

11th February 1943

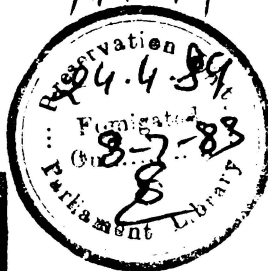
# THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volumes I to II, 1943

(10th February to 2nd April, 1943)

## SEVENTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1943



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# LEGISLATIVE ASSEMBLY.

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Mr. N. M. JOSHI, M.L.A.

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# LEGISLATIVE ASSEMBLY

Thursday, the 11th February, 1943.

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:

Seth Yusuf Abdoola Haroon, M.L.A. (Sind: Muhammadan Rural).

## STARRED QUESTIONS AND ANSWERS.

### DURATION OF ORDINANCES PROMULGATED BY THE GOVERNOR GENERAL.

**22. \*Mr. K. C. Neogy:** (a) Will the Honourable the Law Member be pleased to explain his reference to the India and Burma Emergency Act in reply to a supplementary question asked by me regarding Ordinances promulgated by the Governor General, as reported at page 95 of the Legislative Assembly Debates, dated the 15th September, 1942?

(b) As regards the scope of the India and Burma (Emergency Provisions) Act which was passed by the British Parliament in 1940, will he be pleased to refer to the speech delivered by Mr. Amery, the Secretary of State for India, on the second reading of the relevant Bill in the House of Commons on the 26th June, 1940, as reported in *Hansard*—Volume 362 (1939-40), particularly the following extract therefrom:

“Normally, the Ordinance-making power of the Governor General under Section 72 of the Government of India Act extends only for six months. It would be obviously inconvenient for all concerned if a measure enforcing military service in a war the duration of which none of us can foresee, were limited to six months. Consequently, that passage in Sub-section (3) frees those, and only those of the Governor General's Ordinances which affect the disciplinary Acts from this limitation. By passing Sub-sections (3) and (4) of clause 1, this House will give the Governor General the power which he desires to introduce immediately a measure of compulsory service for European British subjects in India, and to extend the period of that measure beyond the emergency period referred to in Sub-section (3).”?

(c) Will the Honourable Member be pleased to state whether the intention of His Majesty's Government as stated by the Secretary of State in his above-quoted speech, to restrict the extension of duration of Governor General's Ordinances beyond the statutory period of six months, to measures of the category specified therein, has been carried out in practice? Which Ordinances not included in the aforesaid category have been, if at all, allowed to remain in force for more than six months?

**The Honourable Sir Sultan Ahmed:** (a) On a perusal of the report, I think that I probably misheard the particular supplementary question to which the Honourable Member refers, and I am not concerned to maintain that the India and Burma (Emergency Provisions) Act is relevant to that particular question.

(b) and (c). I am authorised to state that the passage from the Secretary of State's speech which the Honourable Member has quoted does not represent his considered view, and that His Majesty's Government have at no time entertained the intention attributed to them by the Honourable Member. What the Honourable Member refers to as the statutory period of six months has no application to Ordinances made since the passing of the India and Burma (Emergency Provisions) Act, and with one exception all Ordinances made since that date have remained in force for more than six months.

**Dr. P. N. Banerjee:** Sir, is not the Government of India subordinate to the Secretary of State?

**The Honourable Sir Sultan Ahmed** (Law Member): The question does not arise.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better address himself to the question.

**Dr. P. N. Banerjee**: The Honourable the Law Member said that that was not his considered opinion, but whatever opinion was expressed by him is that to be given effect to by the Government of India or not?

**The Honourable Sir Sultan Ahmed**: I have been authorized to state that that was only a slip and it was not his intention.

**Mr. K. C. Neogy**: Will the Honourable Member refer to the House of Lords proceedings and say as to whether substantially the same statement was not repeated there in this connection?

**The Honourable Sir Sultan Ahmed**: If my Honourable friend will give me notice of that I will consider that. I shall have to consult the House of Lords proceedings.

**Mr. K. C. Neogy**: When was the attention of Government first drawn to the statement made by the Secretary of State?

**The Honourable Sir Sultan Ahmed**: I want notice of that question.

**Mr. Lalchand Navalrai**: What were the reasons for changing the six months rule?

**The Honourable Sir Sultan Ahmed**: The question was before the Parliament and the Parliament decided that. I cannot answer on behalf of the Parliament.

**Mr. Lalchand Navalrai**: Does the Honourable Member know the reason which the Parliament gave?

**The Honourable Sir Sultan Ahmed**: The proceedings will show that.

**Mr. Lalchand Navalrai**: Has the Honourable Member not seen those proceedings?

**The Honourable Sir Sultan Ahmed**: I have.

**Mr. Lalchand Navalrai**: Will the Honourable Member say what reasons were advanced so that we may put further supplementary questions?

**The Honourable Sir Sultan Ahmed**: I cannot remember all that was said there.

**Mr. N. M. Joshi**: May I ask whether the intentions of Parliament are not made clear by the speech of Mr. Amery?

**The Honourable Sir Sultan Ahmed**: I have answered that question.

**Mr. K. C. Neogy**: May I know whether it is the Governor General or the Governor General in Council who decides as to whether a particular measure should be undertaken by way of Ordinance or be left to be regulated by the normal legislative procedure?

**The Honourable Sir Sultan Ahmed**: Governor General, under the Act itself.

**Mr. K. C. Neogy**: May I draw the Honourable Member's attention to a statement which was made on the 21st. of September in the Council of State debates in reply to question No. 20 of that day? In giving reasons as to why particular measures were undertaken by way of Ordinance, it was stated that the delay involved in submitting the matter through the normal legislative procedure was not desirable and in order to avoid that delay this procedure was not undertaken and Ordinances were promulgated?

**The Honourable Sir Sultan Ahmed**: That certainly was one of the very vital reasons.

**Mr. K. C. Neogy:** But who decides as to whether the delay involved in going through the normal legislative procedure, should be avoided in a particular instance?

**The Honourable Sir Sultan Ahmed:** Governor General.

**Pandit Lakshmi Kanta Maitra:** Does not the Cabinet of Ministers tender any advice to the Governor General in that respect?

**The Honourable Sir Sultan Ahmed:** It is not appropriate for me to say whether we give advice or whether we do not, or the Governor General asks for our advice or not.

**PAUCITY OF MUSLIM GAZETTED OFFICERS IN THE PRINTING AND STATIONERY OFFICE.**

**23. \*Sir Abdul Halim Ghuznavi:** (a) Will the Honourable Member for Labour be pleased to state how many Gazetted Officers there are in the Printing and Stationery Office of the Government of India? Are there any Muslims among them? If not, why not?

(b) Is it a fact that recently the vacancy of a Second Assistant Controller in the Central Stationery Office was filled up by a Hindu Sub-Deputy Collector from Bengal, ignoring the legitimate claims of Muslim candidates and in violation of the Government circular regarding the maintenance of a ratio for Muslim appointments?

(c) Do Government propose to take any steps to increase the existing ratio of Muslim Gazetted Officers for safeguarding the interest of Muslims?

(d) Is it a fact that Government propose to create shortly one post of Assistant Controller and another of Superintendent in the Central Stationery Office? If so, will they be pleased to reserve these appointments for Muslims?

**The Honourable Dr. B. R. Ambedkar:** (a) Presuming that the Honourable Member refers to the Stationery and Printing Department as a whole, the number of gazetted officers is 24 of which two posts are at present held by Muslims. The last part does not arise.

(b) Yes. The reply to the second part is in the negative.

(c) All gazetted posts in the Stationery and Printing Department are selection posts. appointments to which are made by selection on merits in accordance with existing rules. Assurance to increase the proportion of Muslims to such posts will not be in conformity with those rules.

(d) There is no proposal to create any additional post of Assistant Controller in the Central Stationery Office. A temporary post of Superintendent has recently been sanctioned for that office for a period of less than three months. Orders regarding communal representation do not apply to the filling of temporary vacancies of such duration. The post in question will not accordingly be reserved for a Muslim.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if these officers are selected by the Public Service Commission or by the higher officer themselves?

**The Honourable Dr. B. R. Ambedkar:** I must have notice of that question.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if appointments are made by promotion; and in case of promotion are recruitments made on a communal basis or otherwise?

**The Honourable Dr. B. R. Ambedkar:** The communal ratio does not apply to promotions.

**Mr. Lalchand Navalrai:** Therefore, may I know whether in this case the officers are taken by promotion?

**The Honourable Dr. B. R. Ambedkar:** Yes.



PAUCITY OF MUSLIMS IN CALCUTTA CENTRAL STATIONERY OFFICE, ETC.

24. \*Sir Abdul Halim Ghuznavi: (a) Will the Honourable Member for Labour please state how many Superintendents and Head Assistants there are in the employ of the Central Stationery Office, the Calcutta Press and the Central Forms Store located in Calcutta? What proportion of these appointments are held by Muslims?

(b) What is the total number of Assistants and clerks employed in the Central Stationery Office, the Calcutta Press and the Central Forms Store located in Calcutta, separately?

(c) What is the proportion of Muslims in each office and in each cadre?

(d) How many new posts of Assistants have been created in each of the above three offices and how many of them were filled by Muslims?

(e) If the number of Muslims in employ is not commensurate with the ratio laid down by the Government circular, why has no attempt been made to rectify things?

(f) Is it a fact that some junior Hindu clerks with minimum educational qualifications and meagre office experience were promoted to the cadre of Assistants in the Central Stationery Office during the year, thereby superseding the claims of senior Muslim clerks?

**The Honourable Dr. B. R. Ambedkar:** (a), (b), (c) and (d). A statement containing the required information is laid on the table.

(e) The Government circular applies to direct recruitment and is being followed. No question of rectification arises.

(f) No. As posts of Assistants are filled by selection on merit the question of supersession of senior men does not arise.

*Statements showing the Number of Assistants and Clerks employed, the proportion of Muslims in those categories and the Number of Posts of Assistants created owing to war in the Central Stationery Office, the Central Forms Store and the Calcutta Press.*

(a) Two Superintendents and ten Head Assistants. None of them is a Muslim.

(b) and (c).

Assistants.	No.	Proportion of Muslims. Per cent.
Central Stationery Office.	31	9.7
Central Forms Store	13	7.7
Calcutta Press	5	<i>Nil.</i>
<i>Clerks—</i>		
Central Stationery Office	329	19.1
Central Forms Store	166	21.1
Calcutta Press	49	20.4
(d).	Assistants' posts created as a result of the war.	No. of Muslims.
Central Stationery Office.	13 of which 11 filled.	1
Central Forms Store	9 (none yet filled).	..
Calcutta Press	<i>Nil.</i>	<i>Nil.</i>

NOTE.—Figures given against the Central Stationery Office include the number of Assistants and clerks employed in the Stationery Store Branch to which the communal orders were applied from the 18th June, 1942.

WORKING HOURS OF THE CENTRAL STATIONERY OFFICE.

25. \*Sir Abdul Halim Ghuznavi: (a) Will the Honourable Member for Labour please state if it is a fact that the working hours of the Central Stationery Office have been extended by thirty minutes?

(b) Is it a fact that a concession of thirty minutes allowed to Muslim employees in the Central Stationery Office during the last Ramzan was disallowed? If so, why?

(c) Is it a fact that the working hours in certain branches of the Central Stationery Office have been further extended by sixty minutes? If so, are Government prepared to sanction overtime allowance to the employees of those branches for the extended time?

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

(b) Yes. The concession was previously allowed on the analogy of local Government orders. It was disallowed in 1942 as the Government of Bengal withdrew the concession in view of earlier closing hours.

(c) Yes. As a temporary measure for a short period only. To tide over the rush of work in connection with Defence supplies the staff of certain branches was required to remain in office one hour more. It is not customary to pay for such additional overtime to non-industrial staff.

#### INFORMATION ABOUT INDIANS IN ENEMY-OCCUPIED COUNTRIES.

**26. \*Mr. Lalchand Navalrai:** Will the Honourable Member for Indians Overseas be pleased to state if the Government of India have received any information about the welfare, existence and safety of those Indians including Sindhis whose names and addresses were supplied to him from time to time? If so, will he place a list of the same on the table? If not, what efforts have the Government of India made through the Red Cross Societies or other bodies similarly occupied?

**The Honourable Mr. M. S. Aney:** The Government of India have received information in a certain number of cases mainly relating to British subjects in Japan, Shanghai, Hong-Kong and Bangkok through the International Red Cross Committee and the Protecting Power. They have also received information from other sources in a number of cases relating to Burma and Malaya. These total rather more than 800 and include Sindhis. The enquirers have in all cases been informed. The total number of enquiries is between five and six thousand. The Honourable Member will agree that no useful purpose will be served by placing such a list on the table. I regret that no information has yet been received regarding individuals whose cases have been referred to me by the Honourable Member himself.

**Mr. Lalchand Navalrai:** It is very unfortunate that those have not been reported. May I know if, at least, the list may be placed in the Library, so that we may come to know who are and who are not?

**The Honourable Mr. M. S. Aney:** I will consider the suggestion.

#### THE NEW FOOD DEPARTMENT.

**27. \*Maulvi Muhammad Abdul Ghani** (on behalf of **Dr. Sir Zia Uddin Ahmad**): (a) Will the Honourable the Commerce Member please state what the duties, powers and functions of the new Department of Food Supply are?

(b) What is the number of officers and clerks in this department and what are their salaries?

(c) Has the permission of the Finance Department and of the Assembly been obtained for the establishment of this new Department?

(d) What action has this new department taken to meet the difficulties of the poor?

**The Honourable Mr. N. R. Sarker:** (a) Honourable Member's attention is invited to the Department of Food Notification No. 12-E. (F. D.)/42, dated 8th December, 1942, published in the Gazette of India, dated 12th December, 1942. The correct designation of the department is the "Department of Food".

(b) The following statement gives the required information :

	Appointments.
1. <i>Secretariat :</i>	
(i) Officers	10
(ii) Ministerial staff	68
2. <i>Office of the Controller General of Foodstuffs :</i>	
(i) Officers	54
(ii) Ministerial staff	198
3. <i>Liaison staff in Provinces :</i>	
(i) Officer	1
(ii) Ministerial staff	3
4. <i>Office of the Sugar Controller for India :</i>	
(i) Officers	8
(ii) Ministerial Staff	52

The great majority of these appointments were actually in existence or existed under different designations in the Commerce and Supply Departments before the Department of Food was constituted and the Officers holding these posts have merely been transferred to the new Department.

The Secretariat Officers and staff receive Secretariat scales of pay. The Executive Staff receive scales of pay admissible in attached offices of the Government of India except a few technical posts for which special rates of pay have been sanctioned with the concurrence of the Finance Department, I. C. S. and Military Officers in the Secretariat receive their grade/rank pay, and special pay, where admissible.

(c) The answer is in the negative but the various posts and their scales of pay have been settled with the concurrence of the Finance Department and the approval of the Standing Finance Committee was obtained on the 8th February, 1943.

(d) The new Department has been formed neither to provide employment for educated persons nor to meet the food difficulties of the poor people only. It has been set up with a view to solving the food difficulties of the whole population.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member with regard to clause (b), whether new officers and clerks have been recruited? I understood the Honourable Member to say that they were taken from other Departments.

**The Honourable Mr. N. R. Sarker:** Mainly it was so.

**Mr. Lalchand Navalrai:** Was there new recruitment of officers and clerks?

**The Honourable Mr. N. R. Sarker:** Yes.

**Mr. Lalchand Navalrai:** Will the Honourable Member say how many officers have been taken?

**The Honourable Mr. N. R. Sarker:** I want notice.

**Maulvi Muhammad Abdul Ghani:** I want to know whether the newly created Department helps the U. K. C. C. in the purchase of articles of food?

**The Honourable Mr. N. R. Sarker:** No.

**Mr. H. A. Sathar H. Essak Sait:** With regard to the officers under clause (b) are all the officers working in the Centre or in the Provinces?

**The Honourable Mr. N. R. Sarker:** One officer and three clerks are working in the Provinces.

**Pandit Lakshmi Kanta Maitra:** Do I understand the Honourable Member to say that this Department was reorganized by taking departmental hands from the Education, Health and Lands Department and Supply Department and others?

**The Honourable Mr. N. R. Sarker:** Mainly Supply and Commerce Departments.

**Mr. H. A. Sathar H. Essak Sait:** I would like the Honourable Member to make it clear whether all these officers are working in the Centre alone or in the provinces, also, and if so, in what provinces.

**The Honourable Mr. N. R. Sarker:** I gave the answer in the main reply.

**Pandit Lakshmi Kanta Maitra:** May I take it that the organization is complete and about to work?

**The Honourable Mr. N. R. Sarker:** It is already working.

#### RECENT APPOINTMENT OF EUROPEANS IN SURVEY OF INDIA DEPARTMENT.

**28. \*Mr. K. O. Neogy:** (a) Will the Honourable the Labour Member be pleased to state whether some sixty British Officers have recently been recruited by the Survey of India Department?

(b) Were these posts advertised, and was not even a single qualified Indian forthcoming for any of the vacancies?

(c) Have not appointments in this Department been made in the past and even in the present from European members of the Army on grounds which were adversely criticised by Mr. W. C. Madge, a member of the Islington Commission?

**Mr. J. D. Tyson:** (a) No. A military unit containing 56 British Other Ranks has, however, been attached temporarily to the Survey of India as a technical re-inforcement for its military map publication work and to provide a base re-inforcement pool of military technicians for military field survey units.

(b) Efforts have been made from time to time by advertisement and appeals to the printing trade to obtain for the Survey of India the services of printing technicians but the numbers forthcoming have not been adequate to meet war requirements.

(c) The policy and procedure for the recruitment of army officers to the Survey of India are defined in this Department Resolution No. F. 234-1//32-F., dated the 29th June, 1937, a copy of which is laid on the table.

#### *Resolution.*

In exercise of the powers conferred by sub-section (2) of Section 96-B. of the Government of India Act, read with rule 43 (a) of the Civil Services (Classification, Control and Appeal Rules), the Secretary of State for India, with the concurrence of the majority of votes at a meeting of the Council of India held this 31st day of March, 1937, hereby makes the following rules:

1. These rules may be called the Survey of India, Class I (Appointment) Rules, 1934.
2. In these rules:
  - (a) "Government" means the Governor General in Council.
  - (b) "The Service" means the Survey of India, Class I.
  - (c) "Commissioned officers" means:
    - (1) A person holding a commission in His Majesty's Land Forces and belonging to the Corps of Royal Engineers (hereinafter called officers of the Royal Engineers).
    - (2) A statutory native of India holding a commission in His Majesty's Land Forces (hereinafter called a King's Commissioned Indian Officer).
    - (3) A statutory native of India holding a commission as an Indian Commissioned Officer in His Majesty's Indian Land Forces (hereinafter called an Indian Commissioned Officer).
  - (d) "Military posts" means posts in the service reserved for "Commissioned Officers".
3. Subject to the provisions of rule 4 officers of the Corps of Royal Engineers and King's Commissioned Indian officers and Indian Commissioned officers shall be appointed

in accordance with the scheme of recruitment given below; the scheme contemplates short term appointments of Royal Engineer officers for a period of 7 years in each case :

Date 1st September.	Royal Engineers. Recruitment.		Total	Indian Army Recruit- ment.	Total	Total military Officers.
	Per- manent	Short Term.				
1935 . . . . .	1	1	25	2	7	32
1936 . . . . .	..	..	25	..	6	31
1937 . . . . .	1	1	26	1	7	33
1938 . . . . .	..	..	25	..	7	32
1939 . . . . .	1	1	25	1	7	32
1940 . . . . .	..	..	25	..	6	31
1941 . . . . .	1	..	25	1	7	32
1942 . . . . .	..	1	24	..	7	31
1943 . . . . .	1	1	26	1	8	34
1944 . . . . .	..	1	25	..	8	33
1945 . . . . .	1	1	24	..	7	31
1946 . . . . .	..	1	23	..	7	30
1947 . . . . .	1	1	25	1	8	33

The following posts will be reserved for these officers :

(1) 19 out of the 24 posts of Surveyor General (1), Director (4), and Superintendent (19).

(2) 5 posts of Assistant Superintendent.

In addition there will be a leave and training reserve of which the maximum will be 10 and the minimum 6.

NOTE 1.—Vacancies, other than normal superannuations, shall be filled by immediate additional recruitment from the category to which the vacancy pertains, (subject to the provisions of Rule 4) provided always that if such vacancy would have been caused by superannuation during the period covered by the scheme of recruitment, a corresponding reduction in recruitment will be made in the year of, or next after, such superannuation.

NOTE 2.—Short term Royal Engineer officers shall be replaced by other short term officers on reversion to the Army at the end of the term of temporary attachment.

4. A vacancy in a military post shall be filled by the appointment of a commissioned officer of the category required under the operation of rule 3, who has had not more than six years' military commissioned service and is otherwise qualified :

Provided that if no commissioned officer of the category required is available the vacancy may be filled by the appointment of a British officer of the Indian Army who has had not more than six years' military commissioned service and is otherwise qualified :

Provided further that a vacancy may at the discretion of Government be filled by an otherwise qualified commissioned officer of the category required or a British officer of the Indian Army, as the case may be, who has more than six years' military commissioned service.

5. (i) Military officers shall apply for appointment to the service to the Military Secretary, Army Headquarters (India), who will forward their applications to the Surveyor General of India.

(ii) The Surveyor-General shall maintain a list of such applicants as, after making due inquiries, he considers to be suitable for appointment.

(iii) When a military post falls vacant, the Surveyor General shall, whenever possible, nominate an officer or officers from the aforesaid list, with due regard to the provisions of rules 3 and 4. If the Surveyor-General is unable to make any nomination in the manner aforesaid, he shall submit his recommendations for filling the post.

(iv) After considering the Surveyor-General's proposals, Government may make appointments to the Service and may modify the Surveyor-General's proposals, except that no military officer shall be appointed who has not, in the opinion of the Surveyor-General, the requisite technical qualifications for the Service.

