

Friday,
30th January, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

Official Report

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SECOND SESSION
of the
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1948



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Friday, 30th January, 1948

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

DECLARATION BY MEMBERS

The following member made the declaration under Rule 2C:

Mr. Z. H. Lari (U.P.: Muslim).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

19.*—25.*

RUNNING OF A MAIL OR EXPRESS TRAIN BETWEEN RAIPUR AND WALTAIR STATION ON BENGAL NAGPUR RAILWAY

26. ***R. B. Lala Raj Kanwar:** (a) Will the Honourable Minister of Railways be pleased to state whether there is any Mail or Express train running between Raipur and Waltair Stations of the Raipur-Waltair section of the Bengal Nagpur Railway?

(b) If none, do Government propose to consider the advisability of running such a train on this line?

The Honourable Dr. John Matthai: (a) No.

(b) The proposal for running an Express train over the Raipur-Vizianagram line has been considered but owing to the shortage of coaching stock and locomotives, it cannot be accepted at present.

DELAY IN BOTH-WAY TRAFFIC BY GRAND TRUNK EXPRESS BETWEEN DELHI AND MADRAS

27. ***R. B. Lala Raj Kanwar:** Will the Honourable Minister of Railways be pleased to state:

(a) whether Government are aware that the Grand Trunk Express which runs between Madras and Delhi reaches its destination both on its outward and return journeys generally with considerable delay;

(b) if so, what are the reasons therefor and what steps Government propose to take to remove this complaint; and

(c) whether Government propose to consider the advisability of running a mail train with accelerated speed between Delhi and Madras for the convenience of long distance passengers?

The Honourable Dr. John Matthai: (a) Yes.

(b) The main reasons for late arrival of this train and late departures from Delhi are as follows:

(i) late handing over of the train by the Nizam's State Railway to the G. I. P. Railway at Balharshah;

*For these questions and answers, see pages 52-70 of these debates.

- (ii) of the 1,361 mile journey from Madras to Delhi, the whole of it is on single line sections, except for 48 miles between Nagpur and Wardha. A train losing its path on a single line section can rarely make up lost time;
- (iii) the whole of the section from Itarsi to Delhi, which is single line, has, since partition, had to take additional load not only from Bombay but also from the C.P. The line capacity is overtaxed to the extent that it has been decided to double a short section between Itarsi and Bhopal, and plans are under way for doubling certain sections between Muttra and Delhi;
- (iv) the age and condition of locomotives is such that with coal not of the highest grade it is becoming more and more difficult for trains not to lose time on the run;
- (v) owing to the communal situation in the northern portion of the run, it has been necessary to sort out passengers of one community and place them in separate and special compartments. This change-over on the journey to Delhi is made at Bina; additional time is lost in doing this;
- (vi) until recently, the stock which came in with the train from Madras was utilised for the return journey on the same date. An overlapping rake was introduced from the 26th December, 1947. Similarly, Military or Police squads which accompany this train did not have an overlapping party at Delhi until very recently.

Special supervision has been arranged at Delhi Main station to do whatever is possible to get trains starting from Delhi out right time.

(c) No. The paucity of coaching stock as well as difficulty in providing locomotive power will not allow the introduction of any additional train between Delhi and Madras until the train services curtailed during the war are restored.

Seth Govinddas: Are the Government aware that sometimes this train is detained at wayside stations and even goods trains are allowed to pass? This generally happens between Itarsi and Bhopal and near about Bina?

The Honourable Dr. John Matthai: That is an inevitable result of the fact that the track is a single line track and once there is delay on a single line, as I told you, it is very difficult to make it up.

Shrimati Ammu Swaminadhan: May I know why the trains arriving in Madras arrive very much later than their scheduled time, six hours to twelve hours, while the trains coming into Delhi—I mean the Grand Trunk Express—are not so much late. They are only one or two hours late.

The Honourable Dr. John Matthai: As far as the outward train is concerned, the circumstance that makes it late is what transpires on the Nizam's State Section, of which it is not possible for me to make any definite statement.

Dr. B. Pattabhi Sitaramayya: The Government is perhaps aware that three days ago the Grand Trunk Express which ought to have arrived at 3 P.M. arrived at 3 A.M. in the night, and that therefore there is no impartiality between the incoming and outgoing Grand Trunk Express.

The Honourable Dr. John Matthai: I think that was probably so on the particular day. On the whole there is a rough balance.

Mr. Tajamul Husain: Are Government aware that all the trains generally are running late?

The Honourable Dr. John Matthai: That is perfectly true owing to the circumstances I have already explained.

Shri K. Santhanam: May I know if the Honourable Minister is aware that in fixing 48 hours for the journey from Madras to Delhi, the fact of single line track has been taken into consideration, and that, otherwise it would have been shorter?

The Honourable Dr. John Matthai: I thought I had made the point about single line clear. Since the partition, what has happened is—the House must realise the fact—that practically the whole of the traffic that used to move from Karachi towards East Punjab, U. P. and Delhi is now moving from Bombay and the line from Bombay—from Itarsi up to Delhi—is a single line which is now bearing an amount of traffic far in excess of what it used to do before the partition.

Shri H. V. Kamath: Considering, Sir, that on the facts disclosed and admitted by the Honourable Minister the Grand Trunk Express is neither grand nor express, will the Minister consider the advisability and propriety of changing the name to a more appropriate one?

The Honourable Dr. John Matthai: That is a matter, Sir, which I have seriously considered. I may perhaps tell the Honourable Member one of the names that I have been considering. Rudyard Kipling wrote a poem long ago in which he described Madras as "a withered beldame". That I think would be an appropriate name for the Grand Trunk Express.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable Minister in charge why even at the starting stations delay is caused both at Delhi and at Madras?

The Honourable Dr. John Matthai: The delay has been caused, as I told you, because of the absence of an overlapping rake. What used to happen till a few weeks ago was that the rake that came to Delhi was also the rake that went back. Now we are providing an overlapping rake, which, I hope, will make some difference.

Seth Govinddas: In these circumstances, will the Government be prepared to increase the scheduled time, so that more time may be utilized for running the train and the trains may not reach late?

The Honourable Dr. John Matthai: If our locomotive position does not improve and if we are called upon to use more inferior coal hereafter it might be necessary for Government to consider a general revision of schedule timings.

Mr. E. K. Sidhva: Is it a fact that the Honourable Minister's predecessor in the last Budget Session in March stated that two weekly trains are to be accelerated on this Section within a short time and the speed will be 28 hours? If that is so, why has that not been introduced yet?

The Honourable Dr. John Matthai: My Honourable friend should know that a lot has happened between last March and now.

REPRESENTATION BY ALL-INDIA FOOD PRESERVERS' ASSOCIATION re LOSSES SUFFERED DUE TO DE-CONTROL OF SUGAR

†28. ***Mr. E. K. Sidhva:** (a) Will the Honourable Minister of Agriculture please state whether it is a fact that the fruit preservation industry has suffered on account of the de-control of sugar?

(b) Is it a fact that the All-India Food Preservers' Association has made a representation to Government to this effect?

(c) Are the sugar mills supplying sugar to the industry in full quantity after de-control?

The Honourable Shri Jairamdas Donlatram: (a) Yes.

(b) Yes.

[Answer to this question laid on the table, the questioner not having put the question.]

(c) Government have not received any complaints regarding the quantity of sugar supplied by the mills to the industry. Government will gladly inquire into any specific complaint which is received. The difficulty is not about supply but the price and is under negotiations between the two industries and Government.

CONTRACT FOR PURCHASE OF FOODSTUFFS FROM ABROAD FOR 1948

29. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Food please state the names of firms etc. to whom contracts for purchase of all kinds of foodstuffs have been given for 1948?

(b) For what products and quantities have these contracts been given?

(c) What was the price of commodities prevailing in the market at the time of making the contract?

(d) Was any advantage derived in the matter of prices by sending representatives abroad to make purchases in various countries in 1947?

(e) If not, do Government still propose to send representatives from India to make such purchases?

(f) Is it not possible to make purchases either direct or through Government or private agencies in other countries?

The Honourable Shri Jairamdas Doulatram: (a), (b) and (c). The Honourable Member is presumably referring to the method of purchase of imported foodgrains. Most exporting countries maintain a rigid control on the export of foodgrains and these are sold by the Government of the exporting country at a price fixed by them. The question of purchasing these foodgrains through the trade does not arise as the sales have to be on a Government to Government basis. We do however sometimes make contracts with individual firms in respect of coarse grains and flour purchased by our Supply Mission in U.S.A. and Canada and small quantities of coarse foodgrains purchased from Ethiopia and Aden. The Honourable Member is presumably referring to these last purchases. During 1947, we bought 2,600 tons of jowari. The prices paid were not higher than the market prices.

(d) and (e). We have sent representatives abroad to make contracts in Australia, Argentina and in the Middle East. The Honourable Member is presumably not referring to our deals with Argentina and Australia which were on a Government to Government basis, and where the deal obviously had to be on the basis of fixed prices. He is presumably referring to our negotiations in the Middle East where we sent a representative to investigate the purchase of grains. In these countries the market prices were very high; indeed too high for our means. We had to put a limit on the prices which our representative could go up to. There is advantage in sending representatives to these countries irrespective of the fact that the market prices may be beyond the limits prescribed by us, for it may be possible by negotiation to bring prices down, by offering inducements in the shape of textiles and the like.

(f) Government do entertain offers direct or through Government or private agencies, according to circumstances. If the Honourable Member has any specific complaint, Government will go into the matter.

Mr. R. K. Sidhva: May I know, Sir, whether a firm offered a lower price than the one that was accepted by Government and that was not considered?

The Honourable Shri Jairamdas Doulatram: I shall require notice. If the Honourable Member makes any specific complaint, I will go into the matter.

Mr. R. K. Sidhva: What was the price fixed for the jowari transaction?

The Honourable Shri Jairamdas Doulatram: I would like to have notice of this question.

Mr. E. K. Sidhva: My question is what is the price?

Mr. Speaker: Does the Honourable Member refer to (c) of his question. Clause (c) of the question is specific. He wants to know prices of commodities prevailing in the market at the time of making the contract.

The Honourable Shri Jairamdas Doulatram: I would require specific transactions for which prices are wanted.

Mr. E. K. Sidhva: I have already stated what is the price of commodities prevailing in the market at the time of making the contract.

The Honourable Shri Jairamdas Doulatram: The price at which we purchased from Ethiopia was Rs. 236 per metric ton plus export quota for 343 yards of cloth per metric ton and the price at which we purchased from Aden was Rs. 125 per long ton plus export quota for 300 yards of cloth per long ton.

Mr. E. K. Sidhva: This information is not sufficient.

Mr. Speaker: What is the next question I should like to know.

Mr. E. K. Sidhva: These were not the items that I have asked for. I wanted about the price of commodities in the market at the time of making the contract.

The Honourable Shri Jairamdas Doulatram: I will supply those particulars.

Shri Deshbandhu Gupta: May I know, Sir, if Government have considered the desirability of introducing barter system between Middle East Countries and India and exchange textiles with cereals?

The Honourable Shri Jairamdas Doulatram: Government have not considered that question in a general way, but occasions have arisen when we have negotiated on the basis of barter just as in these two cases. We either give an export quota or we may actually barter with goods.

Shri Deshbandhu Gupta: Is the Honourable Minister in charge aware that in textile exports some of the exporters here and importers in the Middle East are making 300 to 400 per cent. profit and that profit would easily go to the coffers of the country if barter is introduced?

The Honourable Shri Jairamdas Doulatram: I will consider that question.

Prof. N. G. Ranga: Have any results been achieved from the representations made by the Government of India to the F.A.O. to prevent international profiteering in the supply of foodgrains sold to India by various other countries?

The Honourable Shri Jairamdas Doulatram: There are occasions when we enter into certain contracts with other exporting countries. It is impossible to prevent profiteering at Governmental level. We come to certain terms with them and it may be that they charge us more than they need just as we may charge them more than we need.

STEAMER COMPANIES CARRYING INDIA'S INLAND AND FOREIGN MAILS

30. **Mr. E. K. Sidhva:** (a) Will the Honourable Minister of Communications please state the name of the steamer company which carries inland mails and foreign mails by steamers?

(b) What are the rates paid to them for carrying mail?

(c) What was the total amount paid to each company, separately for this purpose, during the year 1947?

(d) Is there any contract period for carrying this mail?

(e) Do Government propose to consider the grant of contracts to Indian Companies?

(f) If not, why not?

The Honourable Mr. Rafi Ahmed Kidwai: (a) There are several Steamer Companies which carry mails, inland and foreign, by steamers. I lay on the table of the House a statement (I) giving the names of these Companies and the routes over which they carry mails.

(b), (c) and (d). I lay on the table a statement (II) giving the information asked for.

(e) It will be seen from the statement which I have laid on the table in reply to part (a) of the question, that some of the Companies which hold contracts are Indian Companies.

(f) Does not arise.

STATEMENT I

Showing the name of Steamer Companies which carry mails and the routes over which they carry the mails

(1) The Bombay Steam Navigation Coy. Ltd., The Indian Co-operative Navigation and Trading Coy. Ltd., The Ratnagar Steam Navigation Co. Ltd., (Between Bombay and Goa).

(2) The Rivers Steam Navigation Coy.

The Indian General Navigation and Railway Coy., Ltd. (Between Amingaon and Gamari Ghat).

(3) The British India Steam Navigation Coy., Ltd. :—

Line No. 5.—Weekly communication between Bombay and Karachi.

Line No. 6.—Weekly communication between Karachi and Basrah via Persian Gulf Ports.

Line No. 7.—Fortnightly communication between Bombay and Durban.

(4) The P. and O. Steam Navigation Coy. between India and the United Kingdom and Australia, and other countries touched by the steamers of this Coy.

(5) Non-Contract Steamers of other Companies which are also utilised for the despatch of Mails from India to Foreign Countries.

STATEMENT II

Part (b).— The remuneration payable for the carriage of mails to the different companies mentioned is :—

(1) The B. S. N. Coy., Ltd.
The I. C. N. & T. Co., Ltd.
The R. S. N. Coy., Ltd.

} Rs. 6,000 per month.

(2) The Rivers S. N. Co., Ltd.
The I. G. N. & R. Co., Ltd.

} Rs. 851-4-0 per month.

(3) The B. I. S. N. Co., Ltd.

Rs. 46,875 per month for sailing on lines No. 5, 6 & 7. The No. of sailings on these lines is generally less than that prescribed in the contract on account of shortage of steamers and proportionate rebate is recoverable for each short sailing.

(4) The P. & O. S. N. Co.

According to an arrangement made by the British Post Office with the Peninsular and Oriental Steam Navigation Co., payment is made to the Co. at rates per voyage based on the average commercial value per voyage out and home respectively of the mails conveyed. The total amount thus paid to the Co. is shared between Great Britain, India, Aden and Burma according to the weight of mails sent by each country by the P. & O. S. N. service.

(5) Payment to Non-contract Steamers is made at the rates prescribed in Rule 215 of the I. P. O. Rules, viz :—

Letters and Postcards	Rs. 1 3 0	per lb
Packets	0 2 0	per lb
Parcels	0 1 0	per lb

Part (c).—Total amount paid to each Company during 1947 was :—

(1) The B. S. N. Co., Ltd.	} Rs. 48,000 (for 8 months only as the contract is for fair season).
The I. C. N. & T. Coy., Ltd.	
The R. S. N. Co., Ltd.	
(2) The Rivers S. N. Co., Ltd.	} Rs. 10,215.
The I. G. N. & R. Co., Ltd.	
(3) The B. I. S. N. Co., Ltd.	Rs. 5,82,500.
(4) P. & O. S. N. Co.—Accounts for the year 1947 have not yet been settled by the British Post Office and communicated to the P. & T. Department. Therefore no amount has yet been paid to the British Post Office for 1947, in respect of the P. & O. Co.	

(5) *Non-contract Steamers*.—The amounts paid to non-contract Steamers during 1947 are not readily available.

Part (d).—The periods of the contract with the various Steamer Companies are as follows:—

(1) The B. S. N. Coy. Ltd.	} from 15-11-45 to 30-5-48.
The I. C. N. & T. Co., Ltd.	
The R. S. N. Coy. Ltd.	
(2) The Rivers S. N. Co., Ltd.	} from 1-4-31 to 31-3-34. The agreement still continues in force as on notice of its termination has been given to them. The agreement can be determined by giving 6 calendar months' notice previously in writing.
The I. G. N. & R. Coy., Ltd.	
(3) The B. I. S. N. Co., Ltd.	.. from 1-10-38 to 30-9-48.
(4) The P. & O. S. N. Co., Ltd.	The contract is with the British Government

Mr. R. K. Sidhva: May I know, Sir, how many of these companies are foreign and how many Indian who would get the benefit of these mails? All these particulars are laid on the table. At least I must know all these.

The Honourable Mr. Rafi Ahmed Kidwai: That is already in the statement.

Mr. R. K. Sidhva: The statement is not available.

Mr. Speaker: What the Honourable Member wants is not the names of these Companies but the number.

The Honourable Mr. Rafi Ahmed Kidwai: The company that carries the mail to foreign countries is the P. & O. which is a foreign company and also the steamer that carries the mail in the Eastern Bengal and Assam are foreign companies.

Mr. R. K. Sidhva: How many Indian Companies?

The Honourable Mr. Rafi Ahmed Kidwai: Five of them are Indian Companies.

Mr. R. K. Sidhva: Are there Indian companies in the same lines where the foreign companies are running their systems?

The Honourable Mr. Rafi Ahmed Kidwai: No.

CAUSES FOR TATA AIR LINE PLANE CRASH AT KARACHI RESULTING IN LOSS OF ALL PASSENGERS AND CREW

31. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Communications please state the causes for Tata Air Line Plane crash on the 27th December, 1947 at Karachi at 7-45 P.M. few minutes after taking off from the Drigh Road Aerodrome which resulted in the death of all passengers and crew totalling 22?

(b) Was an airworthy certificate given at Bombay declaring the engines in sound condition for 24 hours service as required by the rules?

(c) Did the Government-official at the Karachi (Drigh Road) Aerodrome inspect the plane and did he give an airworthy certificate before the commencement of flight as required by the regulations?

(d) Were any enquiries instituted by the Government of India? If so, with what result?

(e) Do Government propose to consider the adoption of stringent safety measures in view of the increased patronisation of commercial aviation by people?

The Honourable Mr. Rafi Ahmed Kidwai: (a) and (d). An investigation into the causes of the accident is being carried out jointly by the technical officers of the Government of India and the Pakistan Government but has not yet been completed.

(b) Yes, Sir.

(c) No inspection was required at Karachi under the regulations.

(e) Stringent safety measures are already in force under the Regulations.

Shri H. V. Kamath: Was any sabotage suspected, as was reported in certain papers?

The Honourable Mr. Rafi Ahmed Kidwai: No, Sir.

Mr. R. K. Sidhva: Why is there this delay in the inquiry? It is now more than five weeks that it took place.

The Honourable Mr. Rafi Ahmed Kidwai: The Honourable Member will realise that there is no survivor of that accident and therefore the inquiry is naturally made more difficult.

Prof. N. G. Ranga: Is it a fact that the pilot of any aeroplane is not expected to know anything about the condition of the engine and has to depend on the certificate given by the ground engineers?

The Honourable Mr. Rafi Ahmed Kidwai: That is true, Sir.

Prof. N. G. Ranga: What is the guarantee that these certificates are accurate and that the engines are sound so that the lives of the pilot and the passengers are safe?

The Honourable Mr. Rafi Ahmed Kidwai: If the Honourable Member will compare the number of accidents in this country with those in other countries, he will realise that we are more stringent in our measures than others.

Mr. R. K. Sidhva: Was an airworthy certificate given at Karachi before the plane took off?

The Honourable Mr. Rafi Ahmed Kidwai: That was not necessary because a safety certificate is issued for 24 hours and this certificate had been issued at Bombay.

Seth Govinddas: In addition to that certificate, will Government consider the advisability of having a certificate from the pilot after inspection of the engine before he starts the plane?

The Honourable Mr. Rafi Ahmed Kidwai: Pilots for their own safety have to make sure that the engine is in working order.

Mr. R. K. Sidhva: Is it a fact that the following rule prevails in regard to all aircraft operated by Tata's, that it is inspected under Government regulations and a certificate of airworthiness is given at the commencement of every flight? May I know why this certificate was not taken at Karachi?

The Honourable Mr. Rafi Ahmed Kidwai: I said that it was not necessary because a 24 hours' certificate was issued at Bombay and the accident happened on the return flight.

Mr. R. K. Sidhva: Then what is the meaning of "every flight"?

The Honourable Mr. Rafi Ahmed Kidwai: That question should be addressed to Tata's.

ACTION BY GOVERNMENT OF INDIA ON AN ACCIDENT TO AN I. N. A. PLANE AT DRIGH ROAD AERODROME, KARACHI.

32. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Communications please state whether it is a fact that the President of the Federation of Passengers Association for India made a reference to the Director, Civil Aviation, Government of India on the 20th April, 1947 drawing his attention to an accident to an I.N.A. Plane at Karachi (Drigh Road) on the 15th April, 1947 immediately after she was taking off?

(b) Is it a fact that while taking off she dashed against the railing on the ground due to the brake not working?

(c) Is it a fact that passengers were made to alight from the said plane and were boarded in a plane which arrived from Delhi after six hours?

(d) What was the cause of this accident and was an airworthy certificate given by the officials concerned at the Aerodrome at Drigh Road?

(e) Were all parts of the engines including the brake thoroughly examined and inspected before the plane took off? If so, by whom and at what time?

(f) Is it a fact that notwithstanding a reminder from the President of the Federation of Passengers Association for India, the Director, Civil Aviation did not reply to his letter? If so, why?

The Honourable Mr. Rafi Ahmed Kidwai: (a) and (b). Yes, Sir.

(c) Another plane was despatched immediately from Delhi to pick up the passengers.

