of the House be pleased to state the names, areas and total populations of the different units of territories that are at present treated as (i) Excluded Areas and (ii) Partially Excluded Areas?

(b) What are the numbers of Tribal people and others in each of these units?

(c) What are the numbers of Hindus, Muslims, Christians and others in the population of each of these units?

(d) Is it intended to take any steps to bring about any administrative changes in any of these units?

The Honourable Pandit Jawaharlal Nehru: (a) to (c) A statement containing the information so far as is readily available is placed on the table of the House

(d) I invite the attention of the Honourable Member to my reply to Prof. N G Ranga's starred question No 267 on the 18th February, 1947

	Area Sq Miles	Total population	Hindus	Muslims	Chr	Tribes	Others
EXCLUDED AREAS							
Madras—							
The Laccadive Islands (including Minicoy) and the Amindivi Islands.	10	16,355	72	16,277	1		5
Bengal—							
The Chittagong Hill Tracts . .	5,000	247,052	4,881	7,270	60	233,392	1,450
The Punjab—							
Spiti and Lahaul in the Kangra District.	4,695[2]	11,700*		-			
Assam—							
The North-East Frontier							
Sadiya	2,209	60,118	18,506	864	486	39,974	288
Balipara, and	571	6,512	2,583	61	23	3,812	28
Lakhimpur)	394[2]	4,223*	.	.	..	...	.
Tracts							
The Naga Hills District . . .	4,298	189,641	4,193	531	9	184,766	137
The Lushai Hills District . . .	8,142	152,736	2,447	101		147,042	3,196
The North Cachar Hills Sub-division of the Cachar District.	1,888	37,361	5,206	432	52	31,529	42
The North-West Frontier Province—							
Upper Tanawal in the Hazara District		Information not readily available.					

PARTIALLY EXCLUDED AREAS.								
		3,675	271,569	164,075	3,410	6,276	97,200	6
Madras—								
		3,116	221,437	79,675	407	632	140,721	2
The East Godavari Agency and so much of the Visagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.								
Bombay—								
In the West Khandesh District, the (1) Shahada, (2) Nandurbar and (3) Taloda Taluqs, (4) the Navapur Petha and the (5) Akrani Mahal and (6) the villages belonging to the following Mahwasi Chiefs, namely, (1) The Parvi of Kathi, (2) The Parvi of Nal, (3) The Parvi of Singpur, (4) The Walvi of Gaohali, (5) The Wassawa of Chikhli and, (6) The Parvi of Navalpur	1	480	113,949	66,322	5,317	72	41,323	415
	2	618	133,236	57,677	7,491	674	66,856	538
	3	257	67,367	21,312	1,871	283	43,711	199
	4	374	64,661	7,010	1,363	539	55,717	32
	5	926	20,236	784	45	158	19,229	20
	6	963	44,140	4,557	1,598		37,795	190
The Satpura Hills reserved forest areas of the East Khandesh District—								
(1) The Kalvan Taluk and		524	74,402	35,974	913	9	37,247	259
(2) Peint Petha of the Nasik District.		436	57,835	45,019	525	33	12,251	7

* Figures supplied by Provincial Government in 1935. Distribution available according to communities not readily available

	Area Sq. miles	Total population	Hindus	Muslim	Christians	Tribes	Others
PARTIALLY EXCLUDED AREAS—*contd.*							
Bombay—contd.							
(1) The Dahanu and	399	101,850	58,275	2,006	535	39,960	1,074
(2) Shahapur Taluks and	607	80,345	50,315	2,136	63	27,559	272
(3) Mokhada and	263	35,560	4,996	344	10	30,176	34
(4) Umbergaon Pethas of the Thana District.	243	92,162	28,826	2,018	212	59,378	1,728
The Dohad Taluk—							
(1) And the Jhalod Mahal	338	122,146	21,962	10,791	1,650	86,564	1,179
(2) Of the Broach and Panch Mahals District.	2,269	67,573	9,868	1,443	898	55,262	302
Bengal—							
The Darjeeling District	1,192	376,369	178,496	9,125	2,599	141,301	44,848
The Dewanganj—							
(1) Sribardi		118,265	10,224	107,938	.	30	73
(2) Nalitbari	.	112,872	13,687	97,731	18	1,436	..
(3) Haluaghat		111,776	35,627	67,029	76	9,041	3
(4) Durgapur	164	93,066	21,223	51,420	11	20,404	8

(5) Kalmakanda and	339	65,268	24,142	57,873	1,075	12,261	17
(6) Police Stations of Mymensingh District.	339	69,999	25,583	38,419	358	5,639	.
The United Provinces—							
The Jaunsar-Bawar Pargana of the Dehra Dun District.	483*	56,000*				..	..
The portion of the Mirzapur District south of the Kaimur range.	1,787*	202,000*		..		..	..
Bihar—							
The Chota Nagpur Division	27,112	7,516,349	3,617,217	547,344	12,042	3,321,224	18,022
The Santal Parganas District	5,480	2,234,497	838,166	262,836	2,509	1,129,885	1,101
The Central Provinces and Berar—							
In the Chanda District the (1) Ahiri Zamindari in the Sironcha Tahsil and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Murazngaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pat-Murenda and Potegaon Zamindaris in the Garchiroli Tahsil.	2,660* / 1,413	40,450* / 68 893	No separate	statistics available.		30,294*	1
The Harra, Gorakghat, Gorpani, Baikagarh, Bardagarh, Partapgarh (Pagara), Almod and Sompur Jagirs of the Chhindwara District, and the portion of the Pachmarhi Jagir in the Chhindwara District.		7 491*				59,067*	..

* Figures supplied by Provincial Government in 1935 Distribution by communities not readily available.

	Area sq miles	Total population	Hindus	Muslims	Christians	Tribes	Others
PARTIALLY EXCLUDED AREAS—*Contd*							
The Central Provinces and Berar—Contd.							
The Mandla District	5,057	504,580	191,657	7,066	816	304,099	942
The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindars of the Bilaspur District	3,549	Separate statistics not available					
The Aundhi, Koracha, Pansbaras and Ambagarh Chauki Zamindaris of the Drug District.	1,124	113,373	Separate statistics not available				
The Bihar Tahsil of the Balaghat District.	1,556	112,607	46,774	986	609	64,210	28
The Melghat Taluk of the Amraoti District.	1,546	46,929	12,048	1,215	384	33,249	33
The Bhamadeh Tahsil of the Betul District.	1,240	104,435	42,012	1,587	50	60,566	220
Assam—							
The Garo Hills District	3,152	223,569	14,307	10,398	29	198,474	361
The Mikir Hills (in the Nowgong and Sibsagar Districts).	4,387	149,746	(Mostly tribes—distribution not readily available)				
The British portion of the Khasi and Jaintia Hills District other than the Shillong Municipality and Cantonment.	2,445*	109,926*					

Orissa—							
The District of Angul	881	165 866	151 964	39	187	13 308	10
The District of Sambalpur	4 733	1 18° 6 °	93 67	5 °1	°86	°32 09°	354
The Areas transferred from the Central Province under the provisions of the Government of India Constitution of Orissa) Order 1936		Figur ot readily a ilabl					
The Ganjam Agency Tracts	4 3 3	463 07°	86 1 4	19	° 1	374 0°9	19
The areas transferred to Orissa under the provisions of the aforesaid Order from the Vizagapatam Agency in the Presidency of Madras		Figure not readily available					

* Figures supplied by Provincial Government 1935 Distribution by communities not readily available

RESERVATION OF COASTAL TRADE FOR INDIAN SHIPPING

386 *Maharajkumar Dr. Sir Vijaya Ananda: Will the Honourable the Commerce Member be pleased to state whether any steps have been taken to give effect to the recommendations of the shipping Sub-committee of the Reconstruction Policy Committee as regards the coastal trade to be reserved for Indian Shipping?

The Honourable Mr. I. I. Chundrigar: No The report of the Reconstruction Policy Sub-committee on Shipping has only just been received, and will have to be considered in the first instance by the full committee

INDIANIZATION OF THE POST OF CEYLON LABOUR AND EMIGRATION AND ASSISTANT LABOUR COMMISSIONER AT TRICHINOPOLY

†387. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Leader of the House be pleased to state

(a) whether Government have received any representation regarding Indianisation of the post of Ceylon Labour and Emigration and Assistant Labour Commissioner at Trichinopoly, South India,

(b) whether it is a fact, that the contract of the present incumbent expires now,

(c) whether Government propose to appoint a suitable Indian to the post without renewing the contract of the present incumbent, Mr Henderson, and

(d) whether Government are aware of the complaints from the Indians, especially labourers at Ceylon about the unsatisfactory manner in which the present incumbent is representing their interests, what steps Government propose to take to remedy this?

The Honourable Pandit Jawaharlal Nehru: (a) Yes

(b) Government have no information as appointments to these posts are made by the Government of Ceylon

(c) The Government of India can make no appointment to the post of Assistant Emigration Commissioner for Ceylon which is now held by Mr Henderson as he is employed by the Government of Ceylon and not by the Government of India

(d) No such complaints have come to the notice of Government Enquiries are however being made

EXPEDITIONS INTO TRIBAL AREAS AND ACTION AGAINST NANDIHAR TRIBES

388. *Haji Abdus Sattar Haji Ishaq Seth: Will the Honourable Member for External Affairs be pleased to state

(a) the number of expeditions sent out into the tribal area since the last session of the Assembly with the reasons for sending them and the results achieved,

(b) the details of the action taken against the Nandihar tribes, and

(c) the details of action taken in the Frontier as reprisal for the hostile reception accorded to the Honourable Member for External Affairs in that area?

The Honourable Pandit Jawaharlal Nehru: (a) No expedition has been sent into the tribal areas since the last session of the Assembly A military force was assembled at Oghi in the Hazara District in January in order to exact reparation for the outrages committed by the Nandihar tribes in December last The force did not however advance into tribal territory as the tribes complied substantially with the terms imposed by Government The force has now been dispersed

(b) Copies of the various Press Communiques issued in this connection are placed on the Table for the Honourable Member's information For further

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

details his attention is invited to my reply to the Adjournment Motion moved by Mr Siddiq Ali Khan on the 5th February

(c) No reprisals were taken A fine of Rs 5,000 was imposed on the Khyber tribes for assault and mis-behaviour during the visit to the Khyber Agency, such behaviour constitutes a breach of the agreements with these tribes under which they are responsible for the maintenance of peace and order on the Government roads As the Honourable Member is doubtless aware an enquiry is now proceeding into the conduct of a Political Officer in connection with the incidents which occurred during my visit to the Malakand Agency

PRESS COMMUNIQUE

MILITARY OPERATION AGAINST NANDIHAR TRIBES NO INTENTION OF OCCUPYING ANY TERRITORY

A recent Government Communique announced the despatch of a military force to Oghi in Hazara District in the N-W F P to enforce punishment in the form of a fine in cash and rifles on the Nandihar tribes for the outrages committed by them in the District in December 1946 On the 4th January 1947 the terms were announced to a Jirga at Oghi by the Force Commander These terms were

(a) A cash fine of Rs 75,000

(b) A fine of 75 rifles

(c) The surrender of 40 hostages for a period as an earnest of good behaviour

Owing to severe cold and heavy snow the last date for compliance with terms was extended to the 12th January, and further developments are now awaited

Reports have appeared in the Press suggesting that the object of these operations is the permanent occupation of the Nandihar Valley or other part of tribal territory Other accounts have exaggerated the amount of the fine in money and rifles and in reference to the latter have hinted at wholesale disarmament of the Nandihar tribes All this is far removed from the facts There is no intention of occupying the Nandihar Valley or any other tribal territory

The object of the present operation is to exact just reparation for the damage and wanton outrages committed by these tribes on the property and persons of innocent inhabitants of Hazara District Provided the terms are complied with, no punitive action by the troops will be necessary If not then appropriate measures will have to be taken to exact reparation Raids into peaceful districts with murder arson and loot as their objectives cannot be tolerated or allowed to go unpunished

Finally, there is no question of the terms being vindictive or beyond the capacity of the tribes to meet. Nandihar and its tributary valleys are well cultivated, and the population number about 1,00,000 a large proportion of whom are armed The fines imposed represent no more than a fraction of the annual income of the tribesmen in money and of their stock of rifles and are less in value than one half of the estimated damage to property alone caused by the raids

EXTERNAL AFFAIRS DEPARTMENT,

New Delhi, January 12, 1947

PRESS COMMUNIQUE

A military force has been concentrated at Oghi, in Hazara district, North-West Frontier Province, to enforce punishment in the form of a fine in cash and rifles on the Nandihar tribes for their incursion into Hazara district, the murder of innocent villagers and the destruction of the bazars of Battal and Oghi The fine was announced to the tribes on January 4th and they have been given a week to pay it, failing which it will be necessary to take measures to enforce payment

EXTERNAL AFFAIRS DEPARTMENT,

New Delhi, January, 8, 1947

PRESS COMMUNIQUE

Preliminary reports indicate that the Nandihar Tribal Jirga is willing to comply with the terms announced in Sunday's Communique, in which case military operation would be unnecessary

EXTERNAL AFFAIRS DEPARTMENT:

New Delhi, January 13, 1947

PRESS COMMUNIQUE

As announced in a recent press communique on the situation on the Hazara border, the period allowed to the Nandihar tribes for compliance with Government's terms was extended to January, 12.

A report has now been received that a fully representative jirga met the Force Commander at Oghi on that date with very satisfactory results. Rs 28,000 was handed over in cash and payment of the balance of the fine of Rs 75,000 was promised within seven days while of the 40 hostages 27 were surrendered.

In view of this earnest of the tribes' good intentions, the Force Commander gave the jirga another seven days to fulfil the balance of the terms. The jirga undertook full compliance by that date.

EXTERNAL AFFAIRS DEPARTMENT,
New Delhi January, 15, 1947

PRESS COMMUNIQUE

On January 12, the Nandihar tribal Jirga was given a further period of 7 days in which to comply with the terms imposed by Government for the outrages committed by them in Hazara district in December.

On January 19 the tribal Jirga met the Force Commander and handed over a further sum of Rs 25,250, making a total of Rs 53,350 out of the cash fine of Rs 75,000 imposed. Forty nine rifles and five more hostages were also surrendered.

Although this falls short of full compliance it is evident that the tribes are repentant and have been taught a salutary lesson and as Indian Maliks have accepted responsibility for compliance with the balance of the terms, it has been decided that the military force concentrated at Oghi should now be dispersed.

EXTERNAL AFFAIRS DEPARTMENT,
New Delhi, January, 22, 1947

INDIAN NATIONALS HOLDING TITLES

389 *Shri Sri Prakasa: Will the Honourable the Leader of the House be pleased to state

(a) the number of Indian Nationals who hold various titles and honours awarded by His Majesty the King and His Excellency the Viceroy, and

(b) the number of persons who renounced the various titles in the year 1946, and the titles they so renounced?

The Honourable Pandit Jawaharlal Nehru: (a) In view of the very large number of titles and honours awarded in past years the task of collecting the information would involve considerable labour. Government therefore do not consider that the usefulness of the information so collected is commensurate with the labour involved.

(b) The necessary information is not available with the Government of India. Names of persons renouncing honours and titles have appeared from time to time in newspapers but are not intimated to the Government of India.

Seth Govind Das: In view of the fact that the Government have discontinued this half-yearly shower of titles, will the Government think it desirable to ask the title-holders to return their titles, so that there may not be any title-holders left in this country?

Mr. President: It is not a question for the Honourable Member to answer.

Shri Sri Prakasa: In view of the fact that the Provincial Civil Lists print a list of persons who hold various titles, does the Honourable Member consider the task really formidable for his office to count up the number from the various civil lists of the provinces and place the list on the table of the House?

The Honourable Pandit Jawaharlal Nehru: From what the Honourable Member says it should be quite easy for him to go to the library and find out himself.

Shri Sri Prakasa: Would the Honourable Member kindly tell the House as to the manner in which the various titles have been renounced? Whether any titles were sent back by insured post? And if so, what were they valued at?

Mr. President: Order, order. Next question.

FURNITURE LYING EXPOSED IN COMPOUNDS OF BUNGALOWS OF NEW DELHI

390. *Shri Sri Prakasa: Will the Secretary of the Works, Mines and Power Department be pleased to state

(a) if the attention of Government has been drawn to a large mass of furniture lying exposed to wind and weather in the joint compound of bungalows Nos 5 Firozshah Road and 5 Canning Lane in New Delhi, and

(b) the purpose for which the furniture has been stocked there?

Mr. B. K. Gokhale: (a) Yes

(b) The furniture in question is unserviceable and has been moved to this place for disposal by public auction

Shri Sri Prakasa: Will the Honourable Member kindly go and see the furniture himself and find out whether they are really quite unserviceable? Is the Honourable Member aware that in many cases they are better than the furniture supplied in our bungalows?

Mr. B. K. Gokhale: The matter will be considered

Shri Sri Prakasa: Is it the object of Government to place them so exposed in the open compound in order that they may further depreciate in value, so that the Government may ultimately realise by auction a very small amount?

Mr. B. K. Gokhale: This is a matter within the discretion of the Chief Engineer and, if he considers, that the furniture is unserviceable, Government do not think it necessary to question his opinion We have been receiving several complaints about unserviceable furniture, but if the Honourable Member would like to have some pieces out of this furniture, I can arrange it

Shri Sri Prakasa: Is not the Chief Engineer under the Honourable Member?

(No answer.)

ACCIDENTS DUE TO ELECTRIC SHOCKS ON PUBLIC ROADS

391. *Shri Sri Prakasa: Will the Secretary of the Works, Mines and Power Department be pleased to state.

(a) if any statistics are kept of accidents by electric shock on public roads and inside private houses,

(b) the number of deaths that have taken place in the year 1946 from shocks by direct current and alternative current of electricity,

(c) if there is any Government House in the country which has alternating current of electricity for lights and fans and domestic purposes generally, and

(d) the reason why direct current is permitted in capital towns and for residences of high personages, and alternating currents for other towns and the general public?

Mr. B. K. Gokhale: (a) According to the Indian Electricity Act and the Rules, all accidents by electric shock have to be reported to the Provincial Electrical Inspectors and statistics of such accidents are usually published by Provincial Governments in their Annual Reports

(b) Except Panth Piploda and the Andamans and Nicobar Islands for which figures are not readily available the number of deaths in the year 1946 from alternating current was 148 including seven animals, and the number of deaths from direct current was five

(c) A number of Government houses in India are supplied with alternating current for lights and fans.

(d) There is no question of permitting either variety because both are legal But direct current is now generally regarded as obsolete for modern electric public service.

Shri Sri Prakasa: Could the Honourable Member tell us the voltage of the current supplied to the Government House at Naintal and whether it is not a fact that from 220 it was reduced to 110 for the safety of Their Excellencies?

Mr. B K Gokhale. I have no information, Sir

Shri Sri Prakasa. Could the Honourable Member seriously consider the desirability of protecting the lives of ordinary citizens by giving only direct current in private houses as is done in the case of government houses? How is it that the Viceroy's House in New Delhi has direct current and not alternating current? If it is a fact, as the Honourable Member says, that direct current is obsolete, how does the Viceroy manage to light his house?

