

17th February 1941

THE

# LEGISLATIVE ASSEMBLY DEBATES

## Official Report

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Volume I, 1941

*(11th February to 27th February, 1941)*

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### THIRTEENTH SESSION

OF THE

### FIFTH LEGISLATIVE ASSEMBLY, 1941



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# Legislative Assembly

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# LEGISLATIVE ASSEMBLY

Monday, 17th February, 1941.

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

## MEMBER SWORN.

Mr. John Herbert Thomas, M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS

#### MANUFACTURE OF AIRCRAFTS, MOTORS AND SHIPS IN INDIA.

76. \*Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state whether Government have given any encouragement to any Indian enterprise started to manufacture aircrafts, motors or to build ships? If so, what is its nature and extent?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I would refer the Honourable Member to the Commerce Department Press Communiqué of the 16th December, 1940, on the subject. Copies of the communiqué are in the Library.

Mr. Lalchand Navalrai: May I know if any manufactures have been started, or not yet?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I understand that preparations are going on for the starting of the manufacture of aircraft.

Mr. Lalchand Navalrai: What is meant by preparation? Is it that they have only thought over it?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: My Honourable friend should address the question to those who are the enterprisers in this behalf.

Dr. Sir Ziauddin Ahmad: May I know whether Government have already paid for the purchase of the aircraft to these companies, and, if so, for how many machines?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I would request my Honourable friend to address that question to my Honourable friend, the Finance Member.

**Dr. Sir Ziauddin Ahmad:** Payments should have been made through the Commerce Department.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** An agreement has been arrived at under which certain amounts have to be paid by Government, but whether they have been paid or not, I am not aware of.

**Dr. Sir Ziauddin Ahmad:** Has there been any talk or any negotiation about this point that certain machines ought to be supplied by certain dates and the numbers of those machines that have already been paid for?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I cannot say whether they have already been paid for, but I know that the contract makes provision for payment of certain amounts under certain conditions.

**Sir Muhammad Yamin Khan:** Is that payment to be made before the supply, or what is the nature of the agreement?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I must have notice of that.

**Mr. Govind V. Deshmukh:** What is the progress made in this matter since the issue of the communiqué referred to by the Honourable Member?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I understand that, so far as the manufacture of aircraft is concerned, the progress has been very considerable, and the concern which has undertaken this has taken substantial steps in advance for bringing about the manufacture of these aircrafts.

#### SUBSTITUTE MARKETS FOR MARKETS LOST IN EUROPE.

77. **\*Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state what effective substitute markets have been secured for India for the markets lost in Europe, and for which commodities?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I place a statement on the table of the House showing the exports of certain principal commodities—

(a) to "lost" markets, for the 12 months immediately preceding the war, and,

(b) to markets still open to India, for the two twelve-monthly periods immediately before and after the outbreak of war.

It will be seen that while exports to open markets in jute, castorseed, groundnuts, rapeseed, hides and skins, coir yarn, hemp, and manganese ore have exceeded the quantities exported to those same markets during the period before the war, nevertheless, except in the case of castorseed and rapeseed, the increased exports have not been sufficient to make up for the loss due to the markets now closed to us. The value of exports to the open markets during the first year of war exceeded, however, the value of exports to both open and lost markets inclusive during the 12 months before war broke out.



Increases in exports to open markets have been chiefly made to Empire countries and to the United States of America.

*Statement showing exports of certain principal commodities, from British India, by sea, to (1) Countries now closed, and (2) Countries still open.*

Commodity.	Unit.	Exports to	Exports to	Exports to
		markets now closed.	markets still open.	markets still open.
		(During September-August 1938-39.)	(During September-August 1938-39.)	(During September-August 1939-40.)
Jute, raw	Tons	338,614	329,143	354,242
Cotton, raw	"	114,459	470,127	354,872
Castorseed	"	3,708	4,140	78,856
Groundnuts	"	652,129	155,976	235,991
Linseed	"	24,451	285,443	206,362
Rapeseed	"	1,545	3,100	29,968
Hides and skins, raw	"	12,326	25,457	34,875
Oilcakes	"	120,406	295,085	225,647
Latex	Cwts.	98,852	693,057	643,719
Coir yarn	"	335,114	283,085	424,265
Hemp, raw	"	413,276	379,666	515,376
Manganese ore	Tons	145,653	420,700	541,686
Total value of exports of all commodities.	Rs. (000)	28,20,10	144,16,43	198,86,63

#### DEVISING OF A SCHEME FOR GOVERNMENT PURCHASE OF COTTON.

78. \*Mr. Govind V. Deshmukh: Will the Honourable Member for Commerce please state if Government propose to devise a scheme, with or without the co-operation of the Provincial Governments or request His Majesty's Government, to purchase cotton in this country in order that the agriculturists may not be required to sell cotton at unremunerative prices in the markets? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, Sir. The price of cotton is above the level prevailing at the outbreak of war and there is, therefore, not at the moment any occasion for extraordinary Government action.

Mr. Govind V. Deshmukh: Are Government sure that the price is above the level which it had reached before the war?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** To the best of my information, Sir, that is the position.

**Mr. Govind V. Deshmukh:** I think it has gone down. May I ask whether it is not possible for this Government to have a conference on the lines they had in December last as regards jute?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The position is constantly under consideration and review by the Government of India so far as this commodity is concerned. My Honourable colleague knows that, at the meeting of the Export Advisory Council where the main interests of cotton are represented, this question has been very constantly under review. I am prepared at any time, when it becomes necessary, to have a conference, not identical with that which was held with reference to jute, but on similar lines.

**Mr. Govind V. Deshmukh:** Did this Government incur any obligations in connection with the Jute Conference, any commitments made?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Certain contingent obligations.

**Mr. Govind V. Deshmukh:** May I know the nature of these contingent obligations?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Apart from the fact that this does not arise directly out of this question, I may say that the obligations were referred to in the press communiqué which was issued on the subject soon after the conference was over.

**Dr. Sir Ziauddin Ahmad:** Did this conference referred to by my Honourable friend devise any scheme for stabilising the prices of cotton?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Cotton? Not yet. My Honourable friend was referring to jute.

**Mr. Govind V. Deshmukh:** By way of illustration.

**Dr. Sir Ziauddin Ahmad:** I am talking of cotton.

#### NEW EXPORT MARKETS FOR COTTON AND GROUNDNUTS.

79. **\*Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state:

- (a) what measures have been taken to find out new export markets, as the old ones have been lost owing to war, for cotton and groundnuts; and
- (b) the measures taken to raise the prices of these commodities?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Generally speaking, it is not easy to find new markets for cotton and groundnuts in place of those which have been lost owing to the war. There has been an appreciable increase during the current year, in the total exports of cotton textiles to all destinations and a certain quantity of the

cotton surplus may, therefore, be expected to be absorbed by increased consumption in Indian mills in connection with the export demand and also in connection with the demands of the Supply Department. The Government of India are also taking certain steps to relieve the situation. They have recently appointed a Trade Commissioner in Australia, and the question of appointing further Trade Commissioners and sending trade missions to countries with which India can hope to improve her trade relations is also under active consideration.

(b) The price of cotton is above the level prevailing at the outbreak of war and there is, therefore, not at the moment any occasion for extraordinary Government action. As regards groundnuts, the Honourable Member's attention is invited to the Press Note issued on the 30th January, 1941, a copy of which is placed on the table of the House. The matter will be further considered in consultation with the Madras, Bombay and Hyderabad Governments at a conference which will be held on the 20th February, 1941.

#### PRESS NOTE.

##### GROUNDNUT POSITION IN INDIA.

##### *Maintenance of agreed price by His Majesty's Government.*

In recent weeks, both the business world and the Government of India have been much preoccupied with the groundnut situation. In view of pending developments it is intended, subject to agreement by the Provinces and States concerned, to call a conference at New Delhi at an early date. The Madras and Hyderabad Governments have already intimated their willingness to participate in such a conference.

At the beginning of September last, His Majesty's Government undertook to maintain their buying price for Indian groundnuts at £10 f. o. b. per ton. This undertaking has been faithfully observed; but exports of groundnuts have at no time covered more than the smaller part of the whole output in this country and the quantities which His Majesty's Government have been able to buy and ship at the agreed price have not been large enough to prevent the local market rates from falling appreciably below that level when a new and unusually large crop came into the market. The firms through which that Government's requirements were bought have therefore procured the quantities required at a rate appreciably below that which they received on shipping them. The resulting margin of profit for these shippers was consequently large; but in view of the public criticism to which they have been exposed, it must in justice be pointed out that this was an inevitable effect of the maintenance of fixed buying prices by the United Kingdom at a time when market factors were operating adversely to the price situation here and that the shippers themselves were the first to draw attention to the anomaly. At the same time, it is clear that even if the higher price paid by His Majesty's Government could have been passed on to the actual producer, the result would have been in effect nothing but an unfair and fortuitous advantage to a small body of growers over the greater number of their brother-producers whose product passed into the market for local consumption. The only ways in which the excessive margin of profit could be removed were either to reduce the prices paid by His Majesty's Government to their shippers to a rate co-ordinated with the actual course of the local market or to maintain that Government's buying price at the agreed level and to devise means by which the excess could be taken off by Government action and utilized for the benefit of the general body of groundnut growers.

The Government of India have attached great importance to the maintenance of the fixed buying price and have consequently urged upon His Majesty's Government the acceptance of the second of these alternatives. They are now able to announce that that Government have generously agreed for the present not to reduce their prices below the agreed level and themselves to accept from the shippers a rebate equivalent to the difference between that price and the current market price in India. This rebate it is proposed to transfer to the Government of India to be used for the benefit of producers.

In considering the most appropriate way of applying the sums which are likely to accrue as a result of this agreement with His Majesty's Government, the Government of India have come to the general conclusion that it will be necessary to restrict the acreage under groundnuts if the market is not to be subjected to the constant threat of low prices as a result of over-production. The enforcement of restriction will, however, not be easy if higher prices are anticipated as a consequence of any reduction of acreage, and it would in any case be impracticable to enforce it unless there were an agreed scheme covering the principal producing areas. The Government of India's main proposal is that the funds made available to them, supplemented, it is hoped, by contributions from the Provinces and States interested, shall be used as a fund to compensate such producers as are willing to submit to restriction. It is to the discussion of details arising out of this proposal that the projected Conference will be asked to devote its attention.

COMMERCE DEPARTMENT,

New Delhi, January 30, 1941.

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**Mr. Govind V. Deshmukh:** May I know what was the price of cotton before the outbreak of the war?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am afraid I must have notice.

**Mr. Lalchand Navalrai:** May I know from my Honourable friend whether any exports are being made to Australia of cotton and groundnuts?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I must have notice of that. I believe exports of cotton are being made.

**Mr. Govind V. Deshmukh:** Besides the appointments of Trade Commissioners, are any other measures being taken for increasing the prices of cotton?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** No, not yet.

**Dr. Sir Ziauddin Ahmad:** With reference to the answer to part (a) of the question, may I know whether the Indian cotton mills are using exclusively Indian cotton in their mills, and whether they are not using imported cotton?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Certainly, some Indian mills are exclusively using Indian cotton. Other mills are using both Indian and imported cotton, but some mills are using exclusively imported cotton. There are all kinds of permutations and combinations in regard to the use of cotton in various textile mills according to the nature of the cloth that is being produced or the machinery that is set up in these mills.

**Dr. Sir Ziauddin Ahmad:** In view of the special protection which we have given to these mills for the benefit of the cotton growers, are Government prepared to take action that those mills which enjoy a very high degree of protection use only Indian cottons?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** My Honourable friend asks me to enter into a very large issue. I would only content myself by saying that diversification of production of cotton cloth is one of the things that was recommended by the earliest Tariff Committees which sat on cotton protection, and, according to that recommendation, it is essential that some mills should spin fine yarn and weave fine cloth which can only be done at the present stage of production of cotton in this country, from imported cotton.

**Dr. Sir Ziauddin Ahmad:** On account of war conditions, the question of fineness of cloth is not so important as the question of the consumption of Indian cotton. In view of the importance of the consumption of Indian cotton, will Government be prepared to stop foreign cotton altogether by putting a special import duty on it?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** There is a limitation of the consumption of cloth in this country of certain texture, and there is also the limitation that certain machinery in certain mills can only work on fine cotton.

**Mr. M. S. Aney:** In giving contracts of certain cloth to these mills, what is the rate of cotton contemplated by the Supply Department in making their demand?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** That question must be addressed to my Honourable friend, the Supply Member.

**Mr. M. S. Aney:** Any Member on the Treasury Benches may answer it. The question is this. Certain contracts for cloth are given to the mills. I want to know what is the rate of cotton contemplated by the Supply Department in giving those contracts to the mills?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Perhaps I may answer that question. Tenders are called for, and very often the lowest tender is accepted. It is a competitive tender where tenderers offer according to the value of the cotton that they can get for the purpose for which it is desired.

**Mr. M. S. Aney:** Has the Supply Department or any other Department concerned calculated even on the basis of the lowest tender what is the price of cotton per *khandi*, that is the basis of their calculation?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am sure in these matters the Finance Officer who is closely associated with these things must have calculated that factor.

**Mr. M. S. Aney:** Is there any officer present in this House who is in a position to give a definite reply?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member had better put down a question.

**Dr. Sir Ziauddin Ahmad:** May I put this question in another form? In view of the fact that all the prices are determined by negotiation, allowing

ten per cent. interest to the persons, then in this calculation what is the price of the cotton fixed? That is really the important question.

**Mr. President** (The Honourable Sir Abdur Rahim): Government are not in a position to answer that now.

**Mr. M. S. Aney**: It looks like that.

#### SUBSIDY TO SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

80. \***Mr. Lalchand Navalrai**: (a) Will the Education Secretary be pleased to state if Government received a representation from the Secretary of the Indian Merchants Chamber, Bombay, in December last, which referred to the Press Note issued by the Government of India on the subject of subsidy which they proposed to give to ships carrying pilgrims between India and Jeddah during this year's Haj season?

(b) If so, what reply was given on the subject to the Indian Merchants Chamber, Bombay, and was any subsidy given or concessions made in favour of the ships which carried the pilgrims? If so, which and for what reasons?

(c) Is it a fact that on the previous occasion of Haj last year, an Indian shipping concern, the Scindia Steam Navigation Company, was carrying pilgrims, and this year it was done by non-Indian shipping concerns?

(d) Is it a fact that last year no such help was forthcoming for the Indian shipping company when they made an appeal for it, whereas it was proposed to be given this year? If so, what is the reason for this distinction?

(e) Did the shipping companies this year fix the fares for sailing between India and Jeddah? If so, how did it compare with the fares charged last year?

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

(b) to (e). The letter was acknowledged and a press communiqué entitled "Facts About The Subsidy" was issued on the 10th December, 1940. A copy is laid on the table of the House.

(Not to be published before the 10th December, 1940.)

#### GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

New Delhi, the 10th December, 1940.

#### PRESS COMMUNIQUE.

HAJ PILGRIMAGE.

*The Facts about the subsidy.*

The Government of India have seen in the Press certain statements to the effect that no assistance was given to shipping companies engaged in the pilgrim traffic last year either by means of a subsidy or by fixing economic rates whereas in the current year, when only a non-Indian concern is participating in this traffic, Government are

giving direct assistance by means of a subsidy and the fares have also been increased. It is also stated that the Indian Shipping Company was not consulted before this policy was decided upon and the inference apparently suggested is that if the Company had known that a subsidy was to be offered it would have considered participating in the traffic. The incorrectness of these allegations and suggestions will be apparent from the facts set out below.

In the Haj season of 1939-40 the Scindia Steam Navigation Company declined to participate in the pilgrim traffic as the Company was not prepared to accept the Government of India's allocation of traffic between the two companies interested. The maximum fares quoted by the Mogul Line for the Haj Season of 1939-40 were those in force in 1938-39,—the last pre-war season,—and were 22 per cent. less than those suggested by the Scindia Steam Navigation Company. These were accepted as reasonable after consideration of all relevant factors and the Mogul Line was the only company that operated on these terms.