6. Officers appointed to the Service will be on probation for two years. Those of them whose mother tongue is not Urdu, will be required, if they are not already so qualified, to pass a prescribed test in that language within the period of probation.

7. Government may extend the said period of probation, but unless Government otherwise directs, an officer whose period of probation has been so extended, will not earn any increment of pay during the period of such extension.

8. A probationer may be reverted to military service at any time either by order of Government or at the Officer's own request. If he is not reverted before the end of his period of probation, (whether original or extended), Government shall decide on the advice of the Surveyor-General whether he shall be confirmed in the Service or reverted to military duty.

9. Officers who are confirmed shall be ranked in the graded list of the Service according to the dates when they received their Commissions.

These Rules shall be deemed to have had effect from 1st January, 1934.

M. W. YETTS,

*Offg. Joint Secretary to the Government of India.*

**Mr. J. D. Tyson:** I would add that the present rules follow the line laid down by the Islington Commission and endorsed by the Honourable Mr. Madge as a member of that Commission.

**Mr. K. C. Neogy:** Is it a fact that a previous Chief of the Survey of India recorded the following opinion:

"It is suicidal for the Europeans to admit that the natives can do any one thing better than themselves, and that they should claim to be superior in everything and should only allow the natives to take a secondary or subordinate part."

It was on these grounds that he supported the exclusion of Indians from that Department.

**Mr. J. D. Tyson:** I have been unable to verify the statement and sentiments attributed to a Surveyor-General who held office before either myself or Mr. K. C. Neogy was born: That gentleman held office from 1884-1887.

**Mr. K. C. Neogy:** I did not mention the officer. I see that the Honourable Member has taken great pains to study the papers. He knows more about them than I do.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member knows about it, then it is all right.

**Mr. K. C. Neogy:** In fact, if the Honourable Member has not been able to verify the statement, am I to understand that the subsequent statement was made as a matter of instinct?

**Mr. J. D. Tyson:** If I did not mishear the Honourable Member, he mentioned the name of the gentleman.

**Mr. K. C. Neogy:** I did not. I said a previous Chief of the Department. Is the Honourable Member aware that Mr. Gokhale as a Member of the Islington Commission on Public Service actually brought this and several other equally interesting observations of this officer to the notice of the public and the Commission.

**Mr. J. D. Tyson:** I have not been able to read through the whole of the Islington Commission.

**Mr. President** (The Honourable Sir Abdur Rahim): It is a very old story.

#### EMBARGO ON TEA EXPORT.

29. **\*Mr. K. C. Neogy:** (a) Will the Honourable the Commerce Member be pleased to state whether Indian commercial interests have protested against the embargo on tea export after December 15, except to the Ministry of Food through the Tea Controller for India?

(b) Whether this proposal as well as the earlier one of regulating tea prices was originated by the Ministry of Food in Britain?

(c) Has the Government's attention been drawn to the apprehensions expressed by the Indian commercial community that while Indian tea would be secured at controlled rates, it might be sold through the agency of the British Ministry of Food or its nominee, at enhanced prices yielding large profits to the British agency?

**The Honourable Mr. N. R. Sarker:** (a) Representations from a few commercial interests were received and considered by Government.

(b) The proposal for the governmental block purchase of the entire exportable surplus of Indian tea in order to conserve the available supply for the

purpose of equitable distribution to consuming Allied and neutral countries which rely on Indian tea, was made by His Majesty's Government. I am not quite clear to which earlier proposal of regulating the tea prices the Honourable Member refers but I may mention that the scheme contemplates purchase of tea by Government for export at rates fixed by contract between Government and the trade.

(c) Representations on these lines were received from certain Indian commercial bodies. The Government of India have obtained assurance from His Majesty's Government to the effect that the Governments of the consuming countries would give a guarantee against any profiteering in the matter of sale of Indian tea in their countries.

#### SUPPLY OF RICE TO CEYLON.

**30. \*Mr. K. C. Neogy:** (a) Will the Honourable the Commerce Member be pleased to state whether the Government of India have entered into any undertaking with the Government of Ceylon for the regular supply of rice to Ceylon? What is the quantity of rice involved and at what price?

(b) How many tons of rice had been shipped to Ceylon during the years 1939, 1940, 1941 and 1942?

(c) Has the Indian public protested against the drain of its granaries to Ceylon at a time when the food stocks in the country are considered inadequate for home consumption?

(d) Are Government aware that soon after the war began, harsh measures were adopted by the Ceylon Government against Indian rice importers by purchasing their stocks at low prices without reference to the importers' cost, and that the President of the Indian Rice Merchants' Association in Ceylon had publicly protested against such action?

(e) Is it a fact that the Association was further compelled to maintain extra stocks of rice without any compensation for the increased risks undertaken?

(f) Was the Indian Rice Merchants' Association represented on the Ceylon Government's Food Advisory Committee, and has the Committee now been abolished?

**The Honourable Mr. N. R. Sarker:** (a) The Government of India are not committed to the supply of any specific quantity of foodstuffs to Ceylon. They have, however, undertaken to assist Ceylon in respect of her primary grain requirements as far as may be possible, having regard to India's own food position from time to time. There is no undertaking regarding price. Ceylon pays the market price for all grains purchased by it or on its behalf.

(b) 1939	.	.	.	.	92,740 tons.
1940	.	.	.	.	103,288 tons.
1941	.	.	.	.	149,034 tons.
1942	.	.	.	.	176,596 tons.

(c) Certain protests have been received from Chambers of Commerce and others.

(d) With the entry of Japan into the War and the consequent threat to Ceylon's sources of supply, the Ceylon Government considered it necessary to fix maximum prices for various grades of rice. When rice rationing was introduced in February 1942, the Government assumed control of distribution throughout the Island and importers, many of whom were Indians, were required to sell stocks at controlled prices to Municipal Depots in Colombo and to specified dealers elsewhere. The prices were fixed by the Food Controller on information gathered by him after consulting individual merchants. There were some complaints that prices were inadequate.

(e) Reserve stocks of rice required to be maintained by importers under the Essential Commodities Reserves Ordinance have increased with effect from 1st April 1941. No compensation for increased risks was allowed but there was no control of price at that time.

(f) Yes, till December 1939 when a previous system of price control was abolished. There was no committee functioning till April 1942 when a new Rice Advisory Committee was formed as suggested by the Government of India.

**Mr. Lalchand Navalrai:** May I ask if the Honourable Member knows the adverse attitude that Ceylon has towards India by turning out Indians from their jobs there and by having stringent regulations against Indians? Is that attitude of theirs considered when making negotiations with them or not?

**The Honourable Mr. N. R. Sarker:** There were no negotiations with them regarding food grains.

**Mr. N. M. Joshi:** May I ask if he is aware of the fact that there is deficiency of rice in India on account of the conquest of Burma by the Japanese, and will the Government of India consider the advisability of stopping the export of rice to Ceylon?

**The Honourable Mr. N. R. Sarker:** The present policy of the Government of India is to maintain the export of a small quantity of rice to Ceylon as long as it is possible; but if the food position in India becomes so acute that we cannot maintain even this, then it will be stopped.

**Maulana Zafar Ali Khan:** Are the Government prepared to reconsider their policy in regard to the export of rice to Ceylon and put a stop to such exports?

**The Honourable Mr. N. R. Sarker:** The policy is being reviewed from time to time.

**Mr. Muhammad Nauman:** When the Honourable Member says "if the food position becomes so acute", what is the limit he has in mind? Is it the presumption of Government that it will become acute when the price goes to one rupee a seer or what?

**The Honourable Mr. N. R. Sarker:** No, it is not. As long as rice is available and a province says that they can give some of their surplus, to that extent we shall maintain it.

**Mr. Muhammad Nauman:** Is there any surplus at all? Has the Government of Bihar said that they have any surplus?

**The Honourable Mr. N. R. Sarker:** Bihar is not supplying rice to Ceylon.

**Mr. N. M. Joshi:** In view of the fact that India is one country, is it a proper policy for the Government of India to allow rice from one province to be exported on the ground that that province alone has a surplus of rice?

**The Honourable Mr. N. R. Sarker:** This is not our policy. I only said, as long as it can be maintained; we are maintaining a small quantity of export to that country.

**Mr. N. M. Joshi:** Will the Government of India lay down certain standards by which the agonies of the people of this country should be judged as being tolerable?

**The Honourable Mr. N. R. Sarker:** What we are exporting to Ceylon amounts to not more than two days' consumption out of our rice consumption during the whole year.

**Maulana Zafar Ali Khan:** Does the Honourable Member know that even in provinces considered to be surplus, the price of rice has become prohibitive?

**The Honourable Mr. N. R. Sarker:** Yes; the price has risen.

**Sir Abdul Halim Ghuznavi:** Is the Honourable Member sure that no rice has been exported from Bengal to Ceylon?

**The Honourable Mr. N. R. Sarker:** Not recently: some quantities were exported from Denial Rice before.

**Sir Muhammad Yamin Khan:** Does the Honourable Member think that the prices prevailing in India have not reached that limit at which the poorer people



cannot afford to purchase, and is that not a justification to stop any more export outside India?

**The Honourable Mr. N. R. Sarker:** The quantity involved will have little effect on prices.

(Maulvi Muhammad Abdul Ghani rose to ask a question.)

**Mr. President** (The Honourable Sir Abdur Rahim): This matter can be debated afterwards.

#### PAPER POSITION.

**31. \*Mr. K. C. Neogy:** (a) Will the Honourable the Commerce Member be pleased to state whether the Government of India have decided to requisition any definite percentage of the output of Indian paper mills?

(b) What is the estimated total annual tonnage of Indian paper manufacture to-day, and how far does it represent an improvement on the position before the war?

(c) What was the average annual import of foreign paper into India before the war, and what has been the amount of the import, if any, in recent months?

(d) What was the average annual amount of pre-war consumption of paper by Government and non-governmental sources in India?

(e) If Government requisitioned any definite percentage of the total Indian production, how much paper would be left for civilian needs?

(f) Have Government received representations from public bodies and educational institutions that the quantity of paper available after Government requisition would be extremely inadequate for civilian needs?

(g) Have Government been requested by these bodies to include paper also as one of the essential commodities, and thus secure priority in shipping space for imports from foreign countries?

(h) Is it intended to export to the Middle East, or elsewhere, a portion of the stock requisitioned by Government? If so, what is the quantity to be thus exported?

(i) Have Government effected any economies in their consumption of paper and with what results?

(j) How many tons of paper are required per year for the publication of *Indian Information*, and how many copies of this journal are being printed per issue?

(k) What is the amount of newsprint stocks in this country at present?

(l) Have newspaper interests represented to the Government that unless shipping facilities were afforded to them for the import of newsprint, they would have to go out of publication? What action do Government propose to take in this matter?

(m) Are any steps being taken by Government to encourage the growth of a newsprint industry in India, taking advantage of the cessation of imported newsprint?

(n) Are Government aware that in Australia it was possible to start a big newsprint industry after the war began with the aid of imported sulphite pulps? Do Government propose to take similar measures in India to induce the birth of an indigenous industry in newsprint?

**The Honourable Mr. N. R. Sarker:** (a) Yes.

(b) Approximately 96,000 tons which represents an increase of about 42,000 tons over the average annual production during the three pre-war years 1936-37, 1937-38 and 1938-39.

(c) The average import of paper (including newsprint, paper manufactures and old newspapers) during the three pre-war years 1936-37 to 1938-39 amounted to about 165,000 tons per annum. The average monthly imports of paper during the period 1st April to 31st October, 1942 was about 2,285 tons.

(d) The average annual pre-war consumption of paper by Government sources was about 20,000 tons and approximately 199,000 tons would represent consumption of paper of all kinds including board and a certain quantity of old newspapers imported from abroad by non-governmental consumers.

(e) About 9,600 tons a year.

(f) Yes.

(g) Yes.

(h) Yes, to the Middle East, about 7,500 tons between November 1942 and March 1943.

(i) Yes. The measures enforced are estimated to result in a saving of 10,000 tons in consumption of the Central Government alone during the second half of the current financial year. Central Provisions Office's demand for the same period has been cut down by 1,500 tons and outstanding supplies to Provincial Governments and Indian States reduced by 10 per cent. at the mills.

(j) About 183 tons based on consumption during 1942. The average number of copies per issue printed in 1942 was 35,450, 13,430 and 11,400 of the English, Urdu and Hindi editions respectively. 30,770 copies of the latest issue (dated February 15, 1943) of the English edition, 13,236 copies of the Urdu edition (dated February 1, 1943) and 12,114 copies of the Hindi edition (dated February 1, 1943) are being printed.

(k) The stocks of newsprint in the country at the end of November 1942 were about 11,192 tons.

(l) Yes. For the shipment of newsprint from North America, the Government of India have accorded as high a priority as is consonant with the importance of this commodity in relation to other cargo offering for shipment. It is proposed shortly to consider the whole question in consultation with newspaper interests.

(m) and (n). Government are aware that newsprint is being manufactured now in Australia. The possibility of manufacturing newsprint in this country is already under investigation.

**Sir F. E. James:** Is the Honourable Member aware of the steps taken in the United Kingdom by the appointment in connection with the Ministry of Production of a Paper Economy Committee under the chairmanship of a distinguished Chartered Accountant to assist in obtaining a reduction in the consumption of paper? If not, will he consider following the practice of the United Kingdom with special reference to the extravagant consumption of paper by Government Departments, particularly, the Defence and War Departments, and the enormous use of paper in forms of all kinds, sizes and lengths, most of which could be abolished with great advantage to the machinery of Government?

**The Honourable Mr. N. R. Sarker:** The matter of economy of paper is under the consideration of the War Resources Committee and they are taking every step to economise in the case of paper for Government's consumption.

**Sir Cowasjee Jehangir:** In answer to part (h), did I understand the Honourable Member correctly when he said, Yes?

**The Honourable Mr. N. R. Sarker:** Yes.

**Sir Cowasjee Jehangir:** If that is so, may we know why it is being shipped to the Middle East when we have such scarcity in this country?

**The Honourable Mr. N. R. Sarker:** We have arranged to stop this export from April next. We are already committed to supply to the Eastern Group Supply Council. We are doing so only for this quarter. We shall stop it altogether from April.

**Sir Cowasjee Jehangir:** Should not the Honourable Member have, when he realised the great scarcity in this country, stopped it immediately? After all, an undertaking may be given, but when there is a great scarcity, common-sense should prevail.

**The Honourable Mr. N. R. Sarker:** We have reduced it; this 7,500 tons we want to supply to them, and then from April we shall stop all exports to them.

**Sir Cowasjee Jehangir:** Was it Indian paper that was exported, or imported paper which was re-exported?

**The Honourable Mr. N. R. Sarker:** Both imported and Indian produced.

**Pandit Lakshmi Kanta Maitra:** With reference to his answer to part (j) of the question, may I enquire from the Honourable Member if Government have considered the desirability of reducing the size of the publication *Indian Information*?

**The Honourable Mr. N. R. Sarker:** The Honourable Member will have to put that question to the Honourable Member-in-charge of Information Department.

#### CEYLON'S DEMAND FOR INDIAN LABOUR.

†32. **\*Mr. K. C. Neogy:** (a) Will the Honourable Member for Indians Overseas please state if it is a fact that Ceylon has recently made a request for supply of fresh labour from India for work on the plantations? If so, what is the number asked for?

(b) Was this demand from Ceylon communicated to Government directly or did it come through the Colonial or India Office?

(c) Has Sir Baron Jayatilaka, Ceylon Government's representative in India, made any special representation in this connection?

(d) Is it a fact that the Ceylon Government, or some of the Ceylon Ministers, have openly stated that the extra labour now asked for is only for the duration of the war and that it will be compulsorily repatriated at the end of the war?

(e) Have the Ceylon Government intimated to the Government of India the terms on which this fresh labour will be recruited and the rules and regulations governing their political rights and status in the Island?

(f) Has this request for extra labour come direct from Ceylon and has any special "advice" been given by India Office or Colonial Office, or both, to the Government of India to agree to this demand?

**The Honourable Mr. M. S. Aney:** (a) Yes; for about 20,000 labourers for work on rubber plantations.

(b) The request of the Ceylon Government was addressed direct to the Government of India and did not come through the Colonial or India Office.

(c) Sir Baron Jayatilaka has made no special representations but has intimated the desire of the Government of Ceylon to receive as early a reply as possible.

(d) The Government of India are not aware whether the Ceylon Government or any Ceylon Minister has made any such statement in public; but the official request received from the Government of Ceylon contains the suggestion, that the extra labour now asked for should be recruited subject to "repatriation to India at the end of the war or other period stipulated by agreement".

(e) The Government of Ceylon have proposed that this fresh labour should be recruited on pay and conditions of employment identical with those of other Indian labourers now in the Island. The Ceylon Government have not made any mention of their political rights and status in the Island.

(f) As stated in reply to part (b) the request has come direct from the Government of Ceylon. The Colonial Office and the India Office are aware of the request but have not addressed the Government of India on the subject.

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

## EXPORT OF FOODGRAINS FROM INDIA.

**33. \*Sardar Sant Singh:** Will the Honourable the Commerce Member be pleased to state:

- (a) the quantity of wheat, rice and other grain exported from India in the year 1942;
- (b) the provinces from which they were exported; and
- (c) the countries to which exported commodities were sent?

**The Honourable Mr. N. R. Sarker:** (a) Wheat including wheat products 54,917 tons; rice 330,385 tons; other grains 9,381 tons.

(b) As the same port serves more than one province, it is not possible to determine the share of each province from the available figures.

(c) Wheat and rice:

Ceylon, Arabia, Aden and Dependencies, Mauritius and small miscellaneous quantities to other countries.

Information regarding destinations of other grains is not available.

**Mr. Lalchand Navalrai:** With reference to the reply to part (b) of the question, may I know from which provinces they were exported, never mind the quantities which were exported?

**The Honourable Mr. N. R. Sarker:** I want notice.

**Sardar Sant Singh:** May I know whether these figures include the quantities exported for the purposes of the defence services, for the army?

**The Honourable Mr. N. R. Sarker:** No.

**Sardar Sant Singh:** May I know what is the quantity that is exported for the purposes of the army outside India?

**The Honourable Mr. N. R. Sarker:** I want notice.

## EXPENDITURE BY PORT HAJ COMMITTEES ON FACILITIES FOR PILGRIMS.

**34. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** With reference to the statements of income of the Port Haj Committees on pages 125-127 of the Special Haj Inquiry Report, will the Honourable Member for Indians Overseas kindly state:

- (a) the actual amount spent by each Port Haj Committee for the provision of facilities and amenities during the years under review; and
- (b) the nature of such facilities?

**The Honourable Mr. M. S. Aney:** (a) and (b). The information is being collected and will be laid on the table of the House.

## FACILITIES AND ARRANGEMENTS AT THE KARACHI HAJ PILGRIM CAMP.

**35. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable Member for Indians Overseas please state:

- (a) whether a camp is in existence in Karachi for accommodation of pilgrims;
- (b) whether any beds or mats are supplied in the camp buildings for the use of pilgrims;
- (c) whether rooms are fitted with electric lights;
- (d) if the answers to parts (b) and (c) be in the negative, who is responsible for the negligence in this respect; and
- (e) whether Government propose to take any action in the matter?

**The Honourable Mr. M. S. Aney:** (a) Yes.

(b) and (c). No.

(d) and (e). Pilgrims bring their own mats and beds when they arrive in the Pilgrim Camp. No other arrangements are considered necessary. The recommendations made in the Special Haj Inquiry Report in regard to lighting arrangements in new buildings in the Camp are receiving attention.

FACILITIES AND ARRANGEMENTS AT THE KARACHI HAJ PILGRIM CAMP.

36. \***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Is the Honourable Member for Indians Overseas aware that no Post and Telegraph Office is maintained in the Karachi camp during the pilgrim season and consequently pilgrims who are mostly foreigners to the town, are put to much inconvenience?

(b) Does he propose to see that this facility is provided in future?

**The Honourable Mr. M. S. Aney:** (a) and (b). A Post and Telegraph Office is maintained in the Pilgrim Camp, Karachi, for four months during the outward pilgrim season. It was not maintained during the pilgrim seasons of 1940-41 and 1941-42 as they lasted only for about four weeks each year owing to a limited number of sailings in war time. A letter box was however kept in the Camp and pilgrims were also given facilities to purchase post cards, envelopes, stamps, etc., at the office of the Port Haj Committee, Karachi.

FACILITIES AND ARRANGEMENTS AT THE KARACHI HAJ PILGRIM CAMP.

37. \***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Is the Honourable Member for Indians Overseas aware that the existing arrangements at Karachi for pilgrims, e.g., medical, residential and sanitary, are not satisfactory?

(b) Does he propose to convene a meeting of the Central Standing Haj Committee at Karachi during the rush period of the next pilgrim season to enable the members to obtain first hand knowledge of the arrangements and to suggest suitable remedies?

**The Honourable Mr. M. S. Aney:** (a) The existing arrangements in the pilgrim camp, Karachi are satisfactory. The question of further improvements is under consideration.

(b) I shall consider the suggestion.

DESIRABILITY OF EARLY MEETINGS OF THE CENTRAL STANDING HAJ COMMITTEE.

38. \***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Does the Honourable Member for Indians Overseas propose to convene a meeting or meetings of the Central Standing Haj Committee during the current Budget Session of the Legislature to consider the rest of the recommendations so that Government may take the necessary action before the opening of the next pilgrim season?

**The Honourable Mr. M. S. Aney:** A meeting will be held on the 20th February, 1943.

HOARDING OF FOODSTUFFS BY MILITARY.

39. \***Mr. Lalchand Navalrai:** (a) Has the attention of the Honourable the Food Member been drawn to a contribution in *Sind Observer*, dated the 12th January, 1943, under the caption "Hoarding by Military" to the effect that the military has been hoarding the food stuffs more than necessary?