(d) and (e). The accident was attributed to defective manufacture in the braking system. The daily certificate of safety prescribed in the Aircraft Rules was issued after proper inspection of the aircraft by two competent engineers, before it departed from Delhi. As this certificate had validity for 24 hours, the aircraft was not re-inspected prior to its departure from Karachi on the return journey.

(f) I understand that the letters of the President of the Federation of Passengers Association for India were duly replied to by the Director General of Civil Aviation in India.

Mr. R. K. Sidhva: As President of that Association I know it was not replied to. Will the Honourable Minister make further inquiries?

The Honourable Mr. Rafi Ahmed Kidwai: I understood from the Director General of Civil Aviation that it was answered. If the Honourable Member wants I can confront him with that officer.

Mr. R. K. Sidhva: Is it a fact that a reminder was sent by the President

The Honourable Mr. Rafi Ahmed Kidwai: That is true, Sir.

PRICES FIXED BY PROVINCES AND BASIC IMPORT AND EXPORT QUOTAS OF PADDY, RICE, ATTA, ETC., FOR DEFICIT UNITS DURING 1948.

33. *Shri Basanta Kumar Das: Will the Honourable Minister of Food be pleased to state:

(a) what prices have been fixed by different Provincial Governments for paddy, rice, atta, flour, jowar and bajra;

(b) what basic export quotas and ceiling import quotas have been fixed for different surplus and deficit units respectively for the year 1948; and

(c) which Provincial Governments have decided to put barley and gram under control?

The Honourable Shri Jairamdas Doulatram: (a) and (b). Statements containing the information are laid on the table of the House.

(c) A statement showing the position is laid on the table of the House.

STATEMENT I

Showing the prices fixed by Provincial Governments for Rice, Paddy, Atta, Flour, Jowar and Bajra

Provinces	(Prices in Rupees per Maund)					Remarks
	Rice	Paddy	Atta	Four	Bajra	
East Punjab	7-8-0 to 22-0-0*	6-8-0 to 10 0-0*	Price of Wheat Atta is fixed by the District Magistrate at As. 12 to Rs. 1/4 over the price of wheat in the particular dis- trict.	No price fixed**	Decontrolled	Decontrolled
United Provinces	No control on prices of foodgrains in the United Provinces					
Bihar	13-8-0 (Coarse)† 14-8-0 (Medium)†	8-0-0†	No prices fixed for atta, flour, bajra and jowar.			
Bombay	11 to 25-2-0***	6-14-0 to 17-0-0***			9-0-0 to 11-0-0***,†	8-8-0 to 10-12-0***
Central Provinces	9-0-0 to 16-12-0†	Paddy, atta, flour and bajra not procured and no prices fixed.				
Madras	11-9-3 to 13-6-0 (I sort)§	7-13-9 to 9-4-6 (I sort)§	No prices fixed for atta and flour.		7-3-9 to 8-15-6§	8-0-0 to 8-8-0† 7-3-6 to 8-9-6§
Orissa	10-15-0 to 12-11-6 (Common) 11 11-6-0 (Common) 12-2-6 (Fine) 13-14-0 (Superfine)	7-7-0 to 8-12-6 11 6-8-0 (Common) 7-0-0 (Fine) 7-12-0 (Superfine)	Atta and flour being imported commodities, prices depend on landed cost.		Price not fixed.	Price not fixed
						11 Producers price.

*According to different varieties in different areas.
** Wheat is not milled in East Punjab for the manufacture of flour.

†Ceiling procurement price. No statutory price has been fixed.

*** Govt. purchase prices according to different varieties in different areas. No statutory price fixed.

†Ceiling procurement price.
§wholesale selling price.

State	Grade	12-12-0 (Selling Price exmill, Calcutta)	14-0-0 (Selling Price exmill or exdepot)	Price not fixed	Price not fixed	Remarks
West Bengal	¶11-4-0 (Coarse) 12-3-0 to 12-12-0 (Medium)	¶6-8-0 (Coarse) 7-0-0 to 7-8-0 (Medium)	14-0-0	Price not fixed	Price not fixed	¶¶Government purchase prices.
	15-0-0 to 16-8-0 (Very fine)	9-0-0 to 10-0-0 (Very fine)				
	..	Atas & boro 6-12-0 ††	18-6-0	Price not fixed	Price not fixed	††Price for sale by producers.
Assam	..	16-8-0	18-6-0	Price not fixed	Price not fixed	
Ajmer-Merwara	26-10-8 (I grade) §§ Not procured & 19-6-3 (II grade) no price fixed. 12-12-9 (III grade)	Atta and flour prices fixed only when stocks are imported from outside for sale in rationed shops	Decontrolled	Decontrolled	Decontrolled	§§In Ajmer City only.
Coorg	11-7-0 (Selling price Common Biliya quality)	6-8-9 (Common-Biliya quality)	No price fixed	No price fixed	No price fixed	
Delhi	14-12-0 to 23-9-0 ††	No price fixed	11-6-0	14-13-0	7-8-0	7-0-0 ††Price according to quality.

STATEMENT II

Showing the basic export and ceiling import quotas for 1946 :—

(in '000 tons)

	Basic Export quota	Ceiling import Quota
Assam	50	Madras 200
C. P.	150	Bombay 475
Orissa	110	U. P. 125
Eastern States	60	West Bengal 200
Punjab States	25	Bihar 102
		East Punjab 120
		Travancore 260
		Cochin 95
		Mysore 75

STATEMENT III

Showing the position regarding control over prices and movement of gram and Barley

Provinces	Gram		Barley	
	Prices	Movement	Prices	Movement
1. East Punjab	Controlled	Controlled	No control	Controlled.
2. U. P.	No. Control	Do.	Do.	Do.
3. Bihar	Do.	Do.	Do.	Do.
4. Bombay	Do.	Do.	No control ex- cept in rationed areas of Bombay, Poona, Ahmedabad and Sholapur.	Do.
5. C. P.	Do.	Do.	No Control	No control.
6. Madras	Do.	No control	Do.	Do.
7. Orissa	Controlled	Controlled	Do.	Do.
8. West Bengal	Control to be	removed shortly.	Do.	Controlled.
9. Assam	Controlled	Controlled	Do.	No control.
10. Ajmer	Do.	Controlled but contemplate removing con- trol.	Controlled	Controlled.
11. Coorg	No control	Controlled	No control	No control.
12. Delhi	Do.	No control	Controlled	Controlled.

YEAR BY PRODUCTION FOR LAST TEN YEARS IN TITAGARH PAPER MILLS AND INDIA PAPER PULP COMPANIES

34. *Shri Lakshminarayan Sahu: Will the Honourable Minister of Industry and Supply be pleased to state the productions from year to year for the last ten years in (i) the Titagarh Paper Mills Company Limited and (ii) the India Paper Pulp Company Limited?

The Honourable Dr. Syama Prasad Mookerjee: Production figures are available only from 1943 and are as follows:

	Titagarh Paper Mills Co., Ltd. Tons	India Paper Pulp Co., Ltd. Tons
1943	32,177	8,451
1944	31,012	8,494
1945	33,237	8,235
1946	32,729	6,717
1947 (only up to November)]	[22,208	3,880

Seth Govinddas: Is it a fact that the production of Titaghaur Mills would have been much more but for continuous strikes?

The Honourable Dr. Syama Prasad Mookerjee: That is one of the reasons.

Prof. N. G. Ranga: What are the other reasons for this drastic fall in production?

The Honourable Dr. Syama Prasad Mookerjee: Shortage of raw materials and chemicals and transport difficulties.

Prof. N. G. Ranga: Are Government doing anything to help it to increase production?

The Honourable Dr. Syama Prasad Mookerjee: We are doing what we can.

Shri Rohini Kumar Chaudhuri: Why has the production of this India Paper Pulp Company been decreasing in the last few years?

The Honourable Dr. Syama Prasad Mookerjee: The same reasons,—shortage of raw materials and chemicals, labour shortage, and in some cases shortage of transport.

Diwan Chaman Lall: What steps have been taken to remedy the shortage of raw materials?

The Honourable Dr. Syama Prasad Mookerjee: We are trying to supply as far as possible.

COMMODITIES DE-CONTROLLED AND THEIR PRICES BEFORE AND ON 10TH JANUARY, 1948.

35. ***Diwan Chaman Lall:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the commodities over which control has been lifted; and

(b) what the control prices of those commodities were before decontrol and what their prices were on the 10th January, 1948?

The Honourable Dr. Syama Prasad Mookerjee: (a) A statement showing the commodities with which the Ministry of Industry and Supply is concerned and over which control has been lifted is placed on the table of the House.

(b) The information is being collected and will be laid on the table of the House as soon as possible.

STATEMENT

1. *Commodities over which controls were withdrawn prior to 30th September 1946 or which lapsed on that date.*

Machine tools, Ferro-Alloys, Cinematograph films, Imported Engineer Stores, Non-Ferrous Metals, Brass and Copper Utensils, Aluminium Utensils, Drugs and Pharmaceuticals, Bleaching Powder and Chloride, Rubber, Cement, Wattle Bark and Wattle Extract, Timber, Cycle tyres and tubes, Motor car and Motor cycle tyres and tubes, Giant tyres and tubes, Essential stores for Jute Industry, Starch, Misc. articles for Textiles Industry, Dyes and Chemicals for Cotton Textiles, Hydro-Sulphite of Soda, Wireless Sets, Cotton (Foreign and Indian), Matches, Sulphuric Acid, Sulphate of Alumina, Coconut Oil and Copra and various Consumer Goods.

2. *Commodities over which controls were withdrawn after 30th September 1946.*

(a) Control over consumption of Newsprint for printing newspapers and periodicals which are published at regular intervals of, not more than one month, was lifted from 3rd April 1947.

(b) Control over Cotton cloth and yarn was lifted from 20th January 1948.

Seth Govinddas: Is it a fact that after decontrol there has been a fall in the price of every commodity? Will Government therefore lift controls on other materials?

The Honourable Dr. Syama Prasad Mookerjee: Control now continues only in respect of four or five items,—paper, iron and steel and coal (so far as my Ministry is concerned); petrol, kerosene and mica (so far as the Ministry of Works, Mines and Power is concerned); and spare parts of vehicles (so far as the Ministry of Transport is concerned).

Seth Govinddas: Is there any possibility of controls being removed in the near future over articles with which the Honourable Minister is concerned?

The Honourable Dr. Syama Prasad Mookerjee: I am considering about paper: I have already taken that up.

Shri Raj Krishna Bose: What are the difficulties that the Ministry anticipates, if iron and steel are decontrolled?

The Honourable Dr. Syama Prasad Mookerjee: The main difficulty is shortage of production.

Diwan Chaman Lall: May I ask, Sir, whether it is correct that decontrol has resulted in the dropping of prices of sugar?

The Honourable Dr. Syama Prasad Mookerjee: It is a debatable proposition.

Seth Govinddas: Is it not a fact, Sir, that the prices of all articles have fallen considerably after decontrol; if the present prices are compared with the prices prevailing before decontrol in black market?

The Honourable Dr. Syama Prasad Mookerjee: The Honourable Member's question shows that it is a debatable point.

Shri Deshbandhu Gupta: When do Government propose to remove control on white printing paper?

The Honourable Dr. Syama Prasad Mookerjee: I cannot disclose the date; I do not want to encourage speculation.

SELECTION AND DECISION *re* NATIONALISATION OF INDUSTRIES.

36. *Diwan Chaman Lall: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) whether any decisions have been taken to implement the policy of the nationalisation of certain industries; and

(b) whether any particular industries have been selected for nationalisation within the next five years, and if so, what?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). The question of nationalisation of industries was discussed at the Industries Conference held in December, 1947, and a copy of the Resolution adopted by that Conference is laid on the table of the House. The recommendation made by the Conference is under consideration and Government hope to make an announcement on the subject shortly.

RESOLUTION.

This Conference recommends to Government that while enunciating their national policy of industrial development, the following aspects among others, should be kept in view:—

- (1) The need for an equitable distribution of the country's wealth and production leading to rapid improvement of the standard of living and comfort of the masses of the Indian people, based on social justice.
- (2) The need for the fullest utilisation of the country's resources without allowing wealth to accumulate in the hands of a section of the people.
- (3) The need for central planning, co-ordination and direction so as to obtain maximum efficiency and output, a fair and reasonable distribution of the industries throughout the country in relation to the potentialities of each area, and also to determine a fair basis of wages and profit.

(4) The division of industries into three broad categories :—

- (a) Industries which should be under State ownership and management.
- (b) Industries which may be jointly owned and managed by the State and private enterprise.
- (c) Industries owned and managed by private enterprise.

In selecting the industries as aforesaid, which will be reviewed from time to time, the paramount considerations will be the country's basic economic and defence requirements on the one hand and the possibility of quick and efficient production on the other.

DECISION *re* NATIONALISATION OF MATCH AND TOBACCO MANUFACTURING INDUSTRIES

37. *Diwan Chaman Lall: Will the Honourable Minister of Industry and Supply be pleased to state:

- (a) whether any decision has been taken to take over the ownership and effect nationalisation of the match manufacturing industry and the tobacco manufacturing industry which are generally foreign-owned industries; and
- (b) the sum that will be required for the purpose of such acquisition?

The Honourable Dr. Syama Prasad Mookerjee: (a) No, Sir.

(b) Does not arise.

Diwan Chaman Lall: May I ask, Sir, why the policy of nationalisation of certain industries, which are foreign-owned and which if taken over would result in the liquidation of large foreign concerns, has not yet been considered by Government?

The Honourable Dr. Syama Prasad Mookerjee: So far as the match industry is concerned, it is not all foreign-owned. There are a number of small factories which are Indian-owned.

Diwan Chaman Lall: May I know whether it is a fact that a major portion of the industry is controlled by the Western India Match Company?

The Honourable Dr. Syama Prasad Mookerjee: The Western India Match Company has five factories in India. Till about the end of 1946 it used to produce about 75 to 80 per cent. of the total production of matches in the country; but since 1947 onwards it accounts for only about 50 to 55 per cent. of the total production and Indian factories have been set up which are producing nearly 45 per cent.

Diwan Chaman Lall: May I ask whether the Honourable Minister is aware that even Indian companies which are producing matches have to depend upon the Western India Match Company's principals for any machinery or spare parts that they want and whether there is any close liaison between these Indian companies and Western India Match Company?

The Honourable Dr. Syama Prasad Mookerjee: They have to depend upon the Western India Match Company to a certain extent, but we are quite prepared to help them.

Diwan Chaman Lall: Is it not a fact, Sir, that the supply of machinery is a complete monopoly of the Western India Match Company's principals?

The Honourable Dr. Syama Prasad Mookerjee: I cannot say definitely.

Diwan Chaman Lall: With regard to tobacco, is it not a fact that the major portion of the industry is foreign-owned?

The Honourable Dr. Syama Prasad Mookerjee: That too I do not know, Sir.

Diwan Chaman Lal: May I ask whether it is a fact, Sir, that a very large amount of revenue would accrue to the Government if these two industries were taken over by Government?

The Honourable Dr. Syama Prasad Mookerjee: If the Honourable Member gives me details, of which he is apparently fully aware, I shall certainly consider them.

Shri H. V. Kamath: Sir, what are the total number of match making, I mean, match manufacturing factories in India?

The Honourable Dr. Syama Prasad Mookerjee: There are five factories under the Western India Match Company and there are about 160 small factories which are mostly controlled by Indians.

CAUSES FOR LATE ARRIVAL AT CALCUTTA OF DOWN ASSAM MAIL FROM AMINGAON, EAST PAKISTAN

38. *Shri Rohini Kumar Chaudhuri: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the Down Assam Mail which left Amingaon on the evening of the 8th January 1948, reached Calcutta on the night of the 10th January 1948, i.e. 32 hours after the scheduled time of arrival? If so, why?

(b) Is it a fact that the said Mail Train was not allowed to proceed to Calcutta and was taken back to Parbatipur from Chundanga Station, by the Pakistan Railway Authorities on the 9th January 1948?

(c) Is it a fact that most of the passengers in this train were people of the Indian Dominion and that they were not allowed to cross the Pakistan Boundary because of quarrels between the employees of the Indian and Pakistan Railways in Pakistan Area?

(d) What are the circumstances under which the delay in the movement of the aforesaid train was caused and what steps were taken by Government to ensure the safety of the passengers?

(e) For how many days was booking from Assam to Calcutta and *vice versa* by the Assam Mail stopped in the 2nd week of January 1948?

The Honourable Dr. John Matthai: (a) The Down Assam Mail which left Amingaon on the evening of the 8th January, 1948 did not reach East Indian Railway as it was terminated by the Eastern Bengal Railway within their jurisdiction. Probably passengers of this train availed themselves of the Assam Mail next day which reached Calcutta six hours four minutes late.

(b) and (c). Government have no information.

(d) As already stated the train was not received by the East Indian Railway. The reason was that the train staff of Eastern Bengal Railway refused to work the train into the Indian Dominion on that day. A police force as well as Railway Protection Police were immediately sent out who have been escorting all trains between Ranaghat and Sealdah since then.

(e) Booking from Calcutta to Assam and *vice versa* was not stopped at any time.

Shri Rohini Kumar Chaudhuri: Has the Government called for any information with regard to (b) and (c)?

The Honourable Dr. John Matthai: We have tried to get information, but we have not been able to get information of a sufficiently definite or detailed character.

Shri Rohini Kumar Chaudhuri: In view of the fact that through tickets are issued by East Indian Railway for journey by Eastern Bengal Railway and *vice versa*, do Government propose to take any steps to ensure the safety of the passengers?

The Honourable Dr. John Matthai: Well, so far as we are concerned, within our jurisdiction, as I have already said, we have arranged for all trains between Frontier stations and Sealdah to be escorted.

Shri Rohini Kumar Chaudhuri: Do I understand that it is not the concern of the Government as to what happens to the passengers belonging to the Dominion of India but have to pass through the Pakistan area?

The Honourable Dr. John Matthai: It is very much our concern and we are doing all that we can. But you have got to make allowance for the fact that within Pakistan area our right to intervene is limited.

Shri Rohini Kumar Chaudhuri: The Honourable Minister said that he is doing what he can; what steps has the Government actually taken?

The Honourable Dr. John Matthai: Well, as a matter of fact, ever since this unfortunate incident took place on the 9th January, there has been no interruption of service at all and we have been running these trains through. So, I think, the position to that extent is satisfactory.

Shri Rohini Kumar Chaudhuri: Has the Government of India stationed any officer either in Parbatipur or anywhere near the frontier to look after the safety of the Dominion passengers?

The Honourable Dr. John Matthai: That is a suggestion which I am prepared to consider.

CONSTRUCTION OF PROPOSED RAILWAY LINE LINKING BIHAR WITH ASSAM.

39. *Shri Upendra Nath Barman: (a) Will the Honourable Minister of Railways be pleased to state when Government propose to start the actual construction of the proposed Railway line linking Bihar with Assam?

(b) What is the estimated time by which regular traffic can be expected to commence by the said link?

(c) Have Government taken into account the heavy transit of goods over this link and also the strategic nature of this link?

(d) If so, do Government propose to make a statement regarding the same?

The Honourable Dr. John Matthai: (a) The construction work on the proposed railway line linking Bihar and Assam has already commenced.

(b) Regular traffic by the said link is expected to commence in about 2 years time

(c) Yes.

(d) The principal commodities which will be carried by this link are jute, tea, hides and skins from Assam, and salt, iron, steel, manures, cotton piece-goods and general goods in the reverse direction. Moderately large movements of grains and pulses, jagree, sugar, wheat and wheat products are also expected. The construction of the link cannot, however, be justified on purely financial grounds but it is an absolute necessity both strategically and administratively.

Shri Upendra Nath Barman: Will the Honourable Minister kindly say by what date the conversion of the narrow gauge into meter gauge from Kishanganj to Siliguri be completed and the track made fit for traffic?

The Honourable Dr., John Matthai: The whole scheme is expected to be completed in about two years' time; the conversion portion will take probably a year.

Shri Upendra Nath Barman: May I know Sir, when the construction of bridges over Tista and Torsa will be completed?

The Honourable Dr. John Matthai: That of course is the most difficult part of the work. But, as I said, the whole of the scheme, including the conversion of the line from Kishanganj to Siliguri will be completed in two years.

Shri Upendra Nath Barman: Will Government kindly consider the desirability of constructing two major bridges over Tista and Torsa so that in future broad gauge line may be laid?

The Honourable Dr. John Matthai: That is a matter which I would have to discuss with my expert advisers. It is likely to affect the financial commitments involved.

Shri Upendra Nath Barman: May I know that during these two years—that is before the line is fit for proper communication and for traffic—what arrangements Government will make for the transport of material from the Dooars and from Assam so that they may be led to other parts of the Indian Union?

The Honourable Dr. John Matthai: Pending the construction of this line, the present arrangements will have to stand.

Shri Upendra Nath Barman: I mean what arrangements have been made by Government for goods traffic?

The Honourable Dr. John Matthai: It is not possible to make any arrangements until the new line is completed.

Sari Rohini Kumar Chaudhuri: What is the difference in the hours of travel by this route?

The Honourable Dr. John Matthai: I cannot give the exact time. It will be a longer route.

CONSTRUCTION OF ADDITIONAL STATIONS ON B. N. RAILWAY IN CUTTACK DISTRICT.

40. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Railways be pleased to state whether Government propose to open several new stations on the Bengal Nagpur Railway in the Cuttack district in view of the rapid industrialisation of that district and the starting of new business concerns there?

(b) Do Government propose to open stations or sub-stations on either side of every railway bridge?

(c) Do Government propose to make a survey of the Bengal Nagpur Railway in the Cuttack district and see where such stations may be immediately opened?

(d) Do Government propose to open such stations on both sides of the rivers the Brahmani, the Baitarni and the Bisuga?

The Honourable Dr. John Matthai: (a) to (d). Government have no such proposals under examination. The matter will however be referred to the Railway Administration for investigation.