When arrangements for the current pilgrim season came to be considered, a completely new set of conditions had arisen. The war had extended to the Red Sea and demands on available shipping for military purposes had greatly increased. There was much uncertainty as to the number and identity of the pilgrim-carrying ships that could be released from requisition: there was even greater uncertainty regarding the number of pilgrims likely to be forthcoming. But the most uncertain factor was whether the companies would be able to quote fares within the capacity of the average pilgrim. In reply to identical inquiries from Government in August last the Mogul Line and the Haj Line (Scindia's) both expressed their inability to quote any rates and both emphasised the fact that operating costs had increased since the previous year. Indeed the rise in the rate for War Risk Insurance alone was sufficient to raise the economic fare for the voyage between Indian ports and Jeddah beyond the reach of ordinary pilgrims. Identical letters were therefore again addressed to the two shipping companies explaining that, as sailing arrangements must depend on the shipping actually released from requisition, no scheme of allocating shares in the traffic was feasible and a programme could be drawn up only when it was known what ships would be available and whether the Shipping Companies were willing to operate their ships on that basis. In the same letter the Companies were invited, if they agreed to the foregoing, to quote fares in two parts,—a figure allowing for normal delays to ships but exclusive of war risk insurance, and, separately, a further figure to cover war risk insurance and abnormal delays due to war conditions. The Scindia Steam Navigation Company replied that it was not willing to participate in the traffic as its claim to be allotted 50 per cent. of the traffic was not accepted and because certain operational difficulties were apprehended: it did not quote any figures for fares. As the Scindia Steam Navigation Company was unwilling to accept the only basis on which Government considered it possible, in the circumstances prevailing, to get shipping made available for this year's pilgrimage, the question of further consultation with the Company did not arise and discussions regarding the fare to be charged and the method by which the pilgrim could be relieved of the increase attributable to special war conditions, as foreshadowed in Government's second letter to the Companies, proceeded with the Company which had declared itself willing to participate in the traffic on the basis put forward by Government.

From these facts it will be clear that no comparison can be drawn between the conditions governing Haj sailings last season and those prevailing this year. It will also be clear that the approach to the two Companies by Government was identical up to the stage at which the Scindia Steam Navigation Company, of its own volition, dropped out of the negotiations. Finally it will be clear that, as was categorically stated by the Scindia Steam Navigation Company in both its replies to Government, the Company was unwilling to participate in the pilgrim sailings on any basis other than the allotting to it of 50 per cent. of the traffic in any allocation that might result from Government's regulation of the shipping arrangements, and therefore the question of consulting it further about the incidence of the charges did not arise. If the Scindia Steam Navigation Company had been willing to operate their ships under the system of regulation proposed by Government, that Company would have been given the same terms as the Mogul Line.

To bring into true perspective the allegations that have been made it is necessary to appreciate:

- (i) that expenditure attributable to war conditions was extremely small last season and did not justify any increase in fares;

- (ii) that this "war" expenditure is very heavy during the current season; and  
 (iii) that under this year's arrangements the Mogul Line continues to meet the same items as in peace time while the liability assumed by Government is confined to elements which are the creation of the war.

**Mr. Lalchand Navalrai:** May I know what subsidy has been given?

**Mr. J. D. Tyson:** No subsidy has yet been given.

**Mr. Lalchand Navalrai:** Why was a distinction made between the previous year and this year?

**Mr. J. D. Tyson:** If the Honourable Member will read the communiqué, he will find the question fully answered there.

**Mr. Lalchand Navalrai:** Without reading the communiqué to which the Honourable Member referred . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): If a communiqué has been issued, the Honourable Member ought to have acquainted himself with that.

**Mr. Lalchand Navalrai:** With reference to (e), may I know if the rates were fixed, and, if so, what were they?

**Mr. J. D. Tyson:** The fares this year were 13 per cent higher than last year.

**Mr. Lalchand Navalrai:** Did Government allow that?

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

**Mr. Lalchand Navalrai:** What was the reason? It was not so before?

**Mr. J. D. Tyson:** War conditions.

**Dr. Sir Ziauddin Ahmad:** Calculating the subsidy which they paid, to what figure does the increase work up to?

**Mr. J. D. Tyson:** I have already said that no subsidy has been paid.

**Mr. J. D. Boyle:** May I know if the Press Communiqué explains the circumstances which prevented the Scindia Steam Navigation Company from accepting the advantages offered by the subsidy?

**Mr. J. D. Tyson:** It does.

#### FIXATION OF THE SELLING PRICES OF TANNED HIDES AND SKINS IN ENGLAND.

**81. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Commerce Member please state whether Government are aware that British Government fix the price of tanned hides and of tanned skins at which they should be sold in England?

(b) Are these prices fixed in consultation with the Government of India?



(c) Are the sellers consulted about the prices? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) His Majesty's Government fixes from time to time the maximum prices at which Tanned Hides may be purchased in England. The import of tanned skins into the United Kingdom is restricted to a monthly quota but prices are not fixed.

(b) No.

(c) Does not arise.

**Dr. Sir Ziauddin Ahmad:** Is it not a fact that the British Government, when the goods are sent to the United Kingdom and they are delivered there, fixes the prices at which these things are to be purchased? Is it not a fact?

**The Honourable Sir Muhammad Zafrullah Khan:** They fix the maximum price, but they do not fix the actual prices.

**Dr. Sir Ziauddin Ahmad:** The maximum price is fixed and the price could be lowered, but that maximum price is not the economic price. This maximum price, when it is fixed, ought to be fixed in consultation with the Government of India, because there is a good deal of complaint that the maximum price fixed by the British Government is not an economic price. The sellers are at the mercy of these people when the goods are already delivered in the United Kingdom.

**The Honourable Sir Muhammad Zafrullah Khan:** I am much obliged to the Honourable Member for the information. The maximum price is fixed and announced from time to time.

**Mr. Lalchand Navalrai:** May I know why is it that the Government of India are not consulted? Are the Government of India indifferent to it, or is there any other reason?

**The Honourable Sir Muhammad Zafrullah Khan:** The Government of India are not indifferent, but I do not see that any obligation is cast upon His Majesty's Government to consult the Government of India.

**Dr. Sir Ziauddin Ahmad:** Is it not a fact that the Government of India are responsible for the safeguard of the interests of the people of India, because it is they alone who can safeguard the interests of the traders? When goods are delivered in the United Kingdom and they fix the prices on delivery, the Government of India, as the representative of the traders in this country, ought to intervene and protest, because the prices ought to have been fixed before the goods are sent from this country and not fixed after the delivery has taken place?

**The Honourable Sir Muhammad Zafrullah Khan:** I have said that the maximum price is fixed and announced from time to time, so that everybody knows what the maximum price is.

**Mr. Lalchand Navalrai:** Is there any rule or order that the Government of India should not be consulted? Is there any order like that?

**The Honourable Sir Muhammad Zafrullah Khan:** What has any rule or order to do with this matter?

**Dr. Sir Ziauddin Ahmad:** Did Government receive any representation complaining that prices are fixed after delivery?

**The Honourable Sir Muhammad Zafrullah Khan:** I cannot answer that without notice.

#### FALL IN EXPORT TRADE OF TANNED HIDES AND SKINS.

**82. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Commerce Member please state what is the average annual value of tanned hides and skins prepared in India?

(b) What has been the average annual value of the tanned hides and skins exported from India to foreign countries?

(c) To which countries were those hides and skins exported before the war?

(d) To which countries are they now exported?

(e) What has been the value of export trade in hides and skins in the first nine months of 1940-41 and what were the values during the same period in the two preceding months?

(f) What steps, if any, have Government taken for the consumption of those articles, whose export has been stopped on account of war conditions?

(g) Did the Supply Department make any attempt to purchase tanned leather produced in Southern India? If not, why not?

(h) Is it not a fact that Madras tanners were asked by the Supply Department to supply Dacca hides?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Government have no information.

(b) Rs. 606 lakhs per annum for the three year period ending 1939-40.

(c) Ninety-three per cent. of the total value of exports during the two years 1937-38 and 1938-39, went to the United Kingdom, and the balance to Japan, the United States of America, France, and other countries.

(d) The United Kingdom mainly, but also to the United States of America, Iraq and other countries.

(e) Presumably by 'two preceding months' the Honourable Member means "two preceding years". The value of exports of tanned hides and skins in the first nine months of 1940-41 as compared with the same period of the two preceding years is :

	Rs.
1940-41 (nine months)	4,91 lakhs.
1939-40	4,73 "
1938-39	3,48 "

(f) If by "those articles" the Honourable Member means tanned hides and skins, the answer to part (e) shows that total exports have increased. In addition there has been increased consumption in India due to the requirements of the Defence Services.

(g) Government are purchasing tanned leather in South India.

(h) Yes, through an oversight.

**TENDERS INVITED BY THE SUPPLY DEPARTMENT FOR CERTAIN QUALITY OF CALICO CLOTH.**

**83. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Leader of the House please state whether it is a fact that Government, in the Supply Department, invited tenders for 2,520,000 yards of Calico No. 2 width 36" according to the specification No. CS 110E?

(b) When and on which date was this information about the tenders published in newspapers?

(c) In which newspapers was it published?

(d) In case it was not published in papers, was it sent privately to various associations and firms?

(e) On which dates was this information issued from New Delhi?

(f) What was the last date for the receipt of the tenders?

(g) From which mills or business firms did Government receive the tenders in Bombay?

(h) What tenders were accepted?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes.

(b) and (c). Tenders were not invited through the Press.

(d) Sixty-six firms were invited to quote and copies of the invitation to tender were also sent to the Secretaries of the Millowners Associations at Calcutta, Indore, Ahmedabad and Bombay.

(e) 9th January, 1941.

(f) 14th January, 1941.

(g) and (h). List of the firms from Bombay who tendered against the enquiry and of all the tenders accepted are placed on the table.

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*List of firms from Bombay from whom tenders were received against enquiry No. SY/X-1/11042 for Calico No. 2 White.*

1. M/s. Svadeshi Mills, Bombay, through M/s. Bashesar Nath & Co., New Delhi.
2. M/s. Tata Mills, Bombay, through M/s. Bashesar Nath & Co., New Delhi.
3. M/s. Bombay Co., Ltd., Bombay.
4. M/s. Century Spinning and Weaving Mills Ltd., Bombay.
5. M/s. David Sassoon & Co., Ltd., Bombay.
6. M/s. Sreenivas Cotton Mills Ltd., Bombay, c/o. Gore & Co., Bombay.
7. M/s. Modern Mills Ltd., Bombay.
8. M/s. Thackersey Mooljee, Bombay.
9. M/s. E. D. Sassoon & Co., Ltd., Bombay, through M/s P. R. Pinhorn & Co., Ltd., New Delhi.

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*List of firms whose tenders were accepted.*

1. Messrs. Juggilal Kamlatpat Cotton Mills, Cawnpore.
2. Messrs. Sutlej Cotton Mills Limited, Okara.
3. Messrs. Cawnpore Cotton Mills Limited, Cawnpore.

4. Messrs. Monogram Mills Limited, Ahmedabad.
5. Messrs. Thackersey Mooljee & Company, Apollo Street, Bombay.
6. Messrs. Mysore Spinning and Weaving Mills Limited, Bangalore.
7. Messrs. Cotton Agents Limited, Gwalior.
8. Messrs. Lyallpur Cotton Mills, Lyallpur.
9. Messrs. Manek Lal Harilal Mills, Ahmedabad.
10. Messrs. Vijaya Mills, Naroda Road, Ahmedabad.
11. Messrs. Ajit Mills, Ahmedabad.
12. Messrs. Marsden Mills Limited, Ahmedabad.
13. Messrs. Rajkumar Mills, Indore.
14. Messrs. R. G. Cotton Mills, Lucknow.
15. Messrs. G. D. Shroff, 61, Cross Street, Calcutta.
16. Messrs. Modern Mills Limited, Bombay.
17. Messrs. Bombay Company Limited, Bombay.

Nos. 5, 16 & 17 are firms from Bombay.

**Dr. Sir Ziauddin Ahmad:** Is the Honourable Member aware that every millowner is not a member of the Millowners' Association?

**The Honourable Sir Muhammad Zafrullah Khan:** That may be so.

**Dr. Sir Ziauddin Ahmad:** In that case, the information sent to the Millowners' Association practically excludes the information to those persons who are not members?

**The Honourable Sir Muhammad Zafrullah Khan:** But I have already said that sixty-six firms were invited to quote individually also.

**Dr. Sir Ziauddin Ahmad:** Is there any difficulty in getting this thing published in the papers so that everybody interested may read it?

**The Honourable Sir Muhammad Zafrullah Khan:** In this particular case, the obvious urgency of the demand.

#### PROVINCIAL ADVISORY COMMITTEES FOR ADVISING ON PURCHASES.

**84. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Leader of the House please state whether it is a fact that Government have appointed an Advisory Committee in every Province to give advice on the general questions of purchases?

(b) Who appoints these Committees?

(c) Are these Committees interested in all the articles purchased, or only in the articles purchased by the Indian Stores Department?

(d) In case the Committee is limited to the articles purchased by the Indian Stores Department, what are the other Committees which advise the Government about the purchase of other articles?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No. So far only six Advisory Committees have been appointed. They are attached to the

six Controllers of Supplies, and all the Provinces are represented on one or other of these Committees.

(b) The Central Government in consultation with the Provincial Governments concerned.

(c) and (d). The main function of the Advisory Committees is to offer advice on problems connected with the procurement of supplies. They are not directly concerned with the work of any particular purchasing organisation.

**Dr. Sir Ziauddin Ahmad:** In view of the fact that several provinces are now creating purchase advisory committees, what would be the relation between these provincial committees and the committees appointed by the Government of India?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware of provincial advisory committees being created for advice on matters of supply by Provincial Governments.

**Dr. Sir Ziauddin Ahmad:** Is it not a fact that the Provincial Governments have already appointed purchase officers when these purchases are made by the Central Government, and in that case what is the relation between the purchase officer appointed by the Local Government and the purchase officer appointed by the Supply Department?

**The Honourable Sir Muhammad Zafrullah Khan:** No Local Government has to my knowledge appointed any purchase officers for supplies which are required by the Central Government.

#### UNEQUAL EARNINGS OF THE MACHINEMEN AND INKMEN OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

85. \***Mr. Amarendra Nath Ohattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is not a fact that the Government of India Press Hand-book lays down that any Foreman or Assistant Foreman, if he does not distribute work among the piece-workers equally, is liable to dismissal, suspension, degradation, etc.?

(b) Will Government be pleased to state the number and names of machinemen and inkmen of the Government of India Press, Calcutta and their respective earnings from January 1940 to December 1940, month by month?

(c) If there be a difference in their earnings, will Government be pleased to state the reason therefor?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) No.

(b) A statement is placed on the table.

(c) Variations are inevitable as a result of differences in personal dexterity and in individual class rates and the impossibility of ensuring absolute equality in the matter of distributing work. In the case of the earnings shown in the statement referred to in part (b) the differences, in some cases, were unavoidably accentuated owing to the necessity of confining a special item of work to certain men only.