(b) Is it a fact that food stuffs for the military are being hoarded so much so that some of them are wasted?

(c) For how long in advance are food stuffs being collected for the military in anticipation of their future use?

(d) Is it a fact that at Karachi recently some flour, about 3,000 bags or so, were auctioned at a cheap rate by the military on the ground that the flour was in a contaminated condition and unfit for human use? If so, when was that flour purchased? For how long had it remained in stock?

(e) What steps do Government propose to take to check the hoarding of food stuffs and such other materials by the military?

**The Honourable Mr. N. B. Sarker:** (a) and (b). The Food Department has no such information.

(c) Foodgrains purchased for the Defence Forces are, after milling where necessary, passed immediately to the Base Depots for distribution to the Forces.

(d) The question refers presumably to the atta contained in three railway wagons which had been cut off on their way from the Mills to Karachi by the

Indus Floods and which could not be traced for many months. When the wagons eventually arrived at Karachi, the atta had deteriorated so as to be unfit for military use and was consequently auctioned.

(e) Does not arise.

**Mr. Lalchand Navalrai:** May I know if the Honourable Member has read what has been stated in the *Sind Observer*?

**The Honourable Mr. N. R. Sarker:** I have not seen it.

**Mr. Lalchand Navalrai:** I want to know whether the Honourable Member was supplied with a cutting of this?

**The Honourable Mr. N. R. Sarker:** My attention has been drawn to it, but I have no such information that they are hoarding.

**Mr. Lalchand Navalrai:** The point is, has the Honourable Member made enquiries either to contradict the statement made there or to say that it is a false one?

**The Honourable Mr. N. R. Sarker:** It is not possible to contradict every newspaper writing.

**Mr. Lalchand Navalrai:** This question is very important. Has the Honourable Member made enquiries from the Local Government?

**The Honourable Mr. N. R. Sarker:** It is not necessary to enquire from the Local Government. How can the Local Government enquire whether the defence forces are hoarding or not?

**Mr. Lalchand Navalrai:** The point is, so many bags had been stored and that shows that there has been wastage. Is not the Honourable Member responsible for seeing that there is no hoarding?

**The Honourable Mr. N. R. Sarker:** I have enquired and given my reply to part (d) of the question.

**Maulana Zafar Ali Khan:** If the flour was unfit for human consumption, why was it not destroyed instead of being sold?

**The Honourable Mr. N. R. Sarker:** People might buy it for cattle or for other purposes.

**Mr. Govind V. Deshmukh:** Have the military authorities contradicted the news which appeared in the *Sind Observer*?

**The Honourable Mr. N. R. Sarker:** I do not think so.

**Sir Cowasjee Jehangir:** Will the Honourable Member say whether in the future his department will buy for the military?

**The Honourable Mr. N. R. Sarker:** Yes.

**Sir Cowasjee Jehangir:** Who is to judge of the quantity required for the military? Will the department have any voice as to the quantity required by the military?

**The Honourable Mr. N. R. Sarker:** I think we shall have to buy on military requisition.

**Sir Cowasjee Jehangir:** And the Department will have no voice as to the quantity required?

**The Honourable Mr. N. R. Sarker:** I do not think so.

#### RICE AND WHEAT POSITION.

40. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Food Member be pleased to state the stock of rice and wheat in India province by province on the 31st December, 1941? What was the total tonnage of rice and wheat, separately, province by province, produced in India in 1942 and what was the balance of the same commodities left on the 31st August, 1942?

(b) What was the consumption of rice and wheat in India province by province by civil population and military population, separately, within India and abroad between the 31st August, and 31st December, 1942?

(c) What tonnage of rice and wheat had been exported out of India and where? How much of it was for war purposes and how much was for supply to the civil population out of India?

(d) What is the number of Indians who used to consume rice and wheat respectively, who are now being supplied with the same outside India for military service and clerical service in connection with the war?

(e) What was the total tonnage of rice and wheat set apart as quota for supply to military services and civil population in India and out of India?

(f) What was the total tonnage of millet and maize produced in India in 1942 and the balance in stock left on the 31st December, 1942?

(g) What was the average price index of rice; wheat, millet, maize and barley during 1942 and what is their price index now?

(h) Is the Honourable Member aware of the fact that in England the wholesale price of staple food has risen only by 5½ per cent. in course of the years 1940, 1941 and 1942? If so, why have the wholesale prices of staple food gone up at such a high percentage in India?

**The Honourable Mr. N. B. Sarker:** (a) No statistics exist regarding stocks of food grains in India on particular dates.

Estimates of the total production in 1942 based on the final forecasts of 1941-42 province by province are given in the statement laid on the table.

No estimate of the balance left on the 31st of August, 1942, can be given.

(b) The information asked for is not available.

(c) Export figures of rice, wheat and wheat flour on civil account are given in the statement laid on the table. Figures for export on military account must be withheld in the public interest.

(d) and (e). It is not in the public interest to disclose these figures.

(f) The production of millets (jowar and bajra) in 1942 was estimated at 92 lac tons and of maize at 20 lac tons. Information regarding the stocks left on the 31st of December, 1942, is not available.

(g) The average price indices of rice and wheat are given in the statement laid on the table. Average price indices in respect of millets, maize and barley are not maintained.

(h) In England prices rose from 118 in December 1939 to 156 in September 1942 (1930=100) showing thereby a rise of about 33 per cent. Control of prices cannot be really effective without control of supplies and such control is much easier in England where the bulk of the cereal requirements are imported and where internal production is carried on by a comparatively few substantial farmers than in India where practically the whole food supply is produced in the country by several million agriculturists most of whom are subsistence farmers. The Honourable Member is also doubtlessly aware that agricultural prices in India were abnormally low for a period of ten years before the war and hence a mere comparison of price indices will be misleading.

*Statement.*

*Exports of Rice.*

	1942
	Tons.
(i) Rice in the husk . . . . .	38,866
(ii) Rice not in the husk . . . . .	288,508
(iii) Rice, flour and ground rice . . . . .	3,011

*Exports of wheat and wheat flour.*

	1942
	Tons.
(i) Wheat . . . . .	29,468
(ii) Wheat flour . . . . .	25,449

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*Average price index of rice and wheat.*

(Base : week ending 19th August, 1939=100.)

1942	Rice	Wheat
January	151	199
February	158	200
March	159	202
April	169	216
May	173	206
June	207	214
July	207	224
August	218	222
September	218	223
October	218	224
November	218	232
December	218	232
1943		
January	218*	230*

\*Relate to the average for three weeks only.

Index Nos. of millet, maize and barley are not available.

*Tonnage of rice in 1941-42 (based on Final Rice Forecast.)*

(In lakh tons.)

	1941-42
Assam	14.66
Bengal	102.17
Bihar	27.47
Bombay	7.69
Bombay States	20
Baroda	12.14
C. P.	60
C. P. States	50.80
Coorg	13.80
Madras	2.99
Madras States	3.92
Orissa	15.81
Punjab	1.07
Sind	2.31
U. P.	
Hyderabad	
Mysore	
Total	255.63

*Wheat production in 1941-42—final estimates.*

(In lakh tons.)

Ajmer-Merwara	0.05
Bengal	0.41
Bihar	4.85
Bombay (a)	3.36
C. P. and Berar (b)	4.00
Delhi	0.11
N.-W. F. P.	2.38
Orissa	0.01
Punjab (c)	43.93
Sind (d)	4.10
U. P. (e)	26.57
Baroda	0.41
Central India States	2.88
Gwalior	2.99
Hyderabad	1.34
Mysore	0.005
Rajputana States	3.31
	100.70

(a) Including Bombay States.

(b) Including Eastern Agency States.

(c) Including Punjab States.

(d) Including Khairpur State.

(e) Including Rampur State.



**Sardar Sant Singh:** May I know with reference to the reply to part (b) of this question, what is the estimated consumption of the military population in India of wheat for the current year?

**The Honourable Mr. N. R. Sarker:** I must ask for notice.

GOVERNMENT AGENCIES FOR PURCHASE OF WHEAT.

41. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Food Member please state if it is a fact that formerly there was one agency appointed by Government to purchase wheat on Government account? Is it a fact that now six or seven such agencies have been set up to purchase on the account of the Government?

(b) Will the Honourable Member be pleased to state the names of such agencies and the terms on which they have been appointed? Have these appointments been made in consultation with the Supply Committee? Will the Honourable Member be pleased to state on what credentials by whom and on whose recommendations they have been chosen?

(c) Have such agencies been appointed in all the provinces in India, separately, or have they been appointed only for purchases on the account of the Central Government in Centrally Administered areas?

**The Honourable Mr. N. R. Sarker:** (a) Prior to November 25th, 1942, there was only one Agency purchasing wheat on Government account. This Agency made purchases for the Defence Forces only. Since then three additional temporary Agencies have been appointed to operate in the Punjab in connection with the Government purchase of wheat for civil consumption also.

(b), (i). The names of the additional Agencies are (1) Messrs. Gopal Singh Hira Singh, Amritsar, (2) Messrs. R. B. L. Benarsidas & Co., Ltd., Ambala, (3) Messrs. Gerimal Jethanand, New Delhi. The terms on which they have been appointed are confidential and it is not considered to be in the public interest to disclose them.

(ii) The appointment of these agents was made by the Wheat Commissioner for India and the Controller General of Foodstuffs in consideration of their general standing and experience in the grain trade.

(c) Similar Agencies have not yet been appointed in any area other than the Punjab.

**Sardar Sant Singh:** May I ask the Honourable Member if the agencies that have been established in the Punjab for the purchase of food stuffs are the agencies which have been dealing in grain in the past?

**The Honourable Mr. N. R. Sarker:** Yes.

**Sardar Sant Singh:** May I know if Sir William Roberts of Khanewal, Member of the Punjab Assembly, is a commission agent in the Punjab in any sense? Has he ever dealt with commission agencies in the Punjab?

**The Honourable Mr. N. R. Sarker:** He is Adviser to the Punjab Government, as far as I know. He is not our Agent.

**Sardar Sant Singh:** In regard to the persons who have been appointed by the Government of India, have they taken care that the persons who have been dealing in grains should be appointed as agents for the purchase of the stuff?

**The Honourable Mr. N. R. Sarker:** They are in the grain trade, all of them. They have been purchasing for Government for a long time. Gopal Singh Hira Singh, Benarsidas and Gerimal Jethanand are wheat merchants.

**Sardar Sant Singh:** I was referring to Sir Owen Roberts. I am sorry I gave the wrong name. Has he ever dealt with grain? He is a farmer, producing grain.

**The Honourable Mr. N. R. Sarker:** His is a firm for dealing with grains.

**Mr. Muhammad Nauman:** The Honourable Member said that the terms on which these agents have been appointed are confidential. Are the Government satisfied that they have been able to secure the best terms from them?

**The Honourable Mr. N. R. Sarker:** We have secured the best terms—the usual terms prevailing in the trade.

**Mr. Muhammad Nauman:** The terms have not been disclosed. How can the Honourable Member say that they are the best terms?

**The Honourable Mr. N. R. Sarker:** The usual terms which were prevalent in the trade.

**Sir Muhammad Yamin Khan:** What is the basis of the commission? Is it based on maundage or the price?

**The Honourable Mr. N. R. Sarker:** I think the basis is quantity.

**Sir Muhammad Yamin Khan:** That depends, on how much quantity is available in a particular area. How can they purchase in the Delhi province?

**The Honourable Mr. N. R. Sarker:** They are purchasing.

**Pandit Lakshmi Kanta Maitra:** Three additional temporary agencies have been set up to make purchases for civilian needs. Do I take it that the civilian needs means Government servants or the civil servants of the Government of India?

**The Honourable Mr. N. R. Sarker:** For the public.

**Pandit Lakshmi Kanta Maitra:** What is the method of distribution? How will the supplies be available for public consumption?

**The Honourable Mr. N. R. Sarker:** Through the various Provincial Governments.

**Sardar Sant Singh:** Is the Honourable Member aware that most of the trouble for wheat not coming into the market has been due to the fact that various authorities appointed for the purpose do not deal in grain and the result has been acute shortage in the market?

**The Honourable Mr. N. R. Sarker:** I am not aware of that.

**Sardar Sant Singh:** Will the Honourable Member make inquiries and make himself acquainted with the facts, so that there may be no trouble in the future?

**The Honourable Mr. N. R. Sarker:** Under our present scheme, it is not necessary.

**Sir Muhammad Yamin Khan:** What is the quantity required for civilian consumption and what is the quantity that the Honourable Member purchases for the army?

**The Honourable Mr. N. R. Sarker:** Those figures cannot be supplied.

#### DURBAN CITY COUNCIL'S MOVE FOR EXPROPRIATION OF INDIAN-OWNED LANDS.

42. **\*Mr. Govind V. Deshmukh:** Will the Honourable Member for Indians Overseas please state:

(a) if there has been a move on the part of the Durban City Council involving the expropriation of Indian-owned lands at Riverside, Merebank and Sydneham;

(b) if the Government of India have taken any steps to see that Indians do not suffer any monetary loss and that Indians are not excluded from the areas mentioned above on grounds of racial discrimination? If so, will they please mention the steps taken in detail; and

(c) what percentage of the Indian-owned lands has been expropriated by the Durban City Council, if it has done so?

**The Honourable Mr. M. S. Ahey:** (a) Some months ago the Durban City Council had under consideration a slum clearance and rehousing scheme which

would have involved the compulsory acquisition of lands belonging to Indians as well as non-Indians in Riverside, Merebank and Sydneham.

(b) The High Commissioner in South Africa discussed the Scheme with the authorities concerned and it is understood that the Durban City Council has decided not to go ahead with the scheme for the present.

(c) Does not arise.

**Mr. Govind V. Deshmukh:** What is the reason for the expropriation of lands belonging to Indians as well as non-Indians?

**The Honourable Mr. M. S. Aney:** In certain parts of the Durban city, there are slums and a slum clearance scheme was under consideration. The scheme would have necessitated the segregation of Indians on one side and Europeans on the other. But the scheme was held up for the present. We shall further investigate into the matter at the proper time.

#### UNEMPLOYED MALE INDIANS IN NATAL.

**43. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Indians Overseas please state:

- (a) the number of male Indians in Natal;
- (b) the number of male Indians listed as unemployed;
- (c) the grounds for unemployment of these male Indians; and
- (d) if anything has been done to get the Indians, who are unemployed, any work to bring them relief in these hard times?

**The Honourable Mr. M. S. Aney:** (a) According to the report of the Protector of Indian Immigrants, the number of adult male Indians in Natal was 40,928 on December 31, 1941.

(b) The same report shows 26,000 of them as working under certain recognised categories of employers but does not indicate the number engaged in domestic service, vegetable gardening, farming, private business, etc., and does not give the number of those actually unemployed. There has been no survey of unemployment since the 1936 Census when the position of Indians compared favourably with that of other racial groups. Professor Burrows who has been conducting an economic survey of the Indian community has reported that industrial and agricultural employment among Indians are at a high level.

(c) and (d). Information reaching the Government of India suggests that unemployment is not serious. The High Commissioner is constantly watching the position in the various industries in which Indians find employment and has been successful in more than one case in securing their due recognition.

†44\*.

#### GOVERNMENT DEPARTMENTS WORKING AS AGENTS FOR THE UNITED KINGDOM COMMERCIAL CORPORATION.

**45. \*Maulvi Muhammad Abdul Ghani:** Will the Honourable the Commerce Member please state whether it is a fact that some of the departments of the Government work as purchasing or despatching agents for the United Kingdom Commercial Corporation? If so, are such departments paid any commission or remuneration?

**The Honourable Mr. N. R. Sarker:** The question has been taken up by the Supply Department and will be answered by the Honourable the Supply Member on the 18th February.

#### PURCHASE OF FOODGRAINS BY THE DEFENCE DEPARTMENT AT HIGHER RATES.

**46. \*Maulvi Muhammad Abdul Ghani:** Will the Honourable the Commerce Member please state if it is a fact that the Defence Department make purchases of articles of food and other commodities for military purposes at a rate higher

†This question was withdrawn by the questioner.

than the rate fixed for the public? If so, will he please state the reason for such higher payments?

**The Honourable Mr. N. R. Sarker:** The Food Department are not aware of purchases having been made for the Defence Forces at rates higher than the statutory maxima; except in the case of the wheat purchased by Government agents in the Punjab for a few weeks prior to the removal of the control price on that grain. During this period the Government agents were exempted by order from the control rate in order that the reactions of the market to an increase in prices might be tested. As for goods and other commodities of which the price is not controlled the purchase for the Defence Forces are made at the market rate.

**Sardar Sant Singh:** Is it a fact that a Circular was issued exempting the persons who have been purchasing for the military at a price higher than the controlled rate and not to prosecute them while those who sold those things were not exempted from prosecution?

**The Honourable Mr. N. R. Sarker:** I have already said in my answer that we provided to exempt the purchasers so that we might test what would be the level of price after we had removed the price control.

**Sardar Sant Singh:** My question is whether the same exemption was extended to the sellers as well? I know that it was extended to the purchasers.

**The Honourable Mr. N. R. Sarker:** I do not know that any seller has been prosecuted under that order.

**Sardar Sant Singh:** Is it not a fact that some District Magistrates in the Punjab have confiscated the stock of the zamindars in the Punjab at the controlled price while the same thing was being sold to the military at Rs. 7-8-0 per maund and the owner was paid only Rs. 5 per maund?

**The Honourable Mr. N. R. Sarker:** I am not aware of that.

**Sardar Sant Singh:** Will the Honourable Member make inquiries into this matter?

**The Honourable Mr. N. R. Sarker:** Yes.

#### SUPPLY OF INDIAN LABOUR TO CEYLON.

47. \***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Indians Overseas please state:

- (a) the number of Indian labourers supplied to the Government of Ceylon and the condition on which, and the time when, such labourers were so supplied; and
- (b) the other facilities given to the Ceylon Government by the Government of India during the war?

**The Honourable Mr. M. S. Aney:** (a) On the presumption that the Honourable Member refers to Ceylon's request for additional labour from India to work on rubber estates, the answer is none.

(b) On account of the circumstances arising out of the war, certain quantities of rice have been supplied to Ceylon.

#### CEYLON'S DEMAND FOR INDIAN LABOUR.

48. \***Mr. T. T. Krishnamachari:** Will the Honourable Member for Indians Overseas please state:

- (a) whether the Ceylon Government have requested the Government of India for supply of Indian labour to work in Ceylon Estates;
- (b) whether the Government of India intend to lift the ban on the supply of labour in response to this request; and
- (c) if the answer be in the affirmative, whether settlement of all outstanding questions in regard to the status of Indians in Ceylon would precede the lifting of the ban?

**The Honourable Mr. M. S. Aney:** (a) Yes.

(b) and (c). The matter is still the subject of correspondence between the two Governments and no final decision has yet been reached.

**DISMISSAL OF INDIAN BOATMEN FROM COLOMBO HARBOUR.**

**49. \*Mr. T. T. Krishnamachari:** Will the Honourable Member for Indians Overseas please state:

- (a) whether twelve Indian boatmen were dismissed from the Colombo Harbour on the ground that they were Indians; and
- (b) whether any action in this matter was taken by the Government of India and with what result?

**The Honourable Mr. M. S. Aney:** (a) The twelve Indian boatmen were discharged from the Colombo Harbour to make room for Ceylonese.

(b) The Agent of the Government of India in Ceylon made representations in the matter; he has reported that the Indian boatmen have now been engaged by private employers.

**DISCRIMINATION AGAINST INDIANS UNDER THE CEYLON "BUS ORDINANCE".**

**50. \*Mr. T. T. Krishnamachari:** Will the Honourable Member for Indians Overseas please state:

- (a) whether his attention has been drawn to the definition of 'Ceylonese' in the 'Bus Ordinance';
- (b) whether this is not calculated to prejudice the claims of Indians settled in Ceylon for full citizenship rights;
- (c) what action, if any, has been taken by Government in this connection and with what result; and
- (d) whether this Ordinance is consistent with the assurances given by the Government of Ceylon to avoid discriminatory measures pending the conclusion of an Indo-Ceylon Agreement?

**The Honourable Mr. M. S. Aney:** (a) Yes.

(b) This is a matter of opinion.

(c) The Government of India represented the matter to the Ceylon Government who in their reply have stated that the promulgation of the ordinance was immediately necessary for the rationalisation of the trade and that no existing Indian interests are involved as the ownership of Omnibus Companies in the Island is without exception in the hands of Ceylonese.

(d) This again is a matter of opinion.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member—I am repeating the same question that I put to the Honourable the Commerce Member—whether he is aware that the attitude of the Ceylon Government towards India was very much adverse before the war? As the Honourable Member is now giving that Government various facilities, for example, labour, is he asking for reciprocity from that Government?

**The Honourable Mr. M. S. Aney:** The Bill for the reciprocity will be before the House and it is for the House to consider what powers it should give to Government.

**Mr. Lalchand Navalrai:** What about the answer to my first part of the question?

**The Honourable Mr. M. S. Aney:** The difficulties are known to the Government.

**Mr. Lalchand Navalrai:** And yet the Government of India are extending them help when the Ceylon Government does not help the Indians?

**The Honourable Mr. M. S. Aney:** I think if a specific question about any help is asked, the answer can be given.

## RICE RATION FOR THE INDIAN LABOURERS IN CEYLON.

51. \***Mr. T. T. Krishnamachari**: Will the Honourable Member for Indians Overseas please state:

- the rice ration fixed for the Indian labourers in Ceylon;
- whether the Government of India consider this ration adequate considering the fact that these labourers are accustomed only to rice diet and they have to work hard; and
- whether any representations have been made in the matter?

**The Honourable Mr. M. S. Aney**: (a) The present scale of weekly ration in terms of rice is:

Infant . . . . .	1 measure.
Child . . . . .	1½ measures.
Ordinary . . . . .	2 measures.
Male workers . . . . .	2½ measures.