COMPULSORY KNOWLEDGE OF DEVANAGRI AND URDU SCRIPTS FOR POSTAL EMPLOYEES IN VIEW OF PUBLIC INTERESTS.

41. *Shri Gokulbhai Danlratram Bhatt: Will the Honourable Minister of Communications be pleased to state:

(a) whether Delhi Post Office clerks are duty bound to decipher Devanagari script;

(b) if the answer to part (a) above be in the affirmative, why the Sub-Postmaster, Mori Gate Post Office (Delhi) stated that his office had no clerk knowing Hindi i.e. for deciphering Devanagari script, (*vide* correspondence between the Secretary Bharat Publication Limited and the Sub-Postmaster published in the *Hindustan* of Delhi, dated the 23rd December, 1947) and why he further stated that Hindi was not declared the language of the State (Rashtra Bhasha); and

(c) if the reply to part (a) above be in the negative, whether Government propose to enjoin on the postal clerks of Delhi in particular and upper India in general to learn both the scripts—Devanagari and Urdu?

The Honourable Mr. Rafi Ahmed Kidwai: (a) No, unless they are conversant with Devanagari script.

(b) Does not arise.

(c) Rules of the P. and T. Department require that a Post Office clerk should have working knowledge of one local Indian language, for Delhi, Urdu script is the only recognised official script. There are, however, some clerks in post offices in Delhi who know Hindi, and steps have been taken to include at least one Hindi-knowing official among the staff of every post office in Delhi. Government trust that the public will not be inconvenienced in future.

Seth Govinddas: May I know who has recognised the Urdu script as the only recognised official script for Delhi?

The Honourable Mr. Rafi Ahmed Kidwai: I do not know, unless it is the Civil Authorities!

Shri Deshbandhu Gupta: Is the Honourable Minister aware of the fact that the Advisory Council to the Chief Commissioner, Delhi, had passed a resolution more than two months back recommending that Hindi should be the additional official language for the province?

The Honourable Mr. Rafi Ahmed Kidwai: I can inform the House that the case arose out of the presentation of a registered letter addressed in Hindi, and it was not accepted by a certain clerk. That case was brought to the notice of the Postmaster-General in Delhi on the 10th December and within three days that clerk was removed and a Hindi-knowing clerk was placed at every post office and instructions were issued that all the clerks should be taught Hindi as well.

Shri Deshbandhu Gupta: May I ask the Honourable Minister that in view of the fact that a resolution was passed by the Chief Commissioner's Advisory Council recognising Hindi as an additional official language, whether he will circularise all the post offices to make arrangements and see that all clerks dealing with mails must know both Urdu and Hindi?

The Honourable Mr. Rafi Ahmed Kidwai: If the Honourable Member sends me a copy of that resolution I will do it. But steps have already been taken and no circular is necessary.

Shri Deshbandhu Gupta: Will the Honourable Minister refer to the Home Ministry for getting a copy of the resolution?

Mr. Speaker: Order, order.

Shri H. V. Kamath: The Honourable Minister has stated that Urdu is the only script for the post office clerks in Delhi?

The Honourable Mr. Rafi Ahmed Kidwai: I did not say that.

Shri H. V. Kamath: Is the post office clerk to be familiar only with his own script?

Mr. Speaker: Will the Honourable Member resume his seat?

श्री गोकुलभाई भट्ट: अभी आपने जवाब दिया है कि हर एक पोस्ट-आफिस में एक क्लर्क ऐसा रखा जायेगा जो हिन्दी जानेगा। क्या यह बात है कि हिन्दी की जो देवनागरी लिपि है उसे जानने वाला सिर्फ एक ही क्लर्क एक पोस्ट-आफिस में रहेगा?

Shri Gokulbhai Daulatram Bhatt: You have just informed us that every post office will have a Hindi-knowing clerk. Is it meant that there will be only one clerk knowing Hindi in Devanagari script in each post office?

آنریبل مسٹر رفیع احمد قدوائی: میں نے ابھی عرض کر دی ہے کہ جتنے کلرک پوسٹ آفسوں میں ہونگے وہ سب ہندی بھی جانتھگے۔

The Honourable Mr. Rafi Ahmed Kidwai: I have just mentioned that all clerks in post offices will also be Hindi-knowing.

TRANSFERRED STARRED QUESTIONS AND ANSWERS†.

(a) ORAL ANSWERS

Mr. Speaker: The House will now proceed with the previous day's questions.

PERIOD OF VACATIONS FOR FEDERAL COURT OF INDIA AND CENTRALLY ADMINISTERED AND STATE AIDED COLLEGES.

9. *E. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state:

(a) for what length of period the following institutions are generally closed for the annual long vacation (i) Federal Court of India, (ii) Colleges under the administrative and financial control of the Central Government; and

(b) whether Government propose to reduce the period of long vacation in the public interest?

The Honourable Sardar Vallabhbhai Patel: (a) (i) Four months.

(ii) About two months. Delhi Polytechnic School is the only institution of this description.

(b) The Honourable the Chief Justice is prepared to consider the question of revising the period of vacation of the Federal Court when the volume of work justifies such revision. The vacation in the Delhi Polytechnic is not longer than that in other similar institutions.

APPOINTMENTS CARRYING SALARIES OF RUPEES THREE THOUSAND OR MORE PER MENSEM UNDER CENTRAL GOVERNMENT.

10. *E. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state the appointments under the Central Government which carry a salary of Rs. 3,000 and over per mensem mentioning the salary fixed in each case?

The Honourable Sardar Vallabhbhai Patel: A statement† containing the required information is laid on the table of the House.

Seth Govinddas: As the Pay Commission has recommended that the highest pay suitable for India should not be more than Rs. 3,000, will the Honourable the Home Minister see that notices are given to those officials who are getting more than Rs. 3,000? That if they do not accept less pay, their services should be terminated.

The Honourable Sardar Vallabhbhai Patel: It cannot be done because most of them are guaranteed and protected services in regard to whom we have given guarantees to the Secretary of State. Until this list of guaranteed officers is exhausted, we will have to pay them these salaries.

Seth Govinddas: Will the Government see that in future no officer is appointed who is getting more than Rs. 3,000 pay?

†The meeting of the Assembly fixed for the 29th January, 1948, having been cancelled, the Starred Questions for that day were taken up to-day after the questions put down for the day were disposed of.

The Honourable Sardar Vallabhbhai Patel: In future, no new recruit will be appointed on more than Rs. 3,000. But if the old officers were getting Rs. 3,000 and new ones would be entitled to get Rs. 3,000 according to their scale under the guarantee, they are bound to be given that pay.

Shri B. Das: Has any official drawing Rs. 3,000 and above in the I.C.S. volunteered to surrender any portion of his pay after 15th August 1947?

The Honourable Sardar Vallabhbhai Patel: If he voluntarily surrenders, then his surrender will be accepted.

Shri B. Das: Has any official of the I.C.S. drawing above Rs. 3,000 surrendered that portion of his salary?

The Honourable Sardar Vallabhbhai Patel: Well, so far no one has reported to us any such instance. If the Honourable Member has any such information, we will be willing to accept it.

Dr. B. Pattabhi Sitaramayya: Will the Home Ministry be pleased to use its influence in persuading officers drawing over Rs. 3,000 to make this voluntary sacrifice in view of the great rise in the scales of pay of the lower officers?

The Honourable Sardar Vallabhbhai Patel: After giving the guarantee it is not possible for the Home Minister to exercise any good offices over the people to whom a guarantee has been given. It is left to the officer himself.

Dr. B. Pattabhi Sitaramayya: I am not suggesting an infraction of duty.

Mr. Speaker: It is all right.

NUMBER OF OFFICERS AND SOLDIERS OPTED TO INDIA LEFT IN PAKISTAN.

11. ***Mr. E. K. Sidhva:** Will the Honourable Minister of Defence please state:

(a) whether the troops, who opted from Pakistan to India, have now all come over to India;

(b) if not, how many soldiers and officers have actually arrived in India and how many still remain behind;

(c) the number of soldiers and officers who opted out to India; and

(d) the reasons for the delay in their transfer to the Dominion of India?

The Honourable Sardar Baldev Singh: (a) No, Sir, as there are still a few in transit and some on duty in connection with the evacuation of refugees.

(b) and (c). Separate statistics are not readily available showing the total number of military personnel who were stationed in Pakistan at the time they opted for service in India. Figures of Indian military personnel still in Pakistan are being collected and will be laid on the table of the House shortly.

(d) The transfer of personnel has been continuous and its pace has been determined mainly by the transport facilities available.

Mr. E. K. Sidhva: May I know what is the meaning of "few" which the Honourable Minister has said in reply to (a)?

The Honourable Sardar Baldev Singh: I think there is a small number of military personnel in Pakistan. According to the information available, I think the number of regular troops is approximately six companies, that is 1½ battalions.

MONETARY GRANTS TO DELHI BRANCH OF HINDUSTAN SCOUT ASSOCIATION.

12. ***Mr. E. K. Sidhva:** (a) Will the Honourable Minister of Education please state whether it is a fact that in reply to a supplementary question raised on starred question No. 557 asked on 8th December, 1947, it was stated that the application of the Delhi Branch of the Hindustan Scout Association for a grant was receiving attention?

(b) If so, has the application been considered and the grant passed?

- (c) If so, what is the amount of the grant?
 (d) Do the Government of India pay annual grant to the All India Hindustan Scout Association (Allahabad)?
 (e) If so, what amount?
 (f) If not, have Government at any time received application from them for such a grant?
 (g) What is the amount of grant given to the Boy Scout Association in Delhi and its all India organization?
 (h) Is it a fact that the Hindustan Scout Association was started by Indian leaders and the Boy Scout Association by foreigners?

آنریبل مولانا ابولکلام آزاد : (a), (b) اور (c) : جب میں نے یہ بات کہی تھی کہ ہندوستان سکاوت ایسوسی ایشن کے گرانٹ ان ایڈ دیلے کے معاملہ پر سوچ بچار کیا جا رہا ہے تو میرا اس سے مطلب سنٹرل آرگنائزیشن کی درخواست سے تھا۔ دہلی برانچ اس ایسوسی ایشن کی لوکل گورنمنٹ سے تعلق رکھتی ہے۔ اور اُسے چار سو روپیہ دہلی ایڈمنسٹریٹیشن سے مل رہا ہے۔

(d), (e), اور (f) : ہندوستان سکاوت ایسوسی ایشن کے سنٹرل آرگنائزیشن کی درخواست پر فور کیا گیا ہے۔ اور اس کے لئے ۱۹۳۸-۳۹ کی بجٹ میں ۱۵۰۰۰ روپیہ اہم منظوری اس اسمبلی کے دکھا گیا ہے۔

(g) : بوائے سکاوت ایسوسی ایشن کی دہلی برانچ کو لوکل ایڈمنسٹریٹیشن سے ۲۷۰۰ روپیہ بطور گرانٹ مل رہا ہے۔ اور بوائے سکاوت ایسوسی ایشن کے سنٹرل آرگنائزیشن کو حکومت ہند سے ۱۵۰۰۰ روپیہ بطور گرانٹ ملتا ہے۔

(h) : جواب ہاں میں ہے۔ لیکن اونچے درجے کے ہندوستانی بھی بوائے سکاوتس ایسوسی ایشن میں ہیں۔

بہر حال بدلے ہوئے حالت میں میرا خیال ہے کہ اگر یہ دونوں آرگنائزیشن اکٹھے ہوجائیں تو بہتر ہوگا اور مجھے اُمید ہے کہ متعلقہ افسران اس پر غور کریں گے۔

The Honourable Maulana Abul Kalam Azad : (a), (b) and (c) When I said, Sir, that the question of a grant-in-aid to the Hindustan Scout Association was under consideration I meant the application of the central organisation of the Association.

The Delhi Branch of the Association comes within the purview of the Local Administration and is in receipt of a grant of Rs. 400 from the Delhi Administration.

(d), (e) and (f) The application of the Central organisation of the Hindustan Scout Association for a grant has been considered and subject to the vote of the Assembly a sum of Rs. 15,000 has been provided in the budget for 1948-49.

(g) The Delhi Branch of the Boy Scouts Association is in receipt of a grant of Rs. 2,700 from the Local Administration. The Central organisation of the Boy Scouts Association receives a grant of Rs. 15,000 from the Government of India.

(h) The answer is in the affirmative, but eminent Indians are also associated with the latter.

In view of the changed circumstances however, I think that it would be better if both these organisations were to amalgamate. I hope the office bearers concerned will consider this suggestion.

مسٹر آر۔ کے۔ سدھوا : آپ نے فرمایا ہے کہ ہندوستان سکولٹس ایسوسی ایشن کی دہلی برانچ کو لوکل ایڈمنسٹریٹیشن سے ۲۰۰۰ روپیہ گرانٹ دیا گیا۔ ہوائے سکولٹس کو ۲۷۰۰ روپے کے میں سمجھنا چاہتا ہوں کہ ہندوستان سکولٹس ایسوسی ایشن کو کیوں اتنی کم رقم دی گئی ہے۔

Mr. R. K. Sidhva: You have stated that the Delhi Branch of the Hindustan Scouts Association is in receipt of a grant of Rs. 400 from the Local Administration. The Boy Scouts Association has been granted Rs. 2,700. I would like to know why the Hindustan Scouts Association has been given a relatively lesser amount?

آریہل مولانا ابوالکلام آزاد : یہ سوال آپ دہلی کی گورنمنٹ سے کریں۔ ایسوسی ایشن کی دہلی برانچ کو جو گرانٹ دیا گیا ہے۔ وہ لوکل ایڈمنسٹریٹیشن نے دیا ہے۔ گورنمنٹ آف انڈیا کا اس سے کوئی تعلق نہیں ہے۔ اس میں شک نہیں کہ جو گرانٹ ان ایڈمنسٹریٹیشنوں کو دیئے گئے ہیں۔ ان میں فرق ضرور ہے۔

The Honourable Maulana Abul Kalam Azad: You may put this question to the Delhi Administration. The grant which the Delhi Branch of the Association receives has been sanctioned by the Local Administration. The Government of India is not concerned in the matter. There is no doubt that there is difference between the amounts of the grants-in-aid that have been allotted to these Associations.

شری دیش بندھو گھتا : کیا آریہل منسٹر دہلی کی گورنمنٹ کو ہدایت جاری کریں گے۔ کہ اتنی بھی گرانٹ ۲۷۰۰ روپیہ دی جائے۔

Shri Deshbandu Gupta: Will the Honourable Minister please issue necessary instructions to the Delhi Administration that the amount of grant to the Delhi Association may be raised to Rs. 2,700?

آریہل مولانا ابوالکلام آزاد : اس پر غور کیا جا رہا ہے۔

The Honourable Maulana Abul Kalam Azad: This is being considered.

شری اچ۔ وی۔ کامت : کیا وزیر صاحب یہ بتا سکتے ہیں کہ بوائز اسکاؤٹس ایسوسی ایشن میں شامل ہونے والے گاؤڈس شامل ہیں؟

Shri H. V. Kamath: Will the Honourable Minister please state if the Girl Guides also form part of the Boy Scouts Association?

آریہل مولانا ابوالکلام آزاد : میں یہ نہیں بتا سکتا ہوں۔

The Honourable Maulana Abul Kalam Azad: I cannot say this.

مسٹر آر۔ کے۔ سدھوا : کیا یہ صحیح ہے۔ کہ ہوائے سکولٹس ایسوسی ایشن کی allegiance king کے ساتھ ہے۔ اور ہندوستان سکولٹس ایسوسی ایشن کی country کے ساتھ ہے۔

Mr. R. K. Sidhva: Is it a fact that the Boy Scouts Association owe their allegiance to the King and the Hindustan Scouts Association to the country?

آریہل مولانا ابوالکلام آزاد : بھر حال جہاں تک king کی allegiance کا تعلق ہے وہ انڈین ڈومین کی ابھی ہوئی ہے۔

The Honourable Maulana Abul Kalam Azad: Any way, so far as the allegiance to the King is concerned, that also still applies to the Indian Dominion.

- مسٹر آر - کے سدھوا : کیا یہ صحیح نہیں ہے - کہ اب تک بھی بوائے سکاؤٹس ایسوسی ایشن کی allegiance کنگ کے ساتھ ہے - اور ہندوستان سکاؤٹس ایسوسی ایشن کی ملک کے ساتھ ہے -

Mr. E. K. Sidhva: Is it not a fact that even up till now the Boy Scouts Association owe their allegiance to the King and the Hindustan Scouts Association to the country?

آنریبل مولانا ابوالکلام آزاد : میں نے بتا دیا ہے - کہ پچھلے حالات میں یہ دونوں ن گئے ہیں - اور اب ہمیں یہ کوشش کرنی چاہئے ان دونوں کو ایک بنا دیا جائے -

The Honourable Maulana Abul Kalam Azad: I have just stated that these organisations were started under the circumstances existing in the past and we should now endeavour that both these should be amalgamated.

سٹھ गोविन्ददास क्या माननीय सदस्य इस बात को जानते हैं कि जहा तक दिल्ली सरकार का सम्बन्ध है वहां तक दिल्ली सरकार से सम्बन्ध रखने वाले जितने सवाल होते हैं वस इस एसेम्बली में पूछे जाते हैं और उनके जवाब देने की जिम्मेदारी इस एसेम्बली के मिनिस्ट्रों पर है ।

Seth Govinddas: Is the Honourable Minister aware of the fact that so far as the Delhi Administration is concerned, all questions relating thereto are asked in the floor of this House and the responsibility for answering them devolves on the Ministers in this Assembly?

آنریبل مولانا ابوالکلام آزاد : میرا مقصد یہ ہے - کہ لوکل گورنمنٹ نے جن حالات میں چار سو روپیہ دہلی برانچ کو دیا ہے ان حالات کی تفصیل میرے پاس نہیں ہے - لیکن اس بات پر غور ہو رہا ہے کہ انکو کبوں کم رقم دی گئی ہے -

The Honourable Maulana Abul Kalam Azad: What I mean to say is that I am not aware of the circumstances under which the Local Government sanctioned the grant of Rs. 400 to the Delhi Branch. Moreover I do not know the details which led to this decision. But the question as to why a lesser amount was granted to them is already receiving attention.

مسٹر آر - کے - سدھوا : کیا یہ صحیح بات نہیں ہے - کہ حکومت کی طرف سے کوشش کی گئی تھی - دونوں کو ملانے کے لئے - مگر وہ king کی allegiance نہیں چھوڑنا چاہتے تھے - ایسی حالت میں Government of India کیا کرنا چاہتی ہے - انکی گرانٹ کو بند کرنا چاہتی ہے - اور انکو کہنا چاہتی ہے کہ تمہیں king کی allegiance چھوڑنی پڑیگی -

Mr. E. K. Sidhva: Is it not a fact that efforts were made by the Government previously that both these should be amalgamated? But the Members of the Boy Scouts Association do not want to abjure their allegiance to the King. What steps do the Government of India propose to take under these circumstances? Do the Government intend to suspend payment of the grant and insist on their renouncing allegiance to the King?

آنریبل مولانا ابوالکلام آزاد : ہمیں یہ کوشش کرنی چاہیے۔ کہ یہ دونوں ایک ہو جائیں۔

The Honourable Maulana Abul Kalam Azad: We should try that both these should be amalgamated.

شری دیش بندھو گپتا : کیا یہ تھیک ہے۔ کہ دہلی سکوتس ایسوسی ایشن کی طرف سے یہ درخواست کی گئی تھی کہ جسقدر کوائٹ بوائے سکوتس ایسوسی ایشن کو دیا گیا ہے۔ اسی قدر انکو ہی دیا جائے۔

Shri Deshbandhu Gupta: Is it a fact that the Delhi Scouts Association submitted a representation to the effect that they should also be granted the same amount as was given to the Boy Scouts Association?

آنریبل مولانا ابوالکلام آزاد : میں اس کے متعلق جواب نہیں دے سکتا۔ مجھے معلوم نہیں۔

The Honourable Maulana Abul Kalam Azad: I cannot give any reply to this. I do not know.

POLICY re-ADOPTION OF ONE INDIAN LANGUAGE IN PLACE OF ENGLISH AS OFFICIAL LANGUAGE IN CENTRE AND PROVINCES.

13. ***Mr. E. K. Sidhva:** (a) Will the Honourable Minister of Education please state whether it is a fact that he stated at the last convocation address of the Patna University that a limit of 5 years' time be fixed for continuing the English language along with an Indian language and that at the sixth year only one Indian language be used as the official language, in Central and Provincial Governments?

(b) Is that the decision of the Government of India?

(c) If so, has any province discarded the English language altogether for official business and adopted only one Indian language?

(d) If so, which are those provinces and do Government propose to issue instructions to those provinces to continue English language along with an Indian language for official purposes for 5 years?

آنریبل مولانا ابوالکلام آزاد : (a) ہاں

(b) نہیں۔ یہ مہروی ذاتی رائے ہے۔ اور مجھے اُمید ہے

کہ وقت آنے پر گورنمنٹ ایسپر مناسب سوچ بچار کریگی۔

(c) جہاں تک حکومت کو علم ہے کسی صوبہ نے ایسا نہیں

کیا ہے۔

(d) یہ سوال پیدا نہیں ہوتا۔

The Honourable Maulana Abul Kalam Azad: (a) Yes.

(b) No. This is my personal opinion, and I hope that when the time comes, Government will pay the necessary attention to this point of view.

(c) As far as Government is aware, no Province has done so up till now.

(d) Does not arise.

सेठ गोविन्ददास : क्या माननीय सदस्य को यह बात मालूम है कि हिन्दुस्तान के भाषा-विज्ञ लोय इस बात को मानते हैं कि हिन्दुस्तान में पांच वर्ष तक अंग्रेजी भाषा की शिक्षा रहने की बिल्कुल अ वश्यकता नहीं है ?

Seth Govinddas: Is the Honourable Minister aware of the fact that the linguists in India believe that there is obviously no necessity to continue teaching in the English language in the country for five years?