Mr. President. Order, order

Mr. B. K. Gokhale: According to my information, about 94 per cent of the current in India is alternating current and only about six per cent is direct current For small installations and in old days it was easier and cheaper to put direct current But, as the load increases and as the area of supply increases, direct current becomes more expensive, and it is cheaper and more satisfactory from every point of view to put in alternating current It is possible that in some cases direct current was put in But now everything is switched on to alternating current, as and when feasible It is not a fact that alternating current is more dangerous In fact, if safety precautions are not taken, both are equally dangerous

Mr Ahmed E H Jaffer What are the seven animals that died?

Mr. President: Order, order

POST-WAR RECONSTRUCTION DEPARTMENT IN AJMER-MERWARA

392 *Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable Member for External Affairs be pleased to state when the Post-war Reconstruction Department was created in the province of Ajmer-Merwara and what annual expenditure was and is being incurred by Government on the said Department?

(b) Does the said Department still exist? If so, for what reasons the said Department has not been abolished along with the Planning and Development Department of the Government of India, as has been done in other provinces?

The Honourable Pandit Jawaharlal Nehru: (a) The Post war Reconstruction Branch in Ajmer-Merwara was constituted on the 15th January, 1945 The expenditure incurred on this establishment is —

	Rs
1944 45	400
1945-46 (revised estimate)	78,700
1946-47 (budget estimates)	43,300

(b) Yes, Sir, with reference to the second part of the question I would point out that the abolition of the Planning and Development Department of the Government of India was not followed, as the Honourable Member would appear to suggest, by the abolition of all Development Officers and branches in the Provinces The Post-war Reconstruction Branch in Ajmer-Merwara was retained because the preparation of the Development Plans of Ajmer-Merwara had not at that time been completed

ELECTRIC LIGHT IN DAFTRI QUARTERS IN ALIGANJ AND RAJA BAZAR, NEW DELHI

393. *Pandit Balkrishna Sharma: (a) Will the Secretary of the Works, Mines and Power Department be pleased to state whether Government are aware that there are no electric lights in Daftri Quarters located in Aliganj and Rajabazar, New Delhi?

(b) What steps have Government taken to provide this essentiality of life in the daftries quarters?

Mr. B. K. Gokhale: (a) Yes

(b) The question of electrifying daftries and peons' quarters in Delhi has been considered by Government but the matter has been postponed consideration in view of the high cost and the heavy load on the electricity supply in Delhi

BAD CONDITION OF ROADS IN AREA OF ALIGANJ DAFTRI QUARTERS, NEW DELHI

394. *Pandit Balkrishna Sharma: (a) Will the Secretary of the Works, Mines and Power Department be pleased to state whether Government are aware of the bad condition of roads in the area of Aliganj Daftri Quarters, New Delhi?

(b) Are Government also aware that in rainy season the ditches on these roads become small ponds of water and a constant danger to the sanitary conditions of the locality?

(c) What steps have Government taken or propose to take to see that the said roads are metalled?

Mr. B. K. Gokhale: (a) Yes

(b) Presumably, the Honourable Member is referring to the pot holes on road surface These holes retain water for about six hours after a shower of rain as the subgrade is sandy

(c) These roads are in charge of the New Delhi Municipal Committee An estimate for repairs was sent to the Municipal Committee in May 1946 which has recently been approved Tenders are now being invited and work will be completed before the next monsoon

EXPORT OF BONES AND OIL CAKES

395 *Babu Ram Narayan Singh: (a) Will the Honourable the Commerce Member be pleased to state whether Bones and Oilcakes are still exported from the country, and, if so, in what quantity?

(b) Do Government propose to consider the desirability of stopping the export of these articles for improving the manure position in this country; and if so, from when?

The Honourable Mr. I. I. Chundrigar: (a) No export of raw bones, bonemeal and oilcakes is allowed but export of a limited quantity of crushed bones and bonegrist is being permitted The export quota of crushed bones and bonegrists for 1947 has been fixed at 40,000 tons

(b) Crushed bones and bonegrists are not used in India as manure, but form a valuable item in India's export trade Government do not see any justification for stopping the export of crushed bones and bonegrist Bonemeal is the item mainly used as a manure, and its export, as I have already mentioned, is prohibited

Seth Govind Das: The other day when I asked another question regarding this export of bone the Honourable Member said that he would consider the desirability of stopping its export altogether As such, may I know why even this 40,000 tons of bone is exported when we require so much manure for our country?

The Honourable Mr. I. I Chundrigar: What is valuable for manure is bonemeal the export of which is entirely prohibited Export is allowed only of crushed bones and bonegrists which are not used as manure

Mr. C. P. Lawson: Is it a fact that the Bombay Government have banned even the export of crushed bones from the Bombay port, and if this is so, how is that to affect the Provinces which wish to export their crushed bones?

The Honourable Mr. I. I. Chundrigar: I am not aware of the order passed by the Bombay Government I will enquire about it

Seth Govind Das. May I take it that no oilcakes are being exported these days?

The Honourable Mr. I. I. Chundrigar. No oilcakes are exported I have already mentioned that

IMPORT OF COTTON MANUFACTURED GOODS

396. *Babu Ram Narayan Singh: Will the Honourable the Commerce Member be pleased to state whether cotton manufactured goods of any kind are still imported into India and if so, from where and in what quantity?

The Honourable Mr. I. I. Chundrigar: Yes, Sir I lay on the table a statement giving the required information for January to September 1946 Later figures are not yet available

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Statement showing the total quantity of cotton manufactured goods (in yards, pounds or nos as the case may be) imported into India from abroad during the period from January to September 1946.

Figures below are in thousand

Country of consignment	Unit		
	Yards	Lbs	Number
U K	4,182	2,047	179
U S A	817	21	
Australia		6	
Netherlands	48		
Switzerland	194		
Mexico	2,666		
Brazil	834		
Other countries	14	2	—

EXPORT OF COTTON MANUFACTURED GOODS

397. *Babu Ram Narayan Singh: Will the Honourable the Commerce Member be pleased to state whether cotton manufactured goods are still exported from India and, if so, to which countries and under what obligation?

The Honourable Mr. I. I Chundrigar: It is presumed that the Honourable Member refers to 'Cotton manufactures', *i e*, goods made of cloth I lay on the table a statement giving the names of countries to which cotton manufactures are exported These exports are allowed to maintain and develop India's foreign trade

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Statement

Aden, including Yemen, Hadramaut, Saudi Arabia, Ethiopia, Eritrea, Afghanistan, Arab States in the Persian Gulf, Australia, Belgian Congo, British East Africa, Nyasaland and Italian Somaliland; British West Indies, Ceylon, Cyprus, Egypt, French colonies; Iraq; Mauritius; New Zealand North and South Rhodesia, Palestine, Persia; Portuguese East Africa; Seychelles; Sudan; Syria and Lebanon, Nepal, British Pacific Islands and Burma.

Seth Govind Das: Is it not a fact that there is a great shortage of cloth in this country now, and in these circumstances why does Government think it desirable to export cloth even now?

The Honourable Mr. I. I. Chundrigar: Export is allowed in the interest of India's future foreign trade, to keep up our trade connections with countries which have bought from us in the past and which are likely to be consumers of our surplus production in the future

Mr. Sasanka Sekhar Sanyal: May I know from the Honourable Member, so far as the immediate present is concerned, what exactly does India get from those countries in return for this export?

The Honourable Mr. I. I. Chundrigar: The products vary from country to country

Mr. Sasanka Sekhar Sanyal: May I know whether we get food supplies in return from these countries?

The Honourable Mr. I. I. Chundrigar: From some we do From some we receive some other imports

Mr. Sasanka Sekhar Sanyal: So far as the other countries, that is those which do not give us food in return for the cloth that we export, are concerned may we have a rough idea of the essential goods that we get?

The Honourable Mr. I. I. Chundrigar: Our export trade had gone up, so far as cotton manufactures are concerned, to 1,100 million yards a year That quota has now been reduced to 300 million yards, and of this a substantial portion goes to countries from which we get essential supplies

Sardar Mangal Singh: May I know from the Honourable Member when the list of the established shippers to whom the quota is granted was prepared last? I want the basic year when this list was prepared

The Honourable Mr. I. I. Chundrigar: The list was prepared when the quota system was introduced, but the list has got to be revised because as soon as the export quota of any firm goes down to a very small limit its quota has got to be eliminated You cannot allow the export of a few hundred yards Therefore the list is being revised every six months The last list was similarly revised recently

Mr. Sasanka Sekhar Sanyal: May I know what are the essential goods other than cloth which have been referred to by the Honourable Member?

The Honourable Mr. I. I. Chundrigar: Unless you go through the whole list of the countries it will be difficult to give a list

Mr. President: Question hour is over

(*b*) WRITTEN ANSWERS

DUTIES OF AND EXPENDITURE ON INDIA'S AMBASSADORS AND TRADE COMMISSIONERS

398. *Babu Ram Narayan Singh: Will the Honourable Member for External Affairs be pleased to state:

(a) the names of countries to which India's Ambassadors or Trade Commissioners have been deputed or are likely to be deputed in the near future,

(b) the duties they will discharge there; and

(c) the expenditure to be incurred on them and their staff?

The Honourable Pandit Jawaharlal Nehru: (a) Ambassadors have been accredited to the United States of America and China Trade Commissioners are stationed at London, New York, Toronto, Buenos Aires, Paris, Alexandria, Mombasa, Sydney, Colombo and Tehran

As the Honourable members may have seen in the press announcement just issued, it has been agreed with the Government of France to exchange diplomatic representatives in the near future The question of exchanging representations with other countries is under consideration and the decision when reached in each case will be made public

(b) It is impossible within the scope of a reply to a question to give more than a brief general indication The functions of Ambassadors for India, as of all countries, are briefly the furtherance of India's policy in the countries to which they are accredited, observation of occurrences which might affect the interests of India, and the protection of the persons, property and interests of Indian subjects in the States to which they are accredited

The functions of Trade Commissioners are the promotion of trade between India and the country in which they are serving

(c) An estimate of the expenditure involved for 1947-48 on the existing Embassies and the offices of Trade Commissioners has been placed on the table of the House.

Statement giving the estimated expenditure for 1947-48 on Indian Embassies and Offices of th Trade Commissioners abroad.

	Rs
Embassy of India in the United States of America.	7,60,000
Embassy of India in China .	4,98,350
Office of Indian Trade Commissioner, London	2,37,000
Office of Indian Trade Commissioner, New York.	1,95,700
Office of Indian Trade Commissioner, Toronto.	1,44,900
Office of Indian Trade Commissioner, Buenos Aires.	84,700
Office of Indian Trade Commissioner Paris.	1,74,000
Office of Indian Trade Commissioner, Alexandria.	62,600
Office of Indian Trade Commissioner, Mombasa.	61,000
Office of Indian Trade Commissioner, Sydney.	72,003
Office of Indian Trade Commissioner, Colombo	73,200
Office of Indian Trade Commissioner, Tehran.	1,35,600

DAMODAR SCHEME

399. *Babu Ram Narayan Singh: Will the Secretary, Works, Mines and Power Department be pleased to state

(a) the present stage of the Damodar scheme;

(b) steps already taken in this matter and the steps to be taken in the near future, and

(c) the probable date of its completion?

Mr. B. R. Gokhale: (a) and (b) A reference is invited to the reply given to part (a) of Question No 176 by the Honourable Member on the 10th February 1947 The conference proposed to be held on the 15th February 1947 had to be

postponed owing to the inability of the Bihar Government representatives to come to Delhi on that date. The next step would be to fix a suitable date for the conference in consultation with the parties concerned to finalise the scheme as far as possible

(c) It is not possible to anticipate the probable date of completion of the project in view of the many uncertain factors involved

'A' TYPE QUARTERS IN TIBBIA COLLEGE COMPOUND, KAROL BAGH, DELHI.

400. *Sardar Mangal Singh: (a) Will the Secretary of the Works, Mines and Power Department please state whether Government are aware that "A" Type Quarters located in the Tibbia College Compound, Karol Bagh, Delhi, have a small piece of ground attached to each quarter for growing vegetables?

(b) If so, do Government propose to take steps to provide hedge-fencing in front of each quarter to enable the tenants to grow vegetables? If not, why not?

Mr. B. K. Gokhale: (a) No.

(b) In view of the answer to (a) above, this question does not arise I may add that the unfiltered water supply system does not serve that area.

PROVISION OF ELECTRIC CEILING FANS IN 'A' TYPE QUARTERS IN KAROL BAGH.

401. *Sardar Mangal Singh: (a) Will the Secretary of the Works, Mines and Power Department please state whether Government are aware that the electric ceiling fans have not so far been provided in "A" Type Quarters located in the Tibbia College Compound, Karol Bagh, Delhi?

(b) If so, what steps Government purpose to take to instal the ceiling fans in these quarters before the commencement of the ensuing summer season? If not, why?

Mr. B. K. Gokhale: (a) The answer is in the affirmative

(b) The quarters in the Tibbia College Compound, Karol Bagh, Delhi, were electrified on the 31st December 1946 Action is now being taken to instal fans according to scale, if possible, before the advent of next hot weather

PROVISION OF DRAIN PIPES IN UPPER FLATS OF 'A' TYPE QUARTERS IN KAROL BAGH, DELHI.

402. *Sardar Mangal Singh (a) Will the Secretary of the Works, Mines and Power Department please state whether Government are aware that there are no drain pipes in the Upper Flats of "A" Type Quarters located in the Tibbia College Compound, Karol Bagh, Delhi?

(b) Are Government also aware that in the absence of drain pipes, the dirty water of the verandahs when washed falls in the Lower Flats?

(c) Do Government propose to take necessary steps to provide drain pipes in the Upper Flats of these Quarters? If not, the reasons therefor?

Mr. B. K. Gokhale: (a) Waste water outlet pipes are provided in the upper flats of these quarters

(b) These pipes are short in length and the waste water spoils the walls, but does not fall in the lower flats.

(c) The materials for extending these pipes have been collected at site and the work will be completed within a very short time

DETENTION OF INDIAN SOLDIERS IN SINGAPORE FOR CHRISTMAS MUTINY IN MARCH 1942.

403. *Mr. Ahmed E. K. Jaffer: (a) Will the Honourable Member for Commonwealth Relations please state if it is a fact that 8 Indian soldiers are being detained in Singapore as prisoners while British army authorities study

possible action against them for the part alleged to have been taken by them in the Christmas Mutiny in March 1942 in which one British officer is stated to have been killed and four other ranks were murdered?

(b) Do Government propose to call for a report and place it on the table of the House?

(c) Have Government made any arrangement for the defence of these men at the trial?

The Honourable Pandit Jawaharlal Nehru: (a) and (b) Seven Indian soldiers belonging to the Hong Kong and Singapore Royal Artillery, which is not a part of the Indian Army, are being tried at Singapore by Court Martial on a charge of having taken part in a mutiny in the Christmas Island in March 1942, which is alleged to have resulted in one British Officer and four other Non-commissioned Officers being shot.

(c) The Military Court Martial authorities have themselves made arrangements for the defence of these men

REPLENISHMENTS AND SUPPLIES FOR FRENCH AEROPLANES AND BOMBERS PASSING THROUGH INDIA *en route* TO FRENCH INDO-CHINA.

404 *Seth Sukhdev: (a) Will the Honourable Member for External Affairs be pleased to state whether it is a fact that French Bombers or Aeroplanes going to French Indo-China pass through India?

(b) Is it a fact that these Aeroplanes get fuel and other requirements in India, *en route*?

(c) Do the Government of India propose to take steps to stop French Aeroplanes or Army in French Indo-China from obtaining their supplies or replenishments from or through India?

The Honourable Pandit Jawaharlal Nehru: (a) Aircraft flying between Europe and France have to cross India in transit Some French aircraft have crossed India in this way, the number of these is however strictly limited and very few of them have been of combat types

(b) The facilities accorded to such aircraft are limited to the fuel and other requirements necessary for their onward passage out of India

(c) Agreements are made with various countries to regulate the air traffic across India The old agreements having lapsed certain special arrangements were made during war-time to permit a limited number of flights across India The majority of the French aircraft whose passage has been permitted have been air ambulances or transport aircraft and not operational or combat types The Government of India are fully aware of the strength of public feeling in India in favour of Viet Nam and the freedom of the people of Indo-China, which they share They have been anxious therefore not to be a party in any way to any action which may be prejudicial to the interests of the people of Indo-China They made this position clear and they took steps strictly to limit the French aircraft which may fly across India They intend to exercise a stricter control in future

UNSTARRED QUESTIONS AND ANSWERS

NEW ELECTRIC CONNECTIONS FOR RESIDENTIAL OR BUSINESS PREMISES IN DELHI.

34. Chaudhri Sri Chand: (a) Will the Secretary of the Works, Mines and Power Department be pleased to state whether Government are aware that due to shortage of supply of electricity in Delhi, it is practically impossible to get a new electric connection either for residential or business premises or industrial purposes these days, and that the people of Delhi are being put to considerable inconvenience on that account?

(b) If so, what steps are being taken to increase the supply of electricity?

(c) When do Government propose to bring about normal conditions in this respect?

Mr. B. K. Gokhale: (a) Yes

(b) The Delhi Central Electric Power Authority Ltd have decided to expand their main Power House and placed orders for two turbo sets of 10,000 kw each and the necessary steam raising plant to increase the generating capacity The erection of this machinery may be completed by the end of 1949 In order to meet the demand for electric energy in the interim period, a 2,000 kw Diesel Power Station is being constructed and will be brought into commission by the end of February 1947 Government are also actively considering the possibility of erecting additional generating plant to the extent of 1750 kw

(c) It is hoped that the supply will be adequate after three years

TAKING OVER BY GOVERNMENT OF THE DELHI ELECTRIC SUPPLY AND TRACTION COMPANY

55. Chaudhri Sri Chand: Will the Secretary of the Works, Mines and Power Department please state when Government propose to take over the Delhi Electric Supply and Traction Company Limited, and who will issue electric connections thereafter?

Mr. B. K. Gokhale: Government will take over both the Electric supply and the tramway undertakings of the Delhi Electric Supply and Traction Company on the 2nd March 1947 and transfer them on the same date to the Delhi Central Electric Power Authority Ltd

The Delhi Central Electric Power Authority will issue electric connections after that date subject to the approval of the Delhi Province Electricity Control Board constituted by the Chief Commissioner, Delhi under the provisions of the Emergency Provisions (Continuance) Ordinance 1946

FREE SUPPLY TO M.L.A.'S OF PERIODICALS AND NON-PERIODICALS PUBLISHED BY THE COMMERCE DEPARTMENT.

56. Shri D. P. Karmarkar: Will the Honourable the Commerce Member be pleased to state

(a) the names of the periodical publications published under the auspices of the Commerce Department and the time of their publication,

(b) the names of non-periodical publications published by the Commerce Department during the year 1946 and in January 1947, and

(c) the arrangements which have been made to supply free copies of these publications to members of the Legislative Assembly?

The Honourable Mr. I. I. Chundrigar: The requisite information is being collected and will be placed on the table of the House as soon as possible

SHORT NOTICE QUESTION AND ANSWER

STRIKE OF MEAT SELLERS IN DELHI

12 Noon

Dr. Zia Uddin Ahmad: (a) Will the Secretary of the Health Department be pleased to make a statement on the causes of strike of meat sellers in Delhi?

(b) Are Government aware of the fact that non-vegetarian citizens of Delhi are being put to great inconvenience on account of the stoppage of the supply of meat?

(c) What steps do Government propose to take to remove this inconvenience?