Only one-fourth of this ration is issued in rice. Paddy, wherever available may be issued in lieu of this rice at the rate of two measures of paddy for one measure of rice. The other three-fourths of the ration is issued in wheat flour, whole wheat or kurakkan, whichever is available. For this purpose one measure of rice will be equivalent to 2 lbs. of wheat flour or one measure of whole wheat or one measure of kurakkan.

(b) No.

(c) The Agent of the Government of India is in constant touch with the authorities concerned and has made suitable representations in the matter.

## UNSTARRED QUESTIONS AND ANSWERS.

## PURCHASE OF RICE BY THE GOVERNMENT OF BENGAL.

10. **Mr. K. C. Neogy**: (a) Has the attention of the Honourable the Food Member been drawn to question No. 24, asked in the Bengal Legislative Council on the 25th September, 1942, on the subject of purchase of rice by the Government of Bengal, in the course of reply to which it was stated on behalf of the Government of Bengal (i) that the said Government had purchased some rice and paddy, but that the arrangements were later taken over by the Government of India; (ii) that no information as regards the quantity of rice and paddy so purchased and the price at which the purchase was made, could be disclosed without the consent of the Government of India, and that it would not be in the public interest to ask for the Government of India's consent in this matter at that stage; and (iii) that the purchases were originally made to remove the surplus from the coastal areas in the public interest?

(b) Will the Honourable Member be pleased to make a comprehensive statement explaining the whole transaction in so far as the Government of India may be a party thereto, directly or indirectly?

(c) What quantities of rice and paddy were involved in this transaction; at what average prices were they purchased; and for what purposes were they utilised? Is the plan of such purchases still being pursued? If so, what is the present programme in that behalf?

**The Honourable Mr. N. R. Sarker**: (a) and (b). The Scheme referred to by the Honourable Member was framed last year at a time when there was an imminent threat of invasion and aimed at removing surplus stocks of paddy and rice from the coastal areas of Bengal to areas where there would be less risk of their falling into enemy hands.

(c) (i) and (ii). The quantities purchased and the prices paid are approximately as follows:

Rice	5 lacs maunds	Rs. 5 13 6	per maund at point of purchase
Paddy	5½ " " "	Rs. 3 12 6	" " " "

(iii) Except for a small quantity of 68,000 mds. exported to Ceylon the entire quantity purchased was taken over and utilised by the Bengal Government for sale and distribution within Bengal.

- (iv) It is not proposed to make further purchases under this scheme.  
 (v) Does not arise.

**EXPORTS, IMPORTS, ETC., OF FOODGRAINS.**

**11. Mr. K. C. Neogy:** Will the Honourable the Food Member be pleased to make a statement showing, year by year for the last five years ending with December, 1942:

- the quantities of exports of wheat, rice and other food grains from India, separately, and how much of these quantities was exported on Government account each year;
- the quantities of imports of wheat, rice and other food grains into India in the corresponding periods, separately;
- the approximate quantities involved in the commitments, if any for the export of these articles on Government account during the first two quarters of 1943;
- the quantities of wheat, rice and other food grains purchased on Government account for consumption in India during these separate periods; and
- the average prices paid by Government for the purchase of wheat, rice and other food grains month by month in 1942, separately, and how they compare with the actual prevailing prices at which these were available to the public in the principal centres of consumption thereof?

**The Honourable Mr. N. R. Sarker:** (a) and (b). A statement showing exports from and imports into India of all foodgrains during calendar years from 1938 to 1942 is placed on the table. The export and import figures relate to exports and imports on civil account only. The only exports on Government account are for the Army and it is not in the public interest to reveal figures of such exports.

(c) Government have made no commitments for the export of foodstuffs during the first two quarters of 1943, but they have agreed to supply to Ceylon such quantities of rice as it may be possible to spare, taking into consideration the available supplies in India.

(d) The only grains purchased in India on Government account for consumption in India (other than for military requirements, figures for which cannot be revealed in the public interest) are wheat and rice. Quantities purchased in 1942 amounted to wheat 1,659 tons, rice (including paddy) 40,000 tons. No purchases were made in previous years.

(e) These figures are not readily available. They will be compiled and furnished when ready.

*Statement showing Exports and Imports from and into India of all Foodgrains during calendar years from 1938 to 1942.*

(In Tons.)

Name of Foodgrains.	1938.		1939.		1940.		1941.		1942.*	
	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.
Rice (all kinds)	264,159	1,084,601	278,238	2,289,785	244,355	1,507,475	303,630	1,097,045	230,385	163,803
Wheat and Wheat Flour.	384,664	93,705	59,140	142,381	89,443	37,848	272,881	10,356	54,889	18,324
Other Foodgrains	124,382	56,545	80,865	142,017	79,837	99,156	141,434	114,407	69,176	8,047
<b>Total</b>	<b>773,205</b>	<b>1,236,851</b>	<b>418,243</b>	<b>2,574,183</b>	<b>413,635</b>	<b>1,644,479</b>	<b>717,945</b>	<b>1,221,808</b>	<b>354,450</b>	<b>190,174</b>

\* Figures up to November 1942 only.

## RESULTS OF THE 'GROW MORE FOOD CAMPAIGN'.

12. **Mr. K. C. Neogy:** Will the Honourable Member for Education, Health and Lands be pleased to make a statement showing, province by province, and the areas administered directly under the control of the Central Government, separately:

- (a) increase in acreage of different food crops; and
- (b) increase in outturn per acre of such crops that have directly resulted from the "Grow More Food Campaign"? How much of the aforesaid increase in acreage approximately represents a change over from cash crops to food crops in the case of each province and area aforesaid?

**Mr. J. D. Tyson:** (a) and (b). The "Grow More Food Campaign" was started after April, 1942, and complete statistics of the increases in acreage or of the increases in outturn per acre are not available yet. A statement showing such information as has so far become available in respect of the kharif crops is laid on the table, but the figures will probably need some revision as some areas have not made a distinction between karif and rabi Juar. The increase of 81 lakhs in the acreage under food crops is due in part to a reduction of about 40 lakh acres in the area under cotton. The outturn in Bengal and Madras is low as a result of unfavourable weather conditions.

Province.	Statement.	
	Increase in Kharif acreage in 1942-43 over 1941-42 in thousand acres.	Increase in Kharif production in 1942-43 over 1941-42 in thousand tons.
Ajmer-Merwara . . . . .	Not known	Not known
Assam . . . . .	111	345
Bengal . . . . .	-660	-2,608
Bihar . . . . .	835	703
Bombay . . . . .	1,450	696
C. P. . . . .	750	783
Coorg . . . . .	Not known	Not known
Delhi . . . . .	Not known	Not known
Madras . . . . .	743	-507
N.-W. F. P. . . . .	Not known	Not known
Orissa . . . . .	219	100
Punjab . . . . .	751	235
Sind . . . . .	57	-76
U. P. . . . .	1,652	2,267
Hyderabad . . . . .	2,194	937
Total . . . . .	8,102	2,875

## PROGRESS IN THE YIELD OF FOOD CROPS.

13. **Mr. K. C. Neogy:** Will the Honourable Member for Education, Health and Lands be pleased to state:

- (a) how far the progress in the yield of food crops in India has kept pace with the increase of population recorded in the last three successive censuses, separately;
- (b) how the acreage under wheat, rice and other food crops has varied in each of the last 5 years upto the end of December, 1942, province by province, and in the different areas administered under the direct control of the Central Government;
- (c) how the yield per acre of these articles has varied in each case in the different provinces and areas aforesaid; and



- (d) what progress in the yield per acre of wheat, rice and other food crops, separately, in the different provinces and areas aforesaid during the last 5 years, is attributable to the activities of the Government of India and the Provincial Governments through their research and other organisations connected with the improvement of agriculture?

**Mr. J. D. Tyson:** (a) Attention is invited to the reply given to the Honourable Member's starred question No. 19 asked on the 15th September, 1942.

(b) and (c). For statistics up to 1940-41 attention is invited to the figures given in the annual publication "Estimates of Area and Yield of Principal Crops in India", copies of which are available in the Library of the House. The statistics for 1941-42 are under compilation for inclusion in the next issue of the above-mentioned publication. The relevant figures based on the forecasts have already appeared in the Indian Trade Journal from time to time.

(d) Detailed figures of the progress attributable to the activities referred to are not available.

#### JUTE ACREAGE IN BENGAL.

**14. Mr. K. C. Neogy:** (a) Has the attention of the Honourable the Commerce Member been drawn to an interpellation, being starred question No. 123, in the Bengal Legislative Assembly, dated the 10th March, 1942, in the course of reply to which the Chief Minister made a statement substantially on the following lines:

The then Commerce Member of the Government of India while on a visit to Calcutta assured the Provincial Government that he was quite satisfied that the demand for raw jute would be of a considerable character and that the United States had given an assurance that they would be able to absorb raw jute even if the whole of the acreage was under jute. Subsequently, in view of the change in the situation caused by the entry of Japan into the War, the Chief Minister of Bengal came to Delhi and the Government of India then assured him that there would be no shortage in the demand for jute at all; and that even in regard to uncertainties about transport facilities, the Government of India gave an assurance to the effect that if the prices fell beyond certain limit the Government of India would come to the rescue of the Government of Bengal and help them to the utmost possible limit. The Government of Bengal could, on their responsibility, shorten the acreage (in response to the popular demand); but if having done that, in spite of the advice of the Government of India, prices were to fall, the Government of Bengal would not be able to ask the Government of India to help them. Whereas, at that moment if the Government of Bengal were to accept the proposition of the Government of India and things were to go wrong, the Government of Bengal would be able to ask the Government of India to give all possible help?

(b) Is it a fact that the acreage of jute for the year 1942, was fixed by the Government of Bengal at a higher figure than what the representatives of jute-growers on the Jute Advisory Board, constituted under the Jute Regulation Act, were prepared to accept, and that the Government of Bengal were unable to accept the recommendations of the said representatives on the ground that it would have resulted in a shortage of raw materials which were intended to meet urgent and important demands for jute goods from abroad? Is it a fact that this attitude of the Government of Bengal was influenced by the advice and assurances given by the then Commerce Member of the Government of India, as referred to by the Chief Minister in the statement mentioned above?

(c) What were the reasons for which the Government of India had given the above assurances to the Government of Bengal on which the latter Government justified, even on the 10th of March, 1942, a larger acreage under jute than the representatives of growers were prepared to recommend?

**The Honourable Mr. N. R. Sarker:** (a) No, Sir. My attention has been drawn for the first time by the Honourable Member's question.

(b) The answer to both parts of the question is in the affirmative.

(c) The decision to extend jute acreage was arrived at in agreement with the representatives of the Bengal Government on the basis of the estimated requirements of the Allied Nations and in the light of the experience of previous year's restriction and of such shipping programmes as were then available, and assurance of assistance was given so that in the event of the anticipated world demand for jute falling short of expectation, there would not be an abnormal fall in the price of raw jute.

#### JUTE ACREAGE IN BENGAL.

**15. Mr. K. C. Neogy:** (a) Will the Honourable the Commerce Member refer to the criticisms made on the 25th March, 1942, in the Bengal Legislative Assembly, by certain non-official members, of the policy of the Government of Bengal in having decided upon an increased acreage for jute in the face of opposition from the representatives of jute-growers, and ignoring the serious problem of food supply aggravated as it was by the loss of import of rice from Burma, and to the statement made by the Chief Minister in support of the Government policy in the course of which he stated (i) that the Commerce Member of the Government of India had assured the Government of Bengal that there would be sufficient demand from the United States to absorb the crop; (ii) that after the declaration of the war by Japan, the Government of Bengal put themselves in communication with the Government of India on this point and some of the Ministers came to Delhi and had long conferences with members of the Government of India, and that, when they went back to Calcutta, the Bengal Cabinet, as a whole, decided that it would be advisable to accept the suggestion of the Government of India and not to "embark on any hazardous enterprise which might end in disaster", when it would not be possible for the Government of Bengal to look to the Government of India for help; (iii) that thereafter circumstances having gone from bad to worse, the Chief Minister, along with a few other Ministers of the Government of Bengal, saw the Commerce Member once again when the latter told them that it would be desirable to stick to the previous decision, namely, to raise two-thirds of the previous year's crop, because the United States were still of opinion that the demand would be there, and if there happened any untoward circumstances in regard to transport facilities the Government of India would come to the help of the Government of Bengal; (iv) that later the situation having become "a bit difficult", the Government of India had advised the Government of Bengal to come down from the 10-anna to an 8-anna crop; (v) that the Government of India had given to the Government of Bengal an assurance that they would be supplying the United States with all the jute that they wanted and a promise having been given to the United States on this point, the Government of India did not want to go back on it; and (vi) that though licenses had already been issued for a 10-anna crop, and though most of the jute lands had already been sown, the cultivator was then to be told not to go beyond 8 annas, the necessity of sowing food crops as much as possible being impressed on him?

(b) Do the Government of India accept the above statement of the Chief Minister of Bengal as substantially correct, so far as the Government of India are concerned?

(c) To what extent has the prospect of the United States of America absorbing jute, as stated to have been held out by the then Commerce Member to the Bengal Ministers, been realised in practice? What was the nature of the promise given by the Government of India to the United States of America in this

behalf, as referred to by the Chief Minister of Bengal, and what exact assurances were given on behalf of the Government of India to the Government of Bengal for compensating the growers of jute in case prices fell?

**The Honourable Mr. N. R. Sarker:** (a), (b) and (c). My attention has been drawn to this for the first time by the Honourable Member and I am collecting the necessary information to enable me to answer this question.

#### JUTE ACREAGE IN BENGAL.

**16. Mr. K. C. Neogy:** (a) Has the attention of the Honourable the Commerce Member been drawn to question No. 28, asked in the Bengal Legislative Council on the 25th September, 1942, in the course of reply to which a statement substantially to the following effect was made on behalf of the Provincial Government:

Of the 11 members of the Advisory Board on jute regulation present at the meeting concerned, six, being the growers' representatives, recommended a reduction to 5 annas of 1940 crop. The four trade representatives wanted a larger acreage varying from 8 to 12 annas. The representatives of the mill-owners wanted 12 annas. The Government of Bengal after consultation with the Government of India decided on 10 annas. In view, however, of the shipping difficulties, the Government of Bengal had since decided to advise growers to sow jute this year on less than their licensed acreage, "but in no case on less than 8 annas of the acreage recorded in their names in 1940"?

(b) Do the Government of India accept any share in the responsibility for the ultimate fixation of a compulsory minimum acreage of 8 annas, as indicated above?

(c) When did the Government of India first realise the possibility of the imports of rice from Burma into Bengal being jeopardised as a result of war conditions; and in what manner was their attitude towards the fixation of a minimum acreage for jute in Bengal modified, if at all, on such realisation? Did they indicate any such modification in their attitude to the Government of Bengal? If so, when and to what effect?

(d) When was it first realised by the Government of India that it might be desirable to initiate propaganda for the purpose of inducing the people to grow more food so as to meet a possible shortage of supplies due to war conditions? Is it a fact that while the desirability of increasing the output of food-stuffs in India began to be realised in the Department of Education, Health and Lands, the fixation of a minimum acreage of jute in Bengal, much in excess of what the jute-growers could support, and in defiance of public opinion, was being directly or indirectly encouraged in another Department of the Government of India, namely, the Commerce Department?

**The Honourable Mr. N. R. Sarker:** (a) and (b). No, Sir. My attention has been drawn to this for the first time by the Honourable Member and I am making the necessary enquiries in order that I might answer this question.

(c) As soon as the outbreak of war with Japan in December, 1941. The Government of Bengal's proposal to reduce jute acreage to an eight-anna basis was endorsed in March 1942 and necessary action was also taken by that Government.

(d) In early 1942. The answer to the second part of this question is in the negative.

#### PRICES OF COAL AND SOFT COKE.

**17. Mr. K. C. Neogy:** (a) Will the Honourable the Commerce Member be pleased to lay on the table a statement showing the average wholesale and retail prices of coal and soft coke, separately, that prevailed at Delhi and the principal towns of each province during each week of December and January?

(b) What are the factors that contributed to the prevalence of high prices of coal and soft coke at these various centres during certain periods?

(c) When was the tendency of a rise in the prices of coal and soft coke first noticed by the Government, and what action was thereupon taken for the purpose of controlling such rise?

(d) What precautions are now being taken for the purpose of maintaining an adequate supply of coal and soft coke at all principal centres of consumption, including industrial areas, at reasonable prices?

**The Honourable Mr. N. R. Sarker:** (a) A statement showing the wholesale and retail prices of coal for Delhi and other centres, as far as data are available, is placed on the Table. Prices of soft coke are not available.

(b) So far as Calcutta is concerned the most potent factor was the abnormal conditions which prevailed from about the 21st December which resulted in the disappearance of a large number of dealers, in delays in placing contracts and in unloading coal from wagons and in distribution from depots. Elsewhere amongst the contributory causes were a shortage of wagons and profiteering.

(c) Early last year. The question of coal prices and distribution was examined by the Government of India and a scheme was evolved by which Provincial Governments could obtain coal in adequate quantities. It was further decided that the control of prices on an all-India basis should be deferred.

(d) A Controller of Coal Distribution has been appointed for the purpose. The Controller is responsible for deciding the order of priority in which coal has to be despatched and for the allotment and control of wagons according to the needs of the various industries and the general public.

*Statement showing wholesale Prices of Coal.*

Week ending.		(i) Bombay.		Remarks.
		Rate per maund.		
		Rs. A. P.		
1942—				
December.	3		0 13 0	Retail prices are higher than the wholesale prices by 0-2-0 per maund.
	10		0 14 0	
	17		1 1 0	
	24		1 1 0	
	31		1 2 0	
1943—				
January,	7		1 4 0	
	14		1 5 0	
	21		1 5 0	
		(ii) Calcutta.		
		Rate per ton into wagon.		
		Rs. A. P.		
1942—			5 8 0	
December,	5		to (a)	Retail prices are not available.
			7 8 0	
			7 0 0	(b) (a) Jheria Grado No. 1.
	12		5 8 0	
			to (a)	(b) Deshergarh.
			7 8 0	
			7 0 0	(b)
	19		6 8 0	
			to (a)	
			7 8 0	
	26		7 0 0	(b)
1943—		Market closed		
January,	2	Market closed		
	9		6 0 0	
			to (a)	
			7 8 0	
			7 0 0	(b)
	16		6 0 0	
			to (a)	
			7 8 0	
	23		7 0 0	(b)
	30		Ditto.	
			Ditto.	

		(iii) Delhi.		
		Rate per maund		Remarks.
		Rs. A. P.		
1942—				
December, 15		2	12 0	Only fortnightly returns are available upto January 18th. Retail prices are not available.
1943—				
January, 15		4	0 0	
As from January, 18		1	8 0*	*Retail Controlled Price.
		(iv) Karachi.		
		Rate per maund		Remarks.
		Rs. A. P.		
1942—				
December, 5		1	14 0 (a)	(a) Wholesale Rates.
		2	7 0 (b)	(b) Retail Rates.
	12	2	2 0 (a)	
		2	10 0 (b)	
	19	2	2 0 (a)	
		2	10 0 (b)	
1943—				
January, 2		2	2 0 (a)	
		2	10 0 (b)	
	9	2	2 0 (a)	
		2	10 0 (b)	
	16	2	2 0 (a)	
		2	10 0 (b)	
	23	2	2 0 (a)	
		2	10 0 (b)	
		(v) Nagpur.		
		Rate per maund		Remarks.
		Rs. A. P.		
1942—				
December, 5		Not quoted		Retail prices are not available.
	12			
	19			
	26			
1943—				
January, 2				
	9	1	11 0	
	16	1	11 0	

#### DEATH OF PROFESSOR C. B. JOHRI.

**The Honourable Mr. M. S. Aney** (Leader of the House): Sir, I am very sorry to inform the House that one of our colleagues died on the 10th February. His name is Professor C. B. Johri. He was elected to this House only a short time ago and he took his oath. Being a Congress Member, he remained absent. Anyhow, we are extremely sorry to hear the sad news of his death this morning. He came from the United Provinces.

**Mr. President** (The Honourable Sir Abdur Rahim): A message of condolence will be forwarded to the members of his family.

#### MOTIONS FOR ADJOURNMENT.

##### SUPPLY AND DISTRIBUTION OF FOODSTUFFS.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is in the name of Babu Bajinath Bajoria regarding the supply and distribution of foodstuffs. I suppose the Honourable Member does not want to move it.

**Babu Bajinath Bajoria** (Marwari Association: Indian Commerce): I do not want to move it, Sir.

##### THE PAPER CONTROL ORDER.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is also in the name of the same Honourable Member. He wishes to discuss a definite matter of urgent public importance, namely the Paper Control Order of the Government of India requisitioning ninety per cent. of the total production of the paper mills in India, thereby causing serious inconvenience to the public.

Is there any objection to it?

**The Honourable Dr. B. R. Ambedkar** (Labour Member): I have no objection to the motion being debated.

**Mr. President** (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 O'clock. If the business is finished before 4 O'clock, then the Honourable Members will like the motion to be taken up earlier.

### THE HINDU MARRIAGE DISABILITIES REMOVAL BILL.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Sir, I beg to move:

"That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be continued."

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

"That the Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus be continued."

The motion was adopted

### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 162, 488 AND 496.)

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes, (*Amendment of sections 162, 488 and 496*), be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Govind V. Deshmukh, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. P. J. Griffiths, Mr. K. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Chaudhury, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill amends three sections of the Code of Criminal Procedure and for the convenience of Honourable Members I may take these sections one by one.

The first section which is intended to be amended is section 162. This section occurs in Chapter XIV of the Code of Criminal Procedure, which provides for reports and enquiries by the police. A certain procedure has been prescribed according to which reports have to be in the police and enquiries to be conducted by the police. Section 162 of the Code of Criminal Procedure provides for the maintenance of regular diary. It goes on to say:

"Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation."