آنریبل مولانا ابوالکلام آزاد : یہ رائے کا سوال ہے۔

The Honourable Maulana Abul Kalam Azad: This is a matter of opinion.

مولانا حسرت موہانی : جہاں تک یو۔ پی کا تعلق ہے۔ میں معزز وزیر صاحب سے بتانا چاہتا ہوں۔ کہ انہوں نے پہلے دن سے ہی انگریزی کو بالکل مٹا دیا ہے۔ اب یو۔ پی میں کوئی کارروائی بغیر ہندی کے کسی اور زبان میں نہیں ہوتی ہے۔ گورنمنٹ کثرت بھی ہندی میں چھپتا ہے اور سارے circulars اسی ایک زبان میں جاری ہوتے ہیں۔ انہوں نے انگریزی کو بالکل خارج کر دیا ہے۔

Maulana Haarat Mohani: So far as the U.P. Government is concerned, I would like to tell the Honourable Minister that they finished with the English language from the very start. At present no business is conducted in U.P. in any other language except Hindi. The Government Gazette is also printed in Hindi. And moreover all the circulars are issued in this very language. They have discarded English for all purposes.

Mr. Speaker: The Honourable Member will see that it is for the Minister to give information and he should put a question.

Maulana Haarat Mohani: This is with reference to part (c) of the question. کیا معزز وزیر صاحب کو یہ معلوم ہے۔ کہ یو۔ پی گورنمنٹ نے انگریزی قطعی طور پر ہٹا دی ہے۔ اور صرف ہندی زبان جاری کر دی ہے۔ تاکہ جو لوگ صرف اردو جانتے ہیں۔ وہ کچھ بھی نہ سمجھ سکیں۔

Is the Honourable Minister aware of the fact that U.P. Government have altogether done away with the English language and introduced the Hindi language so that the people who know Urdu only may not be able to understand anything?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ آف انڈیا کے علم میں یہ ہے۔ کہ یو۔ پی میں گورنمنٹ کثرت انگریزی میں بھی نکلتا ہے۔

The Honourable Maulana Abul Kalam Azad: It is within the knowledge of the Government of India that in U.P. the Government Gazette is published in English also.

Mr. Frank R. Anthony: Is the Honourable Minister aware of the undue hardship which is being caused to the non-Hindi-knowing people by the precipitate language policy of certain provinces like the Central and United Provinces?

Mr. Frank R. Anthony: Is the Honourable Minister aware of the undue answer.

STUDENTS TRAINED AS MIDWIVES, NURSES AND HEALTH VISITORS IN GOVERNMENT INSTITUTIONS IN DELHI EVERY YEAR.

-14. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Health please state the names of Institutions maintained by Government and those which receive Government grants for training midwives, nurses and Health visitors in Delhi?

(b) What is the full capacity for admission of students of these three categories?

(c) Is it a fact that a larger number of students than the total strength of Institutions apply every year for admission?

(d) If so, how many approximately are refused admission?

(e) Do Government propose to consider the question of increasing the total number of students in these categories in view of the scarcity of midwives and nurses?

The Honourable Rajkumari Amrit Kaur: (a) The institutions are (i) The College of Nursing, (ii) The Irwin Hospital, (iii) The Lady Hardinge Medical College Hospital, (iv) The Lady Reading Health School, (v) The St. Stephen's Hospital and (vi) The Victoria Zanana Hospital.

Of these the first two are maintained by Government and the rest are aided.

(b) The present maximum capacity of the institutions to admit students is as follows:

15 for training as midwives.

221 for training as Nurses.

28 for training as Health Visitors.

(c) Yes.

(d) The number of refusals varies between 50 and 60 approximately per annum.

(e) The question is receiving the attention of Government.

REPRESENTATION BY BIHAR GOVERNMENT re-MERGER OF KHARSAWAN AND OTHER STATES WITH ORISSA.

15. ***Shri Brajeshwar Prasad:** (a) Will the Honourable Minister of States be pleased to state whether Government have received any representation from the Government of Bihar regarding the handing over of Kharsawan and other adjoining States to the administration of the Government of Orissa?

(b) Have Government taken or propose to take up this matter with the Government of Bihar?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). A representation was received from the Government of Bihar in regard to the transfer of the administration of Kharsawan and Sareikella States to the Government of Orissa. The Government of Bihar was informed that the transfer of the States was a purely interim measure necessitated by the complete breakdown of law and order in the States and that a final decision regarding the Province with which the States should be integrated would be taken after considering all the relevant factors. An Enquiry Commission is being set up to report on the issue.

Shri B. Das: May I know whether the attention of the Honourable Minister has been drawn to the strong misrepresentation in the Bihar press against the Orissa Government and the people of Orissa in this matter and has the Honourable Minister taken any action against such misrepresentation in the Bihar press?

The Honourable Sardar Vallabhbhai Patel: This is not a question concerning what appears in the Bihar press. The Honourable Member's question does not arise out of the question under reply.

Shri H. V. Kamath: What is going to be the composition of the Enquiry Commission that is being set up?

The Honourable Sardar Vallabhbhai Patel: A judge of the High Court of Bombay.

Shri Yudhisthir Misra: May I know whether it is a fact that the Rulers of Kharsawan and Sareikella States have agreed by their agreement on the 14th or 15th of December, 1947, to merge their States with the Province of Orissa permanently?

The Honourable Sardar Vallabhbhai Patel: It is true that they have signed the Covenant.

Shri Mihir Lal Chattopadhyay: May I ask whether any representation has been received from the Government of West Bengal regarding the incorporation of Sareikella with West Bengal?

The Honourable Sardar Vallabhbhai Patel: All representations that have been received and that will be received from other Governments will be forwarded to the Commission that has been appointed.

Pandit Balkrishna Sharma: In view of the inter-provincial rivalry between West Bengal, Bihar and Orissa about these States, will the Government take into consideration the suggestion that they might all be transferred to the United Provinces?

The Honourable Sardar Vallabhbhai Patel: If the United Provinces put in their claim, it will also be referred to the Commission.

(b) WRITTEN ANSWERS

RETRENCHMENT OF V. C. Os, MILITARY ASSISTANT STORE KEEPERS AND NEW RECRUITMENT IN CADRE OF ORDENANCE OFFICERS CIVILIANS.

16. ***Diwan Chaman Lal:** (a) Will the Honourable Minister of Defence be pleased to state how and in what circumstances the posts of V. C. Os., M.A.S.K. in the I.A.O.C. and O. Os. C. (Ordnance Officers Civilians) were created and what is their future?

(b) What are the basic educational and other qualifications for direct recruitment as V. C. O., Military Assistant Store Keeper in I.A.O.C. and O. Os. C. and what are the scales of pay for them?

(c) Is it a fact that 1,500 out of about 1,800 V. C. Os., M.A.S.K. in the I.A.O.C. have been declared surplus and are shortly being released, while new recruitment is being made to the cadre of the O. Os. C.?

(d) What is the reason for such treatment being meted to the V. C. Os. in comparison with the treatment meted out to the O. Os. C.?

(e) Is it a fact that if all the vacancies caused by the departure of B. O. Rs. are filled up by the V. C. Os., all the V. C. Os. in the Indian Army will be absorbed?

(f) If the answer to part (e) above be in the affirmative, why are all such vacancies not being filled up by the V. C. Os.?

The Honourable Sardar Baldev Singh: (a) The cadre of V.C.Os., M.A.S.K., was created in 1942 with a view to combatizing the I.A.O.C. to meet demands for Field Units. Permanent serving civilians were allowed to elect combatant terms or status for the duration of the emergency or for such period as their services were required.

A serving V.C.O. is entitled—

- (i) to apply for a Short Service or a Regular Commission if eligible;
- (ii) to remain as V.C.O. in the post-war cadre depending on his suitability for retention in the post-war army;
- (iii) to revert to his substantive civilian appointment if he holds a lien;
or
- (iv) to revert to the rank of Havildar if he so desires and provided a vacancy exists.

The cadre of Ordnance Officers (Civilians) was created as a war measure to meet the deficiency in the strength of military officers.

The retention of the cadre of Ordnance Officers (Civilians) in the post-war army is at present under consideration. It is also being considered whether they should be allowed to apply for Short Service or Regular Commissions. They can, of course, revert to their substantive appointments if they hold a lien.

- (b) I lay a statement on the table of the House.
 (c) No.
 (d) Does not arise in view of (c) above.
 (e) No.
 (f) Does not arise in view of the answer to part (e).

Statement

The basic educational qualification for direct recruitment of a V. O. O., Military Assistant Store Keeper in the I. A. O. C. was a degree of a recognised University. The scales of pay are as follows :—

(i) Old Rates :

Pay	Grade Pay	War Service Increment
Jemadar 80—5—105	60 p. m.	10.
Subedar—140—10—180	60 p. m.	13.
Subedar Major—200—15—260 + Rs. 50 p. m. personal allowance		

(ii) New Rates :

Pay	Dearness Allowance
Jemadar—122/8—5—137—8	20
Subedar—162/8—10—192/8	22/8
Subedar Major—266	30

The educational qualification for Ordnance Officers (Civilians) recruited direct in the I. A. O. C. was a degree of a recognised University. The scale of pay is :—

(i) Old Rates :—Rs. 340—20—600

(ii) New Rates :—Rs. 275—25—500 Efficiency bar—30—650

FIRING IN A COTTON MILL OF DELHI TO SUPPRESS LABOUR AGITATION.

17. ***Diwan Chaman Lal**: Will the Honourable Minister of Home Affairs be pleased to state:

(a) the circumstances under which firing which resulted in death and injury to people, was resorted to, in connection with the strike in a Cotton Mill in Delhi in the month of December, 1947;

(b) whether the orders to fire were given by a competent authority;

(c) whether instructions have been given to avoid the use of fire-arms, in order to suppress agitation among the working classes in connection with industrial disputes; and

(d) whether an enquiry was held into this specific case of firing and if so, whether the results of the enquiry are available?

The Honourable Sardar Vallabhbhai Patel: (a) On the 8th December 1947 an urgent call was received at the Subzimandi Police Station that a mob of workers had gathered outside the Manager's Office and had become riotous. Four armed foot constables were sent to the mill. On arrival they were man-handled, and brickbats were thrown at them. An attempt was also made

forcibly to take away their rifles whereupon they fired in self-defence. One person was injured and died later.

(b) Fire was opened in self-defence.

(c) Existing instructions permit the use of fire-arms, when unavoidable, only for dealing with unlawful assemblies or in self-defence. No further instructions are therefore necessary.

(d) An enquiry was held by a magistrate. The report justifies the firing and the finding is that the casualty was incidental rather than intentional.

POSITION re-MERGER OF STATES WITH INDIAN UNION AND RELATIONS WITH EX-RULERS

18. *Diwan Chaman Lal: Will the Honourable Minister of States be pleased to state:

(a) the present position regarding the merger of several Indian States with the Indian Union?

(b) what liabilities have been undertaken by the Indian Union in respect of the rulers of such States;

(c) whether any documents have been executed between the Rulers and the Government of India regarding the terms of the merger and the obligations towards the ex-rulers of the merging States; and

(d) how many States still remain outside the various schemes of merger?

The Honourable Sardar Vallabhbhai Patel: (a) to (d) The Rulers of 25 Orissa States and 14 Chhattisgarh States have signed an agreement under which the administration of the former will be integrated with the Orissa Province and of the latter with the Central Provinces and Berar. The Ruler of Makrai situated in the Hoshangabad District of the Central Provinces has also signed an agreement for the integration of his State with that Province. A copy of the standard form of these agreements is placed on the Table of the House. The Rulers of 30 Kathiawar States have signed a Covenant for the integration of the States and the Talukas in Kathiawar in a United Kathiawar State. A copy of the Covenant is placed on the Table of the House. Under these agreements the Rulers concerned have been guaranteed a privy purse, and their existing personal rights and privileges. Rulers of 3 Deccan States namely Jath, Jamkhandi and Akalkot have also agreed to merge their States with the Province of Bombay.

Standard Form of Agreements.

AGREEMENT made this fourteenth day of December 1947 between the Governor-General of India and the Raja of.....

WHEREAS in the immediate interests of the State and its people, the Raja of..... is desirous that the administration of the State should be integrated as early as possible with that of the Province of Orissa in such manner as the Government of the Dominion of India may think fit; O.P.

It is hereby agreed as follows:—

Article 1.

The Raja of..... hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of January 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

Article 2.

The Raja shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of.....rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

Article 3.

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Raja will furnish to the Dominion Government before the 1st day of January 1948 an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of the Raja or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

Article 4.

The Raja, the Rani, the Rajmata, the Yuvraja and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

Article 5.

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and.....Raja of.....has appended his signature on behalf of himself, his heirs and successors.

Cuttack.

Dated December 14th 1947.

Raja of.....

.....
 Secy. to the Govt. of India
 Ministry of States.

The Covenant entered into by the Rulers of Kathiawar States for the formation of the United State of Kathiawar.

WE, the Rulers of certain States in Kathiawar,

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a state comprising the territories of the numerous States, Estates and Talukas in Kathiawar with a common Executive, Legislature and Judiciary,

AND HAVING resolved to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for that State within the frame-work of the Constitution of India to which we have already acceded, and of this Covenant,

DO HEREBY, with the concurrence and guarantee of the Government of India, enter into the following COVENANT—

ARTICLE I

In this Covenant,—

- (a) "Covenanting State" means any of the States mentioned in Schedule I the Ruler of which has, whether by himself or by a duly authorised representative, signed this Covenant;
- (b) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I;

- (c) "Covenanting Non-Salute State" means any Covenanting State which is mentioned in Part B of Schedule I; and
- (d) unless there is anything repugnant in the subject or context, references to the Ruler of a State, or the Talukdar of a Taluka, include any person or persons for the time being exercising the powers of the Ruler or Talukdar whether by reason of his minority or for any other reason.

ARTICLE II

- (1) The Covenanting States agree—
- (a) to unite and integrate their territories in one State, with a common executive, legislature and judiciary, by the name of "THE UNITED STATE OF KATHIAWAR"; and
- (b) to include in the United State so established, any other State, Taluka or Estate the Ruler or Talukdar of which agrees, with the approval of the Government of India, to the merger of that State, Taluka or Estate in the United State of Kathiawar.
- (2) The terms of all the agreements of merger referred to in clause (b) of paragraph (1) of this Article shall be binding on the United State and shall be deemed to be part of this Covenant.

ARTICLE III

- (1) There shall be a Council of the Rulers of the Covenanting Salute States.
- (2) There shall be a Presidium consisting of five members, each of whom shall be the Ruler of a Covenanting State and shall be not less than 21 years of age.
- (3) Subject to the condition mentioned in paragraph (2) of this Article, the Rulers of Nawanagar and Bhavnagar shall be permanent members of the Presidium, one member shall be elected from among themselves by the Rulers of the Covenanting Non-Salute States; and the other members shall be elected from among themselves by the members of the Council of Rulers other than Nawanagar and Bhavnagar.
- (4) The Council of Rulers shall elect one member of the Presidium to be the President, and another to be the Vice-President of the Presidium, and the President so elected shall be the RAJ PRAMUKH of the United State.
- (5) A Ruler elected as a member of the Presidium in pursuance of paragraph (3), or as the President or the Vice-President of the Presidium in pursuance of paragraph (4), of this Article shall be entitled to hold office as such member, President or Vice-President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.
- (6) Notwithstanding anything to the contrary contained in the preceding paragraphs of this Article—
- (a) the present Rulers of Nawanagar and Bhavnagar, having been elected President and Vice-President, respectively, of the Presidium by the Rulers concerned on the 17th January, 1948, shall be the first President and Vice-President, respectively, of the Presidium;
- (b) the present Rulers of Dharangadhra, Palitana and Kotda-Sangani, having been elected members of the Presidium by the Rulers concerned on the 17th and 21st January, 1948, shall be the first elected members of the Presidium; and
- (c) the said President, Vice-President and members of the Presidium shall, for the purposes of paragraph (5) of this Article, be deemed to have entered upon the duties of their respective offices on the 1st February, 1948.

ARTICLE IV

- (1) The Raj Pramukh shall be entitled to the same salary, allowances, and other amenities enabling him to discharge conveniently and with dignity the duties of his office, as the Governor of Bombay is entitled to on the 20th January, 1948.
- (2) If the Raj Pramukh is by reason of absence or illness, or for any other reason, unable to perform the duties of his office, those duties shall, until he has resumed them, be performed by the Vice-President of the Presidium. During such period the Vice-President shall be entitled to the same salary, allowances and other amenities as the Raj Pramukh.

ARTICLE V

- (1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions except those under paragraph (2) of Article VII.
- (2) The Ministers shall be chosen by, and shall hold office during the pleasure of, the Raj Pramukh.

(3) For the purpose of choosing the first Council of Ministers the Raj Pramukh shall convene, not later than the 20th February, 1948, a meeting of the members of the Electoral College of Kathiawar (formed for electing representatives to the Constituent Assembly of India) but excluding the members from the States of Cutch, Idar and Badhanpur.

ARTICLE VI

(1) The Ruler of each Covenanting State shall, as soon as may be practicable, and in any event not later than the 15th April, 1948, make over the administration of his State to the Raj Pramukh; and thereupon—

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain, or are incidental, to the government of the Covenanting State shall vest in the United State of Kathiawar, and shall thereafter be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder;
- (b) all duties and obligations of the Ruler pertaining or incidental to the government of the Covenanting State shall devolve on the United State of Kathiawar and shall be discharged by it; and
- (c) all the assets and liabilities of the Covenanting State shall be the assets and liabilities of the United State of Kathiawar.

(2) When in pursuance of any such agreement of merger as is referred to in clause (b) of paragraph (1) of Article II the administration of any other State, Taluka or Estate is handed over to the Raj Pramukh, the provisions of clauses (a) and (b) of paragraph (1) of this Article, and in the case of a State, the provisions also of clause (c) thereof, shall apply in relation to such State, Taluka or Estate as they apply in relation to a Covenanting State, with the modification that in relation to a Taluka or Estate, the references in the said clauses to the Ruler shall be construed as references to the Talukdar.

ARTICLE VII

(1) The military forces, if any, of each Covenanting State shall, as from the date on which the administration of such State is made over to the Raj Pramukh, become the military forces of the United State of Kathiawar.

(2) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority to raise, maintain and administer the military forces of the United State shall vest exclusively in the Raj Pramukh :

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from consulting the Presidium or the Council of Ministers in regard to any of the said matters.

ARTICLE VIII

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him: but anything in this Article shall prevent any competent legislature of the United State from conferring functions upon subordinate authorities, or be deemed to transfer to the Raj Pramukh any functions conferred by any ~~existing law on any court, judge, officer or local authority~~ in a Covenanting State.

ARTICLE IX

(1) There shall be formed, as soon as may be practicable, a Kathiawar Constituent Assembly in the manner indicated in Schedule II.

(2) It shall be the duty of the said Assembly to frame a Constitution for the United State (whether of a unitary or federal type) within the framework of this Covenant and the Constitution of India, and providing for a government responsible to the legislature.

(3) Until a Constitution so framed comes into operation after receiving the assent of the Raj Pramukh, the legislative authority of the United State shall vest in the Raj Pramukh, who may make and promulgate Ordinances for the peace and good government of the State or any part thereof, and any Ordinance so made shall have the like force of law as an Act passed by the legislature of the State.

ARTICLE X

(1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenues of the United State for his privy purse, the amount specified against that Covenanting State in Schedule I.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and shall neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the United State of Kathiawar or by the Government of India.

ARTICLE XI

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh.

(2) He shall furnish to the Raj Pramukh within one month of the said date an inventory of all the immoveable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate, and the decision of that person shall be final and binding on all parties concerned.

ARTICLE XII

The Ruler of each Covenanting State, as also the members, of his family shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

ARTICLE XIII

(1) The succession, according to law and custom, to the *gaddi* of each Covenanting State, and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Council of Rulers after referring it to the High Court of Kathiawar and in accordance with the opinion given by that High Court.

ARTICLE XIV

No enquiry shall be made by or under the authority of the State of Kathiawar, and no proceedings shall lie in any court in that State, against the Ruler of any Covenanting State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

ARTICLE XV

The Government of Kathiawar shall, in consultation with the Government of India and the Government of Bombay, take all steps necessary to set up a Joint Advisory Council, consisting of Ministers of Kathiawar and Ministers of the Province of Bombay, for investigating and discussing subjects of common concern and making recommendations thereon, and in particular recommendations for the better co-ordination of policy and action with respect to any such subject.

ARTICLE XVI

(1) The United State of Kathiawar hereby guarantees either the continuance in service of the permanent members of the public services of each of the Covenanting States on conditions which will be not less advantageous than those on which they were serving before the date on which the administration of that State is made over to the Raj Pramukh or the payment of reasonable compensation.

(2) The United State of Kathiawar further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenanting States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, before the date referred to in paragraph (1) of this article.

(3) The provisions of paragraphs (1) and (2) of this Article shall apply also in relation to the public services of any other State in Kathiawar merging in the United State of Kathiawar; and the provisions of paragraph (1) shall apply also in relation to any staff of the Regional Commissioner, Western India and Gujarat States, which may be transferred to the service of the United State of Kathiawar.

ARTICLE XVII

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenanting State before the date on which the administration thereof is made over to the Raj Pramukh.

ARTICLE XVIII

Nothing in this Covenant shall be deemed to prevent the Government of Kathiawar from negotiating a Union of Kathiawar with other Gujarati Speaking areas on such terms and conditions as may be agreed to by the Council of Rulers, as well as the Council of Ministers, of Kathiawar.

SCHEDULE I

Covenanting States and Privy Purse Amounts.