Mr. S. H. Y. Oulsnam: (a) The meat sellers of Delhi have gone on strike because they object to the following provisions of bye-laws made by the Delhi Municipal Committee

(1) The levy of fees for the issue of licences

(2) The issue of separate licences for beef and buffalo meat.

(3) Sign boards showing the names and addresses of the shopkeepers and kind of meat sold to be exhibited at each shop

(4) The fronts of shops to be covered with chicks

(5) Shops to be white-washed as often as may be necessary to keep them in a clean and proper state

(6) Shops to be provided with stone floors, walls of lime-stone or corrugated iron sheets, suitable drains and at least one ventilator

The strikers also object to the proposed removal of the slaughter house from the present site.

(b) Yes.

(c) A deputation of meat sellers has seen the Chief Commissioner and as a result the President of the Delhi Municipal Committee has been asked to consider whether any of the bye-laws objected to are unreasonable and can be altered without detriment to the general public The Deputy Commissioner has been asked to explain to the meat sellers the need for the removal of the existing slaughter house and the advantages of the scheme

Dr. Zia Uddin Ahmad: May I know whether these bye-laws were framed recently or they were framed sometime ago and they were given effect to by the elected Chairman, because the butchers had opposed his election?

Mr. S. H. Y. Oulsnam: The bye-laws were finally published on the 24th January 1947

Dr. Zia Uddin Ahmad: When were those by laws originally framed? Why were they not given effect to earlier? Is it a fact that they remained unnoticed for several years?

Mr. S. H. Y. Oulsnam: These bye-laws are new bye-laws which supersede certain bye-laws on the same subject made in 1914

Dr. Zia Uddin Ahmad: Will the Honourable Member enquire and make sure of this fact that these bye-laws were made long ago and were not given effect to but they were enforced immediately after the elected Chairman came in? Is it not a fact that the butchers had opposed his election in the last Delhi municipal election? Please reply to all these questions. It is not a question of health It is purely a political problem?

Haji Abdus Sattar Haji Ishaq Seth: Will you consider these matters?

Mr. S. H. Y. Oulsnam: Yes

Shri Sri Prakasa: Is it not a fact that the health of the city has considerably improved since the commencement of the strike? And has not the Honourable Member received a deputation from the animals concerned recommending that the strike should continue?

Haji Abdus Sattar Haji Ishaq Seth: The Honourable Member mentioned some fee What is its incidence? Is it prohibitive?

Mr. S. H. Y. Oulsnam: I understand that the fee has not yet been finally fixed but the municipal committee proposes to fix it at Rs 11 a year for each shop

Haji Abdus Sattar Haji Ishaq Seth: Regardless of the size of the business?

Mr. S. H. Y. Oulsnam: Yes, Rs 11 for each license.

Haji Abdus Sattar Haji Ishaq Seth: With regard to the conditions that are sought to be imposed, will he request the Deputy Commissioner or the Government of India, whoever is concerned, to see that they do not insist upon imposing all these conditions at once but gradually, so that these difficulties mentioned by Dr Zia Uddin may be met.

Mr. S. H. Y. Oulsnam: Yes, Sir The Chief Commissioner has asked the President of the Delhi Municipal Committee to go into the question

Lala Deshbandhu Gupta: Is it not a fact that similar bye-laws exist in respect of the sale of milk also in Delhi?

Mr. S. H. Y. Oulsnam: I must have notice

Lala Deshbandhu Gupta: Is it not a fact that the license fee for the milkmen is the same as is sought to be imposed on the meat sellers?

Mr. S. H. Y. Oulsnam: I have not got that information

Lala Deshbandhu Gupta: Is it not a fact that similar bye-laws exist in New Delhi?

Mr. President: We are entering too much into the internal autonomy of the Municipality

Mr. Ahmed E. H. Jaffer: Is it a fact that my friend Mr Sri Prakasa led a deputation of the vegetarian members to the Government?

Sardar Mangal Singh: May I know whether the bye-laws were framed by the Board after the election?

Mr. S. H. Y. Oulsnam: I have no information as to when they were actually framed They were finally published in January, after the election.

Mr. Sasanka Sekhar Sanyal: Is it a fact that black marketing in meat has already come into existence?

Mr. President: Next question Babu Ram Narayan Singh

STRIKE IN CERTAIN COLLIERIES ON BORDER OF HAZARIBAGH AND MANBHUM DISTRICTS IN BIHAR

Babu Ram Narayan Singh: Will the Honourable the Labour Member be pleased to state

(a) whether Government are aware that a strike has been going on in five collieries (i) North Damodar (ii) Bokaro Jharia (iii) Albian (iv) Karmatand and (v) Kesargarha on the boarder of Hazaribagh and Manbhum districts in Bihar;

(b) whether Government are aware that the colliery-owners, instead of meeting the demands of workers, have been trying to avert the strike by violent means with the help of the *Goondas* imported from outside,

(c) whether there have already been several lathi charges, firing and some arrests of labour workers, and

(d) if answers to parts (a) to (c) above are in the affirmative, whether Government propose to take steps in the matter and get the strike settled peacefully?

The Honourable Shri Jagjivan Ram: (a) Yes The strike in these collieries started on 27th December, 1946, and was finally called off on 10th February, 1947, as a result of reference by Government of the trade dispute in the coalfields of Bihar and Bengal to a Board of Conciliation constituted under the Trade Disputes Act, 1929 on 5th February, 1947

(b) The managements of these five collieries did not accept any of the terms of settlement drawn either by the officers of the Central Government's Industrial Relations Machinery or by the District officers In the third week of January, 1947 as a result of discussions between the Chief Labour Commissioner (Central) and representatives of the employers and the workers, a

settlement was reached. The employers signed the terms of settlement which were drawn up but the workers' representatives refused to sign Therefore, the strike continued till 10th February 1947, when, as stated above it was called off Government are not aware that any *goondas* have been brought from outside by any party But it is a regrettable fact that employers of this group of collieries showed a reluctance to intervention by the Central Government's conciliation machinery in contrast with the readiness with which most other employers accepted such intervention

(c) There was a blank fire by Mr. Banwarilal Agarwala, brother of Mr. Arjun Agarwala There was no firing and lathi charge by the police who reached the place of disturbance some time after the disturbance The trouble arose, as far as the Government is aware, out of the efforts of the employers to put fire into the boilers of the collieries with the aid of some workers It has also been ascertained from the local police authority that out of the dozen injured cases admitted to the hospital from both sides as a result of the above trouble, there was none due to bullet wound It is further true that four persons, including Mr Banwarilal Agarwala from the employers' side and 19 persons from Labour side have been arrested for the offence of committing a riot All of them later on have been bailed out Four others from labour side are absconding Some persons have also been arrested for instigating workers to go on or to continue illegal strikes

(d) The Board of Conciliation referred to in my reply to part (a) of the question has been set up for the purpose of promoting a settlement of the dispute between the colliery workers and management in this and other cases

Diwan Chaman Lall: Will the Honourable Member please state whether the four persons who were arrested have now been released in view of the settlement?

The Honourable Shri Jagjivan Ram: It is a matter for the Provincial Government

Diwan Chaman Lall: Can the Central Government make a recommendation?

The Honourable Shri Jagjivan Ram: We will look into the matter

STRIKE IN GOVERNMENT PRESS, NEW DELHI

Sree Satyapriya Banerjee: Will the Secretary of the Works, Mines and Power Department be pleased to state

(a) whether the Lino Operators of the Government of India Press, New Delhi, have gone on stay-in strike since the 3rd February, 1947,

(b) if the answer to part (a) above be in the affirmative, what their grievances are, and

(c) whether Government propose to meet their grievances, if not, why not?

Mr. B. K. Gokhale: (a) Yes

(b) They originally claimed various things but now they are asking for an increase in their emoluments by Rs 50 p m

(c) It has been explained to them by the Chief Labour Commissioner and the Controller of Printing and Stationery that it is not possible for Government to revise their pay scales before decisions are taken on the recommendations of the Central Pay Commission

Mr. Ahmed E. H. Jaffer: May I ask how is it that these strikes always occur when the House is in session and what steps does the Honourable Member propose to take that these strikes are avoided especially at a time when the House is in session?

Mr. B. K. Gokhale: It is difficult to stop these strikes

Sree Satyapriya Banerjee: Is it a fact that Lino operators are performing the functions of Mono operators as well as casters?

Mr. B. K. Gokhale: I am not aware of these details

Sree Satyapriya Banerjee: Is it a fact that Lino operators are drawing the same pay as the Mono operators?

Mr. B. K. Gokhale: I believe so, but I have not got the details

Sree Satyapriya Banerjee: Is it a fact that Lino operators offered their resignation if their demand is not met?

Mr. B. K. Gokhale: They have gone on a stay-in strike and my information is that they are anxious to be dismissed

Sree Satyapriya Banerjee: Are they anxious to be dismissed or are they anxious to resign?

Mr. B. K. Gokhale: The Government have given them the scale of Rs 70 to Rs 105 and one of the points they have made is that they are being offered by private presses something like Rs 300 to Rs 400 a month That is why they want to go away

Sree Satyapriya Banerjee. What is the difficulty in the way of accepting their resignation?

Mr. B. K. Gokhale. The matter is still under consideration and the Chief Labour Commissioner is trying to bring about a settlement

Sree Satyapriya Banerjee: If a settlement is not effected, will the Honourable Member be pleased to state whether their resignation will be accepted

Mr. President: That is a hypothetical question

Sree Satyapriya Banerjee: If their resignation is accepted, I hope their provident fund amount will not be forfeited?

Mr President: That is also a hypothetical question

Diwan Chaman Lal: May I ask if it is a fact that the Government are prepared to negotiate a settlement?

Mr. B. K. Gokhale: Government are negotiating and they are certainly prepared to negotiate

Sree Satyapriya Banerjee: With what result so far?

Mr. B. K. Gokhale: So far with negative results, the negotiations are still in progress

Mr. Sasanka Sekhar Sanyal Will the Honourable Member consider the question of appointing and *ad hoc* Committee of this House to go into the whole question for the purpose of bringing about a compromise, if possible?

Mr. President: Next question

INDIA'S STERLING BALANCES

Mr. Manu Subedar: (a) Will the Honourable the Finance Member be pleased to state whether the attention of Government has been drawn to the following from the Financial Correspondent of the *Statesman*, dated the 17th of February 1947?

"There are, unhappily, grounds for thinking that there have been some important failures in both respects If accord could be secured on principles, procedure is of secondary importance It is to be hoped, therefore, that between now and April, when discussions are to be resumed, every effort will be made to consolidate such mutual understanding as the conversations have yielded"

(b) Will Government make a brief statement of the grounds, which were urged by the representatives of His Majesty's Government?

(c) What are the understandings, which have been reached and what are the steps, which are going to be taken between now and April?

(d) Will Government make a general statement on the procedure, which they propose to adopt hereafter in respect of the sterling balances?

The Honourable Mr. Liaquat Ali Khan: (a) Yes

(b) and (c) I would invite the attention of the Honourable Member to the Press Communique issued on the morning of the 16th instant Right from the start the conversations between the officials of the two Governments have been intended to be of a preliminary and exploratory character and they were at departmental level In spite of this, the whole subject has been examined in detail and both delegations regard the talks as having been extremely useful. The conversations will be continued on a more formal basis it is hoped towards the end of April Government cannot prevent surmise and speculation in the Press as to the content of the discussions, but they must decline to be drawn thereby into disclosing details of the discussions at this stage

(d) The arrangements for further conversations will be decided upon by Government as soon as convenient

Mr. Manu Subedar: In view of the fact that neither the past Government nor this Government have ever taken non-officials into their confidence with regard to India's case or such part of these negotiations as can be reasonably placed before them, will the Honourable Member tell this House whether he will not carry out the undertaking which he gave to the Committee both on Bretton Woods and the gold par of exchange that he will make use of them for receiving advice and suggestions with regard to these large problems as and when the occasions arose?

The Honourable Mr. Liaquat Ali Khan: Sir, I still adhere to what I said at these Committees that I will certainly avail myself of the advice of the non-official Members of this House as and when the occasion arose

Mr. Manu Subedar: May I inquire whether the broad case as put forward by the representatives of His Majesty's Government cannot be disclosed either to the House or to the Standing Finance Committee and whether there is any serious harm or objection to such a disclosure?

The Honourable Mr. Liaquat Ali Khan: I have already said that these were purely preliminary and exploratory talks, and at this stage I am unable to say anything definite about them As I have said before, I must repeat that the Government cannot bring anything before the House unless they themselves are convinced that it is an agreement which is satisfactory and should be placed before the House There is nothing at present that I can place before the House

Mr. Manu Subedar: Can the Honourable Member tell us whether any definite understandings have been reached or merely an exchange of facts on both sides has taken place?

The Honourable Mr. Liaquat Ali Khan: I think the Honourable Member should ask the correspondent of the *Statesman* as to what are those mutual understandings that have been reached All that I can say is that there is a mutual understanding on this point that the U K owes a debt to India

Sardar Mangal Singh: May I know by what time the talks are likely to be finalised?

The Honourable Mr. Liaquat Ali Khan: As soon as possible

Mr. Ahmed E. H. Jaffer: May I ask the Honourable Member whether the final talks will take place in India or in London?

The Honourable Mr. Liaquat Ali Khan: I answered that question the other day

Sir Cowasjee Jehangir: The Honourable Member said that he still adheres to the undertaking he gave to some Committee May I ask the Honourable Member whether he realises that all the wisdom on this important subject is not confined to Honourable Members of this House and that there are others outside this House whose advice would be very useful and of the greatest value to, Government and the Honourable Member?

The Honourable Mr. Liaquat Ali Khan: It was not an undertaking I think the work 'undertaking' is not correct What I did mention at one of these meetings was that I hope that Honourable Members would always be ready and willing to assist us with their advice when occasion arose I did not say that their advice will be sought to the exclusion of everybody else's advice

Lala Deshbandhu Gupta: Is the Honourable Member satisfied that U K. does intend to honour the debt?

Mr. President: That is already covered by the answer

RULING *RE* PANDIT GOVIND MALAVIYA'S RESOLUTION FOR THE RELEASE OF INDIAN NATIONAL ARMY MEN AND POLITICAL PRISONERS.

Mr. President: Before we take up discussion on Resolutions today . . . . .

Pandit Govind Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural) I wish to submit a few words about my Resolution

Mr. President: Order, order. The point was raised last time as to whether precedence ought to have been given to the Resolution of Pandit Govind Malaviya the consideration of which was postponed by a decision of the House So, I will state my decision in that respect

Before I state my decision on the question raised on the 7th February, 1947, about giving priority and first place in the Order Paper to Pandit Govind Malaviya's Resolution regarding the release of I N A prisoners, I may shortly state the facts of the case

2 This Resolution having secured a place in the ballot during the Budget Session of 1946 came up for discussion on 4th February, 1946 The discussion on the Resolution was not concluded on that day The business "having been commenced" was set down for the next day allotted to non-official Resolutions *viz* , 11th February, 1946, and was given precedence over all other business set down for that day, as provided in clause (4) of Standing Order 8 It was similarly given precedence on the 1st April, 1946, and on the 8th November, 1946, in the next session On the 8th November, 1946, Pandit Govind Malaviya was absent, and a motion was made by the Honourable the Finance Member for postponing the consideration of the motion to the current session This motion was accepted by the House without any dissentient voice Shortly after the adoption of the motion, a telegram was received from Pandit Govind Malaviya informing me that he wished to withdraw the Resolution

3 On these facts, it is claimed that the Resolution should have been set down and given the first place in the List of Business for 7th February, 1947. The arguments advanced in support of this contention are —

(i) There being the unanimous decision of the House to postpone consideration to the next session, it must be given effect to

(ii) Reliance is placed on Standing Order 7B, and on the proviso to Standing Order 9, and it is further urged, in the alternative, that if the said proviso does not cover the case, as an exception to the provisions of Standing Order 9, it should be held that the said Standing Order stands superseded, by implication in view of the express direction of the House to postpone consideration to the next session

[Mr. President.]

(iii) It is further urged that, in any case, the President has got the power of making variations in the procedure for ballot under the proviso to Standing Order 7B

4. I may take these contentions *seriatim*. I agree that every decision of the House—whether it be a unanimous one, or by majority—has to be given effect to But I would add that the manner in which and the extent to which this effect can be given, have to be subject to the Rules and Standing Orders governing the business of the House As will be seen later, in this particular case, the decision of the House was given effect to

5 I am unable to accept the very wide proposition that even a unanimous decision of the House can by implication be taken as superseding all Standing Orders and Rules The most natural interpretation of any decision of the House is that the House wishes to give effect to it strictly in conformity with the Standing Orders and Rules If the House so feels, it is competent to take proper steps for such changes, as it may like, in the Standing Orders and Rules To interpret the decision of the House as abrogating or superseding Standing Orders by implication would be a very dangerous canon of interpretation There would then be no fixity of any procedure governing the business of the House and no safeguards to individual members of the House in respect of the exercise of their rights, as such members, in matters where they differ from the majority To my mind, it is essential for the best and most democratic functioning of the House that there should be stability of procedure, which should not be liable to change by implication with every decision of the House, even if the decision be unanimous Even on consideration of balance of convenience, the acceptance of this contention would be dangerous, and will lead to greater inconvenience than convenience and to the suppression of the liberties of the dissenting minority It is to be remembered that a decision of the House is not always a unanimous decision, and even in cases, where it is unanimous, I may be permitted to point out that the unanimity is perhaps relative and not absolute Even members, who have not been present in the House, when a particular decision was taken, are equally interested in maintaining the stability of the procedure, and any decision agreed to by all members, who were present (it is in this sense that it is alleged that the decision is unanimous) ought not to affect the rights and privileges of absent members as regards the procedure for conducting the business of the House I am, therefore, unable to accept the contention that the Rules and Standing Orders relating to the business of the House are capable of being changed by implication and without any resort to the special procedure competent to the House expressly laid down for the purposes of such changes in the Rules and Standing Orders as the House may desire

6 Reliance is placed on the proviso to Standing Order 9 which reads as follows —

"Non-official business set down for any day and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day

Provided that, notwithstanding anything contained in Standing Orders 7A and 7B, any such business which has been commenced shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day "

It will be clear from the wording of the proviso to Standing Order 9 that only that business shall be set down for the next day allotted to business of that class "which has been commenced" The obvious meaning is that the business has not been disposed of by the end of the day, allotted to that particular class of business In ordinary language, it would be called a part-heard matter, and, therefore, it comes up automatically on the next day allotted for that particular class of business The proviso cannot and clearly does not apply to cases in

which the consideration of the matter though unfinished was put off to some other day and therefore not pending at the end of the day It cannot be said because of the postponement that the matter is part-heard in the sense that it was pending at the end of the day It was undoubtedly part-heard in the sense that the consideration was not completed It will be appreciated that the object of the Standing Order is to give the fullest chance for the disposal of all non-official business, and, at the same time, to give fair and equal opportunities to all members for bringing forward other Resolutions If a Resolution of the House to postpone consideration were to be interpreted as keeping the matter pending at the end of the day, and, therefore, entitled to precedence over all other business at the next day for such business, it will mean that the majority is being placed in a position to so dominate the conduct of business on days allotted to private business as to allow it to bar all chances for any individual dissentient member to bring his Resolutions before the House Supposing five or six Resolutions are put in the List of Business for a particular day, one or two are discussed up to the end of the day, and as regards the remaining, the House passes Resolutions, by a majority, to postpone consideration to the next session If all these have to be included in the List of Business and given priority, what will happen to the Resolutions of other members, who might have given notices in respect of them? Even if they get a chance in the ballot, they will never, or rarely be able to bring their Resolutions before the House Considerations of equity and equal opportunities to all members also point to the same conclusion

7 As regards the contention that I have the power of making variations under the proviso to Standing Order 7B, it is enough to point out that the power is in respect of "variations *in the procedure for ballot*" Ordinarily the Standing Order requires that the procedure set out in the Schedule should be followed but the President is given the power to vary the procedure as he likes The procedure for balloting to settle the precedence is different from settling the precedence itself on the List of Business for a day

8 For the reasons stated above, the postponed Resolution has to be balloted, and if it does not secure a place in the ballot, it cannot be placed on the List of Business for the next day much less can it be placed as first item The effect of the decision of the House for postponement of consideration is therefore to supersede neither the necessity for balloting nor to affect the precedence as determined by the ballot.