And as to the value and the use of that copy it is given in sub-section (2) of that very section. It goes on to say:

"Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them, to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply."

So, Sir, this Chapter of the Code of Criminal Procedure provides that diaries are to be kept regularly by the police officer, and these diaries can be of some use at the time of trial. They can be looked into by the Court to know whether the enquiries were carried out correctly and in a reasonable time. Now, the question is what was the value of these diaries so far as the accused was concerned. So far as this section is concerned it only gives a right to Court to see the diary whether investigation was properly done and only in a case when the

[Qazi Muhammad Ahmad Kazmi.]

police officer wants to refresh his memory the Court shall refer to it, in spite of the statement of any police officer that accused was entitled to look into his diary. There was one further section, section 161 in this very Chapter which gives the authority to a police officer to refer to that statement if he thinks it proper for the purpose of inquiry and there was a further section 162 which in the old Code of 1898 also gave the accused person against whom the case was started a right to refer to the statement of the accused contradicting the witness. In the Code of 1898 section 162 was enacted in this way:

"No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereon, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872."

Now, what was the intention of the Legislature by making this section. It was that since a witness goes before the Court and it is found that he made a statement before the police, the accused was entitled to ask the Court to look to the statement that was made by the witness before the police: and after the Court had looked into that and found that he said something which was in contradiction of what he was saying at that time, the Court had a right to keep a copy in writing of the contradiction by the accused in the Court. Now, Sir, this was a very lengthy procedure. In every case, witness came before the Court, he was cross-examined, whether he was examined by the police. If he referred to the statement in the police diary the Court will have to go through all the papers and if it found that nothing contrary to what he was saying now was said at that time, then only he could refer to that statement. In 1923, the Legislature brought about another amendment and this amendment is incorporated in section 162. I would only refer to the relevant portion of this section. It provides that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination. This proviso made the procedure of using the statement made before the police more convenient and easily accessible to the accused and causing less loss of time. Now, the procedure prescribed by this section would only be this, that as soon as a witness enters the witness box and has been examined in chief, as soon as his cross-examination begins, he is asked whether he was examined by the police and if he says, yes, then the accused is entitled to request the court to get a copy of the statement made by him and he can read that out and if he finds there is something contradictory to what he is stating before the court, he can use that statement for contradicting him. Now, indirectly there is one other thing that followed. If an accused obtains a copy of the statement of a witness and does not contradict him by that statement . . . . .

**The Honourable Sir Sultan Ahmed (Law Member):** So far as amendment of section 162 is concerned, we are in favour of the principle underlying the proposed amendment and therefore my Honourable friend need not really labour so far as section 162 is concerned. We have no objection to a reference to the Select Committee on that point. So far as the other two sections are concerned, we will oppose.

**Qazi Muhammad Ahmad Kazmi:** I may just curtail my argument regarding section 162.

**Mr. President** (The Honourable Sir Abdur Rahim): Most of the other Bills are also in the name of the Honourable Member himself.

**Qazi Muhammad Ahmad Kazmi:** Only two of these are being moved. The rest are equally opposed by the Government.

**President** (The Honourable Sir Abdur Rahim): Almost the entire agenda is in the name of the Honourable Member.

**Qazi Muhammad Ahmad Kazmi:** I will just refer to one point and finish with this section 162 by saying that recently police officers have resorted to the practice of writing down joint statements and the result is that the High Courts have ruled that a witness whose statement has not been separately recorded cannot be contradicted by a joint statement. This amendment is only intended to do away with that misuse of the powers of the police and to enforce the law as it was intended by the Legislature.

The next section that I want to amend is section 488 of the Criminal Procedure Code. Unfortunately this is a section about which there has been a lot of misunderstanding as regards the object of the Mover. So far as I have been able to study the opinions that have been received, I understand they are all in my favour, if only one misunderstanding could be removed that the object of the Bill was a moral one and not an immoral one. I think that this is the main ground on which every person who opposed the Bill has gone against the provisions of this amendment. For the convenience of the House, I may read the relevant portion of section 488:

"If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate not exceeding one hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs."

Thus the section provides that a person can be made to maintain his legitimate or his illegitimate child. What the amendment proposes is that the mothers of these illegitimate children should also be provided for. The attack on me is that I am legalising illegitimate connection and making an illegitimate husband pay for his illegitimate wife. May I ask those people who in the name of morality want to condemn me, what suggestions they have got to make for prohibiting illegitimate connection. Is there any law on the statute book which provides that such illegitimate connection is penal either under the criminal law or that civil liability attaches to any person who carries on in this way. Does the present law provide that any person who indulges in illegitimate connection with a woman would be liable to pay her anything, or that he would be punishable?

Now, Sir, I have in another connection given two amendments to the Indian Penal Code, sections 497 and 498. In section 497, what I say is that in case of adultery, the wife should also be punishable. Now, let me ask those people, who say that I am introducing immorality by providing for maintenance for illegitimate wife, to come forward and say that adultery should not be punished. These very gentlemen who on the one hand oppose the provision for maintenance of illegitimate wife, say that the people who enter into illegitimate connections should not be punished. Women are always shrewd enough to see that before entering into such connections, they will be provided fully and in a proper way by the person who enters into such illegitimate connection. Is it the contention of my Honourable friends that the case of those depraved women should not be taken up by the Legislature and that they should not be given maintenance? But as I said before, if the women are so depraved, then by all means make adultery punishable. But my friends say, no. You are again interfering with the personal right of a woman in utilizing herself or her person in any way she likes.



**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): But adultery is punishable.

**Qazi Muhammad Ahmad Kazmi:** The English Law is different. Adultery is not an offence which is punishable and the Honourable Member may remove that apprehension.

**Sir Muhammad Yamin Khan:** What do you call adultery?

**Qazi Muhammad Ahmad Kazmi:** So far as adultery is concerned, it was an offence punishable severely with *durras* under the Islamic and Hindu Law prevalent in India, but from 1845 that crime has been reduced from a public crime to a private crime in which only the husband is entitled to bring a complaint against the person who commits adultery and only the person who commits adultery is liable to punishment but not the woman who is a party to that. What I want is that not only the man should be punished but the woman must also be punished, and people come forward and say that the women must have a right of committing adultery—the male may be punished at the instance of the husband but not the wife. I fail to understand the legality and morality of that principle and especially when I find that that legality and morality is believed by persons who come forward and say that maintenance should not be given.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): This is not the age of morality but the age of democracy.

**Qazi Muhammad Ahmad Kazmi:** I perfectly see it is the age of democracy, but not the age of inconsistency. What I believe is consistency and I say that you must penalize this offence of illegitimate connection. You have provided no remedy for this illegitimate connection; so far as the present laws are concerned, it is not punishable criminally and if I were to bring in a Bill to make it punishable under the Criminal Law it will be equally opposed by the gentlemen who now say that I am introducing an immorality. What I mean to say is this: that there must be some responsibility on the person who allows such illegitimate connection to continue.

**Sardar Sant Singh** (West Punjab: Sikh): That is a case of cash and carry.

**Qazi Muhammad Ahmad Kazmi:** Cash and carry is all right, but I am not applying this principle to that cash and carry business at all. What I say is that persons, who have got the audacity of carrying on an illegitimate connection with a woman for a period of six years, must be liable to maintain that woman just as the illegitimate children born of her which are already provided for under the Code of Criminal Procedure. If you do not do this then what penalty are you attaching to the person who has ruined the best part of the life of a woman and who has almost taken away the best of her years, who has satisfied his personal ambitions and desires in the best years of her life? Nothing. He deserts her, abandons her. If this provision is made, then any person who enters into any connection of that kind will have to remember that he is entering a field in which he will not go scot-free but if he continues that connection he will be liable to pay something. It will be an absolutely civil liability which I am proposing. Every gentleman who poses as being moral should have suggested that the proposed provision was not a proper one because it was only seeking to attach a civil liability, but it ought to be a criminal liability. But nothing of that kind has been said.

Sir, I will now read out one or two provisions which will illustrate what I am submitting to this House.

**Mr. President** (The Honourable Sir Abdur Rahim): It is no use repeating if the Honourable Member has already explained those points.

**Qazi Muhammad Ahmad Kazmi:** Sir, I will just read one or two statements at the most which will illustrate as to how people have been misled in opposing this Bill and giving an adverse opinion.

The Judicial Commissioner, N.-W. F. P. says: "I am opposed on moral grounds". I have already submitted what those moral grounds are. I take the specific case of one and the same gentleman. The District and Sessions Judge, Nagpur, when he discusses this amendment, says:

"I strongly oppose this legal recognition of concubinage. In my opinion, the marriage laws of a country should be just and equitable and being so they should be morally recognised and legally enforced as one of the basic requirements of a healthy society. The keeping of mistresses is usually associated with either, (i) ignoring of the marriage laws, (ii) inequity therein, or (iii) moral license. We have to recognize that a woman as well as a man has as much responsibility for the marriage laws of the country. The first and last considerations have nothing to commend them and can only be associated with an unhealthy state of society in which laxity or license are tolerated. Regarding the second, it is the marriage laws and their associated divorce laws which require amendment if their pressure is such that people find they must live together, although legal marriage is not possible."

He opposes because it is immoral and he says that divorce may be made easier so that people may be able to enter into marriages easily. When I plead for making adultery punishable, the same gentleman—District and Sessions Judge, Nagpur—says: "I consider this Bill a retrograde measure. I would like to see sections 497 and 498 removed from the Indian Penal Code altogether." Now, this is the morality.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): That is English Law.

**Qazi Muhammad Ahmad Kazmi**: Let it be English Law, I do not mind. But there must be some consistency. If you are not doing away with the crime of adultery altogether, if you are going to tolerate the kidnapping of married women without criminally punishing the person concerned, are you talking of something which is moral according to the conceptions of the western people or the eastern people? Adultery and kidnapping in some form or other of married women is not to be tolerated in the East or the West. And the gentleman who is opposed to my Bill to provide for the maintenance of illegitimate wife maintains that there should be no punishment for adultery.

Unfortunately the system of circulating Bills by the Government of India seems to be very defective. In the whole list of opinions I do not find a single opinion of a woman. It is only one side which is being consulted, and that is the male side which will not tolerate being held liable for its guilt.

**Sir Muhammad Yamin Khan**: You want to take the opinion of women whether adultery should be punishable for women also?

**Qazi Muhammad Ahmad Kazmi**: I am not speaking of men and women as such. If I were espousing the cause of women I should say that adultery should not be punishable. I say that illegal contracts must be made punishable. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has said that many a time.

**Qazi Muhammad Ahmad Kazmi**: They are not following it, Sir. I will finish after reading the opinion of one more lawyer, the Advocate General of the United Provinces.

**Mr. President** (The Honourable Sir Abdur Rahim): Have all these opinions been circulated to Members?

**Qazi Muhammad Ahmad Kazmi**: Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Provided it is not a long one. The Members are in possession of these opinions.

**Qazi Muhammad Ahmad Kazmi**: It is only a few lines:

"I do not agree to the proposed amendment of Section 488 (1) of the said Code inasmuch as this would give a legal recognition to an illegal connection with a woman and promote immorality."

[Qazi Muhammad Ahmad Kazmi.]

I say that this is based on a misconception. Another lawyer says:

"The women of India have not made such progress as alleged in the statement of objects and reasons. In every case of adultery and elopement it is the male who is responsible, and if the female instigates the male is the chief culprit. I do not think the proposed amendment should be accepted."

So in this case the definite opinion is that the female plays only a secondary part and should not be punished. She is not in a position to defend herself and on this ground it is absolutely wrong to say that the present Bill encourages immorality.

The next amendment in this Bill is about section 496 of the Code of Criminal Procedure. I really do not understand the point of view of those gentlemen who are opposed to it. What I propose is that the Magistrate who convicts a person under this section may have the authority of releasing him on bail, if the man assures the Court that he is going to file an appeal. Now, this is not a very strange thing. We find that people who are convicted of non-cognisable offences are always allowed by the original or appellate court to file an appeal. But this always involves a considerable amount of expense and trouble to the parties concerned. As a matter of form, all appellate courts, or courts which exercise revisionary jurisdiction, do grant bail in non-bailable offences. So the amendment I propose is only an enabling amendment and not a mandatory one. I do not make it compulsory or mandatory for the court to grant him bail if he is prepared to file an appeal. I want to give the magistrate the powers: whereas those who are against this amendment seem to think that once a Court has convicted a man that Court should not be allowed to give him bail. Is it or is it not a fact that in civil cases, where a decree is passed, and say a house is under orders of demolition, on the assurance given to the Court that the party wants to file an appeal before the District Judge or High Court a stay is granted? I plead that that much power must be given to the criminal courts also. If they think it desirable that the person so convicted should be given bail, they must be allowed to have that power.

There is one thing in this connection which I want to point out to the House. Sometimes there is a misuse of the powers of punishment by Magistrates. It may be on whimsical or personal grounds. We have known of cases in which a Magistrate intentionally postponed the delivery of judgment till 4 O'clock, so that it might not be possible for the accused or the person convicted to get out a bail from the District Judge that very day, the intention being that the accused should be in jail for at least one day.

I have known cases in which the judgment is pronounced at 4 O'clock on Saturday, so that the whims of the magistrate can be satisfied by detaining him in jail at least for a day or so; and when a person is so detained in jail, the expenses of filing an appeal immediately to the appellate court are so heavy that some persons cannot afford it; and others who can afford it have to meet those charges. But the objection may be raised that even my amendment would not do away with that personal malice of the magistrate, because it is only a power that is being given to a magistrate to give bail or not to give bail. On that my submission is this, that it is almost impossible for a man to prove that he was dealt with maliciously by a magistrate; and if a magistrate refuses to give him bail, it will go further to show before the appellate court whether he was considering the case of the accused with an unprejudiced mind or he has some prejudice against him. It would be an indication of the mentality of the magistrate and would go a long way to support the plea of the accused. So, I think that this is more or less a formal thing and the Government will see their way also to accept this amendment and refer it to Select Committee. With these words I move this motion for the consideration of the House.

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

“That the Bill further to amend the Code of Criminal Procedure, 1896, for certain purposes. (*Amendment of sections 162, 488 and 496*), be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Sir George Spence, Khan Bahadur Sir Abdul Hamid, Mr. Govind V. Deshmukh, Sir Syed Raza Ali, Sir Muhammad Yamin Khan, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. P. J. Griffiths, Mr. K. C. Neogy, Raja T. Manavedan, Maulvi Abdur Rasheed Chaudhury, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**The Honourable Sir Sultan Ahmed:** Sir, the Bill seeks to have amendments in sections 162, 488 and 496 of the Code of Criminal Procedure. As I have already stated, Government are prepared to accept the proposal of reference to Select Committee so far as the amendment of section 162 is concerned. The opinions elicited in circulation are preponderatingly in favour of that amendment, and Government are therefore prepared to discuss this matter in the Select Committee because a certain verbal revision may be necessary.

So far as the proposal to amend the other two sections is concerned, Government are definitely opposed to it. I will take up the question of the amendment of section 488, which seeks to provide for the maintenance of a woman not being his legally married wife who is in keeping for six years or more. . . .

**Mr. Lalchand Navalrai:** May I ask if it is the Honourable Member's view that these two other sections will not be considered at all or that they will be before the Select Committee?

**The Honourable Sir Sultan Ahmed:** Yes; the whole Bill will go to the Committee, but we want to make our attitude perfectly clear at this stage; that we will oppose the amendments of those sections but the Bill will have to go as a whole to the Select Committee. As I was submitting, the Bill seeks to provide for the maintenance of a woman, not being his legally married wife, who is in his keeping for six years or more. It is difficult for me to appreciate why my Honourable friend has fixed this period of six years. Apparently some period had to be fixed and therefore he put six: he will have to justify as to why he has not put one year. . . .

**Qazi Muhammad Ahmad Kazmi:** I will agree to any amendment in that direction.

**The Honourable Sir Sultan Ahmed:** If it comes to that, perhaps he may omit the section itself; I should have thought that the period would be the critical point, but if he does not attach importance to the period, the whole amendment may become an absolute nullity. Apart from that, the main difficulty is this, that the provision will presumably amount to legalising the keeping of a woman without marrying her, and this is our main difficulty in accepting the proposal. This amendment has not found favour with the majority of the opinions that have been elicited in circulation, and in my opinion it is a fatal objection to the amendment.

As regards clause 4 of the Bill, which seeks to amend section 496 of the Code so that a convicted person, if he so desires, before filing an appeal can go to the court which convicted him and ask for bail. The present position is this: that after conviction and before an appeal is filed the presumption is that the man is guilty. He can file the appeal and go to the appellate court and say, “Here is a *prima facie* case for the appellate court to consider”; and if the court is satisfied, the court at once grants bail; but if he asks the court that convicted him to grant bail, then that court will be in a difficulty; the convicting court itself will have to be satisfied that there is doubt about the conviction; and, therefore, though I may agree to the reference to Select Committee so far as amendment of section 162 is concerned, I am bound to take exception in the Select Committee to the other proposals, that is, to clauses 3 and 4.

**Sardar Sant Singh:** Sir, I wish to make a few observations on the proposed amendment of three sections of the Criminal Procedure Code. I am glad that the Government has accepted the principle underlying the amendment of section 162. As a practising lawyer in the criminal courts, I have felt sometimes in an embarrassed situation when the policemen in writing their daily diaries try to overreach the defence by writing joint statements which are not provided for in the Evidence Act or in any provision of the substantive law. I will not say anything further. The difficulties have been pointed out in the rulings of the various High Courts and are too obvious to require any mention.

As regards the amendment of section 488, I regret to say that I do not see eye to eye with the Mover of the Bill; probably the Mover of the Bill thought it was a case of lease-lend, but it is a case of 'cash and carry'. He forgets that; and therefore it will be putting a premium on immorality, which he wants to put an end to; he will be encouraging it rather than discouraging this immorality.

As regards the amendment of section 496, the Mover in his learned speech has made a comparison with the civil court where after passing a decree the civil court orders for stay of the decree for some period. Probably he forgets the difference between a civil court and a criminal court. In the case of a civil court the passing of the decree does not make the judge *functus officio*; he can still review his order. But in the case of a criminal court. . . .

**Qazi Muhammad Ahmed Kazmi:** Because the Legislature has not made it. You can make it now.

**Sardar Sant Singh:** There are review provisions for review of the judgment, for execution of the decree. In the case of a civil court the review provision is an absolute necessity. In the case of a criminal court no power of review is given.

**Qazi Muhammad Ahmad Kazmi:** The Defence of India Act provides for it.

**Sardar Sant Singh:** As soon as a criminal court passes a sentence and writes out the judgment, it becomes *functus officio*, and as such it cannot proceed further and exercise any jurisdiction over the accused. Therefore, the amendment aims at doing that which is not provided for in the scheme of the Criminal Procedure Code. I am afraid, I am unable to agree with the Honourable the Mover on these two amendments. I will support the motion to refer the Bill to Select Committee so far as the amendment of section 162 is concerned.

**Mr. Lalchand Navalrai:** I will not say much. The Bill is going to the Select Committee, and so far as the view of the Government is concerned, we have it that there will be no opposition to the amendment of section 162. So far so good. With regard to amendment of section 162 I will say one word. Experience has shown that what the Legislature intended and gave power to the accused to take advantage of previous statements is wholly nullified by the present practice that is going on. Therefore, it is wise on the part of the Government to accept this amendment. So far as the second amendment is concerned, I think it is too immoral even to be approached. My Honourable friend is suffering from a misunderstanding about this amendment. In one breath he wants that a woman who is,—according to him,—and I think in the mofussil it is true that the woman is rather the party to induce the person, who commits adultery, to meet him. Therefore, he is arguing that she should also be punished as an abettor so that adultery may come to an end. That is very well, and perhaps if he persists in his Bill which he has put in, he shall have my support at least, because I know that in the mofussil there are very many cases where the woman induces the paramour to go and meet her in the fields, in jowar cultivation, and so on. These women go and hide there; that is their rendezvous. I think they are more responsible for inducing the paramours to go there and commit offences. But so far as this amendment is

concerned, I think my Honourable friend should understand that he is inconsistent. He is here giving alimony or maintenance\* to the woman who has induced the paramour to have illicit intercourse with her. If this happens, it will be a premium on illicit connections and many more cases will arise where such women will demand alimony. This matter should be considered from that point of view and I think my Honourable friend will be well advised to stick to his former Bill,—the other Bill that he has with regard to punishing a woman also for adultery.

So far as amendment of section 496 is concerned, I have sympathy with him because in practice we find that there are cases in which the magistrate convicts, though he may honestly believe that there is some doubt about it. He probably finds a High Court decision or something else which he cannot get over and so he convicts. What remedy has he? Why should he put the man in jail? Throughout the undertrial he has allowed the accused to be on bail, and why should the magistrate not be able in such cases to grant bail? The Honourable the Law Member said that it is easy to go to the appellate court. Not easy, Sir. The appellate court sends for the record, it has to satisfy itself, and has to read more or less the whole record and not perfunctorily decide the question of bail.