PART A. SALUTE STATES.		Rs.
1. Nawanager		10,00,000
2. Bhavnagar		
3. Porbandar		3,80,000
4. Dhrangadhra		3,80,000
5. Morvi		8,00,000
6. Gondal		8,00,000
7. Jafrabad		16,000
8. Wankaner		1,80,000
9. Palitana		1,80,000
10. Dhrol		1,10,000
11. Limbdi		1,95,000
12. Rajkot		2,85,000
13. Wadhwan		1,42,000

PART B. NON-SALUTE STATES		Rs.
1. Lakhtar		91,000
2. Sayla		62,500
3. Chuda		51,250
4. Vala		88,750
5. Jasdan		1,50,000
6. Amarnagar Thana-Devli		1,00,000
7. Vadia		78,250
8. Lathi		77,500
9. Muli		
10. Bajana		65,500
11. Virpur		44,500
12. Maliya		47,500
13. Kotda-Sangani		67,000
14. Jetpur		1,00,000
15. Bilkha		1,00,000
16. Patdi		20,000
17. Khirasra		30,000

SCHEDULE II

Provisions relating to the Kathiawar Constituent Assembly.

1. The Assembly shall consist of not more than forty-five elected representatives of the people of the United State of Kathiawar on the basis of one representative for approximately one lakh of the population :

Provided that the people of each Covenanting Salute State shall, irrespective of their number, be entitled to elect at least one representative.

2. The United State of Kathiawar shall be divided into territorial constituencies and the total number of seats shall be distributed among them by assigning to each constituency one or two seats as may be convenient. As far as possible the constituencies shall be so delimited as not to cut across the boundaries of any compact part of a Covenanting State.

3. The qualifications for membership of the Assembly and for being included in the electoral rolls shall be similar to those prescribed in relation to the Provincial Legislative Assembly of Bombay, subject to necessary modifications :

Provided that no person shall be disqualified either from being chosen as, or from being, a member of the Assembly or from being included in the electoral roll of a constituency, merely because he is the Ruler of a Covenanting or other State, or the Talukdar of a Taluka or Estate.

4. An order shall in due course be made and proclaimed by the Raj Pramukh providing, consistently with the foregoing provisions of this Schedule, for—

- (a) the delimitation of constituencies;
- (b) the preparation of electoral rolls;
- (c) the qualifications for membership of the Assembly;
- (d) the qualifications entitling persons to vote in the elections;
- (e) conduct of the elections, including bye-elections for the filling of casual vacancies;
- (f) corrupt practices at or in connection with such elections; and
- (g) the decision of doubts and disputes arising out of or in connection with such elections.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

*Secretary to the Government of India,
Ministry of States.*

GOVERNMENT FAILURE TO SET AN ADEQUATE NUMBER OF TROOPS AGAINST RAIDERS CONCENTRATION IN JHANGER AREA.

19. ***Diwan Chaman Lall**: Will the Honourable Minister of Defence be pleased to state:

(a) whether it is a fact that previous information was available to the authorities of concentrations of raiders, amounting to nearly 6,000, round-about Jhanger area before the attack actually developed;

(b) whether it is a fact that, in spite of this previous information being available to the authorities, no steps were taken to increase the strength of our troops in the Jhanger area; and

(c) whether steps have now been taken to make an enquiry into the case?

The Honourable Sardar Baldev Singh: (a) to (c) It is not in the public interest to answer this question at present. It will be appreciated that speculation on such matters based on rumours is strongly to be deprecated.

GOVERNMENT OF INDIA SCHEDULED CASTE SCHOLARSHIPS TO STUDENTS FROM EAST PAKISTAN.

20. ***Shri Upendra Nath Barman**: (a) Will the Honourable Minister of Education be pleased to state whether it is a fact that there are several students receiving Government of India Scheduled Caste Scholarships, whose home districts have now fallen in East Bengal and who are continuing their studies in West Bengal Colleges and Institutions?

(b) Is it a fact that the Government of India have referred these students to correspond with the Government of Pakistan at Karachi as regards the continuance of their Scholarships?

(c) Are Government aware that most of the students will have to discontinue their studies if the Scholarships are stopped?

(d) What course of action Government propose to take so that the career of these students may not be hampered?

The Honourable Maulana Abul Kalam Azad: (a) The Government of India Scheduled Caste Scholarships are intended for the nationals of the Dominion of India only, and as such scholarships to students whose home districts have fallen in the East Bengal will not be granted by this Government, even if they happen to continue their studies in West Bengal colleges or institutions.

(b) Yes, Sir. Previous papers of all such candidates, who are nationals of Pakistan, were transferred to that Government and the students were asked to correspond with the Government of Pakistan in regard to their scholarships.

(c) Government have no reason to believe that the Government of Pakistan will discontinue the scholarships of students who belong to Pakistan.

(d) The Government of India are always prepared to consider cases of students who belong to Pakistan but have permanently migrated to this Dominion provided a certificate from the local authority is produced by the student to that effect.

ACCESSION OF INDORE STATE TO INDIAN UNION.

21. ***Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of States be pleased to state whether it is a fact that the Government of India had accepted the accession of the Indore State to the Indian Union only on the Maharaja's undertaking to accept a nominee of the Government of India to act as the Prime Minister of the State for a period of three years?

The Honourable Sardar Vallabhbhai Patel: No.

SYED KASIM RAZVI'S STATEMENT re HYDERABAD'S ACCESSION TO INDIAN UNION AFTER TERMINATION OF STANDSTILL AGREEMENT.

22. ***Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of States be pleased to state, whether the attention of the Government of India has been drawn to the statement made by Syed Kasim Razvi, President of the Majlis Ittehadul-Muslemin, and published in the *Hindustan Times*, dated the 5th January 1948, to the effect that "those at the helm of affairs in India who thought Hyderabad would accede to the Union after the termination of the Standstill Agreement were deluding themselves", and that "the monarchical Government of the Hyderabad State is far better than the so called democracy of India"?

(b) Have the Government of India taken any step to ascertain the views of the Nizam's Government on the aforesaid statement? If so, with what result?

The Honourable Sardar Vallabhbhai Patel: (a) I have seen a press report to this effect.

(b) The answer to the first part of the question is in the negative. The second part does not arise.

BAN BY NIZAM'S GOVERNMENT ON USE OF INDIAN RUPEES AND EXPORT OF PRECIOUS METALS.

23. ***Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of States be pleased to state whether it is a fact that the Nizam's Government in Hyderabad has promulgated an order banning the export from the State of

gold, silver, copper, zinc, nickel and any other precious metal whether as ornaments or in any other form or quantity?

(b) Are Government aware that the Nizam's Government have promulgated an ordinance prohibiting the use of the Indian rupee within the State for cash transactions?

(c) Are Government aware that the Nizam's Government propose to promulgate a Foreign Exchange Regulation Ordinance?

(d) Do the above constitute a breach by the Nizam of the Standstill Agreement or of the spirit underlying the same? What steps, if any, have the Government of India taken so far in the matter and with what result?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes. These matters will be the subject of discussion with the Prime Minister of Hyderabad when he visits Delhi tomorrow.

SWAMI RAMANAND TIRTHA'S STATEMENT re BARBAROUS SUPPRESSION OF PEOPLE IN HYDERABAD STATE AND NIZAM'S BAN ON *Hindustan Times*

24. ***Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of States be pleased to state whether the attention of the Government of India has been drawn to the statement of Swami Ramanand Tirtha, Leader of the Hyderabad State Congress, to the effect that, "The suppression of the people in Hyderabad State is so barbarous that I appeal to the conscience of the Indian nation to take serious cognizance of it before it is too late", and also to the fact that the Nizam's Government, has banned the circulation of the *Hindustan Times* within the State?

(b) Do the Government of India propose to make any representation on the subject to the Nizam's Government?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) No.

NEWS re GRANT OF A LOAN BY NIZAM TO PAKISTAN GOVERNMENT.

25. ***Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of States be pleased to state, whether the attention of the Government of India has been drawn to the news published in the Indian Newspapers that the Government of Pakistan have asked for and the Nizam has agreed to grant a loan of Rs. 25 crores to Pakistan?

(b) Have the Government ascertained the authenticity of this news from the Nizam's Government? If so, with what result?

(c) In case the news be correct, what steps have the Government of India so far taken or contemplate to take to prevent this act on the part of the Nizam's Government?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). The amount involved is Rs. 20 crores and Hyderabad Government have represented that the transaction is an exchange of securities of the Government of India with the securities of the Government of Pakistan.

(c) The transaction had already been effected before the Government of India came to know about it. The question of preventive measures did not, therefore, arise. The whole matter, however, is the subject of discussion between the Government of India and the Nizam's Government.

BANKING COMPANIES BILL

The Honourable Shri E. K. Shanmukham Chetty (Minister for Finance): Sir, I move for leave to withdraw the Bill to consolidate and amend the law relating to banking companies.

In making this motion, Mr. Speaker, I would like to say just a word by way of explanation as to why I am making this motion. Honourable Members might remember that in the last session of this Assembly I made a motion that this Bill which was pending in the old Assembly might be continued, and my motion was then accepted by this House. It was my intention when making that motion that this Bill as amended by the Select Committee of the old Legislative Assembly might be taken up for consideration during this Session. On a close scrutiny of the Report of the Select Committee and the Bill as amended by the Select Committee I found that it became necessary for moving a number of amendments consequent on the constitutional changes. It was also necessary to move a number of drafting amendments. I thought that if the Bill was taken in the form in which it was amended by the Select Committee and if all these innumerable amendments were taken into consideration in this House it might cause a great deal of confusion, especially by reason of the fact that many of the Honourable Members in this House are unfamiliar with the background of this Bill. Purely, therefore, from the point of view of convenience in procedure I have now decided to withdraw the old Bill and it is my intention to introduce a new Bill very shortly, incorporating all these amendments. I think such a procedure will facilitate work in this House and will also enable Honourable Members to get a better appreciation of the provisions of this Bill. As I said, it is my intention to introduce the new Bill very shortly, refer it to a Select Committee and, if possible, take it for consideration and final passing in the current session itself. Sir, I move

Mr. Speaker: Motion moved:

"That leave be granted to withdraw the Bill to consolidate and amend the law relating to banking companies."

Shri Rohini Kumar Chaudhuri (Assam: General): Sir, I would like to know whether the restrictions regarding the opening of new branches of a bank, which form part of the Bill which is being withdrawn, will now continue in the form of an Ordinance issued for the purpose or whether these restrictions will not exist.

The Honourable Shri R. K. Shanmukham Chetty: Sir, it is not my intention to continue by way of Ordinance any of the provisions of the Bill which is being withdrawn.

Shri B. Das (Orissa: General): Sir, I welcome the speech of the Honourable the Finance Minister and I do hope that other Ministers in the Cabinet will follow the salutary precedent which the Honourable the Finance Minister has introduced. Many such Bills have been introduced in the defunct Legislature which a free India Legislature and a more free India Government cannot countenance. It is better everything starts anew and I hope the other Ministers will follow this practice. The Bill as was introduced was based on a policy that was dictated by the Bank of England and I am very glad that the measure is now being withdrawn and that a fresh measure would be brought before the House.

Mr. Speaker: The question is:

"That leave be granted to withdraw the Bill to consolidate and amend the law relating to banking companies."

The motion was adopted.

INSURANCE (SECOND AMENDMENT) BILL

The Honourable Mr. C. H. Bhabha (Minister for Commerce): Sir, I beg to move for leave to withdraw the Bill further to amend the Insurance Act, 1938.

Sir, I do not desire to say very much on this occasion except to draw the attention of the House to the fact that insurers have represented that on account of the partition of the country, mass migration and other disturbances, insurance companies have been faced with newer problems which they will take considerable time to solve. The other grounds which my Honourable colleague, the Finance Minister, has adduced for the withdrawal of the Banking Bill also apply to this Bill. All these representations are being considered by Government and it is the intention of Government, after taking the various interests concerned into confidence, to bring forward a new amended Bill which will be on the lines of the Bill in respect of which I have made the motion to withdraw. Sir, I move.

Mr. Speaker: Motion moved:

"That leave be granted to withdraw the Bill further to amend the Insurance Act, 1938."

सेठ गोविन्द दास : सभापति जी, जहाँ तक बीमे के मामले का सम्बन्ध है, वहाँ तक मैं समझता हूँ कि माननीय सदस्य इस बात को जानते हैं कि इस देश में ज्यादातर लोग इस पक्ष के हैं कि बीमे का हमें राष्ट्रीयकरण कर लेना चाहिये।

अभी माननीय सदस्य ने यह कहा कि वे इस सम्बन्ध में एक नया बिल लाने वाले हैं। मैं उनको यह कहना चाहता हूँ कि जहाँ तक इस बिल का सम्बन्ध है, वहाँ तक बीमे कम्पनी वाले इस बात का अभी से प्रयत्न कर रहे थे कि जितनी धाराएँ इस बिल में हैं, उनसे वे किसी न किसी प्रकार बच जायें और पहले ही से इस बात का प्रबन्ध कर लें कि जिससे उन धाराओं का कोई असर उनकी कम्पनियों की कार्यवाही पर न पड़ सके।

मैं माननीय सदस्यों से यह कहना चाहता हूँ कि बीमे कम्पनी के संचालक इतने पटु हो गये हैं कि चाहे माननीय मंत्री किसी प्रकार का भी बिल लाने का प्रयत्न करें, उस बिल के कानून बन जाने के पहले ही वे ऐसी योजना कर लेंगे कि उसकी धाराओं का इन कम्पनियों पर कोई असर न पड़ेगा। ऐसी हालत में मैं यह उचित समझता हूँ कि सरकार को सुधार के लिये नया बिल लाने की अपेक्षा बीमे का रोजगार ही अपने हाथ में ले लेना चाहिये। फिर यह एक ऐसा कार्य भी है जिसके सम्बन्ध में कोई बहुत बड़ी जोखिम उठाने की भी आवश्यकता नहीं पड़ेगी। बीमा कम्पनियों को इस समय जो प्रीमियम मिलता है, वह प्रीमियम भी इतना अधिक है कि यदि सरकार इस कार्य का राष्ट्रीयकरण करले, तो सरकार के पास काफी आमदनी प्रति वर्ष की हो जायगी। इस आमदनी को सरकार राष्ट्रीय कार्यों में खर्च सकेगी।

मेरा माननीय सदस्य से यह निवेदन है कि वे केवल सुधार के लिये कोई नया बिल बीमे के सम्बन्ध में न लायें, बल्कि एक बिल ऐसा लायें जिससे बीमे के सारे

कार्य का राष्ट्रीयकरण हो जाय और उसका सारा कार्य सरकार के हाथों में आ जाय।

मैं सिर्फ इतना ही निवेदन करना चाहता हूँ। और विश्वास करता हूँ कि बीमे के सम्बन्ध में नया बिल लाने के समय माननीय त्रयी इस बात पर विचार करेंगे कि नया बिल वर्तमान प्रणाली को ही सवारने के लिये लाना उचित होगा, या नया बिल बीमे के कार्य को राष्ट्रीयकरण करने के लिये लाना ठीक होगा।

(English translation of the above speech.)

Seth Govinddas (C. P. and Berar: General): Mr. Speaker, Sir, so far as the subject relating to Insurance is concerned, I take it that the Honourable Members are aware of the fact that the consensus of the majority of the people in this country is that we should nationalize 'Insurance'.

The Honourable Minister has just now stated that he is likely to bring forward a new Bill in this connection. I should like to tell him that so far as this Bill is concerned, the Insurers are already trying to evade the provisions of almost all the clauses contained in this Bill, and resort to such devices at the very outset so that it may not affect the working of their concerns.

I should like to tell the Honourable Members that the Directors of the Insurance Companies have become so clever that whatever sort of a Bill the Honourable Minister introduces, they would have contrived devices which would render the provisions of the Bill quite ineffective before it is enacted. Under these circumstances, I consider it advisable that the Government should take over the Insurance business in their own hands instead of introducing a new amended Bill. Moreover this is an undertaking which will not involve any appreciable amount of risk. The amount of premia which the Insurance Companies at present receive is so large that if this business be nationalized, it would fetch a handsome annual income to the Government. The Government will be able to utilize this income in connection with nationalization schemes.

I would, therefore, request the Honourable Minister not to introduce an amended Bill to regulate the Insurance business. But on the contrary he may put forth such a legislation as would tend to nationalize the entire Insurance business and its control may ultimately come into the hands of the Government.

I simply want to say this and hope that while framing the new Bill in respect of Insurance, the Honourable Minister will consider over, whether it would be expedient to introduce a fresh Bill to amend the existing law or introduce a new Bill to nationalize the Insurance business.

Shri Rohini Kumar Chaudhuri (Assam: General): Mr. Speaker, Sir, I was one of the members of the Select Committee on this Bill and we spent very long hours over it, but I do not sigh over those long hours. I sincerely welcome the move which has been made by the Honourable Minister. All that I desire to emphasize is that in framing the new Bill he would be pleased to remember to make provision by which Provincial Governments, whenever they desire, can nationalize insurance in this country.

The Honourable Mr. C. H. Bhabha: Sir, as far as I have followed my Honourable friend Seth Govinddas—to be very frank, I have followed very little of it—I understand his suggestion is that measures should be taken to nationalize the whole of insurance in this country. Of course Government will

[Mr. C. H. Bhabha]

consider that question in all its aspects, and that can only arise after Government has given due attention to it and after Government has ascertained the views of this House, and my Honourable friend can bring forward his suggestion by way of a resolution subsequently. As things stand, I have explained the reasons for withdrawing this Bill at the moment. When we introduce the new legislation, we shall consider the point that has been made in this matter.

Mr. Speaker: The question is :

"That leave be granted to withdraw the Bill further to amend the Insurance Act, 1938."

The motion was adopted.

REHABILITATION FINANCE ADMINISTRATION BILL

The Honourable Shri R. K. Shanmukham Chetty (Minister for Finance) : Sir, I move for leave to introduce a Bill to establish the Rehabilitation Finance Administration.

Mr. Speaker: The question is :

"That leave be granted to introduce a Bill to establish the Rehabilitation Finance Administration."

The motion was adopted.

The Honourable Shri R. K. Shanmukham Chetty: Sir, I introduce the Bill.

FACTORIES BILL

The Honourable Shri Jagjivan Ram (Minister for Labour) : Sir, I beg to move:

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Shri Khandubhai K. Desai, Shri B. Shiva Rao, Prof. N. G. Ranga, Shrimati Renuka Ray, Shri Gokulbhai Daulatram Bhatt, Shri Sundar Lall, Shri Nandkishore Das, Shri T. A. Ramalingam Chettiyar, Shri Harihar Nath Shastri, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri K. Santhanam, Shri Arun Chandra Guha, Pandit Balkrishna Sharma, and the Mover with instructions to report on the opening day of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill was introduced at the last session. It has been circulated by executive order for eliciting opinion. We hope to receive the opinions before the end of April. The Select Committee can meet sometime in May or June, as may be convenient, and submit its report to the House in the next Session.

The object of the Bill is not only to consolidate the law relating to working conditions in factories, but also to introduce certain important new features. With your permission, Sir, I shall briefly explain the important changes that have been proposed in the Bill.

The existing law applies only to industrial establishments where manufacturing process is carried on with the aid of power and where 20 or more persons are working. There is an enabling provision authorising Provincial Governments to extend the provisions of the Act to establishments using power and employing ten or more workers. But this enabling provision has been made use of only to a very limited extent. With the result that Factories Act may be said to apply only to industrial establishments using power and employing 20 or more persons. A few Provinces have enacted legislation to regulate factories where power is not used. But even such legislation is applicable only to establishments where 50 or more workers are employed.

It is now proposed that the law relating to factories should be made applicable to all industrial establishments employing ten or more workers where power is used and 20 or more workers in all other cases. As a result of this

change the number of establishments subject to control is likely to be trebled. The number of workers to whom the protection of the Factories Act will extend will increase immediately from 25 to 35 lakhs. The country is now setting upon an era of industrial expansion. We are all agreed that, as far as possible, this industrial expansion should not take the form of a limited number of big factories, but rather of a large number of small industrial establishments dotted all over the country. It, therefore, becomes necessary that our law relating to factories should be made applicable to the smaller establishments also. It is with this view that the definition has been widened.

The present Act makes a distinction between seasonal and perennial factories. Because the seasonal factories work for only a part of the year, there is a tendency to be somewhat lenient in the enforcement of standards relating to safety and health. This is not a satisfactory state of affairs. Whether a factory works for a part of the year or for the whole year, provisions relating to safety, health and welfare should be equally applicable. We have, therefore, done away with the distinction between perennial and seasonal factories.

Even with these changes, the new definition will not cover all workers. I feel, and I am sure the Honourable Members will agree with me that regulations relating to cleanliness, ventilation, lighting, supply of drinking water, the provision of sanitary conveniences, fencing of machinery, hours of work, weekly day of rest, prohibition of the employment of children, reduced hours of work for adolescents should be applied to all work places, irrespective of the number of people employed. The difficulty in extending these essential provisions is mainly an administrative one. As I have said, the new definition of factories will treble the number of establishments subject to control. The Inspectorate will need considerable strengthening. Provincial Governments should be given sometime to organise a bigger inspection service. As soon as satisfactory arrangements are made to secure a proper enforcement of the Act to establishments covered by it. Provincial Governments will be in a position to extend the essential provisions relating to health, safety, welfare, hours of work and age of entry into employment to other work places. To enable them to do so, a provision (Section 86) has been added giving power to Provincial Governments to apply these provisions to any premises where a manufacturing process is carried on, with or without the aid of power, except where the work is done by the worker solely with the aid of his family.