Statement showing the number and names of machinemmen and inkers of the  
1940 to

Serial No.	Name.	Designation.	Earnings for January 1940.		Earnings for February 1940.		Earnings for March 1940.		Earnings for April 1940.	
			Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
1	Mr. Upendra	Machinemmen	80	2 0	79	2 0	75	12 0	74	5 0
2	" Kabool*	Do.	78	11 0	84	7 0	96	11 0	48	7 0
3	" Yacob	Do.	92	10 0	83	6 0	93	4 0	87	11 0
4	" Korban	Do.	91	1 0	77	11 0	81	9 0	95	8 0
5	" Sk. Bechoo*	Do.	83	0 0	74	8 0	70	10 0	76	12 0
6	" Alidat Khan	Do.	69	3 0	53	8 0	0	2 0	21	2 0
7	" Mohamed Ali	Do.	93	15 0	73	6 0	87	3 0	66	1 0
8	" Mofruddin	Do.	77	14 0	85	0 0	76	5 0	76	3 0
9	" Habib	Do.	80	0 0	73	10 0	84	15 0	77	14 0
10	" Golam Hyder	Do.	89	14 0	75	12 0	87	13 0	80	1 0
11	" Ramjan	Do.	57	14 0	64	9 0	74	14 0	66	12 0
12	" Chodl*	Do.	78	3 0	56	4 0	78	7 0	90	10 0
13	" Sk. Ali*	Do.	65	5 0	32	2 0	76	14 0	74	10 0
14	" Anbu*	Do.	76	5 0	71	14 0	81	4 0	80	0 0
15	" Hosseni*	Do.	56	7 0	50	7 0	33	14 0	54	11 0
16	" Monsurahi	Do.	67	2 0	56	6 0	72	10 0	63	0 0
17	" Diktendra	Do.	58	5 0	44	7 0	47	13 0	56	16 0
18	" Md. Ismail	Do.	60	11 0	57	11 0	66	5 0	58	4 0
19	" Noor Hussain	Do.	65	10 0	66	12 0	67	3 0	69	16 0
20	" Kochi*	Do.	60	14 0	66	4 0	79	6 0	80	2 0
21	" Jan Mohammed	Do.	40	12 0	30	5 0	58	12 0	64	3 0
22	" Sk. Kaloo <i>Temporary.</i>	Do.	49	10 0	45	0 0	38	2 0	30	0 0
23	Mr. Bheupendra	Do.	32	2 0	35	16 0	21	5 0	33	6 0
24	" Sk. Soof	Do.	57	15 0	53	3 0	54	12 0	80	14 0
1	Sayed Ali	Inker	45	14 0	44	8 0	50	5 0	53	8 0
2	Rowic*	Do.	44	14 0	40	15 0	53	3 0	54	0 0
3	Md. Hussain Khan	Do.	41	13 0	35	9 0	37	0 0	44	2 0
4	Sk. Jamir	Do.	24	2 0	45	7 0	43	13 0	46	10 0
5	Sk. Feiu*	Do.	42	4 0	39	3 0	49	10 0	55	10 0
6	Md. Yasain	Do.	52	13 0	41	13 0	48	10 0	45	2 0
7	Sukur	Do.	61	12 0	47	6 0	51	8 0	38	2 0
8	Md. Jahur	Do.	49	13 0	44	14 0	50	3 0	55	15 0
9	Feru	Do.	49	10 0	38	8 0	49	1 0	59	0 0
10	Ab. Sattor*	Do.	55	0 0	52	5 0	45	14 0	59	1 0
11	Panchoo*	Do.	37	12 0	33	7 0	42	6 0	45	3 0
12	Mofruddin	Do.	35	4 0	45	1 0	46	14 0	47	10 0
13	Rostam Ali*	Do.	37	13 0	43	2 0	47	15 0	49	2 0
14	Ab. Azis <i>Temporary.</i>	Do.	23	3 0	26	12 0	46	10 0	35	13 0
15	German Gomez	Do.	34	11 0	34	7 0	40	15 0	36	12 0
16	Sree Gauranga Gangaloo	Do.	41	7 0	35	4 0	37	11 0	43	2 0

\* Men entrusted with Census printing  
† Injured.

*Government of India Press, Calcutta and their respective earnings from January  
December, 1940.*

Earnings for May 1940.			Earnings for June 1940.			Earnings for July 1940.			Earnings for August 1940.			Earnings for September 1940.			Earnings for October 1940.			Earnings for November 1940.			Earnings for December 1940.			Total earnings for 12 months.		
Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
76	3	0	55	5	0	71	5	0	76	8	0	94	3	0	36	13	0	54	2	0	100	7	0	874	3	0
63	12	0	98	1	0	115	7	0	123	12	0	174	0	0	39	11	0	67	6	0	123	11	0	1,113	0	0
96	4	0	72	7	0	75	2	0	101	18	0	76	13	0	39	3	0	68	15	0	82	12	0	970	4	0
86	11	0	66	4	0	80	10	0	109	9	0	80	6	0	38	15	0	60	12	0	107	13	0	976	13	0
80	2	0	81	11	0	96	12	0	104	2	0	139	7	0	71	0	0	95	6	0	115	12	0	1,089	2	0
64	11	0	64	13	0	109	1	0	100	12	0	118	7	0	32	0	0	69	0	0	106	14	0	809	9	0
74	2	0	56	6	0	85	2	0	98	7	0	77	13	0	28	14	0	70	12	0	92	6	0	904	7	0
84	1	0	21	5	0	55	15	0	91	13	0	67	4	0	29	1	0	39	4	0	102	10	0	806	11	0
85	11	0	73	3	0	78	4	0	31	0	0	41	6	0	39	10	0	69	0	0	99	1	0	763	10	0
96	1	0	76	5	0	82	11	0	91	7	0	86	8	0	51	8	0	71	8	0	102	0	0	990	8	0
58	5	0	51	0	0	73	9	0	95	5	0	66	2	0	29	2	0	57	15	0	98	2	0	793	9	0
95	1	0	103	5	0	116	5	0	106	10	0	172	7	0	30	6	0	57	11	0	95	9	0	1,080	14	0
97	1	0	98	15	0	124	15	0	120	14	0	172	1	0	24	13	0	60	12	0	59	7	0	1,007	13	0
93	8	0	99	4	0	109	6	0	111	5	0	159	6	0	35	11	0	59	2	0	94	5	0	1,071	6	0
51	3	0	50	4	0	74	12	0	55	15	0	52	12	0	35	6	0	72	8	0	104	7	0	692	10	0
46	12	0	56	9	0	64	11	0	80	7	0	78	14	0	35	14	0	60	9	0	68	12	0	753	10	0
63	4	0	85	6	0	62	10	0	55	4	0	69	2	0	23	11	0	78	9	0	87	3	0	714	9	0
87	0	0	67	10	0	66	3	0	43	7	0	42	13	0	21	0	0	57	7	0	69	8	0	667	15	0
65	15	0	65	4	0	78	3	0	89	7	0	110	8	0	46	0	0	65	13	0	79	10	0	870	4	0
89	4	0	96	9	0	114	0	0	114	5	0	171	2	0	39	6	0	60	12	0	63	5	0	1,035	5	0
54	7	0	67	5	0	50	14	0	80	5	0	27	10	0	34	11	0	87	0	0	104	7	0	752	11	0
48	12	0	42	4	0	47	1	0	39	7	0	32	14	0	26	0	0	45	14	0	54	1	0	496	1	0
42	7	0	38	10	0	48	3	0	40	0	0	43	3	0	24	7	0	44	5	0	60	13	0	479	15	0
109	5	0	54	13	0	70	9	0	65	16	0	135	4	0	49	1	0	67	13	0	88	3	0	822	6	0
22	4	0	49	3	0	77	12	0	67	15	0	50	8	0	15	14	0	47	2	0	69	8	0	494	5	0
58	10	0	65	3	0	85	6	0	87	10	0	116	7	0	30	6	0	40	15	0	87	12	0	765	5	0
80	7	0	49	11	0	51	6	0	41	14	0	45	10	0	19	10	0	27	13	0	69	1	0	525	0	0
50	3	0	42	12	0	52	2	0	75	4	0	46	9	0	23	4	0	37	2	0	61	7	0	550	11	0
61	4	0	64	5	0	83	3	0	83	5	0	104	7	0	30	2	0	33	2	0	58	4	0	694	11	0
58	0	0	41	7	0	34	12	0	70	0	0	49	12	0	36	6	0	42	5	0	57	6	0	578	6	0
56	6	0	49	6	0	54	10	0	67	10	0	57	3	0	33	0	0	36	7	0	64	15	0	618	5	0
57	0	0	40	13	0	48	14	0	63	2	0	77	14	0	37	1	0	45	13	0	58	10	0	620	0	0
49	4	0	39	14	0	52	15	0	58	3	0	51	11	0	25	1	0	67	2	0	44	12	0	585	1	0
62	1	0	66	9	0	83	1	0	87	0	0	112	14	0	25	4	0	34	8	0	58	5	0	741	14	0
55	4	0	59	9	0	70	10	0	68	7	0	106	0	0	17	13	0	29	4	0	85	3	0	600	14	0
52	12	0	48	5	0	47	2	0	64	10	0	59	6	0	20	5	0	44	2	0	47	8	0	556	15	0
64	6	0	63	13	0	70	10	0	60	8	0	125	4	0	33	12	0	42	1	0	72	13	0	711	3	0
41	1	0	36	2	0	32	5	0	59	15	0	59	11	0	19	10	0	35	10	0	62	6	0	483	2	0
24	1	0	29	10	0	36	11	0	46	0	0	64	9	0	26	5	0	32	13	0	33	7	0	440	5	0
40	2	0	35	2	0	49	7	0	54	14	0	48	4	0	21	8	0	37	13	0	38	12	0	483	6	0

from April to December, 1940.

**BENGALIS RECRUITED TO THE AIR PILOT SERVICE, MARINE ENGINEERING SERVICE, ETC.**

36. \*Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Commerce be pleased to state how many Indians have been taken into Air Pilot Service? How many of them are recruited from Bengal?

(b) How many have been employed or recruited from Bengal for Marine Engineering Service?

(c) How many Indians have been taken for training in the "Dufferin" as cadets, and how many of them are from Bengal?

(d) How many lascars died during the war period on account of vessels sunk by enemy attacks on the seas? What compensation has been paid to their families?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Government are not aware of any Air Pilot Service.

(b) It is presumed that the Honourable Member has in mind the engineering *ex-cadets* of the Training Ship "Dufferin" who have been awarded scholarships for undergoing training in Marine Engineering in India. The number of such cadets is 59. None of them is from Bengal.

(c) Since the establishment of the Training Ship "Dufferin", 549 Indian cadets have been admitted of whom 44 came from Bengal.

(d) Reports received up to the 31st January, 1941, show that 620 lascars have been killed as a result of enemy action. Their dependants are entitled to receive compensation in accordance with the scale embodied in the Additional Clause regarding War Risk Compensation which is now inserted in the Lascar Articles of Agreement. A copy of the Additional Clause is laid on the table.

*Additional clause to Lascar Articles.*

Provided further that, as compensation will be paid by His Majesty's Government in the United Kingdom in respect of death or disablement directly attributable to war injuries, it is agreed that no other claim for compensation shall be made in respect of any such death or disablement.

The United Kingdom Government Scheme for compensation will provide for the following rates of compensation, these rates being based on the customary rates of pay in force before the 1st September 1939 of lascar seamen of the different classes without any addition by way of victualling allowance.

*1. Disablement Allowances.*

In respect of total disablement due to war injuries a disablement allowance in full settlement of all claims will be paid as follows:

\*Seamen's pay per month.

	<i>Allowance</i>
1st Class : From 40 rupees upwards inclusive	... 5,000 rupees.
2nd Class : From 30 to 39 rupees inclusive.	... 4,000 rupees.
3rd Class : Under 30 rupees.	... 3,000 rupees.

Lesser degrees of disablement, if specified in Schedule I to the Workmen's Compensation Act, 1923, being Act No. VIII of the Indian Legislature, as amended from time to time, will be compensated on the basis of the scale contained therein; other war injuries not resulting in total disablement will, if assessed at 25 per cent. or more be dealt with on a proportionate basis.



2. *Widows' Pensions.*

<i>Husband's pay per month.</i>	<i>Widow's Pension.</i>
1st Class : From 60 rupees upwards inclusive ...	15 rupees monthly
2nd Class : From 40 to 59 rupees inclusive. ...	12 rupees monthly.
3rd Class : From 30 to 39 rupees inclusive. ...	10 rupees monthly.
4th Class : Under 30 rupees ... ..	8 rupees monthly.

The Widow's Pension will cease on remarriage.

\*The rate of pay to be taken for this purpose is the customary rate of pay in force before the 1st September 1939 of the rating of the seaman at the date of death or disablement without any addition by way of victualling allowance.

(a) *Children's Allowances.*

An extra 2 rupees a month to be allowed in all classes for each child up to the age of 14 years. In the case of motherless children 4 rupees will be allowed instead of 2.

(b) *Other dependants.*

If no Widow's Pension is awarded then in necessitous cases allowances may be made to other dependents up to but not exceeding the amount of the Widow's Pension. The amount awarded within these limits will be based on the degree of dependency.

3. *Definition of War Injuries.*

For the purpose of these compensation arrangements :

"War injuries" means physical injuries—

## (a) caused by—

- (i) the discharge of any missile (including liquids and gas); or
  - (ii) the use of any weapon, explosive or other noxious thing; or
  - (iii) the doing of any other injurious act; either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or
- (b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft.

### WORKING HOURS OF LABOUR IN CERTAIN MILLS AND FACTORIES AND IN RAILWAY WORKSHOPS.

87. \*Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Commerce Member be pleased to state the working hours of labour (a) in jute mills, (b) in munition factories, (c) in railway workshops, and (d) in company-conducted textile mills?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Under the Factories Act the normal working hours of adult labour in perennial factories generally are ten a day and 54 a week. The Provincial Governments have, however, exempted some factories employed on war work from restrictions on working hours.

Mr. N. M. Joshi: May I know whether jute mills are amongst those which are exempted?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes, Sir, they are.

Dr. Sir Ziauddin Ahmad: Are they paid over-time allowance?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Of course.

## GRANT TO THE BOARD OF SCIENTIFIC AND INDUSTRIAL RESEARCH.

88. \*Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Commerce Member be pleased to state if Government have sanctioned five lakhs of rupees for scientific researches? If so, will the Honourable Member be pleased to state if this will be the only amount for the purpose, or have the Government of India in contemplation the sanction of another equal amount for the purpose of such researches? If not, will the Honourable Member be pleased to state if he has considered that more funds are necessary for actual scientific research for industrial development of India, specially during the War?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Part 1.**

--A sum of Rs. 5 lakhs has been allotted for expenditure on the Board of Scientific and Industrial Research and the research schemes recommended by it for the financial year 1940-41. It is, however, estimated that owing to preliminary difficulties of organization and the delay in obtaining the apparatus required for carrying on certain researches on account of the conditions created by war a sum of about Rs. 3,54,000 will only be utilised during the current year.

*Parts 2 and 3.*—Government have taken into consideration these points in making provision for the Board of Scientific and Industrial Research in the Budget for 1941-42.

**Dr. Sir Ziauddin Ahmad:** May I know whether the results of these scientific inquiry committees are the property of the Government and that they cannot be used by any industrialists except when they pay for it, or, if they are patented, then in whose name are they patented?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The patent rights of these results of scientific research will vest in the Government of India.

**Dr. Sir Ziauddin Ahmad:** And not in the individuals who really get these patents?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The patent is obtained in the name of the Government of India.

## REPORT OF THE COMMITTEE OF ENQUIRY (DEARNESS ALLOWANCE) OF THE GREAT INDIAN PENINSULA RAILWAY.

89. \*Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Labour Member be pleased to lay on the table the report of the Committee of Enquiry (Dearness allowance) of the Great Indian Peninsula Railway?

(b) When dearness allowance is an All-India question, why was the Enquiry restricted to the Great Indian Peninsula Railway?

(c) Had the Government of India accepted the principle of raising the salaries on account of rise in prices?

(d) Is the rise in prices restricted to Bombay?

(e) Did the Government of India visualise the financial effect on the Railway Budget and on the General Budget by the increase in salaries?

(f) Was the approval of the Railway Finance Committee obtained for the expenditure on the Enquiry Committee? If not, why not?

(g) When do Government propose to issue a *communiqué* on the report of the Committee of Enquiry?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) Copies of the Report are available in the Library of the Central Legislature.

(b) The attention of the Honourable Member is invited to para. 4 of Labour Department's Resolution No. L1714, dated the 7th August, 1940, published on page 1196 of Part I of the *Gazette of India*, dated the 10th August, 1940.