9 In the present instance, the Resolution was, therefore, balloted even though there was no fresh notice on the part of the Honourable Member to have the Resolution balloted His telegram for withdrawal could have no effect The Resolution being the property of the House and there being a decision to have it for consideration at the next session, it was considered admissible for ballot Unfortunately, it did not secure a place in the ballot, and, therefore, it could not be included in the List of Business for the 7th February, nor did it secure a place in the ballot for the 18th February

10. In view of the keenness shown by some members of the House I considered the question as to how this Resolution could be brought before the House One possible course would be that members who have got precedence for items No 1 and 2 in today's agenda may not move them and thus give place to item No. 3 which is substantially the same as Pandit Govind Malaviya's Resolution The other course would be that Government may allot time for discussion of the Resolution, as the decision for postponement was unanimous, the Government also being a party to it.

Khan Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, may I draw your attention to Standing Order 70 which says that once a Resolution has been moved no similar Resolution or amendment can be moved within one year?

Mr. President: I considered that aspect also and as this Standing Order is a restriction on the rights of Members it has to be construed strictly I am inclined to construe it as saying that a Resolution cannot be taken up within one year from the date on which the former Resolution was moved If it is "moved" it may be kept pending for a long time The Order does not refer to any decision of the House or the final stage of consideration of the motion The previous Resolution having been "moved" on the 4th February last year the Standing Order does not apply I considered that point when I suggested the other alternative

Shri Sri Prakasa (Benares and Gorakhpur Divisions. Non-Muhammadan Rural) Sir, as this discussion was actually adjourned at the desire of the Finance Member, may I request the Honourable the Leader of the House, to allot time on an official day for this to be discussed?

Mr. President: That would be a point to be considered later on. We may see how the two Resolutions preceding the third one progress. It is possible that the third item may be reached, in which case that request may be unnecessary

RESOLUTION *RE* COMMITTEE FOR CORRELATION OF GOVERNMENT DEVELOPMENT PLANS AND FOR THE REDUCTION OF PERSONNEL ON FINANCIAL GROUNDS

The Honourable Pandit Jawaharlal Nehru (Leader of the House) Sir, with your permission and the indulgence of the House I wish to say a few words with regard to the first Resolution on today's agenda which stands in the name of my Honourable friend Mr Manu Subedar It is obviously an important matter relating to various plans of development which Government have been considering for a long time It is a matter in which Government are intensely interested and no doubt the House is also interested Government appointed an Advisory Planning Board which has produced a report which is, I believe, in possession of Honourable Members Government have not fully considered that report yet It may be that at a later stage the subject may be brought up before this House by Government themselves during this session In any event I suggest that this or some such Resolution may be considered with better effect at a later stage instead of now and I submit that it would be better not to have it taken up at present

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau Indian Commerce) Sir, it is difficult to give up the bounty of the ballot box, but in view of what was said by the Leader of the House I do not propose to move this Resolution

RESOLUTION *RE* CONVERSION OF RESERVE BANK OF INDIA INTO A STATE BANK

Mr. Tamizuddin Khan (Dacca *cum* Mymensingh Muhammadan Rural): Sir, I move

"This Assembly recommends to the Governor General in Council that the Reserve Bank of India be taken over by Government, converted into a State Bank and run as such."

This matter has I think been discussed on several previous occasions and I need not take much time in discussing it today. The question of running all national concerns by Government has become very important of late. On a previous occasion we discussed the question of running civil aviation as a State concern. On that occasion the Honourable Home Member remarked that Government had not been in a position to give any serious consideration to that question and that Government would not like to be hustled into hazardous undertakings Sir, to be in the air may be a hazardous undertaking, particularly on the part of the Home Member, but here we are considering a matter which is

not in the air but is one very much of the earth There was also another ground that was advanced on that occasion that the State cannot take over infant concerns but can only take over concerns that have been run for a considerable time by private persons and which have been built up to a certain extent If that is so, then also there is no reason why Government should fight shy of taking over the Reserve Bank of India It has been functioning for a considerable time and also, if I may say so, it has been functioning satisfactorily I do not know whether the Government thinks that there is any danger or risk in taking over that concern If that is not so, the only question remains whether the present Government of India is actually wedded to the theory of taking over such concerns and running them as Government concerns I hope, Sir, that the persons who have on previous occasions advocated the policy of nationalization from Opposition Benches in this House having gone to the Treasury Benches will not alter their previous policy and give a go-by to their previous declared policy of nationalization I actually do not know what argument may possibly be now advanced against the proposition of the Reserve Bank of India being taken over by Government On previous occasions I understand that one of the objections raised was that a proper Board of Directors could not be contemplated I do not know whether that is also the view of the present Government If men can be found to run the Government of India itself, I do not know how an argument like this can be advanced that a proper Board of Directors could not be found if the Reserve Bank of India had to be run as a State concern There was another argument that in many other countries the Central National Banks were not State concerns I admit that that was because the whole world was then a capitalistic world The outlook has considerably changed since then The question reduces itself to this—whether we are going to adhere to capitalism out and out? If that is openly declared we can understand the position, but if it is said that that is no longer the policy of the Government—and actually the Leader of the House has openly declared that his ideal is to establish a socialistic state in this country—in that case would it be consistent with that policy if a proposition like this is turned down? If a proposition like this is turned down, it will give an impression that all that was said by the Leader of the House about a socialistic State was insincere cant I hope that the Honourable the Leader of the House will not like to have a serious charge like this levelled against him. I think it is actually difficult to speak much on this subject without being in a position to know what actually the Government thinks about the matter. All I can say is this that the Central Bank of India should be a concern of the State The State is not only for the capitalists, the State is not only for the rich people of the land, if the State stands for the people of the country as a whole including the poor and the humble, in that case the monetary organisation of the country should be a national concern, and it should not be confined to a limited number of shareholders who are none but capitalists Is the Reserve Bank to be run in the interest of those limited number of capitalists, or is it to be run in the interest of the entire people of the land? If the latter, in that case there is no reason why the Reserve Bank should not be taken over by the State.

Sir, I do not know whether there are any practical difficulties that stand in the way. As a layman I do not see much practical difficulty. It is a running concern The capital is now provided for mainly by private shareholders; the capital will have to be provided entirely by the Government if it is taken over by the Government. That is certainly not an impracticable proposition. What practical difficulties there may be, I do not know. Therefore, Sir without prolonging my speech any longer I would strongly recommend to the House to consider the Resolution seriously and to give their unanimous support to it

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council that the Reserve Bank of India be taken over by Government, converted into a State Bank and run as such."

I find there is an amendment in the name of Mr. Gole.

Mr. P. B. Gole (Berar Non-Muhammadan) I do not propose to move that amendment

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau Indian Commerce) I have great pleasure in supporting the Resolution which has been moved by my Honourable friend, Mr Tamizuddin Sir, in this country we are discussing nationalisation of so many items and every day I find more and more items are being added to it So it is difficult to keep pace with the number of items which people are suggesting For example, it has been suggested that all public utility concerns like electric supply companies should be nationalized, it has been suggested that all transport (the railways are already state property)—road transport, river transport and aviation—should be nationalized, it has also been suggested that great industries like textile industry, heavy engineering industries, and iron and steel industry should be nationalized, it has been said that all coal mines and all mining operations should be run by the State, it has also been urged that all land must be nationalized, and so on Now, Sir, everybody who is putting forward a plea for one or the other state undertaking in these directions has probably some justification, but those who have got to supervise and to see that these operations are done smoothly and there are no unexpected reactions as a result of the action taken, must be wide awake, and I say that if there is going to be anything nationalized in this country I would give the foremost place to the nationalization of the Reserve Bank For this reason I very much welcome the Resolution which my Honourable friend has moved

Then, Sir, it is not only for this nationalization that you will need finance in an orderly manner so that you do what you intended to and you do not find yourself landed into situations which you never intended, but apart from this we have got plans of the Provincial Governments and the Central Government, and the Municipalities are all running in short finance and all round the Indian States have got very heavy plans I may make it clear straight away that in the Reserve Bank as it is run now the Indian States have a share not at all less than what their population fully justifies in comparison with British India Therefore, Sir, there are plans running into about Rs 1,600 crores at the Centre Provinces and States The plans have not yet covered all that the 29 panels have indicated Where is the finance going to come for all these purposes? And the next question is, who is going to handle the finance for all or some of these purposes which will be selected in some order of priority? Who is going to determine these conditions? That is going to be the Reserve Bank, and therefore it is of paramount importance to the life of this country that this institution should be completely nationalised

Now, Sir, it may be said that at present all the profits are coming to us All surplus over a certain limited percentage goes to the shareholders

Sir Cowasjee Jehangir (Nominated Non-Official) What percentage goes to the shareholders?

Mr. Manu Subedar: I think about 3½ per cent

Sir Cowasjee Jehangir: Four per cent

Mr. Manu Subedar: Yes, four per cent and the rest goes to the State It may be said that Government have a hand in appointing the Directors It may be said that it was Government officials, picked men from the I C S who took over this institution when it was started and that the same framework is still running this institution and it is not running badly and why do you want to do this? But there are other grounds which I shall give why I think that this must be done

The Reserve Bank was not established when we were sitting in the Banking Commission and when we went into this issue we put very great emphasis on those who were on the Banking Commission that there should be a proper Central

Banking Authority who would be the pivot and fulcrum of the economic life of this country who would supervise it, maintain it and secure it against in roads from external and internal disturbances, and who would advance money and seal up all weakness in the economic life of this country It was with that intention that recommendations were made for the starting of this institution and I am sorry to say that this institution has not been able to carry out most of the expectations in this direction It has certainly been a note issuing authority and it has been a banker to Government and to Indian States It has done these limited functions properly But it has not carried out the other functions of a constructive character which was entrusted to this body Whether this failure is to be accounted for by the fact that it was a shareholders' institution or not, that I will leave to the House to judge, but let me indicate some of the directions in which there has been a failure

Section 17(2) puts a specific obligation on this institution to create a discount market and a bill market in this country Unfortunately in this direction failure has been written very large because nothing has been done Then, Sir, the was the expectation of the Banking Commission to throw great emphasis on the plan that all remittance charges in this country between one place and another should be abolished, and that was to be abolished by the Reserve Bank by the issue of what are known as Bank post bills, that is to say drafts drawn by this institution on its other branches which are payable in full This again has not been done and at present we are still paying heavy charges as Members would doubtless have found out when they exchange a cheque from the place where they come with a Delhi cheque

Then, Sir, in section 55(2) an obligation was laid on this institution to make recommendations to Government for the permanent basis of the Indian monetary system and permanent measures for monetary standard Since 1934 when this institution came into existence we do not know whether this has been done Sir, it is curious that correspondence between this institution and Government is kept secret so that when we ask for this correspondence we are told that that is secret correspondence In other words, I am not aware of it and therefore I am entitled to say that this institution has altogether failed in the principal duty which was entrusted to it under that section

Under Section 55 (A) there was also the question of extending and linking up indigenous banks and country banks with the Central Banking Institution and with the money market and generally to bring down the rates of interest which were prevailing in the interior and which was high There again some lukewarm effort was made but given up because the parties concerned would not agree to the terms offered by the Reserve Bank

Then a still more glaring failure is under Section 55(B) which was to improve all machinery for dealing with agricultural finance and closer connection between agricultural operations and the bank In other words what was wanted was that instead of having a plentiful supply of money in the principal cities and very scarce money conditions in the interior leading to heavy rates for the agriculturist, it was expected that the Reserve Bank would put into operation some machinery for tilting the balance in favour of the agriculturist and for having the supply of money there increased in volume and brought down so far as the interest charges were concerned.

In all these directions there has been a complete failure There are other points which I need not mention But we had one of these points in the Select Committee and now that the Select Committee report has been published Honourable Members of this House will see that the Reserve Bank did not have the powers to give any loan to any bank which was not a scheduled bank in other words about thousands of little banks in this country were not eligible for being helped by this institution The Reserve Bank did not have the power to

[Mr Manu Subedar]

lend against certain classes of security, the class of assets which these little banks might possess In other words, the Reserve Bank did not always have the power to help banks which were in difficulties, and I am sorry to say that it has been reported on and very severely complained about that the Reserve Bank did not have the willingness to help institutions which were in difficulties and some of them would have survived had the Reserve Bank come to their assistance earlier

And it is readily understandable as to why the Reserve Bank should not be over-anxious to risk its money It is a private institution Why should it take any risks so far as the Directors are concerned They are all city gentlemen, representing big business Why should they take risks and try to save some small banks which may be sinking? Why should they risk their shareholders' money? Therefore there was no motive and no direct obligation and this was all in flat contradiction of what was expected of this institution

Then, as my friend has pointed out, all central institutions in the world are State institutions Even in the last ditch of capitalism in London, even there my friend, Mr Tyson will confirm me the Bank of England has been nationalised by a Government which has a very large programme of nationalisation in the same way, as Mr Tamizuddin said, the Leader of the House had expressed him self in favour of certain types of State Socialism With such a large programme of nationalisation, this wise British Government who came into power on the of very successful popular support what is the first thing it has done? It nationalised the Bank of England and therefore we are in very good company we urge on our Government to take steps in the same direction

Then, Sir, the question is whether these steps would lead to any special difficulty so far as the exchange work of this institution is concerned I do not see why there should be any difficulty about it What is the sanctity of some holders of 3½ per cent paper which is called the Reserve Bank Shares and other holders of 3 per cent paper, who will in future as the holders of the public debts of this country pay the owners of this institution Where is the special sanctity about it? Why should some persons called shareholders have a privilege to elect directors to this large institution and are all the preliminary precautions to keep the shares in different hands and different provinces operating now? Have they not failed? Are not shares concentrating into single hands and is the class of men seeking directorship the ideal type? I was hesitating to characterise him as such, but is he not a kind of financial adventurer? I would say that it is high time that persons who had no direct concern with regard to the welfare of the country or who have no direct hand in the shaping of the economic policy and economic plans of the country, that such persons did not seek and secure membership of this institution

1 P M.

Take the question of interlocking finances What is the Reserve Bank shareholding? It is 5 crores of rupees, which at the market value is 7½ crores May I inform this House that three or four clever men who have got charge of financial institutions and investment trusts could very easily get this much money out, can collar the shares, put in their friends and nominees into this institution and then help themselves by the backdoor Do we want to take that risk? Do we want to expose the Central banking authority, a bank which has got all the Government finance, to this risk? I admit that it is a theoretical danger but it may become real tomorrow These things are happening elsewhere in the world and it is high time that our Government also looked up and considered the desirability of making these changes.

In order that there may not be a violent change from the existing conditions, my own suggestion would be that while this shareholding should belong to the State, the actual day to day management should be in the hands of a Statutory

Board. I have never been able to understand why members of this legislature have been specifically excluded from this socalled shareholders' bank I want a statutory board which will be formed on some basis which will be good to this country and on the lines on which such boards are selected for the management of central institutions elsewhere I want this to be formulated in such a way that Government may not directly and day to day interrupt in the work which is going on as in the case of the Port Trusts We have there the example of statutory boards which involve a minimum amount of interference from the Centre and yet a competent local authority carries on the day to day work

I would like to quote from Sir George Schuster as to the principal ground on which he said, the shareholders' bank was justified That is the ground which unfortunately has fallen through and it is exactly the danger which he was trying to avoid and into which this country has fallen at the hands of this socalled shareholders' institution Sir George Schuster said on the 30th November, 1933, when moving for the adopting of the Reserve Bank Bill

"My Honourable friend, Mr Neogy, quoted from what I myself said at Simla on this matter, where I pointed out in the simplest possible terms that we want to create a position where the Government as the chief user of money in the country should not itself be the authority which has the control of the creation of money When it wants to get money it ought to have to go to an independent authority and make out its case just as any private individual has to do It ought to maintain a sound position and not be able to reinforce its position by turning on the printing press in case of need That, Sir, put very simply is the essence of the position, and what we have felt is that unless you get up a bank on a shareholder basis you cannot be assured of creating and maintaining that position"

That, Sir, is exactly the refutation which I am giving here to an undertaking given by a British Finance Member in this House, that Government will not use this institution as a printing press for replenishing their finances That is exactly what was done and I am sorry to say that the Indian Directors of the Reserve Bank did not put in their best effort (and their best effort would have been to send in their resignations), and object to Government misusing the provisions of this Bill in order to replenish themselves In other words, almost the only ground on which the shareholders' bank was justified by the Honourable Member who moved this Bill in 1933 has fallen through with the experience of the war.