The elaboration of the provisions relating to health, safety and welfare deserve attention. The existing Act leaves far too many things to be covered by rules or to be done at the discretion of the Inspector. The rules are not always uniform, and the discretion cannot be exercised in an uniform way, with the result that there are considerable variations in the standards applied to different factories and in different parts of the country. Another serious defect in the existing legislation is that it leaves many matters to be attended to only at the instance of the Inspector. There is no obligation on the factory owner installing new machines not specifically covered by the rules or notified by the Inspector as dangerous to take any measures for the safety of their workers. With the rapid technological advancements that are taking place, installation of new types of machinery and the introduction of new processes will be of frequent occurrence. The adoption of safety measures cannot be postponed till provision is made for them in the rules. The only satisfactory method is to lay on the factory owner a clear and definite responsibility for taking all measures necessary to secure the safety of workers in his factory. If we are to lay this responsibility on the owner, the precautions to be taken and the standard to be observed in regard to health and safety measures should be clearly prescribed in the Act itself. This is precisely what has been attempted in the Bill. An additional and no less important advantage of this procedure will be the enforcement of a definite and uniform standard in all industrial

[Shri Jagjivan Ram]

establishments and throughout the country. Sections relating to the casing of new machinery, hoists and lifts, cranes and other lifting machinery, pressure plant, precautions to be taken against dangerous fumes, explosive or inflammable gases, are all new. The obligation relating to the casing of new machinery, has been imposed not only on the factory owner, but on the manufacturer of the machinery or his selling agents as well. In the Chapter dealing with the disposal of wastes and effluents, the specific provisions relating to ventilation and temperature are new. Similarly, the sections relating to the provision of cool drinking water during hot weather, the employment of cleaners to keep the water closets clean, the obligation to provide sanitary water closets in all establishments are new provisions. In the chapter relating to welfare, we have made provision that in every factory where workers are obliged to work in a standing position, suitable arrangements for seating should be provided, so that they may rest whenever they get an opportunity. Where a worker can work efficiently in a sitting position, then seating arrangements should be provided for him. The sections relating to facilities for storing and drying clothing is also new one. If the arrangements for the welfare of workers are to be successfully managed, it is essential that workers must realise their responsibilities in the matter and should be actively associated in their management. Section 50 of the Bill provides for such association. An enabling provision has also been made under which the owner of any factory, employing 500 or more workers may be required to appoint a suitable Welfare Officer, whose specific duty it will be to look after the welfare of the workers. To ensure that the right type of people are appointed and to give them a measure of security and independence Provincial Governments have been given power to prescribe the duties, qualifications and conditions of service of these officers. Honourable Members will appreciate that this is an important provision.

Another important provision, to which I would like to invite attention of the House, Sir, is the one embodied in Section 7 providing for the scrutiny of the plans and specifications of factory buildings and their layout by the Factories Inspectorate. In quite a number of buildings, walls and roofs have not been so constructed as to keep the temperature, which in our country shoots upto 110 or 120 degrees in summer, as low as possible. Again, even such an elementary thing as proper flooring is not done according to the requirements of the processes carried. Then again, rest sheds, washing and bathing places, water closets have all to be located at convenient places. The layout should be such as will promote, to the maximum extent, the safety and health of the workers in the factory. Where the manufacturing process is such as will throw out considerable quantities of wastes and effluents, it is of great importance that proper arrangements should be made for their disposal, so that they may not affect the public health of the neighbourhood. Very often buildings are put up without proper consideration being given to these aspects. Later on, it becomes difficult to rectify the defects. We have, therefore, introduced a section so that before the buildings are erected, the plans and specifications are examined with a view to seeing whether the provisions of the law relating to matters of health, welfare and safety have been complied with and proper arrangements will be made to dispose of the wastes and effluents.

In regard to employment of workers, we are raising the age of entry from twelve to thirteen. Young persons who have not attained the age of 18 years, instead of the present limit of 17, will be considered as adolescents. If they have not reached sufficient physical maturity to be classed as adults, their hours of work will be only four and a half hours instead of the present limit of five. The provisions relating to medical examination of young persons are also being strengthened. Hereafter they will be examined not merely before initial employment, but every year.

The Chapter dealing with holidays with pay has been revised to provide for

the grant of holidays to workers who have done six months' service. This is a new provision. The definition of authorised leave has also been revised to provide for unauthorised absence upto a limit of twenty days in a year. In regard to casual absence due to illness or other reasonable cause it would be sufficient if the workers give the reasons for his absence within three days from the commencement of such absence. These provisions will remove a source of dispute between employers and workers whether a particular absence is authorised leave or not, and if it is not an authorised leave, whether the worker is at all entitled to leave in respect of any preceding period.

Information in this country regarding occupational diseases is somewhat scanty. The factory owner and the medical practitioner attending upon factory employees are the persons who can give useful information. Provision has been made requiring these people to give information regarding accidents in factories causing death or serious injury or of diseases treated. Power has also been given to take samples of substances used in the manufacturing process, if its use is either contrary to the provisions of the Act or likely to lead to injury or cause disease to workers, and for their examination. Certifying surgeons have been authorised to exercise medical supervision in any factory where the occurrence of occupational diseases have come to notice or is suspected. These provisions, which are new, are designed not only to obtain a knowledge of occupational diseases, but also to arrange for such remedial measures as can be taken to prevent their occurrence or reduce their incidence.

Changes have been made in the Penalties Chapter also. The existing law only provides for a fine for contravention of the provisions of the Act. To an employer, a fine is no deterrent. We have, therefore, provided for imprisonment as well, upto three months for the first offence and upto six months for the second and subsequent offences.

These briefly are the main changes that have been introduced in the Bill. We have tried to implement as many of the provisions of the International Labour Organisation Code of Industrial Hygiene as are practicable under Indian conditions. The provisions relating to periodical medical examination of young persons and the submission of plans of factory buildings are also from I.L.O. Conventions. We have also freely drawn upon the British Factories Act, one of the most comprehensive pieces of legislation on this subject. When this Bill is passed into law, we would have placed on the Statute Book a Factory law which, if properly enforced, will secure a marked and distinct improvement in working conditions. I am aware, and I have no hesitation in confessing, it to the House, that the administration of the law requires considerable tightening up. Ever since I took charge, I have kept this question prominently in view. In every one of our half-yearly conferences with Provincial Labour Ministers, this question is discussed in some form or other. The Provincial Governments have their own difficulty, mainly of finance. Although we, at the Centre, have no executive responsibility in this matter, we have set up an advisory organisation to study the various aspects of Factory administration in this country and elsewhere and advise the Provincial Inspectors. This organisation is also running training and refresher courses for the Provincial Officers. I hope, before long, we shall have a corps of trained officers, adequate in number, to secure a strict enforcement of this legislation in order to improve the working conditions of the working classes.

With these words, Sir I commend the Motion to the House.

Mr. Speaker: Motion moved:

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Shri Khandubhai K. Desai, Shri B. Shiva Rao, Prof. N. G. Ranga, Shrimati Renjika Ray, Shri Gokulbhai Daulatram Bhatt, Shri Sundar Lall, Shri Nandkishore Das, Shri T. A. Ramalingam Chettiyar, Shri Harihar Nath Shastri, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri K. Santhanam, Shri Arun Chandra Guha, Pandit Balkrishna Sharma, and the Mover with instructions to report on the opening day of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Mr. Speaker]

Shri B. Das (Orissa: General): Sir, on a point of information. I find the members are all labour leaders barring one or two?

Mr. Speaker: That would be a matter more or less for the Honourable Member to consider. If suggestions are made, he may consider. I shall give the Honourable Member an opportunity of having his say.

Mr. R. K. Sidhva (C. P. and Berar: General): Sir, the Honourable Minister while moving this Bill exhaustively dealt with the clauses mentioned in this Bill. There is no doubt that various Sections in the Factories Act, 1934, amendments to the Act of 1945, 1946 and 1947 are embodied in this new Bill with certain improvements and additions of certain clauses which he has narrated. I have a few observations to make on some of these clauses for the consideration of the members of the Select Committee.

There is decidedly one important feature in this Bill to which this Honourable House made a reference in the last session, namely, that the non-seasonal workers were omitted from the operation of this Bill at the time it was brought and the figure was given out as very large. I am very glad to find that the non-seasonal workers have been included in this Bill.

Another fact I find is that there is an increase in the age-limit of a child from twelve to thirteen. I would have preferred fourteen. However, as the Honourable Minister wants to go step by step, I hope he will go fast if he finds from experience that the increase in age is necessary.

The third feature is that the holiday that he has recommended with salary for ten days in a year. I would certainly desire that 30 days should have been given after the expiry of twelve months. Today all the gazetted and non-gazetted clerical staff and everybody enjoy one month's leave with pay after full service of eleven months. I cannot understand why the labourer should not get the same number of days. After all, he is also the same human being as other human beings. On the contrary, I would say the labourers certainly put in harder work than the other classes to which I have referred. Therefore, I would request the Honourable Members of the Select Committee to kindly consider this matter very seriously. After all, what is it that has been given? Ten days, and then look at the method in which it is proposed to be given. It is mentioned that after the completion of eleven months they will be entitled to ten days in the following year. It is not mentioned "immediately". A certain procedure has been laid down. I desire that not only the number of days should be increased but it should be laid down that after the completion of eleven months they will be entitled to those number of days without any restriction.

Then, Sir, I find in the Bill a clause for ventilation and I compliment the Honourable Minister on that. Some of the Honourable Members must have seen the factories, particularly the textile factories in Bombay and Ahmedabad which have been erected as far back as twenty, twenty-five and thirty years. They are in such a bad condition that it becomes very difficult for the workers to work. I think they hardly see any light in those factories. The result is that the labourer has to go out under false pretexts of making water or easing himself or drinking water whereas he really goes out to remove his perspiration under which he has been suffering and get a little relaxation. The space is very limited. Of course, a provision has been made for space of 320 cubic feet, but the fact remains that moving space is not available for the labourer to work freely. He has no ventilation there and he has no kind of air. I therefore desire that every factory must be provided with an electric fan. There should be no question about it. There is no extra cost involved in these fans because the energy is produced by the engines that have been installed by them for the production and manufacture of certain articles. As a matter of fact, I have found these electric fans in some newly erected factories in Cawnpore—when

I say newly erected, I mean ten years ago—they are very well ventilated and there is free moving space for the labourers, and I must congratulate the owners of those factories for providing such kind of facilities to the labourers. If this kind of facility is provided, it will remove the great hardship of the labourers and they would be able to give greater production. What happens today? As I told you, the labourer steals time to go out just to breathe a little air and relax himself, with the result that production is, to that extent curtailed. Why not therefore make it compulsory that when a plan is produced for the erection of a factory, these necessities should be provided. In the Western countries we have been always told that there is the greater production. The greater production made in Western countries is mostly due to the facilities provided to the labourers in the factories where there is good atmosphere. Similarly, in our country too, there must be sufficient ventilation; there must be air; there must be breeze, so that the men and women who have to work can work cheerfully and with the full responsibility that the factory is their own and they are working as if in their own homes. That is lacking in India and unless that is done, the root question of the grievances of the labourers cannot be removed. Therefore, Sir, I am very glad that a clause has been introduced for providing ventilation.

Then, Sir, there is a clause for providing seating accommodation. Well, you must have seen in many factories, take for instance the lathe. On a lathe a man can sit conveniently and work, whereas now no such facility is provided and he has to stand all the time. Take the power looms. There too people can very well sit and work most expeditiously, whereas now they are made to stand. I am very much pleased with the provision that wherever it is possible seating arrangement should be provided. But I should prefer it to be compulsory. In Western countries a very large number of factories, almost 90 per cent. of them, have provided this facility of seating accommodation. If that is provided here, that will certainly step up production. These are after all small things. Providing a stool is the old notion of factory owners who resent any such idea. They feel: "Why should we provide a labourer with a stool or a chair? Why cannot he stand?" But that notion should go. They must realise that by providing a stool or a little seating accommodation, the labourer gives more production. He is more healthy, more happy. He does not feel like going out on false pretexts. These are things which are very necessary, and they should be made compulsory. Unless you make it compulsory, and if you leave it to the Provincial Governments, many loopholes will be found and nothing will be provided. I would therefore request the Honourable Members in the Select Committee to bear this in mind, particularly these two aspects of the question, namely, the provision of fans and also of stools, and these should be made a compulsory feature.

Then, Sir, I find that a provision has been introduced in this Bill which has given the right to Provincial Governments to give exemption. Out of 120 clauses, in nearly 50 clauses I find Provincial Governments have been given power to exempt factories from the compliance of these clauses. While I do feel that on essential commodities or in a time of emergency when there is a war or if disturbances occur then certainly I can understand certain clauses could be relaxed, but in the ordinary circumstances, I do not see why the Provincial Governments should be given a weapon to utilize these emergency powers which are not emergent and to tell them that these may or may not be exercised as they think fit. I do feel therefore that some of the good chapters of this Bill if not made compulsory would certainly lose the charm of the provisions of this Act.

Then, Sir, as far as lights are concerned there are some lights provided in some of the factories and it is stated that the lights and the convenience for sanitary arrangements should be in a factory where there are more than 150 workers. I do not see why, we should make a distinction. It is stated that

[Mr. R. K. Sidhva]

over this number there is to be a sanitary type of urinals and also other sanitary conveniences. I fail to see why the same type should not be applied to all the factories whether there are 20 workers or more.

Sir, the sanitary conditions of latrines is a very important matter in the factories and while I am glad that the Honourable the Minister has widened the scope in this matter, I am not satisfied for this reason that he has made a provision that sweepers will be employed to see that the latrines are kept clean. He must mention that if there are 20 labourers there should be one seat of latrine. I am not making a new suggestion. In the Municipal laws there are certain definitions as to how many latrines should be provided in the labourers' quarters with reference to the number of residents. Similarly here unless you provide that after a certain number of labourers one seat is essential the factory owners will say that this is sufficient and the labourers will say that this is not sufficient and the argument will go on and the object will be simply frustrated. I therefore desire the Honourable Select Committee Members to see that the provision is properly laid down and I should like the number of latrines per seat of 20 labourers as it is generally followed in the big Municipalities.

Then, Sir, I come to the question of sanitary type of urinals. As I told you it has been provided for in large factories. The same type of urinals should be fitted in all factories. At present in several factories corrugated sheet has been provided for a latrine and in some of the factories the latrines are not clean with the result that bad odour comes from there and the surrounding atmosphere is very bad too. Therefore an improved type of latrine buildings should also be provided in this Bill which is very necessary. Otherwise insanitary conditions will continue and there will be a tussle between the factory owners and the labourers.

Sir, this Bill provides that drinking water should not be nearer to the urinals but should be 20 feet away from the latrines. I consider that 20 feet is a very short distance. It should be at least 100 feet.

The Honourable Shri Jagjivan Ram: What is provided in the Municipal Act?

Mr. B. K. Sidhva: It is not specifically provided in the Municipal Act. According to our Indian custom the drinking water should be certainly far off, at least 33 yards. For this purpose I am suggesting 100 feet instead of 20 feet and this should be borne in mind, so that the drinking water should not be contaminated in any way with the flush system where that may exist. I therefore desire that the distance should be increased, and at the same time provision for cold water should be made. The present provision in my opinion will lead to certain kind of difference of opinion, I suggest it should be made clear that in the summer season cold drinking water must be provided. I would also suggest, Sir, that the latrines should be on the flush system and in a town where there is no flush system the factory owners should be asked to provide a septic tank. If you do not allow this, I am sure unhealthiness will prevail which would be to the detriment of the health of the labourers. After all these septic tanks do not cost a lot and lakhs of rupees will be spent for the construction of a factory and a few thousands of rupees on a septic tank is not a big matter. I would specially invite the attention of the Honourable Members of the Select Committee to this matter.

There are certain kinds of factories where labourers are to be provided with eye glasses or provision has been made by the Honourable the Minister but there are inflammable parts of the factory which catch generally the eye. For instance the electric soldering is done by the electric process and the sparks affect the labourers in their eyes and they become blind. So it should be essential that the dark glasses must be provided for such factory workers in

each factory, and that should be a compulsory arrangement. This is only one instance, but there are factories also where for the purposes of painting they have to remove the old paint by a certain machinery and those fragments catch their body and particularly on the face and therefore they should be covered and sufficient protection should be given for their bodies and their lives.

As regards clothing, it has been stated in the Bill that wherever there is belting and fast moving machinery the tight clothes should be used by the labourers. That is not sufficient, Sir. What I desire particularly is that an apron should be provided by the factory owner. I consider that the apron is necessary for every labourer in big factories. What happens today is that the labourer himself provides an apron at his cost because without the apron he cannot satisfactorily work and therefore I feel that the apron should be provided compulsorily by the factory owners. These are small items, but they go a long way in appeasing the requirements of the labourers which we consider most legitimate. If these small things are not considered then their grievances will always continue. Therefore the Honourable Minister should certainly lay great stress upon these small points, so that the labourers could be satisfied and feel that there is an improvement under the changed government of this country and thus they may feel that they could have a breathing atmosphere which really exists in the western countries. These labourers know under what conditions the labourers in the western countries live. I therefore feel Sir, these are small points which are generally lost sight of. Two sets of aprons may cost Rs. 4 or 5 and in a factory the expenditure may come to hardly about Rs. 10,000; but by spending this the owner will be rendering a distinct service to the labourers.

Then as regards the penalty clauses, the sentences and fines have been increased, and if the offence is repeated the fine will be continuous. I have very sad experience of these penalty clauses in other Acts, particularly the Food Adulteration Act. In case of food adulteration a man is fined Rs. 75 every day as long as the offence is continued. But in the courts it takes two years to come to a decision. The procedure is so lengthy and cumbersome that factory owners take the fullest advantage of it to delay the decision. Therefore I suggest that for these cases there should be a labour court with a labour magistrate in every important town where there are factories. And if an inspector finds that within ten days the rules are not complied with by the owner he should be immediately summoned and prosecuted; a provision should be made that the magistrate must dispose of this case in seven days. I do not see why the magistrate in these small matters should take such a long time. Unless you provide for all this, I am sure that the procedure which is already cumbersome will continue to be so and your purpose of bringing the offender to book will never be served. I know that such penalty provisions in other Acts have been frustrated and therefore a speedy procedure should be provided and real justice done.

Then, Sir, I find that the District Magistrate is made the Inspector of the district. The District Magistrate, being also the Collector, is heavily overworked and cannot do justice to the duties of Inspector under this Bill. He will merely perform routine duties and leave everything to his Assistant. I think there should be a special officer appointed as Chief Inspector. In the earlier stages of control of food and other articles the District Magistrate was placed in charge with the result that control was a failure at that time. He was overworked and had no time to look at these things. The same thing will happen here if the District Magistrate is made Chief Inspector. Labour Commissioners and other labour officers who have really worked in this line should be employed exclusively for this work, and I request that the Select Committee may give serious thought to this point.

[Mr. R. K. Sidhva]

Then there is a provision for creches for children, and I am glad to know that milk will be supplied free to them. Necessity compels women to work in the factories and to bring their children with them and from the point of view of the health of these children they have to be kept for their care in a creche. Therefore creches and milk supply have been provided for. I know sometimes these provisions are misused and labourers bring boys of twelve years also just to get advantage of the milk. I therefore suggest that an age limit of six or seven should be laid down, and these children should be given not only milk but also rice or some other food. After all if there are a hundred women in a factory there will be about 200 children only; and while the factory owners are making huge profits they may very well render this humanitarian service by giving some food to these children so that in future they may be healthy citizens of the country. The fathers cannot maintain them and that is why these women come to work; I want women to work not only as factory workers but also as clerks and typists, etc. But the children of these factory women should be properly fed and looked after and provision should be made in the Act for this purpose.

Then there is a provision for a notice board and notices about the number of hours, etc. I know that provision for this is made in the present Factory Act also. But these boards are just a fraud and are used only to satisfy the Inspector. But if you see the register and ask the workers themselves, you will come to know something very different. So I suggest that the workers should have a right to see the muster roll and the number of hours should also be put down in the roll call. I know from experience that wrong hours are put down by these owners; and the workers should be entitled to inspect the muster roll and the number of hours put down there. It is also not mentioned that the notices should be in the language of the province. Mostly workers do not know English or even their own language. Therefore the Notice Board should be in the language of the province or city. That improvement should be made and the labourer should be allowed the opportunity, not necessarily to say that he wants to see it, but whenever he is in doubt the books should be open to his scrutiny. Then this trouble today which is arising out of the labour organisation and the trade union will considerably mitigate the hardship of the Government. Strikes today are a headache to Government. Strikes are reasonable and unreasonable. But why do you give them the opportunity for such strikes. If you give such facilities to the labourer, then there will be no case for an outsider who is an organiser and office-bearer of the trade organisation to successfully have strikes. The time will come when you will have changed the outlook of the labourer and then the outside office-bearers cannot be office-bearers of a trade union. But I am not of that view today. Some guidance is required for the outside agency and no sooner that is provided then a law should be made that the workers should manage their own affairs when everything will run smoothly and well.

There is a provision for appeal against the decision of Assessors. It is not mentioned whether an Assessor will have a decisive voice with the tribunal head, or as in some Sessions Courts the Assessor gives his advice and the Judge accepts it or rejects it. I would like that to be clearly stated in the Act. I do feel that the Assessor should have a voice and to that extent the Act should be changed.

I hope that the Honourable Minister will take my comments in the spirit in which they have been made. I have made certain suggestions. I do not know whether he will bear them in mind because I have not seen him taking any notes.

The Honourable Shri Jagjivan Ram: I have taken some notes.

Mr. R. K. Sidhva: At the same time, I notice that Prof. Ranga, who takes a keen interest in these things, is not here. Even the members of the Select Committee should sit in this House when other non-members are giving their suggestions. How will they know what suggestions have been made by other Honourable Members? It is to be hoped that efforts will be made to see that this Act is a model Act so that we may go to the country and tell the people that the Government is alert. That Act, when made, should assure the people that it is for the betterment of their health, prosperity and happiness.

Mr. Speaker: The Select Committee members will have the benefit of the transcripts of the speeches of Members made in the House.

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

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri B. Das (Orissa: General): Sir, at the outset I propose the name of Sir Jwala Prasad Shrivastava as a member of the Select Committee. I would respectfully submit to all the Honourable Ministers of the Government that when various interests in the country are affected as in this case, such as factory-owners and the employees, the Government should see.....

The Honourable Shri Jagjivan Ram: Sir, may I intervene at this stage, as it will save a lot of time of the House. I have no objection to that suggestion and I am glad that my Honourable friend has drawn attention to that.