(c) Government have never accepted the principle that a temporary rise in prices justifies an increase in salaries. Government, however, do recognise that a substantial increase in the cost of living may justify a temporary allowance over and above the basic salary for personnel whose basic salary is insufficient to absorb such a rise without hardship. These temporary allowances, if and when granted, are subject to the condition that they disappear when the circumstance justifying their grant itself disappears.

(d) No.

(e) No recommendations, the acceptance of which would involve substantial expenditure, are ever accepted without a careful examination of the effect upon the budget.

(f) The expenditure was met from the general revenues and no reference to the Railway Finance Committee was necessary.

(g) Government will make known their conclusions on the Committee's Report in an appropriate manner as soon as a decision has been reached on the action to be taken.

**Dr. Sir Ziauddin Ahmad:** In view of the fact that the Honourable the Railway Member looks after the interests, not only of railway Labour, but of labour generally, will he consider the question of labour generally in deciding this issue, and not restrict his decision only to the railway labour?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** The Railway Member does not look after the conditions of labour generally.

**Dr. Sir Ziauddin Ahmad:** I am sorry; in view of the fact that the Honourable the Labour Member is in charge of labour throughout India, may I ask whether he will consider the requirements of labour in general employed by the Central Government in coming to a decision on this issue?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am certain that the Governor General in Council will look after the interests of all labour.

**Dr. Sir Ziauddin Ahmad:** May I ask if his interest extends to labour in general, then why is this inquiry which has been referred to in this communiqué restricted to the railway labour?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, the *Gazette of India* notification to which I referred will give the full answer to that question. A court of inquiry was appointed under a specific

Statute and certain preliminaries have had to be gone through before such a Court of Inquiry is appointed. It was with reference to those statutory conditions that this particular Court of Inquiry was appointed.

**Mr. N. M. Joshi:** May I ask whether a copy of the report will be given to the Members of the Legislative Assembly?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, I am perfectly willing to give copies to anybody who is interested in this report. I shall be glad to supply all the Members with a copy of the report if it is the general desire that they are particularly anxious to read it.

**Mr. Muhammad Azhar Ali:** Is this report restricted to the Great Indian Peninsula Railway only?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I would again invite the attention of the Honourable Members to the *Gazette of India* Notification in which it is stated that any principles laid down with reference to this Railway will be adopted by the Government of India as far as possible with reference to other Railways also.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### SUPERSESSION OF CERTAIN MUSLIM CLERKS IN THE INDIAN STORES DEPARTMENT

**S. Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Leader of the House please state how many permanent clerks in the Second and Third Divisions were promoted to the First Division in the Indian Stores Department from 1st April, 1939, to 21st November, 1940, and how many of these were Muslims?

(b) How many Muslims were superseded in spite of their seniority?

(c) Did the Honourable Member personally examine the reasons for the supersession in each case? If not, why not?

(d) Who usually makes these promotions in the Indian Stores Department?

(e) Is there any Muslim in a responsible position in the ministerial staff in the Establishment Section?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) 87, of whom two were Muslims. All these promotions were made in purely temporary vacancies in connection with the War Supply Arrangements.

(b) Eleven, of whom one has since been promoted to a special appointment in the I Division.

I would in this connection point out that promotions are made strictly by selection from among the most meritorious candidates.

(c) No. The Chief Controller of Stores is the authority competent to deal finally with such cases.

(d) During the period mentioned by the Honourable Member, the following officers were authorised to make these promotions:

Deputy Director of Administration and Intelligence. Officer on Special Duty (Administration). Deputy Chief Controller of Stores.

(e) Yes. At present there are five Muslim Assistants and Clerks dealing with establishment cases.

#### FINDINGS OF THE JUTE CONFERENCE.

9. **Dr. Sir Ziauddin Ahmad:** Will the Honourable the Commerce Member lay on the table of the House the findings of the Jute Conference held in December 1940?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** A summary of the proposals drawn up at the Jute Conference held in December, 1940, is laid on the table of the House.

(1) The Mills will do their utmost to purchase jute during the period ending April 15th, 1941, according to the following programme :

By 15th January . . . . .	15 lakhs bales.
By 15th February . . . . .	25 " "
By 15th March . . . . .	32½ " "
By 15th April . . . . .	37½ " "

(2) This will be exclusive of any jute of quality lower than "bottom" other than cuttings, "bottom" to be defined as jute containing not more than 70 per cent. of sacking weft.

(3) The jute to which the programme applies will be bought at prices not lower than the following :

	Per maund middles.	Bottoms.
Indian district . . . . .	Rs. 7 12 0	Rs. 6 0 0
Indian Jat . . . . .	Rs. 8 4 0	Rs. 6 8 0
European Packed . . . . .	Rs. 8 8 0	Rs. 6 12 0

Unassorted Daises in drums . . . . . Rs. 6 0 0 per maund.

(4) Jute excluded from the buying programme under (2) above will be subject to no price agreement.

(5) If in any of the four periods referred to in the above buying programmes the Mills are unable to purchase the full amount stipulated, and if prices have not risen by more than 4 annas per maund above the agreed minimum prices referred to in (3) above, the Association will arrange to purchase jute up to the stipulated totals on behalf of Government, on the following terms :

- (i) The Association will act as agents for all Government purchases, ensuring that qualities are according to standard and such as can reasonably be utilised in mills' manufactures and therefore marketable.
- (ii) The Association will arrange for the mills to give storage facilities for the jute, for a period which will not exceed 18 months except by mutual agreement.
- (iii) Mills which give storage facilities will be paid a godown rent of one anna per maund per annum.
- (iv) The Government will be responsible for insurance against all risks, to the extent that they may wish to have this effected, and will take all responsibility for deterioration, wastage, loss of weight and risk of failure to recover under sellers' guarantees for defects.
- (v) The Government will be responsible for actual inward and outward handling charges except in respect of jute sold to a mill in which it is stored on their behalf.
- (vi) The mills will make no buying charges.

(6) The Government will be responsible for the financing of purchases effected on their behalf, subject to any arrangement that may be made on a voluntary footing with Mills under which they will participate in such financing or relieve Government of it altogether.

**OFFICERS IN THE SUPPLY DEPARTMENT AND THE OFFICE OF THE DIRECTOR OF CONTRACTS.**

10. **Dr. Sir Ziauddin Ahmad:** Will the Honourable the Leader of the House lay on the table of the House a statement showing the following particulars about the officers in the Supply Department and the office of the Director of Contracts:

- (a) the dates of appointment;
- (b) the salaries on which appointments were made;
- (c) the positions which the officers occupied before appointment;
- (d) the salaries they were drawing just before their appointment;  
and
- (e) their present salary?

**The Honourable Sir Muhammad Zafrullah Khan:** A statement is being prepared and will be placed on the table in due course.

**RESTRICTION IMPOSED ON MUSLIM SALESMEN BY THE WESTERN W. I. COMPANY, BAREILLY.**

11. **Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Commerce Member state whether the match industry is a protected industry?

(b) Is it not a fact that protection to the industry is given for the benefit of the country and not for the benefit of any particular community?

(c) Are Government aware that the Western W. I. Company, Bareilly with a trade mark of Tikka Company, has made a rule that no Muslim will be given more than one case for sale per month, but no such restriction is imposed on non-Muslim salesmen? Is racial discrimination permissible in trade?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** (a) and (b). Yes, Sir.

(c) I have no information on the subject but I have called for a report.

**STATEMENTS LAID ON THE TABLE.**

*Information promised in reply to starred question No. 46 asked by Dr. Sir Ziauddin Ahmad on the 11th November, 1940.*

**STEPS FOR THE DEFENCE OF INDIA.**

*A Review of the recent course of the war and of the present strategic situation.  
Dated 9th December 1940.*

India, with Great Britain and the rest of the Commonwealth, has now been at war with Germany for over 15 months and with Italy for some six months. In this general review of the situation and of the progress of the war, it is not proposed to recapitulate the events which led to the defeat of Poland, Denmark, Norway, Holland, Belgium and finally of France. This survey, therefore, relates to the period subsequent to the entry of Italy into the war and the collapse of France, and more particularly to developments since August, 1940.

In the months that have elapsed since the overwhelming events of May and June, the Commonwealth, thrown back on its own resources, but with the growing practical sympathy and help of the United States of America, has passed through the gravest crisis in its history.

This does not mean that there is not a hard and bitter struggle still to come. Our enemies are a long way from defeat and still retain the initiative which will continue to be theirs until we have not only fully recouped the loss in strength and equipment resulting from the downfall of France, but have also developed power to take the offensive.

Fortunately for ourselves and for our Allies, the German reduction of France, and Italy's emergence as a belligerent were not followed up by either Germany or Italy with that speed in assault which might have produced, if not a catastrophe, at least an extremely dangerous situation. Italian activity in the Mediterranean and in North Africa was hesitant, while what is popularly known as the German *Blitzkrieg* against the British Isles did not get under way until the beginning of August by which time Germany had completed the necessary concentrations for the invasion of the British Isles. The morale of the German armies and Air Force was high; long range artillery was in position along the channel coast. The first objective was to gain command of the air, under cover of which the enemy might hope to attempt a seaborne invasion of Britain on a large scale. The major attack was opened in August by massed daylight raids, but this first phase met with a resistance not previously experienced by the German Air Force in its continental campaigns. In the first week of attack on Britain, the Germans lost 500 aircraft confirmed, and 230 unconfirmed, against 190 British aircraft lost. This relative rate of losses continued until the casualties inflicted on the enemy forced a change of tactics.

Air attacks on Britain have since been confined to smaller formations of bombers or fighter-bombers, heavily escorted; daylight raids have progressively decreased. Nevertheless, in the air the relative rate of loss has remained the same—approximately between three and four German aircraft to one British. The ratio of loss in respect of pilots and crews has been greater, being at least five to one.

In the meantime, Britain's ground defences against air action have been daily strengthened, with the result that night attack, while it has not proved so expensive to the Germans as daylight raids, has been rendered increasingly inaccurate by the height at which the raiders are forced to fly. The enemy then resorted to indiscriminate bombing in an effort to break the morale of the civil population. There have been heavy civilian casualties: yet despite an average of 4,000 killed and wounded a week, these promiscuous attacks have had comparatively little material influence on the course of the war. There has been widespread destruction of residential property by high explosive and incendiary bombs and parachute mines but the damage to factories or installations of military importance has been considerably less than might have been expected in view of the nature and weight of the assaults delivered.

Despite the loss of French assistance, the Mediterranean Fleet and the Middle East Air Command unhesitatingly took the offensive against Italy. The Royal Navy and the Royal Air Force have, during these last months, borne the brunt of the fighting. An air offensive has been carried deep into Germany and Italy and has been concentrated on military objectives, industrial plants and installations, the destruction of which has definitely handicapped the war effort of the enemy. In August and September, air and naval action was mainly directed against the threat of invasion. Reconnaissances revealed the massing of troops, barges and specially constructed landing craft in coastal areas stretching from Norway in the North Sea to the Atlantic coast of France. Against these concentrations heavy bombardment was directed by air and sea and the extent and weight of attack undoubtedly prevented the projected invasion from materializing. The threat has not been eliminated: but Great Britain, by her own industrial effort and by increasing assistance received from overseas, has gathered and continues to gather a degree of strength which makes the German task progressively more formidable. While Britain's offensive action has been largely concentrated on what have been called the invasion ports and their supplementary aerodromes, long-range attacks by air have steadily increased in intensity. Throughout enemy territory, munitions factories, oil plants, power stations, shipbuilding centres, railway marshalling yards, bridges, viaducts and canals, have been subjected to unremitting assault. The Royal Air Force has not only attacked the main industrial regions of Germany in the Ruhr and of Italy in the North, but has reached military objectives as far afield as Naples, Danzig and Czecho-Slovakia.

Italy has so far failed to develop a situation favourable to the Axis Powers in the Mediterranean and North Africa. The collapse of metropolitan France, with the resulting immobilization of the French Colonial Empire, naturally had serious reactions on the strategic position. British and French plans for mutual protection in the Mediterranean were automatically nullified. The Middle East Command was faced with the responsibility of providing alone for the security of our own frontiers in

North Africa, Asia Minor and in the Mediterranean and of maintaining confidence among our friends both there and in the Balkans. These commitments were enlarged by the possibility of the whole of the Italian forces being concentrated against ourselves. This situation arose at a time when it was virtually impossible to provide land, sea or air reinforcements from the British Isles. It is true that the defence of these North African territories is made easier by their immensity, by the absence of communications and the consequent difficulty of maintaining large forces in the waterless deserts which lie across the enemy's path, but this was our only advantage.

However, despite a heavy superiority in men and armaments, the enemy forces on the Sudan, Kenya and Egyptian fronts, did little more than make token incursions across the frontiers. From Eritrea, Abyssinia and Italian Somaliland their offensive operations against thinly defended outposts on the borders of the Sudan and Kenya were carried out by well equipped forces with heavy air support. In every case the small units garrisoning the posts were successfully withdrawn after inflicting heavy casualties on the attacker and forcing him to expend a disproportionate quantity of fuel and munitions. In this phase the British operations in Somaliland provided the most striking occurrence. The neutralization of French Jibuti had upset the balance of strength on the African littoral of the Red Sea. A small mixed force of British, Indian and African troops garrisoned British Somaliland which was invaded by the Italian forces in overwhelming strength. Our troops gradually withdrew in the face of heavy armoured and air attack but, up to the moment of evacuation from Berbera, opposed the enemy advance with remarkable skill, courage and determination. The Italians suffered at least ten times as many casualties as our force and were forced to use up large quantities of equipment, fuel and munitions, which cannot be replaced in Italian East Africa unless that territory is relieved from its present isolation. The measure of the effectiveness of the resistance put up in British Somaliland was that the withdrawal was not followed up and our troops embarked almost unmolested from Berbera under cover of naval units. The Italians acquired a new military commitment, which from no point of view could be regarded as a strategic asset, while our small garrison having played its part became available to reinforce more vital points at the most critical time.

On the borders of the Sudan the Italians have made no forward move since their limited advance and occupation of frontier posts like Kassala and Gallabat. On the other hand our troops have persistently harassed the enemy's advance posts with marked success, while early in November Indian and other units for the first time took the offensive and inflicted heavy casualties on the enemy particularly at Gallabat. Similarly on the Kenya-Abyssinian border little initiative has been displayed by the enemy since their occupation of the frontier post of Moyale. Meanwhile, the Royal Air Force and the South African Air Force have repeatedly raided barracks, troops, motor transport, petrol dumps and other military targets, in the knowledge that the damage that they do can hardly be made good throughout Eritrea and Abyssinia. Light naval forces have also recently bombarded Mogadiscu and other posts of Italian Somaliland, causing considerable damage to harbour works and shipping.

Despite release from any danger of attack from French Tunisia, it was not until early in September that Marshal Graziani began his long threatened invasion of the western frontier of Egypt. The incursions of our small mobile patrols across the Libyan frontier and the resultant harassment of Italian out posts like Capuzzo, combined with unremitting bombing of military bases and ports at Tobruk, Derna and Benghazi proved a material handicap to the enemy. When eventually his forward move took place, we withdrew as originally intended from Sollum and Sidi Barrani, which were never seriously defended owing to the great difficulty of maintaining any substantial force in distant desert areas. This problem was transferred to the invader, whose efforts to overcome it have been continually hampered by destruction raids by land, sea and air. Sixty miles further east, but still 150 miles from Alexandria and the Nile, our western desert army encircles the only considerable water supply along the whole stretch from Benghazi to Alexandria itself. There our troops await any further move by the enemy.

The Italian attack on Greece is the most recent major development in the Mediterranean sphere of operations. The extent to which the position has been improved during the past few months is illustrated by the fact that we were able immediately to send practical help to Greece.

Except for the German penetration of Roumania, the full strategic implications of recent diplomatic activity in eastern Europe still remain to be developed. If the Italian attack on Greece, with or without German assistance, were ultimately successful, it would bring the enemy within striking distance of Asia Minor. It has, on the other



hand, provided opportunities, which were quickly seized, for increased naval and air action against Italy. The highly successful attack by the Fleet Air Arm at Taranto has already materially altered the relative naval positions in the Mediterranean. For the first time Italian communications are also subject to bombardment in the Adriatic. On land the Greek Army and Air Force have up to the present achieved remarkable successes against the invader.