**The Honourable Sir Sultan Ahmed:** Not necessarily.

**Mr. Lalchand Navalrai:** It takes time, it sometimes takes an inordinate amount of time. Why should it not be, in very special cases where the magistrate is of opinion that the man should be given bail,—and in bailable cases where the undertrial prisoner is entitled to have bail? I do not understand why the amendment should be opposed by the Government. However as the Bill is going to the Select Committee and as I am on the Select Committee I will place the same point before the Government. One thing more I will say. Even where persons are committed to the Court of Sessions, after charges had been framed, and they are more or less as if having been convicted by the magistrate who commits—yet magistrates do allow in committal cases bail but subject to confirmation by the appellate court. In case the Government are not going to agree to give full power to the magistrate, at least the power should be given so far as it is now exercised by the magistrate in the committal cases. The magistrates may give bail but subject to the confirmation of the appellate court.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): The amendments proposed by my Honourable friend, Mr. Kazmi, so far as they are concerned with sections 162 and 496, seem to me to be very reasonable, but the proposed amendment to section 488 is rather amazing. The Honourable the Law Member, and also my Honourable friend, Sardar Sant Singh, have shown that this will encourage greater immorality in the country. As the Bill is going to the Select Committee, and as some of my friends are expressing their opinions, I thought I may say on the floor of the House just now that in my opinion Mr. Kazmi ought to think twice before moving even in the Select Committee his amendment to section 488 which will simply encourage immorality. It may be said that some sort of provision should be made for a woman who has been maintained for any period, but the fixing of the period, as the Honourable the Law Member has pointed out, will create more difficulty so far as this section is concerned. I do not want to dilate more on these sections to-day as the Bill is going to the Select Committee. I hope that my Honourable friend, Mr. Kazmi, will, in the light of the opinions that have been expressed so far, reconsider his attitude towards an amendment of section 488.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): We have had discussion over these sections and I find that, so far as the amendment to section 162 is concerned, it has been accepted. There has been almost

[Mr. Govind V. Deshmukh.]

unanimous public opinion, even the police officers have said that that section should be amended, and the present amendment is acceptable to everybody. I see a volume of opinion in the House also in favour of an amendment to section 496 of the Criminal Procedure Code. The difficulty, as has been pointed out by Mr. Kazmi, is this. Imagine a case, of course, I am not merely asking the House to imagine something which does not happen, this is what at time does happen. In mofussil places a second class or a first class magistrate convicts an accused. Then the man has to go to the appellate court which may be at a distance of 60 or 70 miles. The accused was very likely convicted and judgment delivered—as has been pointed out, in very many cases it does happen—at about 4 O'clock. The accused is there taken to jail. All these things happen, so that the accused is really handicapped in getting any bail from an appellate court. It is difficult for him to move appellate court under the circumstances. So, it would be really facilitating matters if the same trial court is given the power of granting bail in cases of this kind.

Now, as regards section 488, I do not think that there is such a volume of opinion as to show that the amendment will not be acceptable to the House. The public opinion that we have got is that as it is, it puts a premium on immorality; but with certain amendments, it may be acceptable to the very persons who are opposing this amendment. I find that this particular section has been supported generally but I wish to point out one thing which has not been pointed out to the House at all. Amongst the mass of public opinions that we have received, there is the opinion of the Orissa Women's League of Service. It seems to me that they have a better right to say something about their own sex and as it is a very short one and has not been referred to at all, I propose to read it. They say:

"The Bill to amend sub-section (1) of section 488 of the Code of Criminal Procedure which has been circulated for public opinion has been considered. The object of the amendment is that a person who keeps a woman for a period of six years or more should be made legally liable to maintain her. Resolved that the Secretary communicate the following view of the Orissa League of Women. A man who indulges in keeping a woman should be made responsible for the consequences of his action irrespective of the period for which he keeps such a woman. For consideration of the liability of the male person, it should be sufficient if he has kept a woman for not less than one year."

I think the women's point of view should also have some weight in this House and I do not think that it is always the woman who is at fault and therefore if any maintenance is awarded to her the cases will increase. There may be a difference of opinion but it is quite probable that a man also is at fault. He either kidnaps or seduces a woman. Then after some time, he gets disgusted or the woman is not of any more use to him and he discards her. In that case, certainly she should have the right of maintenance. I therefore think that this section should command some respect from this House. The Women's League has pointed out that certain amendments are necessary. Those who have opposed the amendment say that if the wording was such that the woman is in the exclusive possession of the man then they would have no objection. If such minor amendments are made in the Select Committee, I do not think that the section is inherently so abominable. It cuts either way. Some say that it is putting a premium on immorality. There are others who say, "No, immorality would be stopped". The maintenance would act as a sort of penalty, fine, on the man who wants to have illicit connection with any woman and then discard her later on. That man will think twice before doing anything'. With these few words, I support this motion.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes, (Amendment of sections 162, 488 and 496), be referred to a Select Committee consisting of the Honourable Sir Sultan Ahmed, Sir George Spence, Khan Bahadur Sir Sir Sued Raza Ali, Sir Muhammad Yamin Khan,

Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. P. J. Griffiths, Mr. K. C. Negoy, Raja T. Manavedan, Maulvi Abdur Rasheed Chaudhury, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### THE DELHI MUSLIM WAKFS BILL.

#### PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): Sir, I present the report of the Joint Committee on the Delhi Muslim Wakfs Bill.

### THE ABOLITION OF WHIPPING BILL.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I do not wish to move Motions Nos. 4 to 12 standing in my name. I shall move No. 13.

Sir, I move:

"That the Bill to abolish the punishment of Whipping be circulated for the purpose of eliciting opinion thereon by the 15th September, 1943."

This was a Bill in respect of which I thought that my case was so strong, that instead of moving a motion for circulation I might move a motion directly for reference to Select Committee but I am astonished to find that the Government do not see their way even for circulation, what to say of its reference to the Select Committee. The idea of corporal punishment originated with the very primary stage of society and experience has shown that corporal punishment is not in accord with the principles of criminal jurisprudence which have been evolved after centuries of trial. There were times when branding the culprits and cruel torture of the accused were in force. All those were considered to be vindictive punishments and it is a well-known principle of criminal jurisprudence that the society should not be vindictive but there must be an idea of reform. In the case of reforms, the corporal punishment is not only of no use but, as a matter of fact, it degrades the person who suffers from it to a lower strata of society and perpetuates what is intended to remove by inflicting this punishment. Every civilized society during the course of this evolution has been gradually diminishing this corporal punishment and the last vestiges of it are to be found in two things, namely, the capital punishment and flogging. I am not dealing with the capital punishment at this stage but I would like to point out one thing in that connection. Even in the case of the capital punishment the consistent tendency of every civilised country has been to reduce the rigour of this punishment and with the advance of civilization the ways of execution have also been improved with the result that the least possible pain is inflicted on the person who is executed or hanged. The punishment of flogging used to be inflicted in a way as to leave the signs of flogging on the body of the person so that he might later on be identified by the marks that had been made on his body. Of course, our present Act does not provide that the marks should be sufficiently prominent so that a permanent mark may be left on the body of the person who undergoes that punishment. Society from time to time has found that this punishment also should be brought in consonance with the advanced stages of the society. The last amendment to the Whipping Act was made or rather a new Act was enacted, in 1908 and in the Statement of Objects and Reasons it is said:

"The object of this Bill is to amend the law relating to the punishment of whipping so as to restrict the classes of offences for which that punishment may be inflicted and to limit the number of officers who may be empowered to award it. . . . The result of these repeals will be to abolish whipping. . . ."

**Mr. President** (The Honourable Sir Abdur Rahim): It is now quarter past one and the Honourable Member can continue his speech after Lunch.



ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR THE  
POSTS AND AIR DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon today, the time fixed for receiving nominations for the election of a Member to the Standing Committee for the Department of Posts and Air only one nomination was received. As there is only one vacancy I declare Mr. C. C. Miller to be duly elected.

STATEMENT OF BUSINESS.

**The Honourable Mr. M. S. Aney** (Leader of the House): Sir, with your permission I would like to inform the House that Monday, the 15th February and Wednesday, the 17th February, are the two days which should be fixed for the consideration of the food supply motion and other motions. On Monday, of course, some time will be taken for the presentation of the Railway Budget. I am told that this arrangement is agreeable to the Leaders of the Parties.

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): Subject to this that there will be no questions on those days, otherwise the time will be reduced.

**Mr. President** (The Honourable Sir Abdur Rahim): As regards the time-limit for speeches, I take it Honourable Members will agree to what was done on the last occasion on a similar motion to consider the political situation. It was proposed and accepted and agreed upon by all the Leaders of the Parties that the Mover of the motion (then Sir Reginald Maxwell) should have 45 to 60 minutes, that is to say, one hour, to make his opening speech and the Leaders of the Parties or the Deputy Leaders. . . . (Interruptions.) I do not know whether the Honourable Members will agree to that arrangement or whether they would like to consult amongst themselves whether there should be any time-limit for speeches.

**Mr. N. M. Joshi**: (Nominated Non-Official): Let there be no time-limit for speeches on those days.

**Syed Ghulam Bhik Nairang**: For the consideration of the food supply motion there should be no one hour speech. On the last occasion half an hour was allotted to the Leader or other authorised spokesman of a Party and the other speakers were given 20 minutes each.

**Mr. President** (The Honourable Sir Abdur Rahim): On the last occasion 45 to 60 minutes was allotted to the Mover of the motion and 30 minutes were given to the Leaders of Parties. I think the arrangement which was arrived at by agreement on the last occasion will also hold good this time.

**Mr. N. M. Joshi**: What about the other Members?

**Mr. President** (The Honourable Sir Abdur Rahim): 20 minutes were given to the other Members.

**Mr. N. M. Joshi**: 20 minutes is too short. Let half an hour be for all. Two days are quite sufficient. Let the Parties limit the number of their speakers. Half an hour for other Members is certainly very necessary as this is a very important subject.

**Mr. President** (The Honourable Sir Abdur Rahim): The best thing will be for the Honourable Members to consider it themselves. There is enough time. I should leave it at that. The Honourable Members can consider the matter amongst themselves and arrive at some agreement.

Another thing is that the discussion of the adjournment motion, which will be taken up after the agenda is finished, will be limited to two hours as usual:

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Jannadas M. Mehta (one of the Panel of Chairmen) in the Chair.

### THE ABOLITION OF WHIPPING BILL—*contd.*

**Qazi Muhammad Ahmad Kazmi:** Mr. Chairman, before we adjourned for lunch, I was reading out from the Statement of Objects and Reasons of the Bill that became Act in 1908. The object of the Bill was to amend the law relating to punishment of whipping so as to restrict the classes of offences for which that punishment may be inflicted and to limit the number of officers who may be empowered to award it. According to this Act the punishment of whipping was confined only to those offences which were mostly held to be of rape and offences of that nature. Then again it provided for the punishment of whipping of juvenile offenders. In the speech that was made by the Honourable Sir Harvey Adamson at that time he said:

"In the progress of public opinion the infliction of whipping as a judicial punishment comes to be regarded with ever increasing disfavour. The object of this Bill is to mitigate the severity of the Whipping Act and to bring into line with the public opinion of the present day. In India the time has not arrived when whipping as a judicial punishment can be altogether dispensed with. In England, hundred years ago, punishment of whipping for many offences had been curtailed and dwindled down to the proportion which I have stated without prejudicing the safety of the community. Experience has shown that for most offences which were formerly punished with whipping a less revolting penalty is more efficacious. The history of Indian jails tends to the same conclusion. I can well remember that when I first arrived in India thirty years ago, whipping of a very severe nature was freely resorted to in jails as a punishment for very trivial offences. It is now inflicted as a jail punishment on rare occasions and only for serious offences. Yet the discipline of Indian jails is much better now than it was thirty years ago."

Now, Sir, a man of no less an authority than that of the Honourable Sir Harvey Adamson testifies to the fact that abolition of whipping is to a certain extent necessary. We are convinced, Sir, he said, that whipping should be restricted to offences of a degrading nature and that it never should be administered where it is likely to outrage self-respect. We also think that it is an unsuitable punishment for any offence that is not of an active and daring character

Now, Sir, in spite of the remarks that were made by the Honourable Sir Harvey Adamson on this Bill it was retained, though it was restricted very much. The idea was to restrict this to offences of a very degrading nature and other element was that it should not be administered to persons who will feel offended and whose self-respect would be outraged. Unfortunately, we find that in actual practice this history of the Act has not been maintained, but I do not refer to that aspect at this moment: what I say is that punishment of whipping should not be resorted to for lowering the grade of a person or it should not be administered in a way which would shock the self-respect of a person. Thus whipping is simply a matter of corporal punishment and corporal punishment is felt to be curative and often reformatory thing especially in advance age. Here, Sir, I will read out to the House an extract from a book known as "Encyclopaedia":

"With a growing consciousness that punishment is not so much a deterrent to crime as had been supposed, flogging, as a general practice, has been abandoned. Modern psychiatry and genetic psychology have shown the dangers inherent in flogging children, in that such procedure may develop inhibitions, antipathies and neurotic trait likely to undermine the whole mental and nervous system of the child."

We have seen much according to these authorities. Corporal punishment which was thought to be effective in case of children has been found to be equally inefficacious rather than curative. The freedom with which it is being resorted to in the present day cannot in any way be supported on any principle whatsoever. The Magistrates are all human beings. Of course, it is sometimes shocking to hear of offences that are committed by people. But for the maintenance of law and order in society, punishments should be based on principles of jurisprudence, but they should not be based on a person's motives. I remember of a Sessions Judge, and just as a doctor prescribes dose of quinine and some other medicines for a particular disease, this Sessions Judge was prescribing for

[Qazi Muhammad Ahmad Kazmi.]

every person whom he convicted, hard labour, solitary confinement and then once whipping. His prescription was never complete without an ounce of this particular treatment, whipping. I submit this is not a desirable practice at all. It has got no justification whatsoever in practice, or from the point of view of medicine or from the point of view of jurisprudence. I submit the punishment of whipping should be abolished. Sir, I move.

**Mr. Chairman** (Mr. Jamnadas M. Mehta): Motion moved:

"That the Bill to abolish the punishment of Whipping be circulated for the purpose of eliciting opinion thereon by the 15th September, 1943."

**The Honourable Sir Sultan Ahmed** (Law Member): Sir, on behalf of the Government, I have no objection to the circulation of the Bill. But I feel that I should explain the position of the Government and its attitude towards the measure. The first difficulty we feel is this: there is tremendous shortage of paper and it will be very difficult, almost impossible so long as the present difficulty about paper lasts, either to have a Select Committee or to have the opinions received from the Provinces printed and circulated during the war, so long as this acute shortage remains. The second difficulty is this: I want to make it perfectly clear that the Government will not accept the total abolition of whipping. The Government would be quite prepared to accept any reasonable amendment of the Whipping Act, 1909, to suit the present day conditions and sentiments. But they are entirely opposed to the abolition of the Bill altogether, particularly in so far it affects the Army Act and the Indian Naval Discipline Act. Subject to those conditions, the Government have no objection to circulation.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I rise to support the Bill for abolition of the punishment of whipping. Sir, this punishment is a relic of the barbaric ages. It is a punishment which is savage in its very nature. I therefore feel that in these modern times, it is wrong for any Government to keep that punishment on the statute book. Sir, it causes unnecessary pain, it demoralises those people who make themselves responsible for inflicting that punishment, it demoralises the instruments who are used to inflict actual punishment and inflict whipping and flogging. This punishment was limited to some offences, but the Government of India, in the name of defence of the country has extended the application of this savage punishment. Sir, after the Law Member had spoken, I am rising to express my views on the subject, for the reason. . .

**The Honourable Sir Sultan Ahmed**: Sir, I think there was some misunderstanding in the submission that I made. I did suggest that my Honourable friend should not insist on circulation, if the result is any reference to the Select Committee or otherwise during the war. If he is prepared to agree to that, then I will not oppose, I will accept it. But if he wants the matter to be discussed during the war, then I am opposing it.

**An Honourable Member**: When is the war coming to an end?

**The Honourable Sir Sultan Ahmed**: You go to the nearest astrologer. Otherwise, I oppose the motion.

**Mr. N. M. Joshi**: I am not responsible for the understanding which the Honourable the Law Member has had with the Honourable the Mover of the Bill. The reason why I am speaking is that during the war, the Government of India have extended the application of whipping very widely. Mr. Amery, the Secretary of State for India, stated in the House of Commons that public sentiment in India was not opposed to the punishment of whipping and that he had not received many protests. Sir, whether he had received protests or not, I do not know. I propose to take this opportunity of entering my protest against the retention of any punishment of whipping on the statute book of this country whether in the form of regular laws or in the form of Ordinances. I feel there is absolutely no necessity for this punishment either in ordinary times or even during the war. War itself has a very brutalising influence on human nature and we need not add to that brutalising influence this further brutalising of human nature by imposing punishment of whipping in the name of defence of

the country. I feel, Sir, that the defence of the country can be secured without brutalising human nature further. I therefore enter my emphatic protest against the maintenance of the punishment of whipping either in normal times or during war times. Sir, I support the Bill.

**Mr. Hooseinbhoy A. Lalljee** (Bombay Central Division: Muhammadan Rural): Sir, I rise to support the motion made by my Honourable friend, Qazi Muhammad Ahmad Kazmi, to abolish this punishment of whipping. Sir, I am surprised that the Government of India should still consider that such a punishment should be on the statute book. The world has changed so much and, above all, the status of this country and of the people of this country demand that this Government ought to raise the position of the people of India in the eyes of the world at large. Unfortunately, we have been suffering for such legislation and the like, such as differentiation when trials are done with regard to the subjects of His Majesty; for instance, if a European subject—whether he be a German or an Italian—is found guilty of an act he is to be tried by a European jury. Nothing has been said with regard to Indians, but in their case any German or Italian can sit on the jury. In the like manner, many other things are there in regard to which I did hope that the Government would now after the second Great War not persist in keeping on the Statute acts and deeds which shall reduce the people of this country below that of any civilized people.

Sir, there does not exist such whipping punishment in any part of Europe; nobody would tolerate that. Sir, when whipping matter came up before the House of Commons, Mr. Amery justified it on one pretext—I say pretext—when he said that in Bombay this punishment was introduced by the Congress Ministry by a proclamation. Sir, it was very unfortunately done. He was quite right when he said so but he did not say that by an Act of Bombay Legislature this whipping punishment was virtually abolished. Only a provision was made stating that in case of emergency and for short periods and that too only by a proclamation this punishment could be inflicted. And this punishment was only to be inflicted in special cases. I will give you an instance. This punishment could not be inflicted in the Bombay Presidency—I hope Bombay Presidency is in India—and the only occasion when the Congress Ministry thought fit to bring in this was when there was the Hindu-Muslim riot in Bombay. The then Home Minister, Honourable Mr. Munshi, who was quoted by Mr. Amery, justified this punishment against *goonda* raj. It was to create Hindu-Muslim unity. But I am sorry to say—I rather feel ashamed to admit—that this punishment was inflicted more on the poor people or those people who are better known in high circles as “under-dogs.” Never did any Ministry—with due deference to the Congress Ministry—ever inflicted, or caused to be inflicted, or even suggested, whipping in the case of great people, people who are known to be great people but who were at the bottom of Hindu-Muslim rioting.

My Honourable friend the Law Member has brought up the question of paper, but later on he admitted that he would not agree to this Bill during the period of the war, and I understood him to say that this was necessary in so far as it affects the Army Act and the Indian Naval Discipline Act. But, Sir, exceptions could be made with regard to the Army and Navy.

**Mr. N. M. Joshi:** Why? He knows the soldiers are also human beings.

**Mr. Hosseinbhoy A. Lalljee:** I agree with my Honourable friend that that ought not to be there. Soldiers voluntarily serving for a paltry sum of Rs. 22 should not be subject to whipping. My Honourable friend, now in the Chair, spoke the other day very feelingly with regard to protection and help that should be given to the soldiers and rightly too. But under any circumstances I appeal to the Government for two important reasons, namely, there is no use now telling the people on the one hand to fight for the equal status as free men and for the liberties of all human beings—big or small—and to have here in this country for its people on the Statute punishments like whipping. It is most inconsistent. The people of India claim that they are equal in status to any other civilized nation. Why should our Government not remove everything which would,

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directly or indirectly, affect their status. When in the British House of Commons the Secretary of State said that this punishment has been approved by the people of this country, that must have been a great surprising occasion. This is what is the real position of Indians and I do appeal to my Honourable friend, the Honourable the Law Member, to consider this question from that aspect, leaving aside even the human question about which a lot could be said and has been said. I, for my part, do hope and trust that Government will not insist on circulating but will accept the Bill, and thus show to the world at large that they are really sincere and serious in their desire, with the people of the country, to raise the status of the people of India to the status of any other civilized nation.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I support this motion not only to the extent that it should be abolished in the case of civil population, but even under the Army Act, and especially now-a-days under the Martial Law regulations. The Martial Law regulations these days are causing more harm and taking away the sympathy of the people towards the Government more than anything else. Therefore, to keep this Act on the Statute Book is adding insult to injury. If the Government desires that the people of India should help in this war, they should create a good atmosphere for that. But will this Act, as it is being used, and the Martial Law regulations, as they are being used, create apathy or sympathy? I think it is a question which cannot but be answered that alienation of sympathy is taking place. Therefore, I submit that this Bill should be accepted.

I was wondering when the Honourable the Mover of this Bill said that Government is opposing even the circulation of this Bill. I was thinking why the Government should feel shy in eliciting the opinion of people. Then it came to me, and I think it is because they know that the public opinion will be against them and strongly against them. And that is why they wanted to play hide and seek. But it is only fair that the Government should try to know the opinion of people and if the opinion is strongly in support of this Bill, they should accept it.

Now, Sir, I shall tell you how the regulations that have been made under martial law are being used and shall also tell you about those under  
3 P.M. the Army Act, which latter are used in a similar, if not worse way. Under martial law we find that punishment by flogging is not being given, for instance in Sind, against the Hurs but against the boys of tender age. And for what? For picketing, circulating a bulletin and such minor offences. I have in my hand the list of the floggings that took place in Sind recently, and it is this: On 10th August, 1942, about 300 school students were awarded 3 to 6 stripes each. What did they do? They only picketed. Now, picketing was non-violent at that time, unless the police used their lathis. On the 10th and 11th November, college and school students and others ranging from 15 to 24 in age were given 8 to 10 stripes along with imprisonment. Then on 12th December five college and school students between the ages of 13 to 23 were given six stripes each.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): What was the offence?