Shri B. Das: I am enunciating the general principle. Whenever various interests are affected such interests should be equally represented in the Select Committee, apart from the general members of the House who will hold the balance between the various interests.

I support the consolidation part of this Bill. I wish very much that my Honourable friend the Labour Minister had stopped there. Unfortunately he did not stop there and if I interpret the speech that was made by my Honourable friend Mr. Sidhva there will be no end to the aspirations and demands of those who represent the cause of labour in this House. At this stage I wish my Honourable friend Mr. N. M. Joshi were here. He fought for 25 years on the floor of this House for the amelioration of the condition of labour but I wonder if he would have subscribed to the idea that was enunciated by my Honourable friend Mr. Sidhva. There was a time when Mr. Sidhva and myself were members of the Federation of Indian Chambers of Commerce and Industry. He has drifted to the left too much, while I have remained as usual a rationalist. Today the Government is my own Government, the Government of Free India. I do warn the Government, not to be carried away by sentiments over labour legislation. We borrowed, lying down, every measure that went through the International Labour Office at Geneva. We forgot the standard of living or the conditions of living in Europe and we wanted blindly to introduce those legislations and the previous Government were browbeaten to introduce certain pieces of legislation. If I understand aright, my Honourable friend the Labour Minister wants to copy blindly the Western system of factory inspection and the Western types of factory buildings, I have already said that I support the consolidation part of the Bill, because I was a party to most of it and we the industrialists have accepted them and are working there. As regards the new innovations which my Honourable friend has introduced they are not designed to suit Indian conditions or the Indian standard of living. What is the use of having half-baked factory inspectors all over the country to inspect

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plants and housing? These gentlemen were subordinates of European Employees all over India sometime ago and they want every thing that is in practice in the U. K. or France. I was amused and was smiling when my friend Mr. Sidhva talked about over-crowded dark dingy factories. Does he mean that for 25 years the factory inspectors were not functioning and they will begin to function after this new consolidation Act is passed? I have visited many factories all over the world I have seen English factories dirty and stinking.

An Honourable Member: Where?

Shri B. Das: All over. I am talking of European factories and not about Indian factories. Mr. Sidhva wants stools to be provided for every mill hand and every lathe worker. What will be the consequence thereof? Tomorrow Mr. Sidhva and his friends in this House will demand that the factory has no floor space the moment you provide stools, you have to leave a space behind for the passage of the others, so more expensive buildings. A responsible industrialist like him, though at present he represents the labour cause should think awhile before enunciating such outlandish ideas. We were enunciating them when the British Raj was ruling. It is our Raj today. Whom are you handicapping? Although labour has got 1/15 of the cabinet by the presence of Sjt. Jagjivan Ram in the Government, yet my friends should see what repercussions there will be in consequence of the innovations. Every idea that we translate we do not assimilate. If Mahatma Gandhi can live in a hut, why does not my friend advocate that labour should live in a simpler style? I have not seen one of my labour friends here talking in that tone. Yet there is the labour agitation all over because that was the way how the Socialists and Communists in India came into power and leadership.

Today we ought not to think in those terms. We have to think whether the industry will survive. Every suggestion that my friend Mr. Sidhva made would add to the cost of production. I will give him an instance. He wanted that aprons should be provided to the workers and said that each apron would cost about Rs. 4 or 5. I would give him a contract for thousands of aprons at a cost of Rs. 8 per pair if he is prepared to supply them. Every thing adds to the cost of production. The Honourable the Labour Minister in his great sympathy and affection for the under-dog seldom thinks how he is overburdening the industry. Yet one hears Mr. Jaiprakash Narain saying that labour is not satisfied with what has been done. I wonder if labour will ever be satisfied even if we nationalize the industries. We have nationalized the railways. The Honourable the Railway Minister is here.

It has ended in failure. We have had to put up the rates by 25 per cent. to satisfy labour, but labour does not want to work. In fact 'no work but more pay' is the slogan of the worker.

That brings me to clause 112 of the Bill which deals with obligations of workers. Here I wish my Honourable friend had put down in addition to the clauses (a), (b) and (c) requiring that workers should not damage the apparatus etc. one more clause saying "Thou shalt work". Is it not Government's duty to insist that he shall work? Outlandish European ideas have been introduced in India and eight hours work has been introduced. Still they want more rest. They want sitting stools as my friend suggested. Why not have sleeping berths in the factory? From 1925 I have supported every labour measure. But labour must be patriotic, and labour leaders speaking in this House and outside must speak in that patriotic tone namely that they stand for the economic prosperity of India and not for the destruction of one class or the other.

There is another new clause I wish to comment on. I have already referred to it. It is clause 7 where the factory inspector is being made, I think, an omnipotent engineer—health inspector, factory inspector and everything. A factory

inspector was supposed to be a technical man who would measure the windows and the ventilators in a factory. But my Honourable friend Mr. Sidhva wanted the Labour Commissioners to be the factory inspectors—as if the labour leaders know all about the technical requirements of factory control. That was an idea which nobody in this House will support; not even the Honourable Minister of Labour will support it. I do say with all earnestness that with the state of industry at present, with economic depression drawing nigh, may be a year or two years hence, it is no use our overburdening the existing factories or new factories with any ideas which are outlandish, which are not Indian but are completely borrowed from either Geneva or London. It was the Englishman's game that our industry should not thrive but should die out by factory legislation and other kinds of legislation so that we will be hewers of wood and tillers of soil and purchase British goods. The slogan now is purchase U. S. A. goods.

Seasonal labour has been abolished. It is all right for purposes of raising a slogan to say that there would be no seasonal labour. With a view to giving seasonal labour the same benefits as whole-time labour you introduce elements of expenditure whereby industry will earn less. Already by the policy of the Provincial Governments the price of rice has gone up in most of the Provinces and the moment you introduce this and give effect to this provision the price of rice will go up still further because the industrialist must charge the overhead cost to the production. Thereby the price of rice will go up. It is a vicious circle and although the labourer wants something more only for himself he thereby increases the cost of living in the essential necessities of life.

Sir, the Honourable the Labour Minister the Honourable the Industries Minister, the Honourable the Prime Minister and everybody are thinking of industrial truce. I think we should really get out of Geneva and the International Labour Office and start our own Asiatic Labour Conference because we are merely borrowing blindly all the Western systems and introducing them here. I am not for 48 hours of work. Since it has been introduced production has gone down. If there is no cloth through India this legislation has as much to be blamed as other causes. What about the large multitude of agricultural labour and what about the other seasonal domestic labour in arts and crafts who work 14 hours a day? No legislation will compel the ivory workers the jewel workers and other similar workers to regulate their hours of working. Such a worker is controlled by one factor only. He is not a capitalist but he must earn sufficient to maintain his family. These people form the largest number of workers and not the five or six million workers to whom this legislation will apply or may apply.

I do not oppose this Bill. But I do hope that we will soon settle down to think that we are a free nation, that the government is the government of a free nation and that we in this House are the representatives of a free people. Let us not go and buy from the bookstalls labour books that are the products of English professors, read and try to introduce those ideas in our country. If you do that you are taking back your country to a primitive industrial age when you will compel us to buy foreign goods all our lives. The very labour that are clamouring for more and more wages and better conditions of living will find no employment for themselves.

Mr. Tajamul Husain (Bihar: Muslim): Mr. Speaker, Sir, I rise to support the motion of the Honourable the Labour Minister for reference of this Bill to a Select Committee. But I regret that I do not appreciate his saying that after the Bill emerges from the Select Committee it may be considered at the next session. Next session means the end of the year. This session will go on till the first week of April and then we will meet in the Constituent Assembly. I do not know how long that will go on. Therefore, by the time

[Mr. Tajamul Husain]

the next session of this Legislature is held it will be the end of the year. It is a very important measure and it is entirely in the interests of the labourers who are employed in various factories that this measure should be expedited and should be made into law as soon as possible. The present condition of labourers and workers employed in factories, particularly in unregulated factories is far from satisfactory. There is no proper arrangement for their health, welfare, sanitation etc.

Now this country of ours has achieved independence and we are bound to have many more factories. The factories will increase in number.

Therefore, Sir, something must be done for the improvement of the lot of the labourer. Arrangements must be made for their safety and welfare. As I have said just now, there are unregulated factories. Workers there, Sir, are not properly looked after. This Bill will no doubt be for their benefit particularly because it provides for their health and welfare. Now, Sir, as regards the age limit of a child that should be employed in a factory, the present age is twelve. The Bill has increased the age to thirteen. Mr. Sidhva is of opinion it should be fourteen. I personally think that even a child of fourteen should not be made to do such hard work. The age limit should be increased to at least fifteen. Of course this is a matter not for the House at present, but for the Select Committee, and I hope the Honourable Minister in charge, and the members of the Select Committee will consider this matter seriously and increase the age to sixteen.

As far as the age of the child is concerned, that has been mentioned, but the age of the man who is in second childhood has not been mentioned. Of course a child under a certain age cannot be made to work, and a man who has attained his second childhood after a certain age cannot possibly physically work. A limit must be fixed when a man must retire on pension after a certain age. I do not suggest any age, but I would request the Honourable Minister for Labour and the Honourable Members who are in charge of the Bill in the Select Committee to see that the age limit is raised and that a man when he becomes old must be allowed to retire at a suitable pension. The working hours in a factory at present are five. That I think has been reduced to four and a half. The work of the labourers is I think the hardest work of all. The highest Minister in the realm will draw a fat pay, as also do the Governor-General and others, but it is really the labourer who has to do the hardest kind of work. After all, we come here, sit for a few hours and go home and rest ourselves. The work of the labourers is much harder than ours.

Therefore, for the labourer the period of work must be lessened. I think four would be suitable and this is my suggestion which I would like to place before the Honourable Minister in charge and also the members of the Committee.

Now, Sir, at present the law is that the provincial governments are authorized to frame rules as regards labourers in factories. I am glad to say that in the present Bill the Honourable Minister has made everything very clear. All the rules have made very clear as regards health, safety and general welfare of the labourer, and not much room is left for the provincial governments to frame rules for them.

Now, Sir, as regards Inspectors. Inspectors have to decide under the present Act, under which we are working, many complicated and important points. They are not experts. It throws a great responsibility on them and naturally many mistakes are committed. To avoid this, a section has been introduced in the Bill to remove this defect.

Now as regards the building for the factories, the provision in the law is at present not very clear. In fact, as far as I can understand it, the present Act

does not provide anything as to the type of building for a factory that should be erected. The present Bill empowers the Provincial Government to approve of plans, designs and specifications, and to see that a particular type of building for a factory is constructed with ventilation and all that sort of thing, so that it may be convenient to the labourers and other people who are working there. I am sure that if this Bill is passed by this House after it has emerged from the Select Committee, it will be a great improvement on the present Act and it will be of great benefit to the labourers in general. I am glad to say that the Labour Minister has realised the pains of labour and I congratulate him on the measure.

Shri Harihar Nath Shastri (U. P.: General): Sir, at the outset I should like to express my thanks to my Honourable friend Mr. Sidhva. I have very carefully studied the present Bill, but after hearing the lengthy and illuminating speech of Mr. Sidhva, I have begun to doubt if I have paid even half as much attention to the Bill as it really deserved. Mr. Sidhva has pointed out many defects in the Bill. I must frankly admit that I had not been aware of even half of the defects that have been pointed out by him. In fact I felt when I read the Bill, and I am still convinced that the present Bill is a satisfactory solution of the hardships that the Indian working class is subjected to in regard to the Factory Law in our land. Those of the Honourable Members who have any idea of the old factory legislation and the various stages through which it has passed will share my view. Personally speaking, in the course of the 22 years of my intimate contact with the Trade Union movement, I have experienced many glaring defects in the old Factory Law. Attempts have been made from time to time to remove those defects, but still the framework of the old factory legislation remains intact. In fact the legislation in our country with regard to factories has been lagging far behind Western countries. The foreign ruling authority in our country has always been indifferent in this matter, and the main ground on which they have evaded any action or any improvement has been that the conditions in our country have been different from those of other countries.

It was only after the present Government came into power that any serious attention to this question was paid. At the beginning of the year 1947, the

3 P.M. present Government entrusted its then Chief Advisor of Factories Sir Wilfred Garrett, with the task of examining the Indian Factories Act and suggesting ways and means by which improvements could be brought about. Sir Wilfred Garrett came into contact with various organisations of Labour and Industry, and he also made a tour of the various Provinces in this country.

The present Bill is based on the recommendations made by him. The principal features of the Bill have already been narrated by the Honourable Minister. I should only like to draw the attention of the House to a few of the salient features of the Bill.

In the first place, the term "factory" has been re-defined in this Bill. So far the position has been that labour employed in small concerns like printing presses and other establishments where work was not done through power, had to suffer very adversely, because according to the present Factories Act only those concerns are regarded as "factories" where at least twenty persons are employed and where work is done by power. But according to this Bill a factory is split into two categories, i.e. where work is done by power, or where it is done otherwise. In the case of a factory where work is done by power, the number is reduced from twenty to ten; and all other establishments where twenty or more people are employed are covered under the present Bill.

[Shri Harihar Nath Shastri]

There was a Chapter in the old Act—I should say the existing Act—about safety, health and welfare of workers. Under that particular Chapter no serious attention was given to prevention of industrial diseases. Instances were brought to light where work was carried on in conditions under which there has been grave danger of lead poisoning. Actual investigations were done by Mr. Garrett and it was revealed that in certain undertakings every worker was found inhaling lead to a dangerous degree. In many cases acid fumes were found uncontrolled, to the great detriment of workers' health. Generally speaking, there has been a callous neglect of elementary precautions that are accepted as necessary for the health of workers.

As for the welfare of workers, except for certain undertakings, measures in this direction have been practically nil. Even wholesome water was not provided, there have been no arrangements for bathing and washing. Urinals and latrines have been very insufficient and the standard of cleanliness in their case has been very low. There has been no arrangement for food during interval hours and workers have to depend on unhygienic and dirty stuff supplied by vendors.

All these defects in relation to health, hygiene and welfare are sought to be removed by the Bill and in order to do that, the present Chapter III in the existing Act has been split up into three different chapters dealing with health, welfare and safety separately.

Coming to Chapter VI, spread-over has been limited to 10½ hours and overlapping shift system is sought to be abolished. The system of overlapping was seriously objected to even as far back as the year 1931 by the Whitley Commission which had recommended the abolition of that system; but still it has been persisting. In the present Bill it has been sought to be abolished.

As for the age of children, it has been raised to thirteen from twelve, and I agree with my friend Mr. Sidhva that the age should be raised by still another year and it should be fourteen.

An important change in the present Bill is about imprisonment for violation, besides fine. The position so far has been that if any factory violated the provisions of the Factories Act with regard to the hours of work or any other provision the maximum fine imposed upon the employer was a sum of Rs. 500. The result was that this system of fine had very little effect on the industry. I know of a number of cases in which even in spite of such fines the employers went on repeating the offence and I have even come across employers who have been heard to say that the profit that they make by violating the Indian Factories Act is much more than the fines that they have to pay.

So this system of fine was, in fact, a farce and I am glad that the Government have realised that fines in the present shape are no good unless they are accompanied by suitable imprisonment which has been provided for in this Bill.

Sir, many of the points have already been covered in the speeches made by the previous speakers and I would not repeat them again. I am sure when the Bill is subjected to scrutiny by the Select Committee, it will emerge out in a much improved form. At the present moment, I conclude my remarks with an expression of my hearty congratulations and gratefulness to the Honourable Minister in charge of this Bill. I have no doubt that the genuine goodwill and sincere desire on the part of the Government to improve the lot of workers as manifested in this Bill will be highly appreciated by the working class of this country. This Bill preceded by certain other Bills is an effective reply to those critics whose principal business at the present moment seems to be to blame the Government for its alleged indifference to labour problems. The other day I saw a statement made by a responsible leader of a particular party making similar allegations and accusing Government of a lack of a sense of reality. I

do admit, Sir, that a sense of reality is lacking, but I should observe at the same time, that it is lacking not in the Government but in people and in persons who make such wild allegations and who are thoroughly blind to the objective situation of the country.

So far, Sir, as the achievements of the present Government are concerned, particularly in regard to the native States and internal security, I should frankly state that they are nothing short of a miracle, for which the whole of the Indian people is grateful to the Government and to the two eminent leaders who are guiding the destinies of this country. So far as the tackling of the labour problems are concerned soon after the Industries Conference that took place in December last where an industrial truce was concluded, the Government held a series of conferences, two of which were attended by me personally, where a number of measures were discussed and plans chalked out to implement the policy laid down in the Resolution pertaining to the industrial truce. It is to be regretted that sufficient response is not forthcoming to the Resolution about the truce as passed in the Industries Conference. On the one hand, the capitalists of this country who of course did not like that Resolution but still accepted it are now trying to get out of it; on the other hand, there are groups and parties in this country who supported that Resolution but who are now ridiculing it and who are now opposing and obstructing it in actual practice. However, I am sure that the working class and the people of this country will, in the very near future, refuse to fall a prey to the machinations of these parties and they will wholeheartedly march together under the banner of the Congress to realise the goal of real democracy and freedom in this country.

Mr. Z. H. Lari (U. P.: Muslim): Sir, the Bill before this August House is a welcome measure, though it is based primarily on the provisions of the Factories Act, 1936. The improvements, in so far as they go, are neither revolutionary nor of such radical nature as to provoke Mr. Das into voicing any opposition. His speech was amusing if not pathetic. In the name of Indian manners, in the name of freedom, in the name of hatred of British imperialism, he wanted this House to deny the very elementary privileges which labour as such should enjoy and which this Bill, in some measure, wants to assure to the labour.

The provisions of the Bill have been dealt with at some length by the Honourable Minister and Mr. Shastri and I need not dwell on them. I want to confine myself to two aspects of the question which appeal to me, but before coming to them, I would like to deal with one point which Mr. Das wanted to make out, namely, that the Factories Act of 1936 had been faithfully adhered to and the remark by Mr. Sidhva that the provisions of that very Act with regard to building and other matters have also been neglected is very far from correct. If Mr. Das were to turn his attention to the findings of the Labour Investigation Committee held as far back as 1946, he will find and I think his actual experience will corroborate the findings of that Committee—that though the amenities which are or should be the necessary condition precedent to the working of labour were put on the Statute Book by the Factories Act of 1936, in fact, they were always violated by the employers. I am not a leader of the labour movement nor am I connected in any manner with them, but I cannot forget that investigations made these observations and I would place them before this House for such consideration as they deserve. (On page 9, they say:

"However, it is a regrettable fact that the enforcement of labour laws has not been up to the mark and although much has been done by way of putting the workers' right on the Statute Book, on the whole the worker has not been able to obtain a fair deal. His illiteracy, ignorance and unhealthiness have been availed of by some employers who have been able to break or disregard the law with impunity."

The first point that I wanted to make before this House is that the provisions which are going to be incorporated in this Bill were in essential measure to be

[Mr. Z. H. Lari]

found in the Factories Act of 1936, but that Statute Book has, to a great extent, remained a dead letter. Do we find provisions in this consolidating Bill which will go to ensure the actual enforcement of the law which is going to be formulated and placed on the Statute Book? That is the real point. If the experience of the last ten years shows that although the provisions are there but in actual practice they are made nugatory, what is the use of consolidating laws and saying to the public "Here is a solution of the problems of labour!"? Mr. Shastri said that this Bill provides a solution of the labour problem. I was surprised at his satisfaction.

Shri Harihar Nath Shastri: With regard to the work of the factories.

Mr. Z. H. Lari: So far as this Bill is concerned, we are not concerned, with the working of the factory. We are concerned with creating those conditions in which the labour has to work and therefore we have to see in the light of the ten years' working of the Factories Act whether there are provisions in this Bill which ensure the social conditions under which the labourer must work.

The Honourable the Minister has pointed out and very rightly that formerly there was only a question of fine. Now we have added also imprisonment. In so far as it goes, it is an improvement. But the question is that imprisonment comes in only when detection is made. The primary question is whether there is any machinery which will see day to day actual enforcement of the regulations made under Chapters 2, 3 and 4, such as drinking water, hours, cleanliness and so on. While dealing with welfare work there is a provision that the Government may frame rules for association of labourers' representative in the administration of these matters. Now I am surprised why this question should be left to the rule-making power and why it should be confined to enforcement of provisions, under the chapter which deals with welfare work only and not extended to those provisions which deal with health etc. My own humble suggestion before this House for the consideration of the Honourable Minister and the Members of the Select Committee is that there should be a Standing Committee attached to each factory, or for each town comprising firstly the representative of the employer, secondly representative of the worker, thirdly representative of the Trade Unions, if there be any, and lastly public men not connected directly or indirectly with the employers. Unless there is a standing committee to look into the working of these provisions, it will not be possible to see that the amenities which we are going to lay down for the labourers are really going to be provided and that is one thing, which to my mind is of primary importance considering that in effect the statute book has been nullified by the ingenuity and callousness of the employers. As to the second matter, I find it that the Provincial Governments are being given power under various sections to exempt factories from the provisions of those very moderate provisions which are being incorporated in this Bill. If those provisions are good, if the amenities that are required are minimum that the labourer needs, why should there be any exemption? It may be said that we entrust these powers to the Provincial Government and we expect that the Provincial Government would be as much mindful of the interests of labour as the Central Government or the Legislature can be. But in this connection I would invite the attention of the House to the findings of the Labour Investigation Committee. Their findings are that the Provincial Government has been at every stage extending the exemptions and they have not been careful in granting exemptions. If that is the finding of an independent enquiry Committee, there is no reason why we should have these exemptions which are found in paras. 50, 68 and 85. Therefore my second humble submission for the consideration of the Members of the Select Committee is that we should take away this power of granting exemptions. Enforcement need not be left to the vagaries of Provincial

Governments nor provisions varied from province to province. These are the two suggestions that I wish to make and I hope that when the matter goes before the Select Committee they would go into these. The example of Western countries of course, is not to be copied, but to say that Indian style, Indian Independence is repugnant to International conventions is something which is far beyond the comprehension of any reasonable man. With these words, Sir, I support the motion of the Honourable Minister.