The Royal Navy, with assistance in coastal areas from the Royal Air Force, continues to deny the seas to enemy shipping; and to preserve the lifelines of the Commonwealth's communications. The loss of the major part of French co-operation has been a serious handicap. The resultant shortage in destroyers, so essential for convoy work, imposed grave difficulties and was the direct cause combined with the enemy's arrival on the Atlantic coast of France, of a sharp rise in our shipping losses. That shortage, however, is now being made good by fresh building and by assistance received from the United States. Despite increased use of aircraft, mines, submarines, armed speed boats and heavy coastal artillery, the attempt to blockade Great Britain has fallen far short of German expectations. The weekly imports into Great Britain even during the last three weeks of October averaged nine hundred thousand tons. During that period of intense enemy action our losses were 29 out of 2,532 ships in convoy. The Royal Navy, the British Mercantile Marine and the fleets and merchant services of our Allies are daily fulfilling a vital role not merely by blockading the Axis ports but by enabling food, personnel, raw materials and munitions to be carried over thousands of miles of ocean between all parts of the Commonwealth and from neutral States.

The foregoing outline of the military situation is naturally related to more widespread strategic considerations. The defeat of France was followed by confusion throughout that country's colonial Empire. The neutralization of Tunisia, Algeria and French Morocco, seriously affected not only the balance of power in the Mediterranean but communications between North Africa and Britain. The same was true of the French Colonies in West and Central Africa, but the aligning of French Equatorial Africa with General de Gaulle and the Free French movement was of more material importance than is superficially apparent. In Syria the demobilization of French troops is proceeding. In the Far East again, the entry of Japanese troops and Air Forces into French Indo-China has presented new problems. A British Commander-in-Chief has recently been appointed in the Far East with a joint Military and Air Staff.

The task of this Government in assisting the war as a whole to a successful conclusion and of ensuring the security of India itself is to make the maximum contribution to the common pool of material resources and to supply such fully equipped military formations as can be produced to forestall any direct threat towards India from east or west. The tendency for the war to spread continues; how far it may go depends on a variety of unpredictable factors. The British Commonwealth has today reached a degree of preparedness, which would have been thought impossible a few months ago, and notable successes have been achieved. The present, however, is not a time for either complacency or undue optimism. The culminating point of the war has not yet been reached. India has been fortunate in that so far she has been left in peace to prepare her plans, but it would be unwise to believe that she will always be able to maintain her present enviable position. There are possibilities of danger, both from the west and the east, and consequently the best possible use must be made of the time granted to us to prepare for the trials which we may be called upon to face in the future.

*Information promised in reply to starred question No. 191 asked by Sardar Sant Singh on the 20th November, 1940.*

#### BROADCAST OF SIKH RELIGION AND HISTORY BY THE LAHORE, PESHAWAR AND DELHI BROADCASTING STATIONS.

(a) The time allotted during the year 1939-40 to items referred to was 3 hours 24 minutes at Delhi and 11 hours 11 minutes at Lahore. Peshawar relayed 2 hours 15 minutes of the programme from Delhi.

(b) (i) Lahore Guru Arjun Dev's Anniversary, 22nd May, 1939, Maharaja Ranjit Singh's Centenary, 25th and 29th June, 1939, Guru Ram Das's Anniversary, 30th October, 1939, Guru Nanak's Birthday Anniversary, 26th November, 1939, and Guru Gobind Singh's Anniversary, 16th January, 1940. (ii) Delhi Guru Nanak's Birthday, 26th November, 1939. (iii) Peshawar relayed the major portion of the Delhi programme of 26th November.

(c) Four at Delhi and nine at Lahore. Their names and status are given in the appended statement.

(d) Eleven at Lahore, two at Delhi, of which one was relayed at Peshawar.

(e) Eleven to Muslims and eleven to Hindus.

(f) No.

(g) Rs. 532 to Sikhs, Rs. 1,079 to Hindus and Rs. 1,971 to Muslims.

*Statement showing the names of the Sikh speakers who participated in programmes broadcast from Delhi, Lahore and Peshawar on important Sikh festivals during 1939-40.*

Name of station.	Name of speaker.	Status in life.
Delhi and Peshawar	1. S. B. S. Ujjal Singh . . .	M. L. A., Parliamentary Secretary, Lahore.
	2. The Honourable S. B. S. Sobha Singh.	Member, Council of State, Delhi
	3. S. Umrao Singh Shergil . . .	Jagirdar, Delhi.
	4. Professor Teja Singh . . .	Head of the Department of English, Khalsa College, Amritsar.
Lahore . . . . .	1. Professor Mohan Singh Mahir	Editor, Punj Darya, Lahore, formerly Lecturer at Khalsa College, Amritsar.
	2. S. Achhar Singh . . . . .	Jathedar, Shri Gurdwara Prabhak Committee, Lahore.
	3. S. B. S. Ujjal Singh . . . . .	M. L. A., Parliamentary Secretary, Lahore.
	4. S. Kashmira Singh . . . . .	Head of the Department of English, Sikh National College, Lahore.
	5. S. Sant Singh Sekhun . . . . .	Lecturer, Khalsa College, Amritsar.
	6. Giani Gurmukh Singh Musafir.	Editor of the "Akali", Lahore.
	7. Professor Madan Gopal Singh	Vice-Principal, Central Training College, Lahore.
	8. S. Teja Singh . . . . .	Head of the Department of English, Khalsa College, Amritsar.
	9. Sardar S. S. Amola . . . . .	Principal, Guru Ram Das College, Amritsar.

*Information promised in reply to unstarred question No. 139 asked by Mr. Muhammad Ashar Ali on the 20th November, 1940.*

#### COOLY CONTRACTS IN MORADABAD, LUCKNOW AND ALLAHABAD DIVISIONS, EAST INDIAN RAILWAY.

The terms of the coolie contracts on these three Divisions are embodied in the respective agreements entered into by the contractors with the East Indian Railway. These contracts have been obtained from the Administration, but their terms cannot be conveniently summarised. The complete contracts are available for inspection in the office of the Railway Board.

*Information promised in reply to parts (c) and (d) of starred question No. 225, part (a) of starred question No. 226 and part (a) of starred question No. 229 asked by Sardar Sant Singh on behalf of Sardar Mangal Singh on the 22nd November, 1940.*

**GERMAN AND ITALIAN DETENUS IN INDIA AND PUNJAREE DETENUS UNDER THE DEFENCE OF INDIA ACT.**

No. 225.—(c) 147 on the 22nd November, 1941.

(d) *Persons detained in the Punjab.*—There is no sanctioned scale of expenses. The daily cost of food of better class prisoners works out approximately in the case of non-meat-eaters at Re. 0-7-6 and in the case of meat eaters at Re. 0-9-3. The cost of diet of other prisoners is approximately Re. 0-1-6 daily. The prisoners can supplement their diet from outside. They are provided with approved newspapers, books and writing materials. Where conditions permit arrangements are made for games, both indoor and outdoor. They are allowed to use their own clothes and bedding and if necessary provided with these articles by Government. They are also provided with beds and furniture. Prisoners are permitted to receive funds up to a limited amount from relatives or friends to supplement the amenities of life in the Jails.

*Prisoners detained in the Deoli Detention Camp.*—The scale of diet for Class I prisoners is 12 annas per day and that of Class II prisoners 6 annas per day. The prisoners are provided with suitable furniture, clothing, cooking and eating utensils, soap, neem stick, hair oil (in the case of Sikhs), newspapers, books, and writing materials. They can use their own clothes and bedding and purchase toilet articles at their own cost. Facilities have been provided for outdoor and indoor games and for gardening. Convict barbers and convict servants have been provided as also washermen for washing the prisoners' clothes. Prisoners are also permitted to receive funds up to a limited amount from relatives and friends to supplement the amenities of life in the camp.

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**MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES DETAINED OR IMPRISONED SINCE THE WAR BEGAN.**

No. 226.—(a) 42 members of Provincial Legislatures (up to the 22nd November, 1940).

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**PERSONS PROSECUTED OR DETAINED UNDER THE DEFENCE OF INDIA ACT AND RULES.**

No. 229.—(a) 4042 persons (up to the 22nd November, 1940).

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*Information promised in reply to part (b) of starred question No. 259 and starred question No. 260 asked by Shaikh Rafuaddin Ahmad Siddiquee on the 25th November, 1940.*

**INCREMENTS OF PAY OF STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.**

No. 259.—(b) (i) (ii) and (iii). It is presumed that the question has in view 24 men who were transferred from other categories to work as temporary guards in the Howrah Division. Particulars of the appointments sanctioned from 1937 onwards have been secured. A statement giving particulars of these is laid on the table.

(b) (iv). As the temporary posts were not on incremental scales, no increments were admissible other than increments to which the employees were entitled in their substantive appointments.

List of 24 Temporary guards posts on the Howrah Division filled by the transfer of staff of other categories in the year 1937 and later.

Serial No. of post.	I Date from which sanction had effect.	Rate of pay originally sanctioned.	II Particulars of present holders of the posts.		
			Designation.	Substantive scale of pay.	Substantive pay.
		Rs.		Rs.	Rs.
1	17-12-37	95	Travelling Ticket Examiner	70-6-95	95
2	16-12-37	64	Relieving clerk	28-4-66	66
3	16-12-37	52	Telephone clerk	28-3-52	52
4	16-12-37	52	Ticket collector	37-3-52	52
5	16-12-37	36	Ticket collector	30-3-45	45
6	16-12-37	36	Ticket collector	30-3-45	45
7	16-12-37	36	Ticket collector	30-3-45	45
8	8-1-38	70	Clerk	30-4-70	70
9	8-1-38	70	Ticket collector	37-3-52	52
10	8-1-38	70	Checking clerk	30-4-70	70
11	20-10-38	70	Relieving assistant station master	40-4-68	68
12	22-3-39	45	Ticket collector	30-3-45	45
13	22-3-39	120	Special grade travelling ticket examiner	100-5-120	120
14	23-3-39	67	Trains clerk	28-3-67	67
15	24-3-39	95	Travelling ticket examiner	70-6-95	95
16	28-9-39	150	Lorry driver	100-10-150	150
17	1-10-39	70	Travelling ticket examiner	55-3-64	64
18	14-10-39	70	Clerk	30-4-70	70
19	31-10-39	52	Ticket collector	37-3-52	52
20	31-10-39	120	Travelling ticket examiner	70-5-120	120
21	25-11-39	33	Ticket collector	30-3-45	36
22	25-11-39	56	Relieving clerk	28-4-66	60
23	26-11-39	95	Travelling ticket examiner	70-5-95	95
24	26-11-39	64	Travelling ticket examiner	55-3-64	64

#### STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

No. 260.—It is not possible to state for what periods staff may have to work as temporary guards as their confirmation as guards depends on various factors. Their substantive posts are, however, only filled in a temporary capacity while they are working as guards.

## MOTIONS FOR ADJOURNMENT.

### REFUSAL OF CENSUS ENUMERATORS IN BIHAR, ORISSA, JORA STATE, CENTRAL PROVINCES AND UNITED PROVINCES TO RETURN "URDU" OR "HINDI" AS THE MOTHER TONGUE OF PERSONS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Maulvi Abdul Ghani. He wishes "to discuss a definite matter of urgent public importance of recent occurrence, namely, the refusal of Census Enumerators in Bihar, Orissa, Jora State, C. P., and U. P. to return 'Urdu' or 'Hindi' as mother tongue of persons so demanding and their insistence to return 'Hindustani' for Urdu or Hindi notwithstanding peoples' protests". Is there any objection to this motion?

**The Honourable Sir Reginald Maxwell** (Home Member): Yes, Sir, I object to the motion. The motion of which notice is given does not seem to refer to any specific matter. It appears to relate to a number of isolated cases occurring in four different provinces, and the subject which the Honourable Member wishes to discuss appears to be the conduct of a number of individual Enumerators. The actual persons concerned are not specified, and we have no definite information on the face of this notice as to the matter which the Honourable Member wants to debate. My objection is on the ground that it is not a specific matter, and also he does not refer us to any definite recent action of Government which is responsible for the complaints which he has mentioned. In fact, the action alleged would be entirely contrary to all the instructions issued by the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member says that it is a matter of recent occurrence, but he has not given the date. Can he give the date?

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I received a telegram on the 15th February complaining that the matter was referred to the Central Census Authorities, but they did not give any reply. Failing to receive a reply from the Central Census Authorities, the Provincial Jamiat Tablighul Islam of Cawnpore have wired to me.

**Dr. Sir Mauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Other Members have also got a similar telegram.

**Mr. President** (The Honourable Sir Abdur Rahim): As regards the point of order raised by the Honourable the Home Member, the Honourable Member who wishes to move this motion says that on the 15th February an application was made, but no reply was received and that, since then, the Census Authorities have been refusing to recognise Urdu or Hindi. As regards the motion not being definite, under the circumstances I do not think that it was possible for the Honourable Members of this House to make the matter more definite than it is in the motion. I hold, the motion is in order. Apart from the question of the point of order, is there any objection to leave being granted? Does the Honourable the Home Member object to the leave being granted?

**The Honourable Sir Reginald Maxwell:** Yes, Sir. I object on the ground that the notice does not give sufficient information.

**Mr. President** (The Honourable Sir Abdur Rahim): Apart from the point of order, any Honourable Member can object to the leave being granted, and then I have got to see what support the measure finds.

**The Honourable Sir Reginald Maxwell:** I do object to the motion.

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

(After the counting)

As less than 25 Members have got up, leave is refused.

#### GRIEVANCES OF THE HINDUS IN THE UNITED PROVINCES WITH REGARD TO A CERTAIN INSTRUCTION GIVEN BY THE CENSUS AUTHORITIES.

**Mr. President** (The Honourable Sir Abdur Rahim): Then, there is another motion of adjournment in the name of Bhai Parma Nand. He wishes to discuss a definite matter of urgent and immediate public importance, namely, "Home Member's refusal to accept a short notice question given by him on the 14th February, 1941, ventilating a serious grievance of the Hindus in the United Provinces with regard to a certain instruction given by the Census Authorities". I always understood that the acceptance or refusal of a short notice question is in the discretion of the Member concerned. Is there any precedent for moving a motion of adjournment because a short notice question was not accepted? I do not know of any. Can the Honourable Member give me any precedent?

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): I cannot give any precedent.

**Mr. President** (The Honourable Sir Abdur Rahim): Then, I must hold that the motion is out of order.

#### ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Friday, the 14th February, 1941, the time fixed for receiving nominations for the election of a Member to the Standing Committee for the Department of Communications only one nomination was received. As there is only one vacancy, I declare Mr. Govind V. Deshmukh to be duly elected.

#### ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

**Mr. President** (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that up to 12 Noon on Friday, the 14th February, 1941, the time fixed for receiving nominations for the Committee on Public Accounts only two nominations were received. As the number of candidates is equal to the number of vacancies, I declare Lieut.-Colonel M. A. Rahman and Pandit Lakshmi Kanta Maitra to be duly elected.

## THE BERAR LAWS BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Muhammad Zafrullah Khan** (Law Member): Sir, I present the Report of the Select Committee on the Bill to extend certain Acts to Berar.

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### THE MUSLIM INTESTATE SUCCESSION BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Nawab Siddique Ali Khan** (Central Provinces and Berar: Muhammadan): Sir, I present the Report of the Select Committee on the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community.

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### THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar** (Member for Commerce and Labour): Sir, I move:

"That the Bill further to amend the law relating to fraudulent marks on merchandise, as reported by the Select Committee, be taken into consideration."

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

"That the Bill further to amend the law relating to fraudulent marks on merchandise, as reported by the Select Committee, be taken into consideration."

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to a point of order, and I will refer you to the Standing Order 44 (1) (a) of the Manual of Business and Procedure. It says:

"That the Bill as reported by the Select Committee be taken into consideration: Provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the report to be taken into consideration."