**Mr. Lalchand Navalrai:** You know what offences they do: only slogans, distribution of leaflets and other things, like preventing students from going to their colleges. But even, then, why should they be flogged? There are other punishments. This is inhuman. This is vindictiveness on the part of Government; and yet they ask the people to be sympathetic towards them and help them in this war.

They were also given imprisonment. Of the five who were put into prison, one was a senior LL.B. student, named Raghmal. A batch from Majan consisting of six boys between 11 to 14 years of age, except one boy of 18, were also given 15 stripes each inside the Hyderabad Jail. They were sentenced by the District Magistrate of Dadu.

And how were they given this punishment? They were striped naked before their comrades and tied to a *tik-tiki* and then flogged on the thighs by a sepoy or *mukdam*. The cuts were sharp and severe and they did bleed. This form of punishment, which is an insult to humanity, is being resented by all. Now, Sir, this punishment is being given very freely.

In like manner, under the Government of India Defence Rules the authorities have a blank cheque, given more or less by the House, though, of course, given on promise, or rather assurance, that the Act and rules would be used leniently. But we now see how they are being used.

I will give you one or two instances. The District Magistrate encamps himself in a village. He orders that certain boys belonging to the Congress should attend the camp. They attend. The District Magistrate issues an order: "Stay here in this camp until further orders". Meanwhile the District Magistrate moves to another place, but the boys must stay in the village. Then there are three or four cases like that. The boys say they cannot stay in the village. They go to the headquarters of the police station saying that they will rather go to jail than stay at the village camp. What does the District Magistrate do? He says: "You have broken the Defence of India rule and you are sentenced to six months' imprisonment". These kinds of things are happening and yet Acts like this should remain in force. I am sorry for the Honourable the Law Member whom I know to be patriotic. He himself knows who and what he is. I cannot blame him, because he always says, "situated as we are, we cannot do anything more". But why should you be situated that way? Join us all of you Indians. You say the situation is not good for us. Then get out of the situation and do not be situated as you are. No one understands that pharaseology. However, the Honourable the Law Member, who frightened us that there would be no circulation, has come down a bit and is prepared to circulate it on condition that it should exist during the war.

**Mr. Hoosainbhoy A. Lalljee:** When the paper is available!

**Mr. Lalchand Navalrai:** I am coming to the paper. I am putting it to the Law Member. He is not serious about the paper. He should not be because I am told on authority that 90 per cent. of the paper is hoarded by Government; and then if you want paper, apply to the Honourable . . . .

**The Honourable Sir Sultan Ahmed:** There it is hoarded. I accept that.

**Mr. Lalchand Navalrai:** This paper objection cannot stand. The second thing is, why should it be during the time of war? My honourable friend has not yet given us any reason for it. He has not said why he wants it during the war. It hits the very people whose sympathies he wants to secure for Government. Then again why use these punishments upon children? Will those acts help the progress of the war, or will they deflect it? I submit that these things do not speak well of the Government. I do not say that of the Honourable the Law Member, of course. If he were not situated as he is, he would come forward and say that this brutal Act should be stopped. This Whipping Act was used in those days when the people were uncivilised. For instance, in America when they wanted labour in the old days, they went to Africa to bring Negroes and they were savage people and they used this flogging. Now in America we find Negro officers and they are not using any flogging. Consider India to be a civilised country. Is it a civilised country or not? I can put that question to the Honourable the Law Member and other Honourable Members sitting over there. If India is not civilised, then keep an Act like this. They may say that situated as they are, they cannot do it. But I say that this savage punishment should be stopped and the Honourable Member should reconsider this question and not merely hedge it with certain conditions or restrictions as he proposes. He should be generous; and as he has changed his attitude from "No circulation" to "Circulation subject to the war", he should now accept complete circulation without any condition.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Mr. Chairman, I can understand my Honourable friends supporting this Bill on

[Sir Cowasjee Jehangir.]

humanitarian grounds, but not being a lawyer I presume it will be considered audacious on my part to speak about law after such a well-known lawyer as my friend, Mr. Navalrai, has just sat down. I can excuse my friend, Mr. Hooseinbhoy Lalljee for being ignorant about the law, but I do not think lawyers should be excused when they mix up this question with the question of civilisation. Now, I find that there is a Whipping Act in England in existence today. If I may draw the attention of my legal friends, I may point out this—I am reading from the Laws of England (Halsbury's):

"The whipping of adult males in addition or instead of any other punishment is authorised by statute—

- (1) in the case of incorrigible rogues sentenced at quarter sessions,
- (2) in the case of persons who are convicted of discharging fire arms or explosive substances at the Sovereign,
- (3) in the case of persons convicted of offence of robbery with violence or of the offence of robbery or assault with intent to rob whilst armed with and offensive weapon or instrument,
- (4) in the case of persons convicted of the offence of attempting to choke, suffocate or strangle any one or of using means calculated to do so with intent to commit or to enable another person to commit an indictable offence."

That is the law as it stands in England; and therefore to say that India is uncivilised because it has a similar law is going rather too far. I can understand persons supporting the Bill on humanitarian grounds. There has been considerable agitation in England to repeal this Act. It may be that it may be repealed in the future; but then when you go on to argue that India is stamped as uncivilised because it has such an Act, it is an argument not based on correct facts. I can understand laymen using that argument . . . . .

**Mr. Hooseinbhoy A. Lalljee:** England is the only criterion—no other country?

**Sir Cowasjee Jehangir:** You said every civilised part of the world. In France it exists to my knowledge; it is put into practice in Germany every day; it is put into practice in many countries in Europe. There are perhaps millions of people all over the world who support legislation to repeal this kind of legislation which might happen to be on the statute book; and I can understand their feelings and sympathise with them and I do consider that whipping should be given in the last resort and should be confined to rogues of the first order. That is a different matter, I repeat, to arguing that India is uncivilised because it has such a statute. If reasonable arguments are advanced, one can sympathise with them, but when arguments are mixed up with ignorance, I am afraid, it will not go down either with this Honourable House or with the more intelligent public. Now, by all means ask that this Bill be circulated for opinion and let us know the opinion of men who have to administer the law . . . . .

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Does my Honourable friend know that in India flogging is generally used for first offenders?

**Sir Cowasjee Jehangir:** I have not understood the Honourable Member, and it is impossible to follow him. At any rate I do contend that when we discuss such matters in this House, if we discuss them in moderate language it is sure to make an appeal not only to the Government but to the public; and if there are a large number of Honourable Members here who feel that such a punishment under any circumstances is barbaric, they have not only a right to express those opinions but to urge those opinions. Therefore, if they really believe that for the worst cases of rape, whipping is undeserved, they are welcome to their opinion; but in my humble opinion in the worst cases of rape whipping is sometimes a punishment that is well deserved. Therefore, you must not condemn the punishment straight off, but compare it with the offence for which it is prescribed. Under the circumstances, if this Bill is to be circulated it can do no great harm; it may do some good and it will bring to the knowledge of this House the opinion of men who have experience in the

discharge of their duties, as to how far it has been effective and how far ineffective. I have been told by some magistrates—you may call them barbaric, you may call them inhuman—that the deterrent effect of whipping goes much further than a long sentence of rigorous imprisonment.

**Maulana Zafar Ali Khan:** Sir, while I was listening to Mr. Lalchand Navalrai's harrowing details of flogging in the case of students, hundreds of students, my blood was boiling with indignation. My view of the question is that flogging even in uncivilised countries should be regarded as justifiable in the case of persons who are accused of moral turpitude and who are incorrigible. But in the case of children of tender years, boys, school boys whose only offence is that they call upon the British Government to 'Quit India' or who raise similar slogans of a comparatively inoffensive nature—to flog them is the height of barbarity.

**The Honourable Sir Sultan Ahmed:** Then you are not for total abolition.

**Maulana Zafar Ali Khan:** If Government are reasonable and logical in their position, the first person in India to be whipped and flogged is Mahatma Gandhi. Did he not declare from the house-tops that he had raised the standards of revolt against Britain? If following his example school children say, you people of Britain, 'Quit India', the responsibility for it lies on Mahatma Gandhi. But instead of whipping him, you have placed him in a palace and the Viceroy is carrying on correspondence with him. But you know perfectly well that if Mahatma Gandhi were whipped, he would have become another Uncle Tom in India, and India does require an Uncle Tom to remove this slavery with which we are being twitted not only by the Honourable the Law Member but by Mr. Amery in England. Mr. Amery justified whipping because the Congress Government in Bombay did that on a similar occasion. If you are so fond of copying the Congress, why not copy it in other matters? The Congress says, we want independence of India, we want freedom of India. Do you concede that principle because the Congress says so? Certainly not. Whipping and flogging in the case of children, in the case of school boys and others is a symbol of inhumanity, and if any government, any legislature places such an Act on the statute book, it is a disgrace to law, a disgrace to humanity, and a disgrace to everything. With these few words, I join my voice most strongly with those who are in favour of this measure, and I hope that, situated as he is, the Honourable the Law Member will somehow prevail upon the Viceroy to do the right thing.

**Sardar Sant Singh (West Punjab : Sikh):** I congratulate the Honourable the Law Member on his attitude so far as the principle of the Bill is concerned. He concedes the principle underlying this Bill, and that principle is that whipping is undesirable. But, instead of total abolition, he pleads for partial abolition. That might be the method to which some temperaments are accustomed. Having conceded that principle, it is difficult to follow him further when he says that during the period of the war this punishment should remain on the statute book. Once we are committed to the rule of law, we fail to understand why an exception should be made during this period. My own view is that in such periods as these we need strength of character and we have to rise above our surroundings. It is in such periods as these when the panic-stricken bureaucracy resorts to methods which are regarded as highly objectionable in peaceful times—it is in such periods that the legislature and the persons who stand for the liberties of the people should come forward boldly to propose measures by which the over-zeal of the bureaucratic Government can be controlled. We have seen that in Sind this punishment has been resorted to in the case of young children for offences who, in any other country, would have simply been let off by merely giving a warning. Is it not time that we should revise our policy then about this? I am tempted to refer to the agitation in Sind, I mean the Hur agitation that has been going on for about a year. During this period we have seen the martial law regime in Sind.



**Mr. F. E. James** (Madras : European) : That is Mr. Lalehand Navalrai's subject.

**Sardar Sant Singh** : That is between you and him. The Hurs had no sympathy from any quarter for the acts or misdeeds they were committing there. Yet we find that though the martial law has now been for over ten months, Government have not been able to bring the movement under control, under complete control. Government may claim that they have been able to bring it under control. They claim that by resorting to such punishment as whipping, destruction of property and destruction of their houses, the Government will be able to meet the situation. But the Government have failed. It is not that they lack energy or sufficient power behind them, but because the methods that they adopted were too inhuman, the result was that, instead of bringing them back to right lines, Government have succeeded in introducing the iron into their souls and the Hurs are fighting to the bitter end. The remedy that has been applied for the purpose of bringing Hurs to book has resulted in worsening the disease. This is exactly the effect of inhuman punishment. I do not stand on the ground of humanity alone, or civilisation alone when I plead for abolition of whipping. I stand upon the well established fact that such a punishment does not cure the criminal tendencies of those on whom that punishment is inflicted. Was there not a time when for mere theft the hands of the offender were cut off or persons were sent to the gallows? Why were those punishments abolished? These punishments did not reform the criminal; rather they hardened him into a worse criminal. My Honourable friend has just quoted that such a statute exists in England. It does exist, but will he please tell us how long ago when it was used on the last occasion? There are many things on the statute book. I think Sir George Spence, the gentleman who provided the book to the Honourable Baronet who quoted from it—he should be able to give us some figures as to how many times it has been used during the last ten years.

**Mr. M. Ghiasuddin** (Punjab : Land Holders) : Many times.

**Sardar Sant Singh** : I should like to know how many times.

**Mr. M. Ghiasuddin** : I have not got the figures, but certainly reading the English newspapers, one comes across such news.

**Sardar Sant Singh** : I have not got that fortunate news which my Honourable friend has given.

**Mr. M. Ghiasuddin** : I did not say fortunate.

**Sardar Sant Singh** : I should like the Government to give us correct figures, as to for what offences and how many times. These are the two points on which we ought to have some information. On the other hand, we have furnished you with a list of names of young men below eighteen at any rate, and sometimes at the age of twelve, who have been flogged and rendered useless for their whole life. Do you know what humiliation the victim feels after he has been punished like this? Is any initiative or humanity left in him after he comes out of the jail, with the marks of flogging on his buttocks? Can you visualise it? What will be the psychological effect of such a punishment? It is very easy to say that it provides safety to the people by inflicting such punishment but it does not cure the criminal. On the contrary, it tends directly to increase the number of criminals. After all, we are here to administer the law and maintain order. We find that order is maintained but not law. The rule of law contemplates certain mental psychological standards. Unfortunately we have not got it in this country. We have been fighting for this rule of law. I am at one with the Honourable the Law Member when he persists in maintaining the rule of law in this country. I am prepared to go as far as I possibly can to help the administration to maintain the rule of law in this country but my difficulty is that in India the bureaucratic rule under which we have been living for the last 100 years prefers order to rule of law. There is no law.

There is only order. The recent disturbances throughout the country provide us many instances of excesses committed in the name of law and order. The bureaucracy says that law must be maintained but what they mean is that order must be maintained.

**The Honourable Sir Sultan Ahmed:** We will have to confine ourselves to the motion before the House. I do not think the Honourable Member need go into incidents connected with the recent disturbances.

**Sardar Sant Singh:** What I am submitting is that the rule of law does not mean rule of barbarism and this whipping is a rule of barbarism and not a rule of law. That is why we want its abolition. We in India are differently situated from England. In England, the judiciary has a very high standard before it but here in India we maintain order at any cost. Therefore, such punishments are inflicted lightheartedly. On that ground alone, I will appeal that such a law should not exist in the statute book of India.

As regards the suggestion that there is no paper and that therefore the motion should not be circulated, I think my friend will himself feel that this is not a very strong argument for opposing circulation.

**An Honourable Member:** Raise subscription and give them paper.

**Sardar Sant Singh:** We would like to subscribe to the cost, if that is the only argument against the motion. My submission is that when we are considering the merits of a particular Bill we must consider it from a broader point of view. Today, whipping has been applied so frequently that the soul of India revolts against it and yet the Secretary of State for India, Mr. Amery, says that there is no complaint from India. I will refer to the question of censorship. Today, the censorship is so complete, that no complaint can be published. This reminds me of a thing which happened during the martial law days in the Punjab in 1919. A martial law administrator said that actually people had come to him to congratulate him and said that martial law was the best rule for the country. When the Hunter Committee went into the question, they discovered that it was not the best and that the impression existed only in the swollen brain of the administrators of martial law. Once you concede that this law requires amendment, then the question of lack of paper should not stand in the way of this motion being accepted.

**The Honourable Sir Sultan Ahmed:** I have listened to the speeches of my Honourable friends and I feel that out of deference to their views I should not stand in the way of circulation. I have got respect for the House and whenever I find that there is a section of the House which is anxious to have the matter considered, I am prepared to accede to that request and therefore I will not oppose this motion.

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The question is :

"That the Bill to abolish the punishment of Whipping be circulated for the purpose of eliciting opinion thereon by the 15th September, 1943."

The motion was adopted.

## THE INDIAN PENAL CODE (AMENDMENT) BILL

(AMENDMENT OF SECTION 299, ETC.)

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Mulfammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code (Amendment of Section 299, etc.).

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The question is :

"That leave be granted to introduce a Bill further to amend the Indian Penal Code (Amendment of section 299, etc.)."

The motion was adopted.

**Qazi Muhammad Ahmad Kazmi:** Sir, I introduce the Bill.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 378 AND 429.)

**Qazi Muhammad Ahmad Kazmi** (Meerut Division : Muhammadan Rural) : Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 378 and 429).

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The question is :

“That the leave be granted to introduce a Bill further to amend the Code of Criminal Procedure 1898, (Amendment of sections 378 and 429).”

The motion was adopted.

**Qazi Muhammad Ahmad Kazmi**: Sir, I introduce the Bill.

## THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**Khan Bahadur Shaikh Fazl-i-Haq Piracha** (North-West Punjab : Muhammadan) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923.

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The question is :

“That leave be granted to introduce a Bill further to amend the Indian Merchant Shipping Act, 1923.”

The motion was adopted.

**Khan Bahadur Shaikh Fazl-i-Haq Piracha**: Sir, I introduce the Bill.

## THE DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division : Muhammadan) : Sir, I beg to move for leave to introduce a Bill further to amend the Durgah Khwaja Saheb Act, 1936.

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The question is :

“That leave be granted to introduce a Bill further to amend the Durgah Khwaja Saheb Act, 1936.”

The motion was adopted.

**Maulvi Muhammad Abdul Ghani**: Sir, I introduce the Bill.

**Mr. Chairman** (Mr. Jamnadas M. Mehta) : As there is no other business on the agenda, the adjournment motion will now be taken up. Mr. Bajoria.

## MOTION FOR ADJOURNMENT.

### THE PAPER CONTROL ORDER.

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Sir, I move :

“That the Assembly do now adjourn.”

I take this opportunity of drawing the attention of the Honourable the Government Member—I do not know exactly who is in charge of this subject, whether the Commerce Member or the Labour Member; but I find the Labour Member is here and so I think he is in charge of this subject, but the question on this subject this morning was answered by the Honourable the Commerce Member. Anyhow, to us any assurance from either of them will be equally good. I want to draw the attention of the Honourable the Labour Member to the great inconvenience which the public in general has felt on account of the recent order of the Government of India requisitioning 90 per cent. of the total production of the paper mills in India, leaving only 10 per cent. for non-Government consumption. To understand the gravity of the situation I think some figures are necessary. I am much obliged to my friend, Mr. Neogy, who is not here at the present moment, because he asked a question this morning which was answered by the Honourable the Commerce Member and it has made my position very much easier. Government has admitted that the total production of the paper mills in India at the present moment is 96,000 tons annually.

Of this they are leaving only 9,600 tons a year for non-Government consumption. We have to see what was the consumption for non-Government purposes and for convenience sake I will call it civil consumption. It includes the consumption for Universities, for trade and industry, for general public and I hope I am not wrong when I say even for the municipalities and local authorities. Now, what was the consumption of the civil population in pre-war time? It was 199,000 tons. This figure has also been given by the Honourable the Commerce Member and so I stand on very strong ground and nobody can challenge it. Now, from 199,000 tons a year we are asked to come down to 9,600 tons, which represents even less than 5 per cent., to be accurate 4.8 per cent.

Now, let us see what the Government has done which is boasting so much that they have economised the consumption of paper? Their consumption of paper in pre-war years was only 20,000 tons a year. These figures are also not mine but are Commerce Member's. What is their present consumption? It is 86,400 tons. From this figure I am excluding the figure of the imported paper most of which, if not all, has also been taken and consumed for military and Government purposes. As regards this imported paper, Government have said that the imports for the months of April to October, 1942, were only 2,285 tons, but the figures which I have got are both for paper, paste board and stationery and they show that for 8 months from April to November it was worth Rs. 1,75,00,000. If the bulk of it is stationery and paste board, then I stand corrected because no figures for paper alone are available to me. Even leaving aside the consumption of imported paper by Government, according to the production of the local paper mills, it represents an increase to 432 per cent. in the case of Government consumption. Government consumption has been increased to 432 per cent. whereas we are asked to economise to the tune of 4.8 per cent. It really means that we have to do without paper. Is it just and fair? How can Government expect us to use only one sheet of paper where we were using 20 sheets of paper? Then, again, with regard to the consumption of paper *per capita* in this country. Even in pre-war years it was, I think, one of the lowest as compared to other countries in the world. Let me inform the House what the Government has said about their economy. I think it will be better for me to read verbatim the reply which has been given by the Honourable the Commerce Member this morning. He said :

"The measures enforced are estimated to result in a saving of 10,000 tons in consumption of the Central Government alone during the second half of the current financial year. Central Provisional Office's demand for the same period has been cut down by 1,500 tons and outstanding supplies to Provincial Governments and Indian States reduced by 10 per cent. at the mills."

What they have done is that they have curtailed their demands by 10 per cent. Still, the demands of the Government were very high, so much so that they are now consuming at least 86,400 tons. I think there is still room for a considerable saving of paper by the Government. When there is so much disparity between the increase of consumption by the Government and the reduction in the consumption of paper by the public, something more should be done for the public.

• **Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Do you include newspapers amongst the public?

• **Babu Baijnath Bajoria**: The figures which I have given do not relate at all to the newsprints. It is only about paper that I am talking. Newsprint is not at all manufactured, as the Honourable Members know, in this country. I will come to that point later. Government has done very little, for the manufacture of paper in India. What I am at present saying is only about the paper consumption in India. Apart from Government consuming paper in India, even at this time when paper is so scarce they are exporting paper in large quantities to foreign countries, especially to the Middle East. The Hon-

[Babu Baijnath Bajoria.]

ourable the Commerce Member today said that they would export 7,500 tons between November, 1942 and March, 1943. Again, he goes on to say in the course of supplementary questions that they have reduced their exports. If the export of these 7,500 tons in five months means a reduction, I would like to know from the Honourable the Government Member what was their rate of export since the war began? Sir, they want to export 7,500 tons during the five months to the Middle East, and during those five months leave for consumption in this country only 4,000 tons. It means that they want to export double the quantity to the Middle East than what they want to leave for civil consumption here for the whole country. It is an absurd proportion. If this motion for adjournment brings them to their senses, then, I think, something will be done. Sir, Government have again said that as regards paper economy they have referred the matter to the War Resources Committee. I do not know what this War Resources Committee is, what are its functions. Personally, I think this is a *gharelu beopar*. Only a few Members of the Government may be members of this Committee. One Department will say give me so much paper and another Department will say give me more and more paper, and finally, they will compromise among themselves. Sir, I would like to know from the Honourable the Government Member what are the functions of this War Resources Committee. We have never been taken into confidence about this Committee. We do not know its functions. I think Government should take this House into their confidence, and place some facts and figures before us.