Sir, I will conclude in a minute What I want is this I have nothing to say against the present Reserve Bank authorities Some of them are very friendly with me But they have not got that vivid picture of what is desired in this country, what sort of economic growth, what sort of economic life, what sort of dealings between millions of people in different parts of the country and what sort of effort is to be put in for all these purposes by millions of people in this country. That vivid mental picture which alone would enable them to guide and direct the activities of this institution into proper channels, that, I am sorry to say, the present authorities of the Reserve Bank do not have Therefore I strongly urge that Government should consider this problem from every point of view None of us desire to rockey this Government into any action which may be hasty or ill-advised or which they may consider untimely, but the aspects which I am referring to are those which need full consideration If for any reason they are dealing with this matter, then I would urge on Government to consider every one of the points which I have put forward and at all events to overhaul the nominees whom they are putting into this institution, to give them direct instructions and charge them to let this institution perform the functions which it was intended to perform but which it does not perform and not again to be drawn into channels which it was never intended to be drawn into, *viz.*, as a printing press for replenishing Government funds The reverse of this has happened The wrong thing has happened and the right thing which we all urged on this institution and for which we wanted this Central authority to be built up, has not occurred and we are entitled to press on Government the view

[Mr. Manu Subedar]

that something should be done and the best way to do this would seem to be the nationalisation of this institution

Sir, I support the motion

Mr. Geoffrey W. Tyson (Bengal European) Sir, in the few minutes which remain before the luncheon interval I would like to say a few words From what has so far been disclosed as to the mover's intentions and by means of Mr Manu Subedar's survey of the position, I and my colleagues in this Group are quite unable to make up our minds on the merits of the proposition which is now before the House But I will, Sir, attempt to offer a few observations on the resolution which we are considering this morning

Sir, we are invited on the one hand to survey a world which is a socialised world, in which we are moving on towards better and bigger things, bigger and bigger doses of happiness and on the other hand to look at an institution which has been created and made by private or individual enterprise to a very large extent, and which is grounded on the merits and the usefulness of the capitalist system We are asked to say that here is something very desirable in the world, a world which is hypothetically divided Because two things differ in ideology we must therefore surrender an established institution Well, Sir, that obviously is not the point of view to which many of us can be expected to give whole-hearted and sincere support

We are, as I stated in the beginning, greatly handicapped by having had no previous expression of opinion from the Government of India on this subject It has been obvious that as there has been a claim for nationalising basic industries and as there have also been claims for nationalising other things which cannot be described as basic, that sooner or later a demand would come forward for the nationalisation of the Reserve Bank of India And I must say that one of the most astonishing statements made in my hearing by any Honourable Member was the one made by the mover of the resolution in which he said that because the Bank was now functioning satisfactorily therefore we ought to nationalise it! One of the reasons for the state deciding to exercise something more than a supervisory interest or deciding upon state ownership over an enterprise, has generally been because it was not functioning satisfactorily

But there is one point on which I find myself in agreement with the two previous speakers and that is this It was particularly emphasised by my Honourable friend Mr Manu Subedar The point is that nationalisation might be decided upon as a corrective to the tendency of the shares of the Bank—a tendency which has been shown in the past few years—to concentrate in the hands of a smaller and smaller public or to concentrate in one part of the country Those of us who look at the affairs of the Reserve Bank of India at least once a year when the Annual Report comes out have in fact noticed that ten years ago the share capital was pretty equally divided according to the regional interests of Calcutta, Bombay, Madras and so on It has, however, in recent years shown a tendency to concentrate in Western India This may be due to a variety of reasons But that is a fact And the ownership of the Bank has tended, I think, to get into fewer hands and to become lop-sided That is not in itself a reason for nationalisation

One of the things that can be said in favour of the present system is this The Reserve Bank and the Finance Department are obviously two completely separate entities But they would not remain so if we once decide to nationalise the Bank They have none the less, over a period of the last ten or twelve years worked in the closest co-operation and the closest agreement and understanding in the management of the country's currency and finance They have in fact, to all intents and purposes constituted themselves into one currency authority My Honourable friend Mr Subedar quoted the case of the Bank of

England this morning He referred, if I may say so with respect, to such an authority as London as being "the last ditch of capitalism" It is not New York is the last ditch of capitalism In all these matters we British are pursuing the course of compromise, of reason and of accommodation

Mr. President: The Honourable Member may continue his speech after Lunch

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Mr G V Mavalankar) in the Chair

Mr. Geoffrey W. Tyson: When the House rose for Lunch, I had just referred to the fact that though there were two separate institutions, the Reserve Bank and the Finance Department, they did, in fact, act in the closest co-operation and as a matter of fact, constituted one single currency authority My friend, Mr Manu Subedar, quoted some words which Sir George Schuster is said to have addressed to Mr K C Neogy as long ago as 1933 or 1934 in which he said that Government, as the biggest users of money—this is how I understood the quotation—should not be in absolute control of the making thereof and that is generally agreed to be a wise and sound provision I do not quite see its relevance to a case in support of the nationalisation of the Reserve Bank, but I do think that as a general proposition it is a sound, wise and prudent statement and has the force of history and experience behind it

Now, Sir, the form in which this Resolution was moved, and the terms in which it has been spoken to so far, rather suggest to my mind that the speakers and the House regard the Reserve Bank of India as some sort of vested interest Well, any one who has been in close and intimate contact with the money machine of the country knows that that is far from the case It is of course true that the Reserve Bank is a special type of bank, a central bank which, in banking terms, is, I believe, a lender of last resort and therefore it is rather an exclusive sort of institution but that does not mean that it is, or has in fact behaved like a vested interest I think that is not the right way to regard it In fact, it is a great State enterprise and up to now in its not very long history, has served India satisfactorily as the spearhead of the money machine With all due respect to the Mover and Mr Manu Subedar who has supported this Resolution, I do ask them whether in fact this is the time to embark on plans for the nationalisation of the bank Occupying the place that it does in the economy of the country and in the councils of the Government, the bank has, I think every one will be agreed, enormous tasks ahead of it in which it will have to guide, advise and counsel government There are, as we know, great tasks before it at the moment The first phase has just come to an end of the negotiations on the sterling balances In this matter, the Reserve Bank, I have no doubt, will be tendering the most important guidance both in the field of policy and in the more technical field We have ahead of us too a programme of industrialisation in which the Reserve Bank will be called upon to play a large and increasingly important part We have also ahead of us, I suggest, an era of deficits That is not probably such good news as some of the other tidings which we hear from time to time in this House, but I do not think it can be denied that we are moving into a period in which the Honourable the Finance Member and his colleagues will come before this House more frequently to report the absence of surpluses and the inevitability of deficits Now, in this kind of picture, the Reserve Bank is called upon to play an active part and I suggest that it will be most unwise and imprudent at this juncture in the affairs of India to begin to talk about and to implement a policy for the nationalisation of the bank

[Mr. Geoffrey W. Tyson.]

There is the further fact, as I see it, that if the nationalisation of the Reserve Bank becomes a practical issue before this House or before the members of the Government, it will almost inevitably, I think, be the prelude to a demand for the nationalisation of the banking system as a whole (*Mr. Sasanka Sekhar Sanyal* "Yes, yes") The two things are not on all fours My friend, Mr Sanyal, says—Yes, yes That suggests to me that I am interpreting the thoughts of another important section of the public aright The case for the nationalisation of the Reserve Bank and the nationalisation of the banking system as a whole are different in detail but over a large part they are very similar and I suggest that having regard to the very tricky economic situation—I use no stronger words than that—into which we are inevitably moving, to tinker with and cast doubt upon the basis of credit or the banking system will do no great service to this country On the contrary, it will, I think, do considerable disservice and to some extent undermine confidence in the future

I understand, and I hope and believe, that the Finance Member has got an open mind on this subject I would ask him to preserve that open mind for the time being and not today commit himself to a statement which implies that the Government and the Finance Department are in favour of the nationalisation of the bank I do not say, as a matter of right or wrong, that he would be wrong in so doing but what I do say as a matter of practical expediency is that the whole question deserves to be considered much more exhaustively than we have had an opportunity of considering today, on a high technical level than in the Legislature This is not the time in my view, and in the view of my colleagues on these benches for Government to pronounce a final opinion upon so important a subject I therefore hope and trust that when the Finance Member comes to reply to this debate he will indicate that Government require much further time to consider this before indicating their final views to the House

Mr. Sasanka Sekhar Sanyal (Presidency Division Non-Muhammadan Rural) Sir, I must congratulate my Honourable friend Mr Tamizuddin Khan for having brought this Resolution before this House because today this question of nationalising the Reserve Bank of India is not merely an academic, political or economic one but it is a live issue and round this issue centres the connected vital issues in the matter of the reconstruction of the whole country My friend Mr Tyson several times consoled himself and cautioned the House by referring to what he described as a tricky situation and he has repeatedly said that this is not the time for going in for a proposition like this But I maintain that this is just the time when the wisdom of the representatives of all sections of the people should be assembled together not for discussing the hypothetical and abstract questions regarding nationalisation, but for discussing as to how to put this question into a concrete form Today we are in the midst of a Government which we call a National Government and we take pride in describing this Government as such and our pride is particularly due to the fact that we are looking forward to the potentialities which may be tapped and discovered by this Government which is representative of the people If we can now carry ahead with this National Government through all sorts of political pitfalls and political dangers, I submit that this is just the occasion when we should also go in for the consideration of the question as to how to place our economic and quasi-economic affairs on a foundation of a thorough and universal national planning In order to do that, we must have a solid monetary banking structure.

Sir, when we consider this Resolution, the first thing that we have to consider is as to whether the Reserve Bank of India, as it is today, really serves the purposes of the present and is really commensurate with our ambitions of the immediate future I do not think there will be much difference in this House although there may be some difference regarding the manner of implementing

the Resolution, between one section of the House and another regarding this matter The Reserve Bank of India, when it was brought into existence by an Act of this Legislature, had created certain powers for the said bank and had also imposed certain duties and liabilities on it As a very humble student of the economics of the country, my reading is very clear So far as the rights are concerned, the Reserve Bank of India has not been able to exercise them properly, and so far as the duties that have been imposed upon that bank are concerned, they have failed

Taking the duties first because duty must precede right, may I give one typical illustration Section 54 of the Reserve Bank of India makes it, as I should say, obligatory so far as that section is concerned, to act in a certain direction It reads

"The Bank shall create a special Agricultural Credit Department the functions of which shall be—

(a) to maintain an expert staff to study all questions of agricultural credit and be available for consultation by the Central Government, Provincial Governments, the Government of Burma, provincial co operative banks, Burma co operative banks and other banking organisations,

(b) to co ordinate the operations of the Bank in connection with agricultural credit and its relations with provincial co operative banks, Burma co-operative banks and any other banks or organisations engaged in the business of agricultural credit."

Now, Sir, without offering any comment upon this question, I submit before the House that the Reserve Bank of India, practically speaking, has not done anything to implement the directions which are embodied in this section I know that the Honourable the Finance Member is not happy about the present position He is as unhappy as we are, and if things lay in his power, he would at once harness the Reserve Bank of India in such a way as to make it go ahead in this direction But so far as this aspect is concerned, let us take it that the Reserve Bank of India is a dead horse, and I of all persons, as a member wishing very well of the present Government, would not advise this Government to whip a dead horse Therefore, a thorough overhaul is necessary in that direction and a recast of the entire matter, so that we can deal with live issues in a live manner

So far as the rights are concerned, if you look at the rights which are given to the Reserve Bank of India by this Act, the bank has been made a perfect autonomous body and it was expected that the rights should be exercised in the direction of the uplift of banking facilities in this country Here, again, I say that the Reserve Bank of India has not been able to do anything I am glad Mr Tyson referred to the locking of shares, but that has led to the inevitable consequences On another occasion on the floor of this House I made a reference to this matter in a different context At that time my good friend Mr Manu Subedar countered my comments and he thought that my comments were smelling some sort of provincialism I am very sorry that the language that I used at that time lent itself to that interpretation, but now that Mr Tyson has referred to it I want to make it clear that on account of the fact that the shares have been locked in certain hands and those hands have their industrial interests in a particular part of the country, the entire banking structure has been so influenced as to cause prejudice to those banking concerns which are not connected with the industrial developments of that particular territory

Now, it is well-known that although the shareholders of the Reserve Bank at the inception were widely distributed over at least major parts of the territory than today, the whole thing has grouped in certain hands and these are the influences I do not say that these parties or persons intentionally do things in a way which is calculated to prejudice the cause of the country at large, but, after all, human beings being what they are, there is no denying the fact that, when particular interests grow round particular institutions, there is an unconsci-

[Mr Sasanka Sekhar Sanyal.]

ous tendency—a tendency that that party himself would grow gradually—to get things concentrated in certain hands, in certain territories and for certain industrial purposes After all, we are out to introduce a state of things in which the blood of national vitality must flow through all veins and to the remotest corner of the country But if certain sections and certain interests absorb the money of the country, it is no use blaming them, because, after all, they are following the biological law After all, if the nation has to survive, it must have its biological law of taking recourse to that which means for maximum surety and safety for its existence

Now, Sir, if I only illustrate this by certain incidents which happened recently in my unfortunate province of Bengal, which is unfortunate from various points of view Certain banking concerns came to a tottering condition and then collapsed It is all very undesirable There must have been something very shady within these banks themselves But that is neither the answer nor the diagnosis of the entire situation After all, Sir, the Government have to stand by the people not only by good people but also by bad people. It is not the purpose of the administration merely to say that some people are good, and some are bad, the purpose of the administration is to see that bad institutions are brought round and that good institutions are made better What is the cause of the failure of the banking organisations in this country? Several times, I expressed myself through interpellations on the floor of the House, as far as it is possible to express through interpellations, and I still maintain that if the Reserve Bank of India were of a more responsive character then many of these smaller banks in Bengal or for the matter of that in other parts of the country could have been saved Here, I will not go the length of condemning the Reserve Bank of India for not having assisted the small banks, but I must say that the present constitution and structure of the Bank is such that inherently it was not possible for the Reserve Bank to be responsive to the needs of the small banks

Sir Cowasjee Jehangir: Why?

Mr. Sasanka Sekhar Sanyal: Because in the first place, the Reserve Bank of India Act keeps the Reserve Bank into more direct contact with the scheduled banks and the reserves are made available only for the purpose of helping scheduled banks than for helping other banks which are not scheduled banks This caste system in the banking structure of the country is directly, if not exclusively responsible for this chaotic condition in the banking world As far as we in this House are concerned, all sections are out to destroy vested interests and caste system, we are out to destroy them not only in the political sphere, but also in the economic and social sphere We shall start on a clean slate, provide equal opportunities for one and all Whenever there is an artificial classification through a sort of caste system, we hope that the growing forces of the country will be such as to liquidate all such tendencies

Now, Sir, coming to this question of vested interests, my Honourable friend Mr Tyson has complained that there is a sort of prejudiced feeling that the Reserve Bank of India has a vested interest Well, Sir, it has vested interest for the simple reason that whenever there is power but no corresponding obligation that is vested interest The correct and the most accurate definition of vested interest is that a particular interest enjoys certain things but has no corresponding obligation Here the Reserve Bank of India enjoys certain powers, but it has no corresponding obligations in the matter of the small banks Sir, when this banking crisis came in among the small banks and when the Reserve Bank of India tried to do a little bit of shaking, their arms did not extend beyond the scheduled banks directly The scheduled banks were tapped, nursed and cautioned and probably most of them were brought round. I am happy that many of the scheduled banks which otherwise would have gone

in for a crash were prevented from so doing because of the timely interference that was done by the Reserve Bank of India Here again I maintain that the smaller banks which were not under the jurisdiction of the Reserve Bank of India by virtue of the present Act, they could not either get any aid or relief from the Reserve Bank of India and the Reserve Bank of India also could not take direct responsibility of dealing with these banks *vis-a vis* the situation that arose Therefore, I submit that if you are going to have a complete equilibrium in the otherwise conflicting forces of the economic currents in our country, we must have a sound, unassailable banking structure and this banking structure cannot be made sound and stable unless we have a uniform basis for all banks Sir, it has been said on the floor of the House and also outside, I must say with very much justification for such an observation that on account of the shady and irresponsible tactics and practices, the smaller banks have gone in for a crash I would go further and say that there is an amount of irresponsibility and unresponsiveness on the part of the small banks at the bottom as there is also unresponsiveness and absence of responsibility on the part of the Reserve Bank of India at the top The Reserve Bank of India is hide bound by its own statutory privileges and not necessarily bound to fulfil the obligations which are imposed upon it by the Act This is one class There is another class The Imperial Bank, which has its own caste and coterie There is the other class, the scheduled banks and then the rank and file banks which have to take care of themselves and which can go on merrily for some time on their own unaided strength and then go out not only to its own discomfiture, but also to the discomfiture of many depositors

Mr. President: The Honourable Member must remember there is a time limit for speeches on Resolutions He has already taken 15 minutes

Mr. Sasanka Sekhar Sanyal: I know, Sir and I remember I maintain that we must get rid of this caste system If we want nationalisation it is not because we want nationalisation of one bank and the ordinary existing condition of things for other banks We want complete nationalisation of all banking activities and in order to start that programme in order to put that programme into implementation, we must have the Reserve Bank to start with In this connection with the indulgence of the House, and particularly with the indulgence of the Honourable the Finance Member, I will make a reference to the report of the Select Committee on the Banking Bill which was submitted to the House by the Honourable the Finance Member yesterday The House must have noticed that some Honourable Members of the Select Committee have made a direct recommendation that the Reserve Bank of India should be nationalised and that among other things for this reason, namely that in this Banking Bill we have not only recognised the powers that the Reserve Bank of India enjoys today but we have also proposed to give the Reserve Bank of India higher powers because we have realised that we must have a bankers bank which will give blood to all other banks, which will give brains for guidance to other banks and which will also serve as a shelter in times of crash and crisis Since we are proposing to clothe the Reserve Bank of India with further powers, we are doing so on the assumption that the Reserve Bank of India will no longer remain an unresponsive, bureaucratic chamber of an out-dated Government, we expected, Sir, that the Reserve Bank of India will not only take into custody the surplus energy of the nation but it will also in its turn try to replenish the lost energy when such occasions arise Therefore, Sir, while supporting the Resolution of Mr Tamizuddin Khan, on behalf of at least one section of political thought in this country, I beg to submit that I am supporting it in the expectation that we are not only having a bank which will be the nation's bank but we are having a bank which will set in action the process of nationalisation of all banking resources as an aid to universal national planning which will do the greatest good to the greatest number

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I support the motion I remember in 1933 when this question was taken up, I spent about 20 hours on speeches which covered about a third of the two volumes of debates Vol VIII, IV and I maintained that the Reserve Bank should be a State bank and not a shareholders bank At that time, in 1933, we were living in an atmosphere which was not very conducive to the members of the legislature, and at that time the members of the legislature were considered to be untouchables, that they were not fit to take part in any discussions, that they were not fit to be members of any institution which might savour of business Now, Sir, when this question was discussed in the London committee, then I raised this question in Whitehall and I had a fight with Sir Osborne Smith He became so wild at my remarks that Sir Samuel Hoare came forward from his office to find out the cause of the uproar raised by Sir Osborne Smith My Honourable friend Sir Cowasjee Jehangir will remember that scene because he was present at that time They could not imagine our taking part in any discussion which savours of business So much so that even in the case of the statutory railway authority they thought that a Member of the Legislative Assembly must take a bath in the Ganges or in the *abzumzam*, and after the lapse of two years he will be fit to be a member of the statutory railway authority or a director of the Reserve Bank That was the atmosphere in which this Act of 1933 was passed On that occasion I said that every authority who had discussed this question had said that it should be a State bank It was discussed in 1927 when Sir Purshotamdas Thakurdas said that the question of shareholders' Reserve Bank had only to be considered in order to be rejected, and Mr Rangaswami Ayangar said that it ought not to be a shareholders' bank, but a bank which would be subject to the control of the Legislative Assembly, and a bank wholly Indian, acting wholly in the interests of India and able to help bankers in the difficult times ahead Then the Banking Inquiry Committee unanimously recommended that the central bank should be a Government bank and not a shareholders' bank That was also laid down very strongly by the Fowler Committee, the Chamberlain Committee, the Hilton-Young Committee, and in fact by every committee except this one which sat in London I said even then that we were unworthy successors of worthy predecessors, but we were then considered by Government to be untouchables I brought forward all kinds of arguments and when everything failed, I said to the then Finance Member Sir George Schuster who refused even to consider our arguments I said that if John Stuart Mill had been there he would in the next edition of his book revise the chapter on Fallacies, because he had only mentioned 15 but the Finance Member had outstripped him by perpetrating a few more fallacies in his handling of the Bill, one of which was to say at every turn—because he had the majority of votes in his pocket—"I oppose" in reply to all the arguments that we could advance I also said that he had only read the summary of Reserve Bank laws written by Kitsch I had read the Reserve Bank Acts of all the countries in original as I could read German, French and Italian He had not even got the original in the library, and as this debate took place on the 23rd December I made him a Christmas present of all these Acts. At that time he gave us no arguments except that we were untouchables who had no right to discuss anything about business I said that if that was true of England the Secretary of State also had no right to interfere in matters concerning business in this country, because if we were untouchables Members of British Parliament including the Secretary of State were equally or more so So all our arguments went in vain and with a majority of votes in his pocket the Finance Member got the Reserve Bank Act passed