In the present case, I would like to mention that the report of the Select Committee was presented on Tuesday last, and seven days cannot expire on Monday. Therefore, the earliest time, when it can be taken into consideration, is Tuesday, the 17th. Therefore, this motion can be taken up only on the 18th, and not today. Had the question been of an urgent nature, I would not have raised any objection.

**Mr. President** (The Honourable Sir Abdur Rahim): Has it made any practical difference? The Chair will then hear the reason which the Commerce Member may give.

**Dr. Sir Ziauddin Ahmad**: Whenever a Bill comes before the House, it is expected that we will be able to consult some of the persons who are experts.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair simply wanted to know if it has caused any inconvenience. The Honourable Member is perfectly entitled to take objection under Standing Order No. 44. The Chair simply wanted to know whether it has caused any practical inconvenience.

**Dr. Sir Ziauddin Ahmad:** I am answering this question. The Standing Order says that the report should be made available for the use of Members for seven days. My point is that we should be given full time to consult some experts on this question, and we have not been allowed this period of time.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** It is perfectly true that this motion is a day too soon. But I venture to invoke the discretion of the Chair in allowing me to proceed with this Bill.

**Dr. Sir Ziauddin Ahmad:** What is the urgency?

**Mr. President** (The Honourable Sir Abdur Rahim): Why do you want me to waive the requirement of the Standing Order?

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): The rules should not be broken.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** In the first place, I should like to point out that no notice of amendments has so far been given, and even if I proceed with this Bill tomorrow, no notice of amendments hereafter will be valid. In the second place, I shall repeat what I said on the last occasion that I am required elsewhere and it is with the greatest difficulty, if the House will allow me to say so, I am able to fit in legislative business that I have in this House with the work that I am concerned with elsewhere of which the House is fully seized. That is the only reason why, instead of proceeding with it tomorrow, I have ventured to take it up today, particularly as I see there are no amendments at all to this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The reason why it has been moved a day too early according to Standing Order 44 is personal, that the Honourable Member is pre-occupied with other Government business, and, therefore, he wants to move this motion today and not wait till tomorrow. The Chair would like to know if there is any objection on the parts of the Members generally to the Standing Order being waived.

**Some Honourable Members:** No, no.

**Mr. President** (The Honourable Sir Abdur Rahim): There seems to be no such objection, and I, therefore, dispense with the requirement of the Standing Order. The motion may be moved.

The question is:

"That the Bill further to amend the law relating to fraudulent marks on merchandise, as reported by the Select Committee, be taken into consideration."

The motion was adopted.



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

"That clause 2 stand part of the Bill."

**Mr. J. D. Boyle** (Bombay: European): Sir, I wish to ask a question with regard to clause 2 (a) (1-A.). Here the definition is different to the definition in the Trade Marks Act which was passed last Session. I understand that there is a good reason for having omitted certain words which occurred at the end of the definition in the Trade Marks Act of 1940 as it was passed. But as it seems, on the face of it, inconvenient to have two different definitions, I should like to ask Government whether they can explain the reason why the words at the end of the definition which appear in the Trade Marks Act have not been included here?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar**: I had better read the definition in the Trade Marks Act:

"'Trade Mark' means a mark used or proposed to be used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark whether with or without any indication of the identity of that person."

These last words "whether with or without any indication of the identity of that person" have been omitted in the present definition of "Trade Marks". They have been omitted because, under the Indian Merchandise Marks Act, fraudulent use is going to be penalised. If there is no indication of the identity of the person, it will not be possible to proceed against him.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

**Mr. J. D. Boyle**: Sir, I am sorry the motion for consideration of the report of the Select Committee was put to the House before I realised that it had been finished. Otherwise, I should have raised these points in my speech at the beginning. In section 4 of the Indian Merchandise Marks Act, which is sought to be amended by clause 3 of the present Bill, there is a provision which prevents a "trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches". I should like to enquire from the Government the reason why a similar provision is not made here for preventing trade description which implies that there are contained in those goods more pounds, ounces, grammes or grains than there are contained therein standard pounds, ounces, grammes or grains. That is to say the present Bill covers a false description of length, but it appears not to cover a false description of weight. I am sure there is an answer, but I should like to know what it is.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, in the original Act, "Trade description" is defined as follows:

"'Trade description' means any description, statement, or other indication, direct or indirect:

(a) as to the number, quantity, measure, gauge or weight of any goods."

Therefore, I submit, there is no necessity to repeat about weight and in the amended Bill the only thing that has to be stated is length.

**Mr. J. D. Boyle:** What about "measure"? If length is covered by the word 'measure', then what is the point of having a description of 'length'?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am not sure that measure covers length. Probably it covers only quantity, and that is at least how I understood it.

**Mr. President** (The Honourable Sir Abdur Rahim): Would the Honourable Member like to consider this later on.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** There is no need to consider it, Sir.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 5, 6, 7, 8, 9, 10, 11 and 12 were added to the Bill.

Clause 13 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, I move:

"That the Bill, as reported by the Select Committee, be passed."

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

"That the Bill, as reported by the Select Committee, be passed."

**Mr. J. D. Boyle:** Sir, I want to make one brief remark. This Bill, when it is passed, will round off the legislation that we started last Session when we passed the amendment to the Trade Marks Act. I am sure the House will agree with me that this will not really entirely complete the issue. Honourable Members will remember that in passing this Bill we are making amendments not only to the Merchandise Marks Act but to certain clauses of the Indian Penal Code and certain sections of the Sea Customs Act. They are very considerable changes and though the Bills that we passed last Session and this one are very useful measures, certain changes have come to light which should be considered by Government and, if necessary, a fresh Bill brought. We have introduced, for instance, to give one example, the use of a registered trade mark. We want to

encourage the use of a registered trade mark, and there are certain provisions of the Indian Penal Code which will have to be altered. Those who have practical experience of having to go to law to prove the use of a false trade mark or a false trade description know the considerable difficulties that exist. There are certain changes in the Indian Penal Code which ought now to be made in order to enable the proprietor or the user of a registered trade mark to have speedy and easy recourse to law by merely producing a certificate of registration. I give that as an example of something that has arisen as a result of the passing of the Trade Marks Act and of this particular Bill now; and I do ask Government that when they have passed this which is a very valuable addition to the legislation on the subject they will not consider that the whole job is now over but that they will look at the whole question and in the light of the Bills passed see what further amendments are necessary.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudallar:** Sir, I am sure the House is grateful to the Honourable Member for pointing out the importance of this piece of legislation which is just being adopted by this House. This, with the Trade Marks Act, which was passed in the last Session, covers a scheme which has been long in contemplation, as I said when I introduced these two Bills, and the trading and commercial community may rest assured that the position, which will result from the enactment of these two laws, will be very much better to them than what it has been for over five or six decades.

The Merchandise Marks Amendment Bill, which is going to be passed by this House, covers, as my Honourable friend stated, certain amendments to the Indian Penal Code. With reference to the point that my Honourable friend made that, once a person gets a right to a registered trade mark, it ought to be sufficient in any final proceedings to show that he has that right,—that right, as my Honourable friend is aware, will ensure to him if the trade mark has been registered and a period of time has elapsed thereafter. And my Honourable friend may be certain that before that period elapses for any individual proprietor of a registered trade mark, whatever amendments are necessitated in the Indian Penal Code will be taken into consideration by Government and proposals placed before this House or its successor for that purpose. But that period is a fairly long period. We have yet to come to the stage when applications have to be made for the registration of trade marks and, thereafter, a time has to elapse when the proprietary interest in that trade mark will be absolute so far as that individual proprietor is concerned.

I do not propose to sleep over these Bills as having been the last effort that I can possibly make in the promotion of the interests of those engaged in trade and commerce for legitimately protecting them against various kinds of unauthorised and illegal encroachments on their rights and privileges. And my Honourable friend may be certain that the spirit which has animated Government in placing these two Bills before the House will still continue to animate them in safeguarding the legitimate interests of the commercial community. Sir, I take this occasion also to invite the attention of the commercial community to the importance of these two measures and the necessity in their own interest of their taking full advantage of the facilities that have after all been provided by the Legislature for safeguarding their legitimate interests.

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

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

### THE INSURANCE (AMENDMENT) BILL.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar** (Member for Commerce and Labour): Sir, I move:

"That the Bill further to amend the Insurance Act, 1938, be referred to a Select Committee, consisting of Mr. H. A. Sathar H. Essak Sait, Mian Ghiasuddin, Mr. Akhil Chandra Datta, Pandit Lakshmi Kanta Maitra, Mr. T. Chapman-Mortimer, Sir Cowasji Jehangir, Seth Sundarlal Daga, Mr. J. H. Thomas, and the Mover, with instructions to report on or before the 6th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this measure looks portentous with 70 and odd clauses, but I shall briefly explain that most of those clauses relate to amendments which have been necessitated in the actual working of the provisions of the Act which was passed so recently as 1938 by this House. The comprehensive insurance legislation was for the first time undertaken by Government in that year, and it is no wonder that, in the actual working of this new legislation, certain defects have been discovered, specially as we have had the advantage of an expert having been appointed as Superintendent of Insurance, after the law was passed. Many of the clauses of the Bill refer, therefore, as the notes on the clauses indicate, to such defects as have come to light in the administration of the Act. I may say that on this Bill also Government have taken the course which was taken with reference to the two previous measures to which I adverted a few minutes ago, a course which has commended itself to commercial opinion. Before this Bill was drafted, Government convened a conference of all the insurance interests in the country and placed before them draft proposals of their own. They also placed before the conference proposals which had come to the department from time to time from various life insurance companies and associations. These proposals were considered at the conference which lasted for two whole days and in which I and the Secretary of the department and the Superintendent of Insurance had the privilege of taking part. The discussion at that round table conference was extraordinarily helpful to me personally, unlike other discussions at other round table conferences perhaps; and it is in the light of those discussions with the knowledge that we had before us the considered views of the interests affected that these proposals were drafted. Some of these proposals, as I said, emanated from the Superintendent of Insurance. They were subjected to careful study and criticism by the interests concerned to whom they had been circulated beforehand. Some of these proposals emanated from the interests concerned,—the insurance companies, young and old, established and otherwise; and they in their turn have been considered by the experts in the department and have also been further reviewed by the Government of India. I do not mean to suggest that the last word has been reached in the proposals which have been put forth in the Bill. Indeed it cannot possibly be so. My very request that this Bill may go to Select Committee is proof positive that there is room for further consideration and I am prepared to consider any proposals which may be advanced by

any member of the Select Committee. But I am making these observations particularly with reference to a motion for circulation which has just been handed to me by one of the Honourable Members. In a case like this, where Government has taken every precaution before drafting its proposals to consider the interests concerned, if even in such a case we have to be met with a motion for circulation, then all that I can say is that it is not worth the while of Government to take all this care and trouble of considering and consulting the interests concerned before ever drafting this piece of legislation. I would therefore appeal—apart from any technical objections which I might consider it advisable to take at a later stage when the motion is actually made—to the Honourable Member to consider the fact that we have taken every possible step to have enlightened views on this subject before we have drafted the legislation now for consideration before the House.

Sir, on the merits of the Bill, as I said most of these amendments are not capable of coming under any single principle except one of administrative convenience on the one hand and of easing the position of insurance companies on the other; and therefore at this stage I think it would not be doing a service to go into the details of the various proposals. There are a few, however, to which I may draw attention. One of the sections in the Bill prevented the age of the insured to be proved after a certain time. It was considered that this would be a hardship, and therefore provision is made for relaxation of that particular condition. The election of policyholders' directors under the existing provision left much to be desired; and a clarification of the qualifications of policyholders' directors and of the electors was also required and provision has been made.

The principle of a guaranteed surrender value to whole time policies has been extended and provision has been made whereby the guaranteed surrender value may be shown in the prospectus.

A legal difficulty which prevented defining which of the particular transactions of an insurer is to be considered as transacted in British India or in India as a whole, as the case may be, is attempted to be removed.

The provision for reciprocity under clause 116 which by the last amending Bill, I had the privilege of introducing, with regard to life insurance policies, has now been extended to provident societies also so far as Indian States are concerned.

There is a clause which gives power under section 47 of the Act whereby a limited time is given for the deposit into court of claims under life insurance maturities and the procedure has been further simplified in accordance with the wishes of the life insurance companies.

There is a clause relating to the levy of fees from agents at a higher rate and that has been necessitated by the growing expenditure of the department of insurance—an expenditure which is justified by the demands made on that department and for the need for expeditions dealing with the various applications that are received from life insurance companies themselves and from agents.

There is a section in the last Act which provides that a person who had suffered certain terms of imprisonment is prevented from acting as an agent. We have had representations from various persons who had acted as agents in the past who felt that there must be a *locus penitentiae* in

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this matter, that after a lapse of a certain time it should be open for the agent to come into the field again and offer himself as an agent. Consideration has been given to these representations and the Bill provides that after a period, a former agent may be restored into the practice of his regular profession.

Sir, I move that this Bill be referred to a Select Committee as composed in my motion.

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

"That the Bill further to amend the Insurance Act, 1938, be referred to a Select Committee, consisting of Mr. H. A. Sathar H. Essak Sait, Mian Ghiasuddin, Mr. Akhil Chandra Datta, Pandit Lakshmi Kanta Maitra, Mr. T. Chapman-Mortimer, Sir Cawasji Jehangir, Seth Sundarlal Daga, Mr. J. H. Thomas, and the Mover, with instructions to report on or before the 6th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Chair has received just now a notice of an amendment, which Dr. Banerjea wishes to move, to this motion. The Chair understands that notice was only received today and it has not been circulated to all the members.

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban): It has been circulated to the Honourable the Commerce Member.

**Mr. President** (The Honourable Sir Abdur Rahim): That is all. The Chair does not know if any objection is taken. Is there no objection to this motion being taken up?

**Honourable Members:** No.

**Mr. President** (The Honourable Sir Abdur Rahim): Very well. The Chair will waive the necessity for two days' notice.

**Dr. P. N. Banerjea:** Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July, 1941."

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not make a speech now. There will be a debate on both the motions. Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July, 1941."

**Dr. P. N. Banerjea:** Sir, the Honourable the Commerce Member pointed out to us that before this Bill was published in the Gazette, he had had discussions with the commercial community and the interests concerned. That is true. He did consult some insurance companies, at a conference, and views were exchanged. The proposals made by the Superintendent of Insurance were placed before the representatives of these insurance companies, and they also made their own proposals. But so far as I have been able to gather, there was no general agreement as to the final shape of the Bill. The final shape of the Bill was not placed before the insurance

companies or any of their representatives, and this Bill was published only three days ago. I have received a telegram from the young companies association, suggesting that the Bill be circulated: They have had no time to study this measure—which is a complicated measure—and consists of 70 clauses. We passed the Insurance Bill only three years ago, and even within this very short time many difficulties have arisen, as has been pointed out by the Honourable the Commerce Member. It is desirable that before we enact further legislation we should know what exactly are the views of the insurance companies and also of those who are insured as well as of the general public. It is not merely the insurance companies that have an interest in this matter. It is the persons who are insured who have an interest: and the general public also have an interest as to the progress of Indian insurance. I, therefore, suggest that the Honourable the Commerce Member will not object to my motion because it is very necessary that such a complicated measure should be very carefully scrutinised by all the interests concerned. Further, this House should be given ample opportunity to study this measure. It cannot be said that in the course of three or four days, a Bill containing seventy clauses can be mastered by any Honourable Member in this House. I would, therefore, suggest to the Honourable the Commerce Member that he should accept my motion.