Shri V. C. Kesava Rao (Madras: General): Sir, I rise to support the Bill, but at the same time I want to point out a few defects in the Bill. By close study of the Bill anyone can come to a conclusion that this Bill is a mere consolidation of all the regulations and the old rules that were made after 1934 in which year the Factory Bill has come into existence. I am doubtful if this Bill will bring forth any beneficial measures to the labourers. Of course here and there there is a mention about the welfare of the workers in the Bill. But I doubt very much whether by taking some measures or by constructing factories on the hygienic lines or by putting some windows to the factory or fitting up some big bulbs in the factory any useful purpose for the betterment of labour can be served. The labourers are always fighting to improve their economic conditions, but this Bill only points out that the welfare of the worker is more important, and it should be looked after first. I do not say that the welfare of the worker is not important, but at the same time the economical development of the worker is also more essential. I find in this Bill that there is no mention about compulsory housing, the compulsory unemployment benefit, or the compulsory old age pensions or the compulsory profit sharing. All these things are not mentioned here at all.

Pandit Balkrishna Sharma (U. P.: General): This is a Factory's Act.

Shri V. C. Kesava Rao: I know, Sir, but this Factory's Act as pointed out is for the welfare of the worker. At the same time it must bring out some measures to improve the economical condition of the worker.

Another point is that the age of the children is raised from twelve to thirteen. I am of opinion that the children under fifteen should not be employed in the factory. To support my view I want to point out that the labourers generally have many children and to add something to their income they will always send their children even under nine or ten to the work and it is very difficult to find out the age of the boy. So I think that the Honourable the Minister will note this point and raise the age to fifteen.

The next point is that the working hours should be regulated. Generally the workers will go to the factory at 6 O'clock or 7 O'clock in the morning and return in the evening. I find there would not be any rest for these labourers. So in order to regulate their working hours, I suggest that the hours of work should be between 7 and 11 in the morning and 2 and 5 in the evening.

Another point that was mentioned by Mr. Sidhva is that children should be given free milk while their mothers are working in the factories. But I think workers should be provided with midday meals and cleaner canteens should be opened to provide them with decent food. Labourers who come to work in the morning will not be able to cook their food properly; and as their houses will be far away they cannot come home and take food in the interval. So in the interest of their health and to save them from running between home and factory, these factories should provide them with food in the canteens.

Then I find that annual holidays are restricted to ten days, but generally even civil servants and the highly paid Government servants are given the benefit of enjoying holidays for at least 30 days in the year. That benefit should be given to workers also.

With regard to profit-sharing our Honourable Minister may say that our industry is in its infancy, and we cannot share the profits. But most of our

[Shri V. C. Kesava Rao]

industries like textiles, cement, iron and steel, etc have made crores of profits. The textile industry has paid 4½ times the capital invested in the trade as profits. In such a case the industrialist or the capitalists should not find it difficult to share the profits with the labourer who is helping him to make those profits.

Lastly, Sir, in the Select Committee I hardly find any one who really represents labour. I request the Honourable Minister to consider these points and place them before the Select Committee.

The Honourable Shri Jagjivan Ram: Sir, I do not propose to give a reply to all the points raised by various speakers. I may say that I do not claim the Bill to be a revolutionary measure but I feel that it is a modest beginning towards a great object. I may assure my Honourable friend Mr. Siddha that I was all attention when he was on his legs and I was noting down the suggestions and criticisms that he was making. I may assure him that in the Select Committee we will give earnest consideration to his suggestions and criticisms and we will try to accommodate his view point as far as possible and practicable. But I am afraid that some of his suggestions are not practicable while some, though desirable, might not be possible to incorporate in the Bill at the present stage. So even though he may feel disappointed with the report of the Select Committee in certain respects I may again assure him that his criticisms will have our earnest consideration.

I find my Honourable friend Mr. B. Das is not here; I wish he were here. I may say that the measures of labour legislation which this Government are bringing forward are neither due to sentimental reasons nor to the agitation that might be carried on by interested persons or groups in the country among the workers. These are brought forward because we genuinely feel that labour in this country deserves sympathetic consideration: not because they are agitating for their rights but because they have so long been denied the minimum human rights. And therefore I wish to emphasise that it is not due to any sentiment for labour or to a coerced feeling due to agitations, but it is from a genuine feeling for doing some great thing for the working classes that we are bringing these measures forward. I may point out that we never intend to blindly copy western methods. But one should not be conservative and say that everything that comes from the west is detestable. There are things which we should be proud to copy and there are things which we should not imitate. And in our legislative measures and in this factory legislation as well though we have taken advantage of the experience of the western countries—of a person who was a very experienced Factory Inspector in the United Kingdom—we have not blindly copied their legislation. Of course a country which begins industrialisation at a late stage has the advantage of avoiding the difficulties and defects of those countries which started industrialisation earlier and made mistakes. If we have those examples it is not wise on our part to repeat those mistakes and then come to that stage. It was for them to make mistakes; it is now for us to take note of those mistakes and avoid them. And that is what we are trying to do in our Factories Act. In western countries, in Great Britain when they started constructing factories, when they had their Factory Acts they made mistakes and it took them a century to rectify those mistakes and defects. It is not wise on our part to take another century to make those mistakes and rectify them again.

Then my Honourable friend Mr. Das said that these provisions might strangle the development of industry. That is a platitude in which industrialists of this country are given to indulge. But I am sure these provisions are meant not to prevent the growth of healthy industrialism of this country, but I feel, on the contrary, that they will help the growth of industry in this country on sound and scientific lines. He spoke of overburdening the industry with

responsibilities; he talked of cost of production increasing. I think that if we are going to be fair to the working classes the cost of production may slightly increase; but that is no reason why we should not give the workers their due. Even if we are afraid that the cost of production will go up—if we reduce the working hours and if we are to pay fair wages to the workers certainly all this will add to the cost of production,—we have still to put the whole thing on a rational basis; and I think there are other items by which the cost of production might be reduced. And I should like to suggest to my Honourable friend Mr. Das whether he has given the consideration it deserves to the question of how much profit the industrialists in this country are making. Does it not add to the cost of production? Is it not necessary in the interest of the consumer and the country as a whole to have a check on that as well? I hope when my Honourable friend Mr. Das gets another opportunity he will enlighten the House on these points also.

Another point has been raised, Sir, that certain powers have been given to the Provincial Governments to exempt certain categories of factories from the operations of certain provisions of this Act. I do admit, that a provision has been made to that effect and I do feel, Sir, that that provision is necessary—necessary in the sense that we here in the Centre have the power and authority only to legislate. The effect to this provision is to be given by the Provincial Governments. Well, I wish I had the power to give effect to this provision as well, but there are limitations and we have to depend upon the Provincial Governments. I do not understand why there is so much mistrust of the Provincial Governments. After all they have to put these provisions into effect and we will have to give some latitude to them to see whether they have got sufficient machinery to check the provisions which may be put into operation. It is no use having something on the Statute Book unless there is sufficient agency to see that these provisions are being given effect to or not, and that is why we have given this option to the Provincial Governments. I know, Sir, from the little experience that I had of the working of the factory inspectorate in this country in the various provinces that the Provincial Governments in spite of their anxiety to strengthen the inspecting staff have not been able to strengthen or to increase the number of inspectors for the inspection of factories. They have their own limitations—financial and otherwise—and to expect them that as soon as we have this legislation on the Statute Book all the Provincial Governments will overnight set up sufficient machinery for the inspecting services, will be too much to expect from the Provincial Governments and, therefore, naturally they will require some time to strengthen their factory inspectorate staff.

Apart from the financial consideration, there is another consideration as well. We have not got the necessary technical personnel suitable for this purpose and it has been my sad experience, Sir, that sometimes when we advertise the posts the Public Service Commission simply inform us that suitable candidates fulfilling the conditions and qualifications prescribed by Government are not available. These are the limitations under which we have to work. Though, I personally wish that we had been in a position to give effect to all the provisions of this Act in all the factories, regulated or unregulated, these limitations stand in our way.

As I said, Sir, I do not propose to give a reply to all the points raised by various Honourable Members. All that I can assure them is that though I have not been able to go into the draft of the Bill as it stands, though I have not been able to give it much of my personal attention, I will consider all these points in the Select Committee and I think the House will support my motion for referring it to the Select Committee.

Mr. Speaker: To the motion moved there is an amendment of Mr. B. Das which says that the name of Sir J. P. Srivastava be added to the list

[Mr. Speaker]

of Members of the Select Committee. I will first put to the House the amendment. The question is:

"That the name of Sir J. P. Srivastava be added to the list of members constituting the Select Committee."

The motion was adopted.

Mr. Speaker: I will now put to the House the amended motion. The question is:

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Shri Khandubhai K. Desai, Shri B. Shiva Rao, Prof. N. G. Ranga, Shrimati Renuka Ray, Shri Gokulbhai Daulatram Bhatt, Shri Sundar Lal, Shri Nandkishore Das, Shri T. A. Ramalingam Chettiyar, Shri Harihar Nath Shastri, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri K. Santhanam, Shri Arun Chandra Guha, Pandit Balkrishna Sharma, Sir J. P. Srivastava and the Mover, with instructions to report on the opening day of the next session 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.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

The Honourable Dr. John Matthai (Minister for Railways and Transport): Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

The point raised in this amending Bill is an extremely simple one. Under the existing provisions of the Civil Procedure Code notices in respect of suits against Government have to be served on Secretaries to Government, either of the Central Government or of the Provincial Government. State Railways being a part of the Central Government, notices in respect of suits against the Railways have to be served in the same manner. The result in many cases is that a notice, in the first instance, is served upon the Secretary to the Government; then it is passed on by him to the Railway Board and finally it is passed by the Railway Board to the Railway Administration concerned. This has been causing a considerable amount of delay, particularly in respect of compensation claims against Railways the number of which has greatly increased since the outbreak of the war for various reasons. There has been a great deal of complaint, in my view quite legitimate complaint, about the delay that takes place in the disposal of these cases. We have brought in this amending Bill, because we think that if this Bill is passed one, at any rate, of the causes of this delay would be removed. The whole point of the amendment is that in respect of State managed Railways notices of suits should be served on the General Manager of the Railway concerned. It is a perfectly simple measure and I think in the present circumstances, the amendment is urgently called for and I hope the House will see its way to accepting it.

Mr. Speaker: Motion moved :

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

Shri Rohini Kumar Chaudhuri (Assam: General): Sir, I cannot resist the temptation of speaking on this motion which introduces this short and sweet Bill. I wish, Sir, this effort on his part will not prove abortive or unsuccessful as it has failed in other respects, as his other attempts have failed, namely his attempt to make the Railways conform more to the time-table and to make the railways a safer and more comfortable means of travel. But, I have certain misgivings with regard to this Bill, which I hope

the Honourable Minister will take into consideration. First of all, when the complaint goes to the General Manager we all know—all of us who had occasion to bring grievances to the notice of the General Manager,—we all know how the complaints are generally treated in the General Manager's office. After all a notice under section 18 is another stage, a more serious stage, of the complaint itself, the only difference being that this complaint is backed by a threat to bring a suit in a civil court and I am afraid this complaint also may meet the same fate and may be relegated to a receptacle where most unwelcome papers find shelter.

The second apprehension which I have is this: I have found from my own experience when we serve the Government with a notice, there is an attempt to bring about a compromise, and if any party goes to the Government again and places the case before the Honourable the Minister in Charge, generally after some discussion the matter ends in some sort of a settlement. I do not think when the opinion of the General Manager is sought whether a suit should be awarded or settled amicably that he will be inclined to bring about an amicable settlement and I do not think that he will act on those lines.

So, I would submit, Sir, that when this Bill is actually brought into operation, some attention must be paid to these two difficulties which I have stated.

With these words, I support the motion.

Mr. Speaker: The question is :

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

The motion was adopted.

Shri K. Santhanam (Madras: General): I wanted to move the amendment in my name, but I have an amended amendment for which I seek your permission. It is a formal amendment to make the position clear. As it stands, it is not clear whether any party will have the right to give alternative notice to a Secretary or a Railway Manager. The intention of the Bill is that notice in the case of the railway should be given only to the General Manager of the railway. The amendment does not affect the clause but it wants to make the position clear. I move :

"That for Clause 2 of the Bill, the following be substituted :

"2. *Amendment of Section 80, Act V of 1908.*—In Section 80 of the Code of Civil Procedure, 1908,—

(i) in clause (a), after the words "Central Government" the following words shall be inserted, namely :

"except where it relates to a Railway";

(ii) after clause (a), the following new clause (a-i) shall be inserted, namely :

"(a-i) in the case of a suit against the Central Government where it relates to a railway, the General Manager of that railway" ."

This is the amendment. I do not think any further explanation is necessary.

Mr. Speaker: In fact this is an amendment to substitute this for the second clause as placed in the Bill?

Shri K. Santhanam: Yes.

Mr. Speaker: Amendment moved :

"That for Clause 2 of the Bill, the following be substituted :

"2. *Amendment of Section 80, Act V of 1908.*—In Section 80 of the Code of Civil Procedure, 1908,—

(i) in clause (a), after the words "Central Government" the following words shall be inserted, namely :

"except where it relates to a Railway";

(ii) after clause (a), the following new clause (a-i) shall be inserted, namely:

“(a-i) in the case of a suit against the Central Government where it relates to a railway, the General Manager of that railway”.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I rise to support the Bill as well as the amendment but there is a drafting difficulty. So far as the purpose of the Bill is concerned it relates to Government railways and not to private railways. But the wording of the Bill as well as the amendment is rather generally comprehending all railways. In these circumstances, if the House accepts it, and if the Honourable Minister agrees to it, I would substitute “Government Railway” for “Railway”. That would clear the matter. Otherwise notices might be issued to private railways which are governed by the Companies Act or other laws and in some cases no notices are perhaps required.

Mr. Speaker: There is a misunderstanding here. This is an amendment to section 80 which relates to suits against Government only, and therefore the amendment seems to cover the ground or the restrictions which the Honourable Member has in view. It will not apply to all railways.

Mr. Naziruddin Ahmad: In that case the amendment would not be necessary. With regard to the numbering of the new sub-clause it should be (aa) instead of (a-i). (a-i) is used when the normal lettering is exhausted. Therefore, I suggest that it should be numbered (aa).

Mr. Speaker: That is my reaction too. Has Mr. Santhanam any objection to (aa) instead of (a-i)?

Shri K. Santhanam: None whatever.

Shri M. Ananthasayanam Ayyangar (Madras: General): We are much obliged to Mr. Naziruddin to have it more elegant. As regards the Central Government, it is natural when a cause of action arises against the Central Government, this Act applies. Therefore other railway companies owned by others will not come into this. I have to add one thing. We are now passing legislation here when two months' notice under section 80 is given in cases, not to the Secretary to the Central Government but to the General Manager. We shall assume that a cause of action arose three years ago and a notice was sent. Under the Limitation Act the cause of action continues and the duration of two months is added. So he can file a suit after three years and two months. Section 80 in its preamble says:

“No suit shall be instituted against the Crown or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to or left at the office of . . .”

Now it is possible to say that the suit was filed after this Act came into force. This Act contemplates notice not to the Secretary but to the General Manager of the railway concerned. To avoid any difficulty, Mr. Santhanam and myself and others wanted to add an explanation to this clause in the following terms:

“Nothing in this clause shall affect suits in respect of which notice has been delivered to or left at the office of a Secretary of the Central Government before the passing of the Code of Civil Procedure Amendment Act, 1948.”

This will make it clear. I do not think it is the intention of the Honourable Minister in moving this Bill to affect notices which had already been passed and to invalidate suits which depend for their validity upon the notices which have been given to the Secretaries to Government. But it is no doubt true that in the General Clauses Act there is a provision that this is not retrospective. The General Clauses Act safeguards all rights accrued to parties. However, the Honourable Minister seems to be under the misapprehension that the General Clauses Act applies to this. I would be glad if the Honourable Minister clears this up and makes it clear that it is not so intended. 1

do not want to divide on this issue. If the Honourable Minister thinks that it can be added by way of an amendment he can do it or if he thinks that it is superfluous I leave the matter to the courts.

The Honourable Dr. John Matthai: Sir, with regard to Mr. Santhanam's amendment, the fear of any overlapping between the reference to suits against the Central Government and the suits relating to a railway in the additional provision which is included in the amending Bill is, I think, not well grounded. As I am advised the word "or" which occurs here is not really alternative but distinctive. At the same time if there is any sort of doubt in the minds of Honourable Members that a certain amount of overlapping and therefore of confusion might arise I have no objection whatsoever to having the amendment moved by Mr. Santhanam accepted.

As regards the question of inserting an explanation in regard to safeguarding of rights in respect of notices already served, I am authoritatively advised by the Law Officers of the Government that the case which my Honourable friend has in mind is fully covered by the General Clauses Act and there is no risk of any rights in respect of notices already issued being endangered. I would ask my Honourable friend not to move that amendment.

Shri M. Ananthasayanam Ayyangar: I am not at all moving that amendment.

The Honourable Dr. John Matthai: I have discussed it thoroughly with the Law Officers of the Government.

Shri M. Ananthasayanam Ayyangar: I only wish that the Honourable the Law Minister had been present in the House, so that the House might have had the benefit of his views.

Mr. Speaker: The question is :

"That for Clause 2 of the Bill, the following be substituted :

"2. *Amendment of Section 80, Act V of 1908.*—In Section 80 of the Code of Civil Procedure, 1908,—

(i) in clause (a), after the words "Central Government" the following words shall be inserted, namely :

"except where it relates to a railway";

(ii) after clause (a), the following new clause (aa) shall be inserted, namely :

"(aa) in the case of a suit against the Central Government, where it relates to a railway, the General Manager of that railway".

The motion was adopted.

Mr. Speaker: The question is :

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

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

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

Mr. Speaker: The question is :

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

The motion was adopted.

[Mr. Speaker]

Mr. Speaker: This finishes off the work for today and tomorrow. The question then arises as to when the House should meet again. It will be, I believe, on Monday.

Mr. B. K. Sidhva (C. P. and Berar: General): What about the questions for tomorrow?

Mr. Speaker: It is not a very satisfactory position that we should carry on the questions from day to day. As we saw today, only four questions could be taken up from the list of yesterday. If we transfer the questions of tomorrow again to Monday, there would once again be the same difficulty that we experienced today. But I may say that in future, if it becomes necessary to adjourn for want of business or any other reason, the Members ought to have sufficient notice beforehand so that proper steps will be taken to transfer the whole set of questions for that day to some other distant date. I am afraid the questions up to the 1st of March if not later, have already been fixed up. If any wholesale transfer of questions of one day to another is desired, those questions will have to come in after the 1st or first week of March: I am not sure about the date. But we must try to see that we meet regularly and Government does provide some work from day to day, so that there will be no difficulty about questions as has been raised just now.

Shri Satyanarayan Sinha (Bihar: General): There will be no difficulty in future, Sir. You know the reason why this difficulty arose. In future we hope that this will not happen but if it does, as you have suggested, we can transfer the questions to some distant date.

Mr. B. K. Sidhva: Sir, is it proposed that the Assembly does not sit on all future Saturdays? We consider the question hour very important and you have also said so. Therefore if we do not meet on Saturdays, we can at least tell the office to transfer the questions to some other date.

Mr. Speaker: So far as tomorrow is concerned, we are not sitting, not because tomorrow is a Saturday but because there is no business for tomorrow. So far as other Saturdays in future are concerned, I believe we are sitting on those days.

Shri Satyanarayan Sinha: We have not decided yet but as you have suggested we might sit for half days.

Mr. Speaker: When the whole question of dates was settled, it was done in consultation with the Government and Saturdays were included. I do not see any reason why the House should not sit on Saturdays when the dates have been fixed. As a matter of compromise, what can be done is that, instead of sitting the whole day, we can sit for half a day on Saturday. That will give members some relief and the difficulty about the question hour will disappear.

Shri K. Santhanam (Madras: General): If we are going to sit on Monday, at least by tomorrow morning Honourable Members should get the list of business for the day, so that they might come prepared.

Shri Satyanarayan Sinha: On Monday the business will be the reference to Select Committee of the Rehabilitation Finance Administration Bill, by the Honourable the Finance Minister.

Mr. Speaker: On Monday, the motion for reference to Select Committee of the Rehabilitation Finance Administration Bill will be coming. I hope we shall be able to have the other items on the agenda by the evening, so that notices of the same may be sent to Honourable Members either tonight or latest by tomorrow early morning.

Shri M. Ananthasayanam Ayyangar (Madras: General): I think we might adopt the previous practice, viz., that at the close of each week the Leader

of the House used to say what the business for the next week would be. If that is done we will be in a better position to understand where we stand. Therefore that also may be considered.

Mr. Speaker: We will consider it.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I would like to make a suggestion as regards Saturdays. We do not want half a day session on Saturdays. There are many meetings of Select Committees and Standing Committees and other kinds of meetings every day as well as of the House and they overlap. We have to come at half-past ten for Committee meetings and again at 11 for meeting of the House while the former is in progress and our attention is divided between one and the other. If therefore Saturday is set apart as a whole holiday and if that is utilised for Committee meetings that arrangement will be more satisfactory for us. The holiday is utilised and the Government gets full value for the money spent on the Members.

Mr. B. K. Sidhva: Sir, all members are not on Select Committees. I am for half a day meeting of the House. The afternoon is sufficient for Committees. Half a day could be utilised for the business of the House and half a day could be allowed for Select Committees, etc.

Mr. Speaker: That is why I have suggested a compromise of sitting for the morning, that is, from 11 to 1-15. And members will thereafter have enough time.

Shri H. V. Kamath (C.P. and Berar: General): It may be from 11 to 1 and not 1-15.

Mr. Speaker: 1 and 1-15 do not make much difference and it may be upto 1 if the Honourable Members should so desire.

The Assembly then adjourned till Eleven of the Clock on Monday, the 2nd February 1948.