On that occasion I also pointed out several important things. I said that the shareholders by putting in 5 crores really took possession of large amounts belonging to the Government of India At that time it was something like

three hundred crores, at present it is much more I called these shareholders *numbu nachores* because for the small sum which they paid they took charge of the entire assets Then I pointed out that though these shares might be evenly distributed at the beginning ultimately they would be concentrated in a few hands and they would use it for their own purposes That proved to be correct, because all the shares have now got into a few hands and they can arrange to become Directors and work in the interest of persons who are their friends and whom they want to benefit I also pointed out then that in case of crisis the difficulties will be overcome not by the credit of the Reserve Bank but of the prestige of the Government of India This also proved correct during the war The late Finance Member Sir Jeremy Raisman introduced the rupee notes and I asked him what was the currency reserve behind these notes He was led into a position which was against all economic principles but had to maintain that position, and he said that these one-rupee notes were really rupees and not banknotes, they were metal coins minted on paper I remember I argued with him at one time that he should take over the Reserve Bank as a State bank and bring the necessary legislation He said it was not necessary because for all practical purposes it was a State bank and the shareholders have no influence in its administration I said that in that case it was better to call a spade a spade and not mislead banks and financiers all over the world to believe that it was a shareholders' bank while it was really a State bank I am glad that my Honourable friend Mr Tamaiuddin moved a Resolution in this matter and I hope that the necessary legislation will now be introduced to make it a State bank In that case the question of paper currency reserve which has become so difficult during war time will be solved It is well known that every country has given up the classical theory of metallic reserve for paper currency During the war no country—India included—could keep any metallic reserve behind the notes that they issued, and the sanction and guarantee behind these currency notes was the credit of Government Then why not take the whole thing in your own hands? We hear of a disaster overtaking a group of banks in Calcutta I think in a case like this the Reserve Bank, if it is a State bank, could have taken over the matter we would have discussed the question on the floor of the House and moved for assistance Now we are helpless But as it is a shareholders' bank it is beyond our jurisdiction and we are not in a position to discuss it on the floor of this House This is one of the advantages which we anticipated and we suggested that the Reserve Bank should perform It could not be performed because it became a shareholders' bank and we could not move a Resolution on the floor of this House that this Bank should come forward and help other banks at the time of crisis A slight help given in time to the bank, which otherwise is managing its affairs properly, would stabilize its position For instance, Allahabad Bank at one time was in great difficulties, but on account of the influence of Sir John Hewett, who was the Governor of the United Provinces at that time, this Bank was stabilised, he induced His Highness the Maharaja of Gwalior not to withdraw 50 lakhs which he had to his credit and which he wanted to withdraw A little help saved the bank which was otherwise managing its affairs properly

The other point which we pressed very strongly was that a large proportion of the profits of this Bank should come to the Government and a portion may be given to rural credit banks But I do not remember that the Reserve Bank during the last 14 years of its existence has ever supported the Rural Credit Banks although an assurance was given on the floor of this House by Sir George Schuster that they would give assistance to these banks in order to stablize the economic position of the village population of this country, and remove them from their indebtedness into which they had fallen It was one of the strong arguments which we put forward in favour of a State Bank *versus* a shareholders' bank.

[Dr Zia Uddin Ahmad.]

I again beseech the Government that this Bank ought to be taken up by the State The position of the Government and the Legislature in 1947 is not the same as it was in 1933 At that time we were dictated by Whitehall, at the present moment we are dictated by Honourable Members on the Treasury Benches so that the position is different, and those apprehensions which then existed in the mind of the Finance Member do not exist now, and therefore I am sure that they will be able to accept the arguments which we put forward at that time in favour of the Bank to be a State Bank

Sir, I would like to remind this House about the discussion which we had in the Assembly in 1927 during which Sir Victor Sassoon said that business people are in a better position to manage the affairs of the Reserve Bank and Mr Jayakar said no, and he added that in the case of businessmen one businessman would not expose another businessman but one politician will always expose another politician on the floor of the House and so there was a greater chance of a corruption being brought to light if the Bank was run by the State. Businessmen conceal the shortcomings of one another so that people outside the business circles do not know what is happening

With these words, Sir, I beg to support the Resolution

Mr. P. B. Gole: I rise to offer a few remarks regarding the Resolution that has been put forward I had given notice of an amendment which I withdraw because I thought from the speech of the Honourable the mover that he carried the same sentiments which were incorporated in my amendment, and therefore I did not like to move my amendment I construed the original Resolution to mean that he wanted that this Reserve Bank should be one of the departments of Government just as there are other departments of Government, and I personally do not think that it should be the position of the Reserve Bank Therefore I had given notice of an amendment

Sir, as I read the Preamble of the Reserve Bank of India Act, I find that it was only constituted to regulate the issue of bank notes and the keeping of reserves with a view to securing monetary stability Another object of the Bill was that in the present disorganization of the monetary system of the world it was not possible to determine what would be suitable as a permanent basis for the Indian monetary system And the third object was to make temporary provision on the basis of the existing monetary system and to leave the question of the monetary standard best suited to India to be considered when the international monetary position has become sufficiently clear and stable to make it possible to frame permanent measures

You will find, Sir, that when this Reserve Bank of India Act was passed in 1933 India was a debtor country and the monetary system of India was practically governed by London Therefore the whole of the structure of the Reserve Bank of India Act is coloured with the dictation that came from Whitehall; that will be seen very clearly from the speeches that were made on the floor of this House when the Bill was being discussed At that time Sir George Schuster, who was in charge of the Bill, pointed out to the members of this House that they must remember that they are a debtor country and their trade depends upon the volume of export trade from this country to other countries, and they will have to adjust themselves according to the needs of the other countries Now, Sir, I find that the time has come when we should reconsider the matter from the very beginning We are no longer a debtor country, on the contrary we are a very important creditor of the United Kingdom The United Kingdom is indebted to us to the tune of about 1700 crores and therefore the conditions under which the Reserve Bank Act was passed have altogether changed and we must now consider our monetary system from an independent point of view where we as a creditor country can dictate to the other countries, and especially to the United Kingdom, as to the way in which our banking system would be carried on

Another point that may be noted is that throughout this Preamble of the Reserve Bank Act, which I have just now pointed out, there is no mention about the help to be given by the Reserve Bank to the industries in India, for the development of the industries of India no provision has been made in the Preamble of the Act As was just now pointed out by my Honourable friend, Mr Manu Subedar, nearly 1600 crores will be required for carrying out the plans that have been chalked out for the development of industries in India This could have been done if really speaking the constitution of the Reserve Bank had been a little different, and if the resources of the country could be pooled under the aegis of the National Bank of India I find, Sir, that not only did the Reserve Bank not help any industry in India, but also it did not care to help agriculture in India In fact, Sir, I find from the proceedings in this Assembly when the Reserve Bank Bill was being discussed that after great efforts from the non-official members, Sections 54 and 55 of the Reserve Bank Act were introduced There, Sir, also, care has been taken as I find from reading Section 54A that the Reserve Bank was going to act as an adviser The section says "To maintain an expert staff to study all questions of agricultural credit and be available for consultation by the Governor General in Council, Local Governments, Provincial Co-operative Banks and other banking organizations" Now the Reserve Bank was going to act only as an expert adviser whenever any difficulty arose so far as agricultural credit was concerned I may point out to the Assembly that in this respect, beyond issuing certain bulletins and giving some sermon on the mount, the Reserve Bank has never cared to help agricultural credit at all I may remind the House that before the war was declared in 1939, there was a great crisis in the co-operative banking world All co-operative banks in Bihar, in Orissa, in the Central Provinces and even in some parts of Bombay failed because somehow or other there was so much depression that the produce was not sufficient to pay for the expenses of agriculture The result was that the banks had their money frozen That was locked up in lands and the lands lost some how or other even the value for which they were mortgaged and the result was that the Banks had to close their doors At that time it was the duty of the Reserve Bank to come to the help of the Provincial Governments After all the co-operative movement was carried on under the direct supervision of the Provincial Governments and they were not simply philosophers and guides They were checking the accounts and giving advice and giving orders from time to time for the conduct of Provincial co-operative banks When there has been a provision in Section 54 of the Reserve Bank Act for not only expert advice but actual help so far as co-operative credit was concerned, the Reserve Bank at that nick of time failed to come to the help of the co-operative banks with the result that even the Provincial Governments lost credit People of course lost their money and their confidence in co-operative credit But when it was enjoined on the Reserve Bank of India to come to the help of these banks at this critical juncture they pointed out to section 54 and they said they would give advice and they satisfied themselves that they had carried out the instructions or the promises that were given on the floor of the House when this Bill was passed I may point out to this Assembly that this was not what was expected of the Reserve Bank After all agriculture was one of the most important industries in India at that time in 1937-38 By far nearly 85 per cent of the population lived by agriculture, and therefore it was up to the Reserve Bank to come to the help of agricultural credit and save these banks from failure Just as it was pointed out by Mr Sanyal, so far as the commercial banks are concerned, those banks in Calcutta and Bengal which are failing, are not being helped by the Reserve Bank The fact is, so far as the commercial credit of these banks is concerned, that it was up to the Reserve Bank to come to their help, to take over the management where necessary and weed out all those banks which were carrying on business in an unbanking manner But the Reserve Bank said they were not Scheduled Banks and so they were not called upon to help

[Mr P B Gole]

those banks What was the result? The Reserve Bank never cared to look into the question Loss of credit, so far as commercial banks are concerned, will certainly act adversely on the co-operative banking world with the result that the Reserve Bank and the Imperial Bank at the most which is helped by Government, may survive but the other banks will suffer in credit That was not the object of the Reserve Bank Act at all and had the Reserve Bank been constituted in a different manner as a State Bank or a national concern, perhaps these calamities which be fell the provinces at the time of the failure of the agricultural credit, or as what recently happened in Bengal, would not have arisen Therefore the time has come The Government has changed Our constitution is also being changed The first thing we ought to do at this juncture is to change the nature of the Reserve Bank To give you an example When the Labour Government came into power last year in the United Kingdom, the first thing they did was to propose the nationalisation of the Bank of England Why is it that we are proposing, as was pointed out by Mr Subedar of nationalising transport and railways, and other industries But the first thing which is the fountain source for supporting all these industries we are not thinking of nationalising First things must come first What we have to do is to nationalise the Reserve Bank of India This will be the fountain source for supporting all industries, even agriculture My suggestion to the Government is that this Resolution which has been put forward by my Honourable friend, should be given effect to as far as possible Of course, there may be certain difficulties in the way of Government But I do not think that in order to transform this bank into a State Bank by paying the shareholders will be very difficult at all On the contrary if we only change this bank into a State Bank and change the very constitution and preamble of the Reserve Bank, perhaps the Reserve Bank will be the fountain source for the support of so many industries that are crying for help

With these words I support this motion

Mr. K. G. Ambegaokar (Government of India Nominated Official): My object in rising to speak is not to argue the case for or against the nationalisation of the Reserve Bank but to answer some of the criticism which has been levelled against the Reserve Bank There is nobody here to speak on behalf of the Reserve Bank I think in fairness to them their side of the case might also be presented

My friend Mr Manu Subedar mentioned several respects in which he thought the Reserve Bank had definitely failed to carry out their duty The first point he mentioned was in regard to the duty of creating a bill market in this country May I Sir point out that the very first thing that the Reserve Bank did in order to facilitate the creation of a bill market was to recommend very strongly both to the Central Government and to the Provincial Governments, the necessity of a reduction in the stamp duty and it was really through the efforts of the Reserve Bank that the rates of stamp duty have been brought down I agree that that did not lead to the creation of a bill market For that, however, the causes are historical, because, as my Honourable friend Mr Manu Subedar knows very well, the reason why the bill market has not caught on in India is that it is a method of getting accommodation which is already falling into disuse in the rest of the world It has been found that that is a mode which is more expensive than the method of taking overdraft or cash credits, in which case you do not have to pay a fixed rate of interest for a fixed period but you can go on paying the rate of interest on the amount actually borrowed and just for the period for which you have borrowed. I am sure it is quite clear to Mr. Subedar himself that it is not due to any failure on the part of the Reserve Bank that the bill market has not been created in this country.

The second point which he made was that it was expected that the remittance charges would be brought down on the establishment of the Reserve Bank of India and his point was that that has not happened I am sure he very well knows that since the Reserve Bank came into existence various remittance facilities have been granted and as a result of that the remittance charges have come down If he does not know it I should like him to read a very small publication called "The Remittance Facilities in India given by the Reserve Bank" It shows very clearly what are the various remittances which can be made and the rates at which they can be made

Mr. Manu Subedar: The facilities are given to banks but they are not transferred to the bank's clientele or the general public

Mr. K. G. Ambegaokar: That is not the fault of the Reserve Bank but the facilities are also directly available to the general public Even you and I can go to the treasury if you want to remit a sufficiently large sum and get it at a very low rate, the rates laid down by the Reserve Bank

The third point was in regard to certain sections of the Reserve Bank Act He referred to section 55 of the Act and said that most of the things which were laid down there have not been done

Sir Cowasjee Jehangir: What about Section 54?

Mr. K. G. Ambegaokar: I am taking the points as Mr Manu Subedar made them I am not going to forget Section 54 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 Central Government"

I should like to know really when it was that the Reserve Bank would have made a report under this section As every body in this House knows very well the Reserve Bank of India came into existence in 1935 and in 1939 the war came and there has never been a stable enough condition for the Reserve Bank to act under this heading and submit its report So my Honourable friend's suggestion is unwarranted

As regards the first part of this section *viz*, "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" there is a long controversy going on in regard to the bringing of the indigenous bankers into the banking structure of the country

Mr Manu Subedar explained some of the recommendations of the Banking Enquiry Committee's Report Those were the very recommendations which the Reserve Bank took up at the very beginning and I am sure Mr Manu Subedar has read this Statutory Report of the Reserve Bank which was published in 1937 in which they have pointed out that they made an approach to the indigenous bankers exactly on the lines recommended by the Central Banking Enquiry Committee, *viz*, on their shedding their non-banking business they would be brought into relations with the Reserve Bank but not a single indigenous banker was prepared to do that Even the Central Banking Enquiry Committee has laid stress on this that they must shed their non-banking business Even in my Honourable friend Mr Manu Subedar's minority report that point was emphasised It was because the indigenous bankers were not prepared to agree to that condition that it has not been possible for the Reserve Bank to start relations with them.

The second part of this section deals with 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 That is a very vast problem which of course nobody has been able to solve satisfactorily in this country yet But the Reserve Bank has certainly given the

[Mr K G Ambegaokar]

greatest possible thought to this matter and there again I would suggest that it would be of interest to the members of this House to read the Statutory Report which the Reserve Bank published so long ago as 1937 The difficulty about agricultural finance is very well known It is not a thing which can be ordinarily financed by even ordinary banks That is why we found it necessary to have special types of banks called the co-operative banks The difficulty about agriculture in India is that generally it has not been paying and it has been, as has been very often said in this House, a gamble in rain On account of this uncertainty it has always been very difficult for banks to finance agriculture and it has been generally done by ordinary small money-lenders Unfortunately the Reserve Bank found itself in this difficult position, it was supposed to be the lender in the last resort and it was to be the bankers' bank, and when banks would not themselves assist agriculture it was difficult for the Reserve Bank under its own act to do anything But the Reserve Bank did not rest content with that They said that it was a very unsatisfactory position and something must be done about that Therefore a large amount of studies were made to find out what was the best method in which agriculture could be helped and the first conclusion that was reached was that before an agriculturist could be financed he should be made creditworthy and on that the recommendation which the Reserve Bank made was that it was no use having merely agricultural credit societies for the agriculturists but you must start co-operative societies, multi-purpose co-operative societies as they are called, which will look to the needs of the agriculturists, try to make him credit-worthy, make his business of agriculture paying and then only the question of credit from banks would arise That really brings me to Section 54, which says that the Bank shall create a special Agricultural Credit Department

People in this House and outside seem to be under the impression that the Reserve Bank has done nothing in this respect, whereas I know it for a fact that the advice which the Reserve Bank has given in this connection is extremely valuable and very great indeed It may sound absurd that the Reserve Bank should have given only advice and not money I have given the reason why the Reserve Bank could not give the money My Honourable friend Mr Gole suggested that the Reserve Bank should assist even industries It is no use making this an argument, as my Honourable friend did, for the nationalisation of the Reserve Bank when it is prohibited from doing these things under the Reserve Bank Act which was framed by this House It was for the members of this House to have amended the Reserve Bank Act if they felt that the Bank was not doing certain things To come down here and say that the Reserve Bank failed in this and that therefore let it be nationalised is extremely unfair But, that was not the point I was trying to make So far as the work in regard to the agricultural credit department is concerned, those who have really had recourse to the Reserve Bank know very well how much the Reserve Bank has done I know for a fact that Provinces and States, the Co-operative Movement and the Registrars of Co-operative Societies have been actively helped by the Reserve Bank It is not a question merely of giving advice on paper but of actually working out their schemes, helping them to solve their problems, getting down to brass tacks and actually trying to solve their problems

Mr. P. B. Gole: But no monetary help!

Mr. K. G. Ambegaokar: Monetary help is not provided in the Act and it was not part of the duties of the Reserve Bank So far as that is concerned I may tell my Honourable friend that when I was in the Reserve Bank they were prepared to give monetary help to co-operative societies but they did not want it I can assure the Honourable Member that in Berar the co-operative banks (with which my Honourable friend Mr. Gole was connected) had the money but they would not lend any more to the agriculturists because the money they had already advanced had got locked up. There was therefore no

question of the Reserve Bank coming forward with any money to give to Co-operative Banks Was it or was it not the case that they had the money? The gentleman from the C P who was Registrar of Co-operative Societies would be able to bear me out. The only point I want to make out is that there is no use blaming the Reserve Bank for something provided for in the Act itself and make it an argument for nationalisation

Mr. P. B. Gole: Did not the Berar Bank approach the Reserve Bank?

Shri Sri Prakasa (Benares and Gorakhpur Divisions Non-Muhammadan Rural) Did not the Benares Bank approach the Reserve Bank? I myself approached the then Governor in 1939 All help was refused

Mr. K. G. Ambegaokar: I am coming to that point The Reserve Bank is not on trial I am only saying certain things on behalf of the Government because there was some misapprehension

An Honourable Member Where is Mr Ramnath?

Mr. K. G. Ambegaokar: There is no question of Mr Ramnath coming and defending the Reserve Bank As I said in the beginning, the difficulty of the Reserve Bank is that they have also got to act even in regard to Scheduled Banks in accordance with the rules prescribed in the Act itself If a Bank gets into trouble and then goes to the Reserve Bank and asks it to advance money, or long term loans on land—and land is not a security which the Reserve Bank can take into account under this Act—it is not the fault of the Reserve Bank if it cannot come to its help So far as the Banks in Bengal are concerned, I can tell you that from the beginning and for the last four years the Reserve Bank has been telling them "you must do your business on certain lines, we are prepared to give you advice on general lines, not only that, but we are prepared to sit down with you, examine your method of working and tell you on what lines you are to work".

Shri Sri Prakasa: And keep a lot of their money without interest

Mr. K. G. Ambegaokar: In spite of the fact that the Reserve Bank has for the last so many years been warning the Banks in Bengal against speculative transactions, against large advances .