**Pandit Lakshmi Kanta Maltra** (Presidency Division: Non-Muhamadan Rural): Mr. President, Sir I rise to support the motion for circulation moved by my friend, Dr. Banerjee. Sir, the reasons advanced by him are perfectly cogent, and I am sure they will weigh with the Honourable the Commerce Member. Reading the Statement of Objects and Reasons one would find that the Honourable the Mover himself has declared in the clearest possible terms that this amending Bill has become necessary in order to remove flaws in administrative difficulties which have come to light during the 18 months for which the Act has been in operation and also some other matters in respect of which further provision is considered desirable. I think, Sir, this very statement will convince this House of the importance of giving more care, meticulous care, if I may say so, to the provisions of this highly technical Bill. My Honourable friend, the Commerce Member, has said that he has consulted the commercial opinion, that he met the leaders or representatives of insurance business at a conference of two days' sitting, and that he has been able to settle its details. Sir, I must express my gratitude to the Honourable Member for taking the interests concerned into his confidence in this matter, but one cannot ignore the importance of further exploration in this respect. No doubt, my friend is aware that three years ago when this Insurance Bill was enacted into law, a good deal of exploratory work had to be done by the then Law Member. A special officer specially trained in insurance law and insurance practice had to be appointed before proposals were formulated, leading insurance interests were invited to meet, not in one conference, but at several conferences, then public opinion was elicited and the Bill was drafted on the recommendations made after consultation with the leaders of insurance companies, and, lastly, a motion was made in this House for referring it to a Select Committee. This is all fresh in our minds, because it is only three years' old business. In spite of that great care, in spite of that thoroughness, what do we find today?

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In three years' time three amending Bills had to be brought forward, two of them had already been passed to set right the defects or deficiencies which either escaped the notice of this House or escaped the attention of the legal advisers of the Government of India. That is a fact which cannot be gainsaid. I believe last year we obliged my Honourable friend, Sir Ramaswamy Mudaliar, by passing an amendment to the Insurance Bill in fifteen minutes' time. Today also we have obliged him by passing the Merchandise Marks Bill by suspending the Standing Orders, on personal grounds, in less than seven and half minutes. I had my eyes fixed on the clock. I do not think, Sir, that he would expect us even on a highly technical measure like this, to oblige him by agreeing to this Select Committee motion in fifteen minutes' time. Sir, this is a highly technical measure; it took the Government of India full one Session of the Legislative Assembly to pass this Bill. Let him not forget it. Let my friend also remember that the Select Committee had to go into all these details for nearly a month ahead of the Session; then numerous party meetings had to be called; the sponsor of the Bill had to meet the leaders of the political parties in their party rooms and discuss details with them, and after a full one Session's labour, the Bill which then appeared to embody the acme of wisdom, was embodied into law, and yet in less than three years' time we have had to deal with three amending Bills. So I would beg of the Honourable Member in charge not to advance any ground of personal convenience or inconvenience. I would also beg of him to consider the situation in which the whole insurance business is placed on account of the great European war. He knows very well that only the other day he passed a Bill granting some concessions to infant struggling companies, for which the insurance world would be grateful to him. There have been several additions of feathers to his cap including the one just now. Let not his greed grow more and more. We will gratify his greed, but I would only beg of him to give us a little more time to think out the matter in all its bearings. Let him not feel that because he managed to call together some representatives of the insurance business and met them for 48 hours,—I do not know if they had a non-stop meeting for 48 hours,—let him not think that because he had done all that, he has exhausted all possibilities of omission and commission of errors in future, and that he would not have to rush to us again with another amending Bill. It is not a case for him to be sensitive.

If we move this motion for circulation, it is simply because we feel that in the present state of uneasiness that has been created in the insurance world as a result of the abnormal international conditions it is desirable that this amending Bill should be so shaped, so framed, as to eliminate, as far as it lies in our power, all possibilities of doubts and of omissions. As my friend, Dr. Banerjee, pointed out, it is not a case of purely insurance companies. So many millions of people have insured their lives in insurance companies, that the failure of one insurance company means not only untold hardships to the numerous policyholders but also a tremendous set-back to the progress in insurance business. Let my friend, the Honourable Member in charge, not forget it. What is going to be lost if this Bill is circulated for public opinion? Does he contend that by the conference he held he could reach all classes of



people who are interested in insurance business? I think not. Speaking for ourselves as legislators, I think very few of us know what transpired at that conference, what particular interests or what particular people were called upon to tender their advice on this highly technical piece of legislation. If this measure is circulated for public opinion, all manner of insurance companies, big, small, struggling, will be enabled to have their say in the matter, and then, on the basis of their views we can re-model this Bill and bring it before the Legislative Assembly for final sanction and approval. But unless all that is done, I want to tell my friend, Sir Ramaswamy Mudaliar, that he would not be really doing any service to the insurance world in India by merely trying to rush through this Bill in the way in which he proposes to do. I am sure, highly amiable and honourable, and accommodating gentleman that he is, he will not think that in making this request to him, we are asking too-much of him.

We have no personal interest in the matter, but our experience of the one long Session which we had to devote to the Insurance Bill has brought home to us what a tough job it is to have to handle the provisions of the insurance law. I feel that my Honourable friend will be doing very scant justice to the Bill itself and to us when he asks the House to go into a Select Committee at once and report on it by the 5th March. But why is this hurry? Is it a war measure? Is it necessary for the effective prosecution of the war? You can win victories here, you can win all manner of desert victories when there is no Opposition, but as the Bill concerns the insurance business of my country which was given a great impetus and fillip by the Act of 1938, I would beg of you to consider the matter and see whether or not you can allow the whole Indian insurance world a fuller and freer scope to express itself on the legislative proposals which you have placed before this country. Do you seriously think that in the midst of a busy Budget Session when the Railway Budget is going to be placed before this House day after tomorrow and the rest of the month will be occupied by the voting on demands for grants, and when the General Budget is going to be placed before us on the 28th instant, and the disposal of which will take up another fortnight—do you mean to say that during this period we shall have time at our disposal to go into details of this Bill? We have to consult people who are in the know of these things. We are not supposed to know how these provisions are actually worked. We have to seek advice, we have to take suggestions from people; where is the time for it? So, it is not from a desire to embarrass or impede my Honourable friend that this motion for circulation is moved. My Honourable friend showed considerable magnanimity when he did not oppose the motion for circulation though it did not comply with the rigid provisions of the Standing Orders, and we are also grateful to the Chair for allowing that motion to be moved. Having taken that graceful stand, may we now request him not to press his motion for a Select Committee here and now and compel us to go through the farce of some sittings after the usual hours and perhaps on some Saturdays and Sundays and somehow get up a report to be placed before the House by the 5th March? The Bill will be hurried through and placed in the Statute-book. That won't enhance the reputation of my Honourable friend; that may defeat the very object for which he wants this Bill to be enacted into law. After all, the insurance world wants

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to be assured that the Honourable the Commerce Member is doing all that he can to remedy the defects which had escaped the vigilance and attention of his predecessor who brought in the amending Bill of 1938. These are some of the considerations which I hope will weigh with my Honourable friend. We know that if we press this circulation motion to a division we cannot carry, we are powerless, but after all, it is a commercial measure and the commercial men look up to him for the development of commerce and industry in this country. Nevertheless if my Honourable friend thinks that he must drive on his steam-roller over our wishes, he is quite welcome. He may win a victory, but that would be a futile victory, a victory none too worthy, none too glorious.

**Mr. T. Chapman-Mortimer** (Bengal: European): My Honourable friend, the Commerce Member, has told us that the Bill now before the House has two main objects. The first of these objects is to remove certain flaws that have come to light, and these flaws are mostly of a technical or drafting nature. The second object is to adjust administrative difficulties that have also come to light during the last eighteen months or so. There is, therefore, no need for me to make any long or detailed comment on the Bill at this stage. At the same time, we have accepted a short and incorrectly given notice for circulation. We did so and agreed to that being allowed for discussion now, because we felt that there might be some people who would hold feelings as strong as those just expressed by my Honourable friend from Bengal. I feel that he is under a misapprehension. Though this Bill looks a very formidable document, it in fact, is very much less formidable than it seems to be. My Honourable friend has suggested also that great care should be taken in drafting a Bill of this kind, and he suggested by implication that such care had not perhaps been given. I think he is under a complete misapprehension. He has also, I think, done less than justice to the very great work which Sir Nripendra Nath Sircar did and which this House also did when the original measure was passed in 1937 and 1938. It is a tribute to the work then done and to the great care taken—My Honourable friend has himself reminded us of the great care that was taken—it is a tribute to that work that there is not so much, but so little to do at this stage.

Those who have examined this Bill will see, and must already have seen, that in nearly every one of its 71 clauses there is not even one to which any one is likely to raise any point of principle whatsoever. As the House has been informed, there was a conference, convened by the Honourable the Commerce Member, of insurance interests. I understand that that was a conference which grew from quite small numbers to something that was quite formidable and that Government really had not contemplated anything like such a detailed discussion and the large representation which took place at that time. That they did so was very much appreciated by all insurance interests, great and small, and I am sure, that, as the discussions in Select Committee.—and later again in this House.—as these discussions proceeded, my Honourable colleague from Bengal will feel rather differently than he has just expressed. We all, I think, realise the tremendously heavy burden that falls on the Honourable the Commerce Member in any Budget Session. That burden has been greatly increased by the conditions arising out of the war, and I am sure that all of us very sincerely sympathise with him even when he tries, as

has been alleged, to rush things through the House and apply a sort of steam-roller-method in getting his business done! We in this Group agreed to waive and the House agreed to waive the Standing Order when my Honourable colleague of the Muslim League Party raised his point of order . . . .

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Division: Muhammadan Rural): Not in this case.

**Mr. T. Chapman-Mortimer**: It was raised earlier today but on another point. At the same time, as I have suggested, the Honourable the Commerce Member has every reason and every excuse to ask this House to consent to refer this matter at once to a Select Committee.

Most of the points in the Bill can only be properly discussed by a small body. There are no main points of principle involved that I have been able to see, and I am perfectly certain that Government themselves will be able to assure us on that point later. At the same time, there is a tendency, we all know, for Government when some of the Benches opposite are more crowded than they are today, to rush business through this House. That is an undesirable tendency—especially so in the eyes of those of us who do not always share the same view that those absent members themselves hold as to their importance in the country.

With these words, Sir, I oppose the motion for circulation.

**Dr. Sir Ziauddin Ahmad**: When first we were considering the Insurance Bill, we paid a tribute to Sir N. N. Sircar for the great service that he rendered in this direction. Insurance was in a very chaotic condition and that Bill attempted to set matters right. Even during the debate, Mr. Sen pointed out, and this was said also by Sir N. N. Sircar, that the Bill did not achieve all that he wanted to achieve, but he hoped that serious consideration will be paid at a later stage to remove some of those difficulties. I myself very much value the services now being rendered by the Commerce Member, not only in connection with this Bill, but also in connection with various efforts connected with the war and the improvement of industries and commerce in this country. We do not differ there, and perhaps from this side we appreciate it much more than the representatives of other groups really do, but the position here is a simple one.

Here is a very important Bill before us containing an enormous number of clauses. No doubt the Commerce Member has taken very great pains, as he himself pointed out, in the drafting of this Bill. He consulted the representatives of the insurance companies. I with those papers were before us, and then we would have been able to read their opinions and exercise our vote in an intelligent manner. We are really fighting against dictatorship at the present moment. Here the Commerce Member says: "I have taken all the trouble. I am satisfied that the thing is all right. You can believe me and agree with my opinion." These are not the days of the dictators. We are really fighting for democracy. You may be satisfied that the measure is all right. Here we are exercising our votes and we have also got to satisfy ourselves that the measure is perfectly correct. We have got absolutely no material before us by means of which we can exercise our votes. The proceedings of the conference have never been revealed to us. We do not know the basis on

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which this particular Act was drafted. We never had any opportunity to discuss with any expert whom we know as to whether they agree to these views or not. I am not satisfied whether the interests of the policy-holders are adequately represented in this particular Bill, and unless I visualize in my own mind, I very much hesitate to give my opinion in a blindfold manner. We are really fighting for democracy and hate dictatorship. That is the whole issue of the present war. I am rather surprised that my friend was not in favour of the circulation motion. Perhaps he had his friends among those who were called for consultation, and probably they have given him opinions in private beforehand, and he may have satisfied himself that all that he required from his point of view are already included in this particular Bill.

**Mr. T. Chapman-Mortimer:** I have been ill for ten months, and I could not possibly have taken any part in these proceedings.

**Dr. Sir Ziauddin Ahmad:** That may be the case, but this is the impression I got from some of the arguments which he used on the floor of the House.

**Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official):** You are fighting for hypocrisy.

**Dr. Sir Ziauddin Ahmad:** You don't understand this business.

**Lieut.-Colonel Sir Henry Gidney:** No.

**Dr. Sir Ziauddin Ahmad:** Therefore, I think it is very desirable that we ought to have known the reasons on account of which these changes became necessary. I quite understand the reasons may be cogent ones. If you ask us to agree with you, then those reasons ought to be communicated to us as well. At the same time, it is very desirable also that we should consult not only those persons whom the Government may consider to be experts, but also those persons whom we consider to be experts. We know how in economic matters experts can give two different opinions. During the discussion on the Ottawa Agreement, I said that these economists can argue one way or the other according to the view they hold. On one occasion, I said clearly that if I am paid Rs. 500, I can write a big book either in favour of the agreement or condemning everything that is contained there. The Government may have taken their own expert opinion in a matter like this. We should like to have opinions representing different interests, based on different theories. If there were any special reasons as to why this Bill should be proceeded with at a very early date, the Honourable Member ought to have circulated among us a good document explaining why it is necessary to pass this into law urgently. He has not explained why this measure should be passed urgently, without inviting public opinion. He has not made out any case for urgency. If it was urgent, the Commerce Member should have circulated among us a summary of the results of the conferences that he held and the evidence from various sources that he collected. No such attempt was made on the present occasion. Even in his opening speech on such an important issue, he did not make out any case whatsoever. We know what happens to these Bills in the Select

Committee. I have seen what happens in Select Committees. They will not be able to examine this Bill in detail. In the various Select Committees I have been, we are simply asked, how many are for a clause and how many against, and the whole thing is carried quickly. Therefore, it is, I think, only fair in the interests of the persons interested in insurance, both as insurers and policy-holders, that we must study this question very carefully. We should have the different view-points before us, and then we can come to some agreement. I think that is the right course to adopt in all important measures. First circulate, then get public opinions, and then refer the Bill to the Select Committee. It is only by this method that the time taken by the House will be minimised. As there is no urgency, why should we depart in the case of such an important measure from the practice that we have adopted on previous occasions. With these words, I support the circulation motion.

**Sir Abdul Halim Ghuznavi** (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, Sir, I have listened to the two speeches of my Honourable friends from Bengal. I have been thinking why my Honourable friends want circulation. Sir, a big conference was called at Simla of the representatives of insurance companies, big and small.

**Dr. Sir Ziauddin Ahmad**: Where are the proceedings?

**Sir Abdul Halim Ghuznavi**: There are notes which I passed on to the Commerce Member and after a long discussion with these representatives, the Honourable the Commerce Member.....

**Pandit Lakshmi Kanta Maitra**: We are not in that fortunate and privileged position as you are.

**Sir Abdul Halim Ghuznavi**: In what way? I was not a member of the Conference.

**Pandit Lakshmi Kanta Maitra**: As a conduit pipe between the insurers and the Government.

**Sir Abdul Halim Ghuznavi**: As a public man, it is my duty to pass on what I get from my constituents and those who are interested in this subject. All that I have heard on the floor of this House today means nothing else excepting that they want a special Session.....

**Pandit Lakshmi Kanta Maitra**: Who wants that? We have never said that.

**Sir Abdul Halim Ghuznavi**: They want to have a special Session.

**Pandit Lakshmi Kanta Maitra**: We have never said that.

**Sir Abdul Halim Ghuznavi**: Will you allow me to complete my sentence? In order to have a special Session, they want this Bill to be circulated.

**Dr. P. N. Banerjee**: Sir, on a point of personal explanation. I do not want a special Session.

**Pandit Lakshmi Kanta Maitra:** Neither do we.

**Sir Abdul Halim Ghuznavi:** They have made out no case at all for a special Session.

**Dr. P. N. Banerjea:** That is a wrong statement; we have not said that there should be a special Session.

**Sir Abdul Halim Ghuznavi:** They say there are seventy clauses.

**Dr. P. N. Banerjea:** Does it contain a smaller number?

**Sir Abdul Halim Ghuznavi:** It gives you only one hour, if you will intelligently read these clauses. Sir, it is a mere waste of time to ask for this Bill to be sent for circulation. I am on the Boards of Insurance Companies and we feel that this Bill should go through as quickly as possible.

**Dr. Sir Ziauddin Ahmad:** Why? What is the reason?

**Sir Abdul Halim Ghuznavi:** It affects the insurance companies and it affects the insurers as well.

**Dr. Sir Ziauddin Ahmad:** How?

**Sir Abdul Halim Ghuznavi:** The answer is, "by this Bill".

**Mr. M. S. Aney** (Berar: Non-Muhammadian): What are the special benefits to insurance companies? Let us know that.

**Sir Abdul Halim Ghuznavi:** My friends who will be on the Select Committee will be able to point them out. Now, Sir, a conference was held at Simla last year. Nine months have since passed.....

**Dr. P. N. Banerjea:** Was any conference held at Simla? Where are the proceedings?

**Mr. President** (The Honourable Sir Abdur Rahim): Let the Honourable Member go on with his speech.

(Interruptions.)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better go on with his speech.

**Sir Abdul Halim Ghuznavi:** Whatever opinion was expressed by the insurance companies at that conference, they have been submitted to the Commerce Department, which must have taken them into consideration.

**An Honourable Member:** You are taking that for granted?

**Sir Abdul Halim Ghuznavi:** Surely, they could not have been thrown into the waste paper basket.

**Mr. M. S. Aney:** May I ask one question? Will the proceedings of that conference be available to the Select Committee when it considers this Bill?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** There are no proceedings recorded. I may explain that a list of all the points raised by the Department as well as by the Insurance Companies was circulated to the members of the Conference. That list I am prepared to place at the disposal of the members of the Select Committee. On that list I sat as an arbiter and I had the views of the Department through the Superintendent of Insurance elicited in the first instance and also the views of the various members who attended the conference. That conference was attended by the older life insurance companies as well as the younger ones, and the representatives of agents of the insurance companies and it was an enormous conference. Every possible interest connected with insurance was represented. The policy-holder was not represented. I represented the policy-holder because I have taken out a life policy. . . .

**Dr. Sir Ziauddin Ahmad:** You are a very poor specimen of a policy-holder.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I am prepared to have that circulated to the members of the Select Committee. Views were informally exchanged across the table without any regular debate and the points raised by them were noted and afterwards Government came to some conclusion on the views expressed both by the Superintendent of Insurance and the representatives and actuaries present.

**Mr. M. S. Aney:** Sir, the points that were raised and the views expressed are recorded somewhere and they will be available?

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** They were only general points raised in the discussions.

**Sir Abdul Halim Ghuznavi:** After the statement made by the Honourable the Commerce Member I think I need not take more time of this House and I oppose the motion for circulation.

**Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural):** Sir, I support this motion for circulation. Sir, a lot of arguments both for and against the motion have been advanced and I shall not repeat them but I want to emphasize just one or two points. It cannot be denied that this Bill is a very important Bill. As pointed out by several speakers, it seeks to remove some of the flaws that have been detected in the working of the Bill after the experience of these eighteen months. It also seeks to remove some of the administrative difficulties. Now, these two things are very important in themselves, but what is more important is that so far as the present motion is concerned, some new provisions will be made with regard to the insurance business. So far as those are concerned, it cannot be said that it is an amending Bill; it is partly an amending Bill and partly an altogether new Bill. It must be admitted that it is a highly technical measure.

[Mr. Akhil Chandra Datta.]

Nobody knows more than my Honourable friend, Mr. Chapman-Mortimer, about the difficulties of the matter. He was in the thick of the fight during the main Insurance Bill and he knows the immense complications in a measure like this. There is one thing which I am very anxious to point out to the Honourable the Commerce Member, and that is this. I want to submit to my Honourable friend that the time between now and the proposed date of the Select Committee report will be also a very busy time for the Members of this House, i.e., the Budget time. Now how can we really go through the provisions of the Bill? How can we apply our minds seriously and come to any decisions on these matters? There will be hardly any time perhaps to consult those who are in a position to give advice on these matters. Now, advice certainly is necessary. Sir, I have been a director of a foremost insurance company for over twelve years but at the same time I must confess that there are many things in the actual working of the insurance business with which I am not yet familiar, which are so technical or so intricate. Now, without consulting the interests concerned, so far as we are concerned—of course if the Government of India have already consulted them, that is another matter—but if we are to apply our mind to these matters, we must consult all these interests, and where is the time for that, I ask?

Then I want to ask one question. Supposing the circulation motion is accepted, there will be no difficulty in having this Bill passed during the autumn Session. Now, the question is what is the difference, unless you accept the argument of my friend, Sir Abdul Halim Ghuznavi, that Heavens will fall if the Bill is not passed immediately. I want to ask this: Will there be any practical difficulty if the Bill is passed in the next Session this year instead of in this Session? Unless there is some such urgency, I cannot appreciate the objection to circulation. At all events, in a House like this which is very much attenuated, we must be very careful and that is another point that should be taken into consideration by the Honourable the Commerce Member. In fact, that makes the task and the position of the Honourable Member himself very difficult and very delicate. He ought to represent not only the Government but also those constituencies which were represented in this House by the 44 gentlemen of the Congress Party. The question is not why these gentlemen have not come but the point is that as a matter of fact all these constituencies are now unrepresented and, therefore, it is but fair that the Honourable the Commerce Member should represent not only the Government but also these people. It is not a political measure nor is it a war measure. It is a measure connected with commerce and industry. Sir, I support the motion for circulation.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I rise to lend support to the motion for circulation. I cannot see eye to eye with my Honourable friend, Mr. Chapman-Mortimer, when he said that this Bill requires to be considered only by a few Members and not by many sitting in the Select Committee. Sir, I am invariably against any legislation being hustled up. Last time, when a small Insurance Bill was before the House, certain reasons were given and they appealed to the House. Those reasons were that if the instalments that were going



to be curtailed were not curtailed by legislation earlier, then the Superintendent would ask them to pay the whole instalment. There is no such danger now. If this legislation is delayed for some time, there will be no serious injury either to the policy-holders or the insurers. Now, it is plain that we are passing this Bill very hurriedly. On the 11th of this month, which was the very first day of the Assembly, this Bill was introduced, and the Honourable Member, without giving the usual seven days, got up to ask that the Standing Order be suspended. . . .

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** No. My Honourable friend is entirely wrong. There is no need for seven days for this Bill to be taken into consideration. It is only for three days, and I did not ask for any suspension of the Standing Orders.

**Mr. Lalchand Navalrai:** Anyway, having regard to the complications of several provisions of this Bill, I should have thought that the Honourable the Commerce Member himself would have agreed to the circulation motion. In the first place, I would ask the Honourable Member the reason why the Bill should be referred to the Select Committee today? It would be in the interests of all concerned that the Bill should be considered clause by clause and the help thus given to the House may be beneficial to the public and to those who are concerned with it.

Now, Sir, it may be that some consultations were made, but it cannot be said that all the interests have been consulted. I am told that the representatives of many big and small companies were consulted, but we do not know what they actually said. We would like to know what suggestions they made. The House has been deprived to consider those points that have been placed before the Honourable the Commerce Member. It is said that they should not be brought before the House, but should be considered only by the Members of the Select Committee. I do not think that is right. That is cutting away actually the rights of the Members of this House. My another reason for supporting the motion for circulation is that I have received a representation from the persons concerned and also from the Chamber of Commerce, Delhi. They also want its circulation.

Now, Sir, with regard to the question that the principle of the Bill be accepted by the House and that it should be sent to the Select Committee, I submit that many Members have not had the opportunity to study it carefully. Ever since our arrival here, we have worked in the House. Certain Bills have already been passed, and much work has been done in the House. Therefore, I think it will be more helpful to the Honourable the Commerce Member if this Bill is circulated and opinions are asked for. The Select Committee can then consider all these opinions. I do not think I need detain the House any longer. This is only a fair and reasonable request, and so many Members have spoken in favour of it. Of course, one Member from Bengal and two Members on the other side do not see eye to eye with one another. All the same, all the other Honourable Members who have spoken on this motion have said that it would be very fair that the Bill should be circulated, and I hope the Honourable the Commerce Member will not stand in their way.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** Sir, I confess that the Bill looks very formidable with over 70 clauses and the first reaction on anyone who has not carefully gone through this measure would be that it is a ponderous Bill which requires very serious consideration. But I want to make two points perfectly clear. I yield to none in my admiration for the indefatigable manner in which my Honourable predecessor in office had to pilot the original insurance measure and, if amendments have been necessitated, it should be no reflection at all either on the care or on the legal acumen which was expended by my predecessor, Sir Nripendra Sircar, when he piloted the Insurance Bill. As I myself said, it was almost a virgin field. The measure was first introduced and a survey of the position was taken then and it is no wonder that in the actual administration certain defects or deficiencies which could not have been foreseen at the time by anyone who had not had the working of such a measure before him, have come to light. Most of these things relate to such deficiencies or defects, and the notes on the Clauses of the Bill make it perfectly clear. Drafting is a matter which must be left to the Draftsmen and if the Draftsmen in their work produce a Bill which looks portentous, I am sure Honourable Members who have been quite accustomed to legislation will not really take it so

Now, Sir, some of my Honourable friends have spoken as if circulation of a Bill was a matter of course and that I was asking the  
 P. M. House to do something quite out of the way by requesting the House to refer this Bill to the Select Committee. The normal procedure is of course for a Bill to be referred to the Select Committee and the extraordinary course is to have the Bill circulated for opinion. I have shown in the few remarks that I made at an earlier stage that in this case at any rate all the interests concerned having been consulted, there is no proposal in this Bill which was not the subject of discussion at the conference that I have referred to. Circulation of the Bill would not really help the matter.

**Pandit Lakshmi Kanta Maitra:** What is there to show that there was a consensus of opinion on these matters.

**The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:** I have not at all suggested that there was a consensus of opinion. On many matters the Select Committee will find that the interests concerned were agreed, on other matters the Government have had to come to a decision adverse to some of the interests concerned and favourable to some other interests. Really there is no complete consensus of opinion and there is no possibility of such consensus of opinion even among the interests which were represented at the conference apart from the views of the Government of India. I have not suggested that. That is the reason why I have suggested that the matter might go before the Select Committee. I am perfectly willing that the Select Committee should consider as carefully as possible every one of these clauses. I may go further and say that there is no intention on my part to hurry this matter up. I am perfectly certain that a proper consideration of it can only be by and through the Select Committee. I may state to the House that I have arranged to meet the insurance interests before this matter comes before the Select Committee and I propose to have the Select Committee not

immediately but after, say about ten days. So far as the date for the report of the Select Committee is concerned, I am perfectly agreeable to make a representation to you, Sir, should the Select Committee consider that the date fixed is not sufficient and wants further time to make the report, I am perfectly willing to come before you and ask for an extension of time. But so far as many of the points that have been urged, I have, I regret to say, found no case for circulating this Bill for eliciting opinion. I must assure the House again that I have no intention of rushing this measure at all. It has been remarked as if it was my fault, that the previous Bill, the Indian Merchandise Marks (Amendment) Bill was passed in 7½ minutes. It is my misfortune, it is not my fault, that more Honourable Members did not speak at the consideration stage, that more Honourable Members did not speak on the amendments that were made by the Select Committee. Some Honourable Members said "Oh! yes, you go to the Select Committee and in the Select Committee, clause 1 is put, those for and those against and with the Government majority, you carry through everything". Sir, this Bill on which so many amendments have been made in the Select Committee and which I have had the privilege of asking the House to pass is proof positive of the actual work that is done in the Select Committees. Several amendments proposed in the Select Committee have been accepted by the Government and I do not think it is quite a fair proposition at least so far as the measures with which I am associated are concerned and regarding which alone, I can speak with personal knowledge, it is not fair to suggest that the Select Committee is merely an instrument which puts its seal of approval on any provisions that Government suggest. I can assure this House and I can assure the Select Committee that I am prepared to give the utmost consideration for any suggestions that may be made by the Select Committee on this measure and I think it will serve the interests of the insurance companies themselves, it will serve the interests and convenience of this House if this Bill were to go before the Select Committee and the provisions of this Bill were examined by the Select Committee.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July, 1941."

The Assembly divided:

AYES—26.

Abdoola Haroon, Seth Haji Sir.  
 Abdul Ghani, Maulvi Muhammad.  
 Abdullah, Mr. H. M.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Azhar Ali, Mr. Muhammad.  
 Banerjee, Dr. P. N.  
 Chattopadhyaya, Mr. Amarendra  
 Nath.  
 Datta, Mr. Akhil Chandra.  
 Deshmukh, Mr. Govind V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Fazl-i-Haq Piracha, Khan Bahadur  
 Shaikh.  
 Ghasiuddin, Mr. M.

Ghulam Bhik Nairang, Syed.  
 Habibur Rahman, Dr.  
 Lalchand Navalrai, Mr.  
 Maitra, Pandit Lakshmi Kanta.  
 Murid Hussain Qureshi, Khan Baha-  
 dur Nawab Makhdum.  
 Murtuza Sahib Bahadur, Maalvi  
 Syed.  
 Parma Nand, Bhai.  
 Rafiuddin Ahmad Siddiquee, Shaikh.  
 Siddique Ali Khan, Nawab.  
 Umar Aly Shah, Mr.  
 Yamin Khan, Sir Muhammad.  
 Zafar Ali Khan, Maulana.  
 Ziauddin Ahmad, Dr. Sir.

## NOES—43.

Abdul Hamid, Khan Bahadur Sir.  
 Abdul Hamid, Khan Sahib Shaikh.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Bewoor, Sir Gurunath.  
 Bhagchand Soni, Rai Bahadur Seth.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Caroe, Mr. O. K.  
 Chapman-Mortimer, Mr. T.  
 Chettiar, Dr. Rajah Sir S. R. M. Annamalai.  
 Clow, The Honourable Sir Andrew.  
 Daga, Seth Sunderlal.  
 Dalal, Dr. R. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Dehejia, Mr. V. T.  
 Dumasia, Mr. N. M.  
 Frampton, Mr. H. J.  
 Ghuznavi, Sir Abdul Halim.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Gwilt, Mr. E. L. C.  
 Ikramullah, Mr. Muhammad.  
 Imam, Mr. Saiyid Haider.  
 Ismaiel Ali Khan, Kunwar Hajee.

The motion was negatived.

Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shamsul-Ulema.  
 Kushalpal Singh, Raja Bahadur.  
 Lawson, Mr. C. P.  
 Maxwell, The Honourable Sir Reginald.  
 Mazharul Islam, Maulvi.  
 Miller, Mr. C. C.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Mudaliar, The Honourable Diwan Bahadur Sir A. Ramaswami.  
 Mukharji, Mr. Basanta Kumar.  
 Pillay, Mr. T. S. S.  
 Raisman, The Honourable Sir Jeremy.  
 Rau, Sir Raghavendra.  
 Scott, Mr. J. Ramsay.  
 Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
 Sivaraj, Rao Sahib N.  
 Spence, Sir George.  
 Staig, Mr. B. M.  
 Thomas, Mr. J. H.  
 Tyson, Mr. J. D.

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

"That the Bill further to amend the Insurance Act, 1938, be referred to a Select Committee, consisting of Mr. H. A. Sathar H. Essak Sait, Mian Ghiasuddin, Mr. Akhil Chandra Datta, Pandit Lakshmi Kanta Maitra, Mr. T. Chapman-Mortimer, Sir Cowasji Jehangir, Seth Sunderlal Daga, Mr. J. H. Thomas, and the Mover, with instructions to report on or before the 6th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

**The Honourable Sir Andrew Clow** (Member for Railways and Communications): Sir, with regard to the Indian Railways (Amendment) Bill standing in my name, a full week has not elapsed since the Report of the Select Committee was laid on the table, and I understand some Members of the House are anxious that the Bill should not be taken up today. I, therefore, do not propose to move it till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th February, 1941.