Seth Govind Das (Central Provinces Hindi Divisions. Non-Muhammadan) Why not stop speculation?

Shri Sri Prakasa: Why not abolish the Bank?

Mr. President: Order, order

Mr. K. G. Ambegaokar: In spite of the advice of the Reserve Bank, they work on such lines that they find themselves in a position in which they have got no assets left, and if they then come to the Reserve Bank for help I do not think it is the fault of the Reserve Bank. It is not right to say that the Reserve Bank was not prepared to help

Shri Sri Prakasa: The fault is ours to have given it birth

Mr. K. G. Ambegaokar: My object in rising to speak was first to make it quite clear that the argument based on certain things which the Reserve Bank has done or has not done, because they could not do them on account of the Act as it had been framed, and to use that argument for saying that the Reserve Bank should be nationalised, is not quite proper.

Shri Sri Prakasa: Nationalise it if you cannot nationalise it

Mr. K. G. Ambegaokar: It is not on the subject of nationalisation that I was going to speak, but to bring out the fact that the Reserve Bank has done several things which are not publicly known.

[Mr K G Ambegaokar]

The second point I wanted to make was that the Reserve Bank has been in existence for a very short time, and it has been working under very great difficulty Hardly had it finished about five years of its existence when the war came on, and it had to work in all those circumstances I think the surprise is not that it has done so little but that it has done so much

Shri Sri Prakasa: That it has printed a lot of money?

Mr. K. G. Ambegaokar: I think I must answer that point also The criticism about the Reserve Bank that it has helped inflation is also again wrong in this sense that there also what the Reserve Bank did was under this Act Sections 40 and 41 which resulted in the creation of a large amount of money in this country were not the making of the Reserve Bank Their hands were tied If it was the desire of this House that the Reserve Bank should not create more money against sterling credit, this House should have taken action to repeal those sections To come and say that it is the Reserve Bank which did all this is wrong It is no fault of the Reserve Bank And this is an argument against the nationalisation of the Reserve Bank, rather than for it

Mr. Manu Subedar: Why did the Indian Directors acquiesce in this?

Mr. K. G. Ambegaokar: We do not know what the Directors did, whether they acquiesced in it or not

Mr. President: The Honourable Member might finish whatever points he wishes to make

Mr. K. G. Ambegaokar: I have finished

Sir Cowasjee Jehangir: We talk of nationalisation It is the fashion in this country to talk of nationalisation because we have got into the habit of copying what is said in the west The west is now talking about nationalisation

Mr. Manu Subedar: Russia or England?

Sir Cowasjee Jehangir: Everywhere The infection has caught our country rightly or wrongly When we talk of nationalisation I would like the House to be able to define exactly what nationalisation means

Mr. Sasanka Sekhar Sanyal: You define it first

Sir Cowasjee Jehangir: An industry or a commercial concern which is making great profits for its shareholders and for other individuals is taken over by the state in order to be able to get those profits for the state and in order to stop those profits going into the hands of individuals That is one of the objects of nationalisation—a fair and proper object The second object is that that industry or commercial concern should render service to the people of the country Apply those two principles to the Reserve Bank In the first place I think every Honourable Member knows that a larger portion, or the vast portion, of the profits of the Reserve Bank go to the Treasury The subscribed capital is about five crores with a 4 per cent return You know, Mr President, as well as any other Honourable Member of this House that 4 per cent. return on their original capital is not by any means extravagant It is less tax of course That is what the shareholders get The rest of the profits go to the Treasury With regard to service to the public, the Reserve Bank renders that service under the sections of the Act, as has just been explained It can render such service as this House lays down by statute, or it can cease to render such services as this House decides With regard to profits I have already answered the question as to where the profits go If it had not been for those vast profits that had come into the Treasury I think the Finance Members of the past would have had to sing a different song.

Shri Sri Prakasa: How do they make those profits, I want to know

Sir Cowasjee Jehangir: From the credit of the Government and from government money. They are merely the agents of Government for making profits

In this respect it functions as a State bank Under this Act, deliberately the profits to the shareholders have been limited to the minimum amount Therefore I am trying to point out that we are trying to nationalise an institution whose profits already go into the pockets of the treasury If you nationalise that institution today, you will have to pay 5 crores at the very minimum to the shareholders from Government treasury and I should think that it will be 7½ crores, which would be justifiable because the price of the share today is about Rs 148 to Rs 150 You would have to borrow to the extent of about 7 crores of money and the profits which come into the treasury would not be increased, because under the Act as it is framed all the profits do come into the treasury The services rendered have been explained by my Honourable friend, the Secretary to the Department

Now, we have heard a great deal about the complaints of the Reserve Bank not coming to the assistance of small banks, scheduled banks some of them, when they are in trouble and I do wish that Honourable Members who are not directly interested in banking would understand what is demanded of the Reserve Bank by my Honourable friends in this House who are interested in small banks I am talking frankly and I must not be blamed for talking frankly If these small banks do speculate in good and bad times and make profits, those profits would go to the shareholders but if those banks make a loss in bad times, it is the Reserve Bank that is to come to their assistance and make good those losses and, mind you,-Mr President, when you talk of the Reserve Bank in that connection it really means the Treasury, because if the Reserve Bank loses money, it will be so much less to the Government treasury My Honourable friends want in season and out of season that these small banks should be allowed to speculate and when they lose money it is the Treasury that shall make good the loss I think that is an unreasonable attitude to take up and what is more it is in many cases misleading If small banks can give security, certainly the Reserve Bank can lend but they have no security left to give They have lost all and when the Reserve Bank would not come to their assistance at the cost of the Treasury, my friends say that the Reserve Bank has not done its duty I do think that it is the duty of Government to see that the taxpayers' money is not used to bolster up commercial concerns that are badly and recklessly run If they are so run, let them not come to the Government for assistance That is what is being asked for and that is advanced as one of the reasons why the Reserve Bank should be nationalised

Shri Sri Prakasa: Have we not got public hospitals for persons who have contracted disease, because, of their own faults?

Sir Cowasjee Jehangir: Look at the analogy, Mr President I only ask you to consider the analogy that has been placed before you I say it is a complete damnation of the argument that has been raised A sick man gets sick because of his own fault Therefore Government must naturally come to his assistance and put him into a hospital at Government expense I agree that may be so but you and I, Mr President, can speculate as much as we like as directors of a bank If the same analogy applies, we damage ourselves materially, and not physically and Government must come to our assistance I wish my friend would use another argument

Shri Sri Prakasa: Yes, yes

Sir Cowasjee Jehangir: I say, Mr President, that so far as the Reserve Bank is concerned, all the objects of nationalisation have been gained by the Act The profits are yours, the services that are to be rendered by the Reserve Bank are in your hands It is for Government to decide what service the Reserve Bank shall perform by a change of the Act, if the Act is not satisfactory It is one of the last institutions that requires nationalisation because nationalisation has been accomplished by the Act in practice, if not in theory and I can see no reason why it should be nationalised and what advantage Government or the people

[Sir Cowasjee Jehangir]

will be able to gain That may be my individual opinion I may be wrong. I do not desire to be dogmatic but I do ask that before Government make up their mind on this rather important point they must realise that once they nationalise this institution the demands made upon it by interested parties throughout the country will be of a character that they may not be able to resist, and that assistance will be given at the cost of the taxpayer Government must be prepared to face that demand It may be that for other reasons nationalisation may be good but let the question be examined If I may say so with due respect to all members of this Honourable House and to many of the experts who sit opposite, we are not in a position to examine this question impartially and with a critical outlook That only can be done by an *ad hoc* commission or committee that Government may set up Then they will see the facts in their proper perspective, realise what good or what damage they will do to the country It is only then that Government can come to a conclusion and if after this examination Government come to the conclusion that the bank should be nationalised, I shall be the first to support Government in that project, provided that they can show us that the country and the Government will be benefited by so doing Merely to talk as we are doing today does not take us much further I trust that Government will not take any Resolution that may be passed as binding upon them They are bound to thoroughly investigate this question and then give their verdict

The Honourable Mr. Liaquat Ali Khan (Finance Member) Mr President, I have listened to the debate with great attention and interest My Honourable friend who has just sat down said that the Government should be very careful because if they accepted the principle of nationalisation there would be a great demand from interested people made on them to the disadvantage of the taxpayer I believe that any Government worth name must resist any unreasonable demand that may be made from any quarter which would be against the interests of the country as a whole I can assure Honourable Members of this House that as far as the present Government is concerned, it will resist any demand from any quarter which would be to the detriment of the country The Joint Secretary of the Department spoke not so much to put a case either in favour or against nationalization of the Reserve Bank, but he took part in the debate at my request, because I felt that when certain allegations were being made against the Reserve Bank, who did not have a representative in this House, it was only fair that their point of view should be placed on the floor of this Honourable House

4 P M

[At this stage Mr President vacated the Chair which was then occupied by Mr Deputy President (Khan Mohammad Yamin Khan)]

It is quite evident from the speeches that there is a general desire in this House that this institution, the Reserve Bank, should be nationalised I also notice that this desire is not so much on account of any deficiencies that have been discovered in the present set-up of the bank, but it is due on the general grounds that an institution playing such a vital part in the economic life of the country should be nationalised to secure proper co-ordination and integration of currency, credit and monetary policy with the Government's financial and economic policy That, I understand, is the reason behind this Resolution which has been moved on the floor of this Honourable House

As the House is aware, the present Government has taken office or has been in the saddle for a very short time and I think the House would not expect me at this moment to make a definite declaration with regard to this particular matter of nationalisation of the Reserve Bank But, generally speaking, I might say that the Government are all in favour of nationlising any institution if it is found that it will be to the benefit of the country at large. That I may lay down as a general policy, and I can assure my Honourable friends that we

will give our most careful and sympathetic consideration to this proposition which has been placed before this House If we are convinced that the nationalisation of the Reserve Bank will be in the interests of the country, we shall not hesitate to take steps in that direction But I must give a warning to the Honourable Members of this House on this occasion I hope that no Honourable Member desires that the Central Bank of the country should become a handmaid of the Government of the time When we talk of nationalisation and if we decide to nationalise the Reserve Bank, we must see that whatever constitution is framed for that bank, although it will be public ownership, it will not play the part of a subservient agent of the Government, whatever it may be at the time

I would like to acknowledge the willing co-operation which the Reserve Bank has given to the Government in the past And as I have stated just now, this is a matter which needs very careful consideration and I can assure Honourable Members of this House, because I notice that there is a general desire on all sides of the House that the Reserve Bank should be nationalised, that this desire which has been expressed will receive our very careful and sympathetic consideration and we will give our very careful thought to this problem I hope that my Honourable friend the Mover of the Resolution will accept that assurance which I have given, because at this moment I cannot promise anything more than this that we will consider this proposition and will give it our most careful consideration and sympathetic thought If we find that nationalisation of the Reserve Bank is in the larger interests of the country and if we find that a ripe opportunity has come for taking action in that direction, we shall not hesitate to do so

Mr. Tamizuddin Khan: Sir, it is very gratifying to note that the Resolution which I have moved has found general support in this House except from my right I shall not, therefore, be very long in giving a reply to what has been said against my Resolution Mr Tyson thought that he had made a very good point against me when he said that I advanced the argument in favour of nationalisation on the ground that the Reserve Bank had been functioning satisfactorily The House will remember what I said on that point I wanted to dispel the fear of the Government in being hustled into hazardous undertakings, as the Home Member had said the other day I tried to point out that there was absolutely no hazard, no risk in taking over the Reserve Bank of India, as it was a sound financial concern Well, Sir, walls have ears I advisedly did not like to utter the words on the floor of the House, that might damage the reputation of the Reserve Bank of India I do not believe either that the Reserve Bank of India has been functioning unsatisfactorily on the whole It may be that, as has been pointed out by some Honourable Members, the Reserve Bank of India has not acted fully up to the expectations that were raised That may be so But its financial position is sound There is no gainsaying that fact To my Honourable friend Mr Tyson, I would say that my argument was not that because the Reserve Bank of India was not functioning satisfactorily therefore it should be taken over I would put him this question Various industries are being taken over in England by Government Does my Honourable friend argue that his countrymen had, been mismanaging these industries and that is why the present Government of England are taking over those concerns? Certainly not The criterion is not whether a particular concern is being run by private individuals satisfactorily or unsatisfactorily The criterion is whether it holds a key position in the national economy of the country That is why certain concerns are being nationalised in England That is the object with which I moved my Resolution on the floor of the House

Then, Sir, my Honourable friend Sir Cowasjee Jehangir also struck a jarring note. He triumphantly questioned whether those Members who have been supporting the Resolution were not copying the west. If he charges some of us with copying the west, may I ask whether he is not also copying the west

[Mr Tamizuddin Khan]

Is there not in England a party whom he is consciously or unconsciously copying in opposing a popular demand like this? I think he is So far as we are concerned, we are copying none He says that now-a-days it is a craze to copy blindly whatever is taking place in the west May I ask what was there to influence the opinion of the Banking Enquiry Committee? That committee, also recommended that the central bank of India should be a State concern Were they copying anybody? Then, Sir, I may remind the House, I was not a Member of the House at the time, about the debate on the floor of the House, on several occasions, when there was a large demand from non-official members that the Central bank should be a state concern Were they also then copying the west? I think not My Honourable friend Sir Cowasjee Jehangir would, certainly support such a contention Sir, we are not copying anybody We are copying, if anything, the general desire of the people of this country that a concern which holds such a key position in the economy of the country should not be the concern of a few capitalists but should be the concern of the people themselves so that the people may call the institution as one of their own That is the main purpose of this Resolution My Honourable friend is talking about two criteria for nationalisation, that nationalisation should take place only either to get profits out of a concern or to render some service to the people Sir, I hardly need to reply to these questions It is not a question of profit at all The Reserve Bank of India, as I said just now, may till now be functioning very satisfactorily But we are now turning over a new page in the history of India and we are going to spend hundreds of crores for national development Under these new requirements, we do not want the present structure of the Reserve Bank of India to remain as it is, for we do not know whether it would withstand the strain or be helpful to the country as we would wish it to be Therefore I think it would be the wisest course if the present Government of India thinks over the matter and sees whether this institution can be nationalised as early as possible I am glad the Honourable the Finance Member has agreed that he would give serious consideration to the matter I do not want that the Government should enter into a project without thinking over the pros and cons very carefully I only wish that as on many other occasions, when the Honourable the Finance Member assures us of doing certain things 'as soon as possible' that on this occasion, his assurance will not be of that stereotyped type

The Honourable Mr. Liaquat Ali Khan: No, as soon as feasible

Mr. Tamizuddin Khan: That it is a serious thing, he has admitted I really hope that Government will lose no time to make such enquiries into the matter as it desires and come to a definite decision within a short time I earnestly hope that the decision will be in favour of the proposition that the Reserve Bank of India should be nationalised With these words and in view of the assurances given I beg leave to withdraw my Resolution

The Resolution was by leave of the Assembly, withdrawn

RESOLUTION *RE* RELEASE OF INDIAN NATIONAL ARMY PRISONERS

Khan Abdul Ghani Khan (North-West Frontier Province General) Sir, I beg to move

"This Assembly recommends to the Governor General in Council to release the Indian National Army prisoners immediately"

Sir, I do not wish to indulge in a long patriotic speech defending the ideals of the Indian National Army and condemning the Defence Department We have had enough of that sort of thing on the floor of the House when we dis-

cussed another Resolution on the same point in the session before last I only want to direct the attention of Honourable Members to one single point The present Indian National Army men are condemned to prison not because they joined the enemy as Mr Bhalja put it so poetically the other day, but because they are accused of brutality, of a crime against humanity, like the scape goats in Europe The charge was shifted from revolt against the King to revolt against man, a revolt against ordinary human decency, to make the charge popular The Defence department gave the poor dog a bad name and hanged it The greatest joke of this country was a court of soldiers trying other soldiers who were accused of brutality It not every soldier trained to kill and be an efficient killer? Does not every Commander expected to be a master of organised death and destruction? They do not teach oil painting in Sandhurst Let us face facts A soldier is trained to be a brute, he is to be a brute if he wants to be a soldier Tanks, rifles, bombers, rockets and flame throwers are not instruments of peace and prosperity but organised and mechanised instruments of killing, violence, destruction, bloodshed, cruelty and suffering That is why I said that the I N A trial for brutality was the greatest joke of this country To teach a man for 20 years how to kill and slaughter his fellowmen and then sentence him to prison because he kicked or flogged one is ridiculous If you are going to sentence people for brutality I am afraid you will have to start with the Honourable the Defence Member on whom rests the responsibility for producing efficient, healthy, patriotic brutes who will be able to shed anybody's blood for the sake of India The whole situation is absurd It is like a court of panthers sentencing to prison a few leopards because they hurt the feelings of a few goats Brutality is the very core of our modern society There is economic brutality, there is religious brutality and there is political brutality It is all around us, we are soaked in it So there is no point in bullying a few of our young men for something which is part and principle of our every day life To condemn a soldier because he is brutal is to condemn a singer because he sings or a farmer because he ploughs There is no sense in the charge When you teach a man and pay a man and praise a man to kill, you have no right to complain of his brutality,—least of all the high officials of the army A General is a General, a Brigadier is a Brigadier, and a Field-Marshal is a Field-Marshal, not because they are the gentlest and most refined of human beings but because they can organise and arrange armies and divisions to bring forth quick and effective destruction and death That is the plain truth without the frills. If this is a popular Government, if it is a Government that expresses the will of the people of India it must release these young men We have not been convinced by the official tag—India has not been won over by this ingenious label by calling it brutality That is why I have sent in this Resolution This involves no loss of prestige to anybody Readiness to be just is not an admission of weakness, it will not ruin the discipline of the armed forces, as we are told On the other hand it will give them a motto and a principle, that the armed forces would be very badly in need of, that the real thing is to serve India, no matter in what form Every day that these boys remain in jail is an admission on behalf of all of us that patriotism is a crime Whatever these boys did they did because they love their country, because they wanted to make it free and prosperous There is a proverb in Arabic *Al Aamali Bin-niyat, i e*, actions can be judged only by intentions Whatever they did for the sake of India, India must honour and respect and cherish, and those who claim to honour and respect India ought to be able to understand that And those who cannot understand that, the sooner they leave India the better for them and for India Sir, whatever these unfortunate men might be, heroes or brutes, is not the point The point is that every one in India has asked for their release with a single voice That is a good enough reason for ending this little imperial show. No other reason is needed to convince Government that they must release these people immediately.

Sir, I move

Mr. Deputy President: Resolution moved

"This Assembly recommends to the Governor General in Council to release the Indian National Army prisoners immediately"

Mr. Ahmed E. H. Jaffer (Bombay Southern Division. Muhammadan Rural) Sir, I rise to support whole-heartedly the Resolution so briefly moved by my Honourable friend from the frontier I must say that it is our good luck that his Resolution has been balloted for today, otherwise after the ruling given by the Chair this morning there would have been no chance for us to discuss this question this year or at any rate during the current session When the Leader of the House made his statement this morning on the first Resolution on today's agenda I expected that after the great controversy created by my Honourable friend Pandit Malaviya's efforts to bring forward his Resolution for discussion today the Leader of the House would have made a similar statement or at any rate a statement to assure us that this question was engaging the personal and careful consideration of this Government and that they would release these prisoners at an early date I am afraid we were disappointed but possibly the Leader of the House may, at a later stage, get up and disclose the policy of this Government Whatever that may be, I will only point out that those who occupied these benches a year ago and were subsequently transferred to the official benches should by now have released these people. This question was debated in the House on 4th February last year on Pandit Malaviya's Resolution We heard speeches from Congress party members one after another demanding the early release of these prisoners, but I want to know what has been done since then This Government came into power on 2nd September last, eight months have already passed We from this side of the House condemned the Government then in power and demanded the release of these prisoners I now ask our Honourable friends here to force the hands of their leaders who are in office today and see that these prisoners are released without delay I want to ask them whether they believe in words or deeds. I believe in action My Honourable friend Pandit Malaviya while moving his Resolution on 4th February last year said

"The country does not look to this Government which happens to be functioning in this land today to protect the rights of its citizens and uphold the honour of its men and women The country therefore will neither appreciate nor understand the members of this House who happen to come here as the result of a popular vote and ask the Government which unfortunately is in power in this country today to do things which they think should be done"

I am sure my Honourable friends will make it perfectly clear to this Government that we do represent the people and expect these prisoners who are in jail to be forthwith released I should like to make the position of our party clear though I do not think any clarification is necessary When this Resolution was moved by Pandit Malaviya there was an amendment moved by my Honourable friend Nawab Siddiq Ali Khan, to this effect

"That for the original Resolution the following be substituted

"That in view of the special circumstances under which most of the personnel of the Indian National Army joined it, and in view of the policy laid down by Government and the action taken by the Commander in Chief in dealing with the sentences passed by the Court-Martial, this Assembly recommends to the Governor General in Council to release all officers and men of the I N A whether in detention or under trial"

Speaking on this amendment the then Defence Secretary Mr. Mason said in his speech that he agreed to this amendment but he brought forward his amendment to this amendment He accepted the principle that these people should be released but he said that those should not be released who were charged with brutality Speaking on this Resolution our beloved leader the *Quaide Asam* made it quite clear that our party wants them to be released: and addressing Mr Mason he said "You Britishers have no doubt got your loopholes you want to make scapegoat of poor Rashid and Burhanuddin" He said he did not mind whether they were Muslims or Christians or Parsis but that

the idea in the mind of the then Government was to make scapegoats of them I can only say today that if the present Government is thinking of detaining these people they are only following the policy of the former Government When I gave a short notice question on this subject a few days ago asking for some information as to the release of Captain Rashid and Captain Burhanuddin my Honourable friend the Defence Secretary while refusing to admit this question referred me to a subsequent question which was coming up before the House ten days later And the reply then given by the Honourable Member was that the matter is under the consideration of Government I want to know how long this matter will be considered by Government This Government came to office eight months ago, and may I take it that this question has not been engaging the attention of this Government? I feel, Sir, that the best course for this Government would have been to have come forward, before the Resolution was moved today, to make their policy clear They should have made it clear that it is in their minds to release them, and to release them at once, then we would have been saved the trouble of discussing this Resolution today However, as I have said, our Party is for their release and we want that they should be released immediately

Sir, I do not want to take up much time of the House by going into details as to why these people were tried and convicted As my Honourable friend has just said, this trial which was staged by the then Government was one of the greatest farce of the century To try people, convict them and then to quash their sentences, it was most unfair to detain a few as they are being detained today I must say that the whole show was bad, and we strongly protest against the attitude and the policy which was laid down by the Commander-in-Chief He no doubt made a discrimination, to release those, if I may say so, who were defended by the Congress organisation, and to detain those who were defended by the Muslim League organisation is no doubt a discrimination of the worst magnitude Why were they not released? Why was Shah Nawaz, who was committed for abetment of murder, which amounts to murder, released whereas poor Abdur Rashid and Burhanuddin who merely asked their Muslim friends to join the enemy for their own safety and were charged of brutality have been detained You will agree with me that our beloved leader is a well known lawyer and he clearly said on the floor of this House

"But does not the Honourable Member see how absurd it is to say—I am assuming now that Rashid is guilty of grievous hurt—that a man who commits grievous hurt or some injury—that that is not a lesser offence than abetment of murder' Cannot you see that' Commonsense will show you that if a man is guilty of grievous hurt, that is a lesser offence in every sense of the word than murder or abetment of murder Shah Nawaz and others were released Why is poor Rashid made the victim of your change of policy"

I repeat those words and I bring them to the memory of the present Defence Secretary

In the end, Sir, I would like to find out what is the future policy of Government with regard to those who have been released and who ultimately will be released Are they going to be thrown on the streets after their release or is the Government going to make a provision for their future? I would suggest that they should be given jobs and absorbed in the various departments of Government I would like to point out that some of the Provincial Governments are refusing to enlist I N A people in the Police You must show by your action that you really mean their welfare, and you want to help them. You must ask all the Provincial Governments to enlist them in Police service and in other Government services

Before I conclude I would like to read two lines from the speech of our beloved leader, and I hope the present Government will follow that advice Our leader while addressing the then Government said

"You have won the war I said that not only the men and the officers of the I N A but those who have died on the battle-field, fighting for you heroically—look after their

'[Mr Ahmed E H Jaffer]
families and their children, those who have returned having won the battles, treat them properly"

And I hope that this Government will look after them and treat them properly

Shrimati Ammu Swaminadhan (Madras City Non-muhammadan Urban) I rise to say a few words in support of this Resolution so ably put by my Honourable friend, Mr. Abdul Ghani Khan There is not very much that one needs say about this Last year during the Budget Session when this question came up the Government we had was a different one to the Members sitting on the Treasury Benches today At that time we did not think that when the change of the Government came there would be any necessity to bring forward another Resolution on this question We very much hoped then, we still hope, that those officers who were tried and imprisoned during the I N A trials would be released without any delay and there would be no need to bring up this matter again before this House My friend Mr Abdul Ghani Khan, said a few minutes ago about these people being accused of having behaved brutally towards their fellowmen I want to know, in war time, who judges what is a brutal action and what is a kind action? Surely killing a man is not a kind action any more than beating somebody? I do not understand the difference between beating a person or killing one as far as cruelty is concerned In war time you allow people to be slaughtered by thousands but if a man is found charged with a certain amount of so-called brutality—such as beating or kicking another person—he is court-martialled and tried by military personnel and is found guilty and put in jail, and that becomes a bigger crime than that of killing That is a difference which I cannot quite understand or follow In this country it used to be that patriotism was a crime when we had a foreign Government Surely today patriotism is not a crime and patriotism should be rewarded and not punished and we hope that we will soon see these I N A officers, who are today in jail, released

I would also like to say a few words about the point which has been made by my Honourable friend, Mr Jaffer What treatment is the Government going to give to these men who are not only going to be released but also those who are already released and who are wandering around this country today? Are we going to allow them just to wander around or are we going to see that they are all given proper jobs and are provided for, just the same way as the Government is proposing to provide for the ex-servicemen The I N A officers and men, who have fought for the independence of this country outside India, should also be treated in the same way and they should be rewarded for their services to this country and not punished

With these few words I very strongly support this Resolution moved by Mr Abdul Ghani Khan

Mr. Sasanka Sekhar Sanyal (Presidency Division Non-muhammadan Rural) I join my humble support to the Resolution and while doing so—I am sorry my friend Mr Jaffer is not here at the moment—I must tell him that while it was very encouraging on our part to see that today, as on the other occasion when both of us were in the Opposition, we are insisting upon the Government to release our comrades, it would be nice if we do the same thing in the proper way But there is something which is disturbing a good cause by bad sting Of all things today when both the Congress and the Muslim League are sitting on the Treasury Benches and when this question which is now before the House is not a question between the Congress and the League but one of the residuary questions between the Indian Nation as a whole and the British Government on the other hand, it is only fit and proper that the League and the Congress should have abjured any communal divisions amongst us and we

must strengthen the hands of our Government, which consists of the Muslim League and the Congress people in this matter Sir, today no useful purpose will be served by making an academic discussion as was stated by Mr Ghani When we were in those benches in the opposition the last time, everyone amongst us thundered in our own way The mighty leaders spoke, the back-benches spoke But there was this common element, that these I N A. people were instrumental in bringing to our hands the proposition of Indian independence and that they must be released by all means We insisted that the British people must not be allowed to keep in imprisonment these people who fought the battle of India's independence That academic contest has gone To-day, Sir, it is everybody's case that they ought to be released and also it is everybody's question Why is it that they are not released? We will not talk in the spirit of condemning the Government but we will talk in the spirit of ascertaining the real trouble

A reference was made to the question of brutality the other day by the Defence Secretary Well, this brutality is an old story

Mr. G. S. Bhalja (Government of India Nominated Official) I did not make any such reference

Mr. Sasanka Sekhar Sanyal: He said that they joined the enemy and that certain people were abroad If I am wrong may I further be corrected by the Defence Secretary that in the matter of this prolonged discussion there is no question of brutality relevant

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgiris Muhammadan) Go on, get up!

Mr. G. S. Bhalja: The point at issue was quite different I do not wish to enter into it now

Mr. Sasanka Sekhar Sanyal: That is to say he has no argument in reply It is one thing to contradict a Member speaking but it is quite another thing to correct him I would like to be contradicted and further to be corrected. Well my friend is a very typical parliamentarian He knows the art of contradicting But as a Government spokesman he has not the generosity of correcting To say that we are satisfied that these people are being detained among other things for reasons of brutality, is an old cry of Philip Mason from the very same benches But Mr Mason's cry did not convince any Members of the House, not even the Government people They were talking because that was the brief they had to talk To-day, if in the year 1947, in the middle of February, we are to talk and hear that old story of brutality, then I submit, Sir, that the hands of the clock have been moved back But we will not let them be there What is the question of brutality? I shall ask the simple questions Why was Shah Nawaz convicted? Why was Burhanuddin convicted? Why was Abdul Rashid convicted? They were picked up from a bunch of other people They were convicted on the ground of brutality But what was the policy of the British bureaucratic Government in releasing the very same people who were convicted of brutality?

Pandit Balkrishna Sharma (Cities of of the United Provinces Non-Muhammadan Urban) They were not convicted of brutality

Mr. Sasanka Sekhar Sanyal: They were tried of murder and all that But is it the Government's case that those things were equivalent to brutality?

Pandit Balkrishna Sharma: No, they were not

Mr. Sasanka Sekhar Sanyal: I am confined to the spirit of the policy (Interruptions) I am sorry that I have not been properly understood They were picked up from a bunch of people because they were considered to be more

[Mr Sasanka Sekhar Sanyal]

dreadful and an example was sought to be made of them What was the point of release? They were released as a token of concession to the mounting volume of public opinion If that is so, may I ask this present Government, that if the British bureaucracy as a last act of their administration could make this concession to the public opinion of India by agreeing to release those persons who were picked up for trial in respect of certain typical offences, why is it today, when the British Government according to their admission are liquidating themselves, when the British Government do not propose to hold on here, and when the administration of the country is handed over to our own men, that people who could be released in spite of the verdict of the tribunal, constituted by that Government, for offences in connection with the battlefield, are not released by this present Government? There seems to be some catch somewhere My reading of the situation is that the British Government is holding a trump card in their own hands They have allowed some things to our nationalists who are at the helm of affairs (But we must determine our position It is no use Bills being brought up by Pandit Jawaharlal Nehru, by Sardar Vallabhbhai Patel or Mr Liaquat Ali Khan These Bills were brought up by previous Members In small details they also agreed to accept the voice of the opposition and other sections of the House Everybody knows that the Indian people measure their difference between this Government and that by the treatment that these powers are prepared to give to the patriots of different descriptions Our Congress Members of the Government could never think of being in an administration unless and until they were able to release the political prisoners As a matter of fact, the Congress Governments all over the country have directed the release of all political prisoners and they would not think of sitting in the Treasury Benches unless they were able to do so Here on the same analogy I would expect the Members of the Government, not only the Congress Members but also the Non-Congress Members, who also, so far as the popular demand is concerned, feel and think alike, to make it a condition that they will not continue with the administration unless they have attained their object in the release of these people It is a question of getting prestige from the support of the people Well, these are the people who fought outside They fought the same battle which was fought by people from inside We hear gossips here and there that these people were found guilty of brutality and if they are released it would be demoralising to the existing structure of the army This is nonsense because Pandit Jawaharlal Nehru was himself regarded as one of the most undesirable of people in India by the British Government But he is now at the head of the present Government and those who served the previous Government are also ready at the beck and call of Jawaharlal Nehru and company So it is no argument, if this argument is advanced that the army will be demoralised if these people who killed by brutality in the field of battle are released Well, have it from me and convey it to the Members of the Government that the average Indian is not so much proud of his loyalty to the British Crown as he is of the performance of their colleagues and comrades who fought India's battle of liberty in the battlefields outside India

Mr. M. A. F. Hirtzel (Bengal European): Question!

Mr. Sasanka Sekhar Sanyal: There is no use of being disturbed by false cries and considerations We want our Government to say that they have *decided to release these men and that they are going to release them* on particular days and times

Babu Ram Narayan Singh (Chota Nagpur Division Non-Muhammadan): Tomorrow!

Mr. Sasanka Sekhar Sanyal: Why tomorrow or the day after tomorrow? We want to be assured by our leaders, so far as we Congressmen are concerned. Every man in the country has some affection and respect for every I N A. man What they did in the battlefield may be odious to the British power What they did in certain other sectors may be odious to certain other sections in India but today every average Indian feels that if Independence is knocking at the door, if the Constituent Assembly has been inaugurated as an offer of bargain between Britain and India, one of the reasons is that just as Indians knew how to revolt inside the country, similarly the patriotic sons of India knew how to wrest power from foreign hands outside the country Every patriotic activity must have its own reward It is no use making a secret of the fact that when we go out and mix with our people in clubs, in our constituencies and other places we are faced with this question They ask "You are now in the Government, why is it that you are not able to get the release of these people?" We cannot give them any answer As a matter of fact it seems from the terms and the nature of the answers given by the Defence Department that this department is still a sort of residuary legacy of the past bureaucracy Let there be an end of these things When we hear replies from other members of the Government there is some sort of nationalistic approach but when we hear replies from my Honourable friend Mr Bhalja, the department speaks through him and in every sentence of the answer given by him we are reminded of the old days when we used to be in chains even in this very House Therefore we expect our leaders to take us into confidence We want to be acquainted with their difficulties, so that if possible we can also offer our humble guidance to them After all the Treasury Benches today are supposed to receive support and assistance from elected representatives of the people It is the duty of the elected representatives to support the members of the present Government and it is also their duty to give guidance Therefore I would request the Honourable the Leader of the House and also the Finance Member, who belongs to the Muslim League Party, that if there are real difficulties let us know about them I understand from the speeches of the members of the Muslim League Party that their views are identical with the views of the Congress Party

An Honourable Member: It is not

Mr. Sasanka Sekhar Sanyal: The fundamental approach is the same, although my Honourable friend Mr Jaffer unfortunately introduced some sort of communal colour into his approach which was not relished by us Still making allowance for his youthful enthusiasm for his political ideology, the fact remains that the approach of both the League and the Congress (the two parties that count) is identical The League wants the I N A people to be released and the Congress wants the same The Interim Government is manned by the leaders of both the parties Then why are these men not released? If it is not possible for our leaders to place their difficulties in public, I would request you, Sir, and through you the leaders of the two parties, to let them convert this House into a private chamber, so that its proceedings may not be available to the public Let us have a round-the-table discussion in order to assess their difficulties This question has to be solved and the public at large must be made to understand why they are not being released and if there is any real difficulty, so far as I am concerned . .

Mr. Deputy President: The Honourable Member's time is up

Mr. Sasanka Sekhar Sanyal: Sir, the time of the House is also going to be up There are only five minutes and it will not be good enough for another speech. In my own humble way I would make an approach to the members of the Government Let us hear that they have decided to release the men If

[Mr Sasanka Sekhar Sanyal]

not, let us hear their difficulties to the extent that they can take us into their confidence and let us assure them that if they are strong and steady they cannot leave this matter unsettled for a long time I submit that the combined wisdom and assistance of the House will give them that strength and help which will enable them to get these heroes out in the course of a fortnight

Pandit Balkrishna Sharma: Sir, I had absolutely no intention of taking any part in this debate and especially at the fag end of the day but I was provoked into taking part in it by the manner in which my Honourable friend Mr Jaffer spoke on the Resolution and supported it

An Honourable Member: Ignore it

Pandit Balkrishna Sharma: I have looked into the debate which took place on this very question last time It is very unfortunate that in matters in which we of the Congress and the members of the Muslim League can see eye to eye certain rifts are introduced by these gentlemen of the Muslim League and certain matters extraneous to the case are brought in At the time when this I N A Resolution was last discussed Mr Siddiq Ali Khan spoke upon this Resolution and he brought in various considerations and appealed to the Government for the release of Capt Rashid and others I would like to quote a sentence or two from his speech to show that the Congress and the Muslim League on this point do not see eye to eye We may demand the release of these men and the Muslim League may also demand their release but there is a fundamental difference between the outlook which inspires my friends over there and the outlook which inspires my friends on this side of the House I have waited patiently for so many months to see that a change is brought about in their outlook but I am really sorry to find that there has been absolutely no change in their mentality When Mr Jaffer was speaking he was condemning the Government, as if the Government, consisted only of the team of Pandit Nehru and as if from the Government the Honourable Mr Liaquat Ali Khan, was absent After all it is a joint responsibility

Haji Abdus Sattar Haji Ishaq Seth: He never said that

Pandit Balkrishna Sharma: In fact all sorts and manner of communal considerations were brought in My friend Mr Siddiq Ali Khan while supporting his amendment during the last session said that those young men joined this I N A, because after all they were afraid lest the Japanese should invade the country and so establish a Hindu Raj, in which case Muslim culture will be in danger

Haji Abdus Sattar Haji Ishaq Seth: What is wrong with that?

Pandit Balkrishna Sharma: I will tell you what is wrong with that You are thinking in terms of the medieval age, which is exactly what is wrong with it

Haji Abdus Sattar Haji Ishaq Seth: We are thinking in terms of 1947

Pandit Balkrishna Sharma: Muslim and Hindu cultures have been living side by side for ages and neither has been able to swallow the other Both the cultures have thrived together and it is activities of gentlemen like you, Sir, which are responsible for the present position I do not mean you, Sir, but it is the utterances and activities of my Honourable friends sitting on my right which are responsible for creating that rift

Haji Abdus Sattar Haji Ishaq Seth: Or it may be you.

Pandit Balkrishna Sharma: You are there already

Mr. Deputy President: The Honourable Member should address the Chair

Pandit Balkrishna Sharma: As a matter of fact all of us want that these I N A men must be released but surely today we cannot speak in the same strain in which we used to do a year ago Of course the popular Government has been at work for eight months and for seven months the Coalition Government has been working and any man who has got any sense in his noddle must know that if Pandit Nehru and Mr Liaquat Ali Khan have not been able to release the I N A prisoners there must be something in the nature of a very great hurdle in their way, something which has prevented them so far to take a decision which this House would have liked so very much, and therefore there is no use having a fling at Pandit Nehru The difficulties are there and we cannot

Mr. Deputy President: It is time for the House to adjourn for the day The Honourable Member can continue his speech on another day for non-official Resolutions

The Assembly then adjourned till Eleven of the Clock on Thursday, the 20th February, 1947

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