Another thing which is most curious and I believe it will be of great interest to the House to learn, and it is that Government have huge stocks of paper and they are hoarding paper.

**The Honourable Sir Sultan Ahmad** (Law Member): Somebody says you are hoarding paper.

**Babu Baijnath Bajoria**: I, no, no. Government have got large stocks of paper in paper mills. Thousands of tons of paper lying at paper mills, which Government do not know where to despatch. They are still lying at the mills without any despatching instructions from the Government.

**Mr. Chairman** (Mr. Jamnadas M. Mehta): The Honourable Member's time is up.

**Babu Baijnath Bajoria**: Sir, I think I will get 20 minutes. May I get a few minutes more?

**Mr. Chairman** (Mr. Jamnadas M. Mehta): No, you can't.

**Babu Baijnath Bajoria**: Sir, I move:

**Mr. Chairman**: (Mr. Jamnadas M. Mehta): Motion moved:  
"That the Assembly do now adjourn."

**Sir F. E. James** (Madras: European): Sir, there is a well known saying by Burke in one of his speeches relating to American Colonies in which he said that he had in general no very exalted opinion of the virtue of paper Government. My opinion of the Government of India has declined since they have announced that they have reserved to them 90 per cent. of the total paper production in the country. Sir, I should like to bring to the notice of the Honourable Member and his colleagues the fact that they have not yet begun to exercise real economy in the paper which they themselves use. To illustrate that point I have brought to the House one or two exhibits this afternoon. I should, first of all, like to deal with the Honourable Member who, I believe, is in charge of this subject, the Member for Labour. Among many of his portfolios he has control over the Public Works Department. If so, may I suggest to him that he might look into this Department for paper economy; for example, in the submission of bills. Some of the Honourable

Member of the House have the pleasure of living in the Western Court. I lived there for some years but have now moved to a more salubrious neighbourhood. When I lived there I used to be given my bill for rent once a month. Here it is. It is not a legal document. This is the Public Works Department bill for rent of three rooms in the Western Court. Apart from the waste of paper, it is an enormous waste of labour, because the rent is divided into about eight different heads.

**Sir Cowasjee Jehangir:** Nobody else gets such details.

**Sir F. E. James:** I am surprised that the Honourable Member, who has such a great reputation for financial rectitude, should pay his rent of a smaller bill.

**Sir Cowasjee Jehangir:** I have got my bill on a smaller piece of paper.

**Sir F. E. James:** That shows discrimination. Here, I am, a poor man who gets a large bill, and my Honourable friend, who is a rich man, gets a very much smaller bill.

Let me now pass on to another exhibit, that is the *Gazette of India*. I shall deal with the actual setting up of the type of the *Gazette* shortly. I hold in my hand a copy of a part of the *Gazette* running to 110 pages: *Gazette of India Extraordinary*, dated 28th January, 1943, giving a list of firms which are to be regarded as enemy firms for the purpose of part 15 of clause E of rule 97 of the Defence of India Act. I do not expect anybody has read the names of these firms, which are resident in South America, and I am not aware that our trade with this continent is such as to justify the enormous expenditure of paper in publishing that kind of detail. I shall, of course, be told, well, we must do this, because it is a statutory obligation. If the Government of India are responsible for such a foolish rule, they can alter it. There are many less foolish rules which they have altered without recourse to the Legislature in the past and they can easily do that again.

Let me turn to another exhibit which was mentioned this morning in the course of questions. The Government of India enjoy the benefit of a publication which is called the *Indian Information*. I remember the publication when it was first produced. It was insufferably dull. Then it got into the hands of a new editor who is, I believe, a very lively and attractive lady from Calcutta, and her influence upon the production of this paper made a great improvement. Unfortunately, Government cannot make up their mind whether this is to be purely a reference book or whether it is to be a dull imitation of vogue. The result is that the Government fall between two stools. On the one hand it is not a particularly good reference paper, and on the other hand, it is still dull! May I suggest that as much information as is required can be contained in a adequately-sized book which would use about one-third of the paper now used by the *Indian Information*. The *Indian Information* is of course interesting to those

4 P.M. of us who are acquainted with the Honourable Members, whose biographies appear from time to time, and it is entertaining to those who move about in official circles. But surely it cannot be claimed that the whole of this space is really valuable to anybody. How convenient it would be to everybody, if, the *Indian Information* were printed in the size of a magazine like *Strand* today. This goes into your pocket. I can imagine my Honourable friend Babu Baijnath Bajoria, while he travels to his office by bus in Calcutta, taking this book out of his pocket and reading it as though it were a novel. Then he would not make so many mistakes of fact in his speeches. Here is another Exhibit which I show the House the *Gazette of India*, which I believe is published every week, containing printed matter only in one half of a page, showing the details about the Post Office Cash Certificates. Anybody who is acquainted with printing knows that it is quite unnecessary for the space to be taken up that is here taken up in the heading. Economy in paper is not only cutting down the actual size and weight of the paper, but is also the

[Sir F. E. James.]

distribution and kind of type. Printing can help to go a long way towards making some of my friend's calculations look very much better than they are today.

I would ask the House, with your permission, Mr. Chairman, to turn to our own papers. Take for instance the Legislative Assembly questions every day. What a gross wastage of paper there is in the broad margins on both sides and in the caption at the top. No, Sir, the Government of India have never been really serious about this shortage of paper. All it has done is to say, "we must have 90 per cent, and you have the remaining ten per cent". I venture to say that if the Government took this matter seriously, they could cut down their requirements to sixty or seventy per cent and allow the commercial and other organisations in this country, which are after all quite important, to have a better share of the available paper.

Now, Sir, it may be said, how can you effect what you are striving to describe. Well, Sir, as I said in the supplementary questions, I would like to bring to the notice of the Honourable Member the experience of the United Kingdom, where, although according to one of my Honourable friends, they may not be civilised, they have learnt the art of economy in war time. There they appointed a Paper Economy Committee, not all of bureaucrats, because if you ask a bureaucrat to save paper, it is like asking a man to commit suicide, and that is hardly fair—a Paper Economy Committee composed of people who are much more experienced than the bureaucracy in business methods and in the manipulation of space and type. In the United Kingdom they appointed a Committee to assist the Ministry of Production in obtaining a reduction in the consumption of paper. The Committee had to examine all cases of excessive use of paper and to take necessary steps to effect economy. Who were the Members of this Committee? Its Chairman was, as I said this morning, a distinguished Chartered Accountant. There were two other Members. One was the Managing Director of George Newnes Ltd., a company which is accustomed to publications and whose publications have now to conform to the economic use of paper required under war conditions; and the second is the Managing Director of Thomas de la Rue and Company. These are men who really do know what they are talking about. I suggest that my Honourable friend, the Member for Labour, who has a reputation for getting things done, might well take a leaf out of the book of the United Kingdom in this respect. That is one thing that I suggest they might do.

The second thing that they might do is to put into effect the order which they themselves issued on 7th November, 1942. Wherever you go in different parts of the country, you see this order being quietly and definitely infringed. I have received annual reports of clubs printed on expensive paper with very wide margins which should not have been allowed and are actually contrary to the terms of the Government order. The other day, when I was in Bombay, that home of light and learning and entertainment, I went to a variety entertainment given in one of the local theatres in aid of the Royal Indian Navy. As I was entering the vestibule, I was approached by an extraordinarily attractive Muslim lady who asked me if I would buy a programme. Well, I bought the programme at a cost of Rs. 10, but I never looked at it from the moment I purchased it, because it consisted of 18 pages of art paper entirely dealing with advertisements for things which I did not want to buy. Inside was the programme, but inasmuch as the programme consisted of films and the lights were out, I could not read it at all.

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

I am not saying for a moment that it was not money well spent in a good cause. My point is that the printing of that programme was definitely contrary to one of the terms of this order. If my Honourable friends on the Treasury Benches are really serious, then they must read the *Gazette of India*, dated

7th November, 1942, wherein is the Paper Control Order. It is very thorough and inclusive and if it were really put into operation a great deal of expenditure of paper which is now being made could not possibly be made. These are the two definite suggestions.

Now, I would not close without saying that I do not place all the blame for wastage of paper upon Government departments. People in non-Government circles are in many cases equally blameworthy. I have indeed seen in different parts of the country gross cases of extravagance. But on the whole, I believe that the business world is taking this necessity for economy in paper far more seriously than the Government of India. May I ask my Honourable friend, Dr. Ambedkar, to look into this matter. I have given him two quite constructive suggestions which he can put into effect within the next 24 hours and establish real economy in paper. Will he live up to his reputation and, on this occasion at least, get something done?

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the Government notification which monopolises the use of paper for itself seems to be an absurd one looked at from every point of view. When it is said that the Government require 90 per cent of the total amount of paper produced in the country and they only leave about 10 per cent for the use of Universities, Colleges and schools and for business in various walks of life, it shows that the Government are very selfish in this matter; not only that, the Government have a callous disregard to the needs of the people. Sir, I am an educationist and as an educationist, I enter my emphatic protest against this decision of the Government. India has a very small literate population, but if this notification continues for any length of time, the country will relapse into illiteracy altogether. What is the use of Government having all the monopoly to itself. My Honourable friend, Sir F. E. James, has placed before us some Exhibits, quite a number of them, to show that Government are not economising use of paper. My Honourable friend the Mover of this Motion, Babu Baijnath Bajoria, has pointed out that while the Government are preventing the use of paper in this country they are exporting large quantities of paper to foreign countries. Is that right? If that be a correct state of things, then it should be said that Government are absolutely indifferent to the interests of the people of this country. Sir, my Honourable friend, Sir F. E. James, said that this Government was a paper Government. I entirely agree with him that this is a Government which has no mind, no heart, and no feelings and it is entirely carried on only on paper. If it had been a national Government, a government by the people and for the people, things would have been quite different. I insist, Sir that the Government should reverse this order immediately and should restrict its own use to 10 per cent of the paper produced in the country and release the remaining 90 per cent. for the use of the schools, colleges and universities and the business people. That would be the correct thing to do, and I hope no time will be lost in doing this.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): Sir, in this connection I want to make a few brief observations. Newsprint in this country has become very scarce and journalists are confronted with a very grave situation. It is a matter of life and death for them. The rate of the quota sanctioned for the papers has been reduced by 75 per cent. further. For instance, a Paper which was buying five reams of paper every day for its requirements has now been reduced to the necessity of getting only one ream, which means that commercially a very severe loss has been imposed upon the Paper. I have not got a very high opinion of the Government's sympathy for the people in this country, but I do not go to the length of charging the Government like my Honourable friend, Dr. Banerjea, with absolute callousness bordering on enmity for India.

**An Honourable Member:** How much callousness do you suggest?



**Maulana Zafar Ali Khan:** I think the Government could have managed to import paper from Canada if the shipping was there. When large convoys consisting of scores of ships convoyed by armed cruisers can sail the Atlantic and reach England, pass through Gibraltar and come down to Mediterranean, is it not possible for the Government to supply the needs of the Near East in that way. It is possible for them, but what they actually do is this. They give us four thousand tons and send eight thousand tons to the Near East. What do they mean by the Near East? Is Turkey included in it? If it is included and certainly it is included, then I would like to point out to them the gist of certain remarks made by the Turkish Delegation now in India when we invited them in Lahore. I asked the Leader of the Turkish Delegation "Do you feel scarcity of paper in Turkey because some of your Papers have got very large circulation, over 60,000." He said, "We do feel." I said, "Why? You are in commercial relations with Hitler's Government. Why cannot you import paper from Norway?" He said, "Owing to lack of transport, but we import our paper from Finland." So they have got resources of their own. If you require this paper for Persia or for Arabia, the need must be very little, because all along the African coast since General Montgomery's historic march from El Alamein to Tunis, the whole of the Mediterranean coast is in your hands. So either you will have to admit that the U Boat is really a very great danger and you cannot manage even one ship loaded with paper to be brought from Canada to India or do something to meet our requirements. You can very easily do so if you like.

I am not with Dr. Banerjea when he says that we will be reduced to the necessity of relapsing into illiteracy, because this war is, after all, not going to be eternal. War must end one day. It may go on for another year or two years, but after three years are over conditions will become a little more normal and paper will be coming in. But during those two or three years something must be done, because we can do away with the morning *chhota hazri* but we cannot do without the morning paper. That is a necessity for all civilized people. So, I should like the Honourable the Labour Member to consider this question very carefully and find out whether it is possible for him to get a ship load of paper, as promised, by April—and earlier if possible. In this connection I must inform the Labour Member that paper has been hoarded by certain paper merchants and it is lying underground. Why not acquire the whole of the quantity of paper in India from the agents and dole it out according to the requirements of the people. The Government can do it. But they will not do it. Their policy of control is very mysterious. We cannot understand it. This control of paper has been the cause of great trouble to us, and we suggest that you should pounce upon these paper dealers, place the stock in provincial godowns and then, according to the requirements of the people—educational requirements, journalistic requirements—dole out the paper yourself. Will the Government consider this proposal, a very earnest proposal? If they do, I will have to thank them, otherwise, curse them.

**The Honourable Dr. B. R. Ambedkar** (Labour Member): I am indeed very glad that the Honourable Mr. Bajoria brought forward this adjournment motion which enables Government to place before the House the facts with regard to the paper situation, in this country. Sir, in the speeches that have been delivered in this House some very harsh things have been said about Government. The Government is accused of being callous, of being selfish, of being hard-hearted, of having no consideration for the educational institutions of this country. In the reply that I propose to give, I do not wish to bandy words. I merely propose to place before the House the facts as they are, the reasons which led the Government to issue this order, the steps that the Government has taken in order to ease the situation immediately and for the future.

Sir, I would like to begin by pointing out to the House that there appears to be a certain misunderstanding about the nature of the order which has been issued by the Government. Member after Member has risen in this House to suggest that the order passed by the Government in fact means that the Government claims 90 per cent. of the paper production for itself. I would like to tell the House that that is a complete misunderstanding. The order passed by the Controller of Paper is not a requisition order. It is an order which in turn says that the manufacturers of paper shall be bound to hand over to Government 90 per cent. of the paper that they produce. The order is what I may call a freezing order, and I want to tell the House that that difference that I am making is a real difference. It is not a difference without distinction, because the order, as it stands, all that it tells the paper-makers is that they shall not sell more than 10 per cent. of their production to the public. It does not in turn say that they shall deliver 90 per cent. of the paper to Government. That I think is a very fundamental and a very real distinction which the House should bear in mind.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): What is the difference in effect?

**The Honourable Dr. B. R. Ambedkar:** The Government may release more than 10 per cent.

**Babu Baijnath Bajoria:** How?

**Dr. P. N. Banerjee:** When wisdom dawned on Government?

**The Honourable Dr. B. R. Ambedkar:** It is the order as it stands. I am not giving the interpretation of the order. I am explaining the terms in the nature of the Order.

(There was an interruption, several Members speaking.)

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order.

**The Honourable Dr. B. R. Ambedkar:** The second point which I want the House to bear in mind is that the order is served on the paper mills. It is not served on the stockists, who have a large number of stocks of paper already in their godowns. Secondly, it is still possible for the public to satisfy its requirements by getting such paper as is still available in the stocks which have been stored and hoarded by stockists before the order was passed. The third thing which I wish to remind the House about this order is this: that it is possible under the order, as it is framed, for the Controller of Paper to permit the mills to sell more than 10 per cent. There is no bar, there is no impediment, no obstacle placed if the Controller of Paper, notwithstanding the order that has been passed on the 5th November, finds that it is possible for him to release for public consumption more than 10 per cent. of the paper. It is still open to him to do so. Having explained to the House what is actually involved in the order issued by the Government, I would like to take the House and acquaint it with the immediate circumstances which compelled Government to pass this order.

Briefly, the facts are these. In the first six months, viz., from April to September, our demand for paper, which is put forth by the Central Stationery Office, amounted to 34,000 tons. It was found that the mills had already delivered about 16,000 tons of paper to Government on behalf of the Central Stationery Office. The House will bear in mind that we had entered into a contract with the paper mills for supplying us 25,900 tons. If the House will enter into a little arithmetic, it will be found that as a result of our calculations for the first six months it was found that we had only 9,000 tons to get under our contract from the paper mills and had to run six months yet. Consequently, what the Government did was this. The Government revised its estimate in the light of the circumstances that had been disclosed during

[Dr. B. R. Ambedkar.]  
 the previous six months. The second thing that the Government did was to consolidate the method of requisitioning paper, and here I would like to tell the House that before the order was passed there were two methods by which demands for paper on behalf of Government were put forth. One way was the Central Stationery Office demand, which was a demand on behalf of the Central Government, and the provinces of Bengal, Orissa, Assam, and the North-West Frontier Province and the Central Provinces. The other was the non-Central Stationery Office demand, made on behalf of what are technically called the Non-C. S. O. provinces, i.e., the provinces who presented their demands independently of the Central Stationery Office, plus Indian States, Security Printing, Supply Department, and non-State Railways. It was found that these two independent methods of requisitioning paper for Government created a great deal of difficulty in arriving at an accurate estimate of the total demand for paper, and consequently the first step that was taken was to consolidate these two channels of demand into one single channel, and the whole matter is now concentrated in the hands of the Central Stationery Office.

As I told the House previously, when the situation was found to have grown somewhat perilous on account of the excessive use of paper, and practically overdrawing over the contract amount, we revised the estimates and centralised the demands, and the position at the end of October worked out to these figures:

The Central Stationery Office demand for the next six months, i.e., from October to March 1943 was fixed at . . . . .	32,000 tons.
The Non-Central Stationery Office demand was fixed at . . . . .	9,500 tons.
Together the total came to . . . . .	<u>41,500 tons.</u>

On the basis of the production of the mills during that year, it was calculated that the mills would produce 47,575 tons during October and March. It will be found that the Government demand of 41,500 tons represented 87 per cent. of the mills production during the six months. Roughly it was 90 per cent., and that is the reason why the order maintained 90 per cent. as the figure. Now, the House will understand why it became necessary in November to issue this order. I want to tell the House the measures that the Government has taken in order to increase production of paper.

Of course, as the House will realise, it is not possible for Government to help the paper mills in the importation of additional machinery in order to enable them to increase their production. The difficulty of shipping is quite well known and it is quite beyond the powers of the Government to do anything in the matter. Consequently we have to work out whatever we can to increase the production of paper within the means which are available to us; and I would like to draw the attention of the House to three things which the Government has done and which could be usefully referred to as measures taken to increase production. The Government has appointed a paper production officer, whose duty it is to find out ways and means by which production of paper could be increased . . . . .

**An Honourable Member:** Who is this gentleman?

**The Honourable Dr. B. R. Ambedkar:** Mr. Bhargava. Secondly, the Government has cut out non-essential luxury varieties of paper and has restricted Government requirements to only a few easily manufactured standard qualities. Thirdly, the Government has been dealing with each mill separately to find out what sort of paper each particular mill, having regard to its machinery and its equipment, can produce to the largest extent. It is estimated at present that as a result of the measures taken to increase production, the increase would be about 12,000 tons.

The next thing that the Government has done in order to ease the situation is to impose cuts, arbitrary cuts, on the demands of the various departments made for paper. These cuts are as follows: provincial and state requirements have been cut down arbitrarily by 10 per cent., which gives a saving of 950 tons. Secondly, so far as the Central Government is concerned, the budgets for paper presented by the various departments which spend paper—their original estimates have been revised and cut down to an appreciable extent. To illustrate what the Government has done in the matter of revising these estimates, I would place before the House the following figures. The original estimate of the civil departments was 11,400 tons and it has been cut down to 4,600 tons during the six months. The original estimate of the Defence Department was 15,000 tons and it has been cut down to 10,000 tons. The Eastern Group Supply Council's original estimate was 9,400 tons and that has been cut down to 7,900 tons. The Supply Department's requirement of 3,100 tons has been increased to 4,500 tons—that is commercial paper used for industry. As the House will notice, the original estimates of the departments to which I have referred came to 39,100 tons, while the revised estimates come to 27,600 tons. The House will be pleased to notice that, as I have already indicated, by the cut imposed on the provincial and Indian State requirements a saving has been effected of 950 tons. And to that 11,900 tons obtained by revising the estimates of the different departments and the total comes to 12,850 tons. Now, compare this in the light of the paper that is consumed in India. There are no exact figures nor is it possible to obtain any exact figures; but such figures as Government have show that the annual consumption of paper in India was about one lakh of tons: for six months it comes to 50,000 tons and as the House will remember, ten per cent. of that is already left to the public under the orders issued by the Controller of Printing. That gives the public 5,000 tons. Add to that the 12,850 tons which have been saved now or will be saved by the reductions I have referred to, the total paper which can be released is 17,850 tons which as the House will see comes to nearly 33 per cent. of what the public consume during peace time . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up; there is no option.

**The Honourable Dr. B. E. Ambedkar:** I was going to refer next to the measures that we have taken in order to avoid waste. As my time is up I do not wish to go into those details. I can send them to the press, if that is the view of the House.

The next thing that I would refer the Honourable House to is what we propose to do for the next year. For the next year the estimate is about 70,000 tons; in that what we have done is this; we have fixed the quota of every department which needs paper. For instance, the Controller of Broadcasting is told he will not get more than 260 tons; the Counter-Propaganda Directorate will have only 100 tons; National War-Front 350 tons and Public Information 300 tons. There is a lot of other matter which, if I had time, I might have presented to the House. All that I want to say to the House is that it is not fair to suggest that the Government is callous. I do not deny that there is probably still enough room for economy, and I am very much obliged to the Members who have made various suggestions as to how economy could be effected, and I will certainly convey those suggestions to the proper quarters, so that action may be taken. I hope that the Honourable Members will be satisfied that the Government is taking such steps as it can in the matter.

**Babu Baijnath Bajoria:** Sir, I have listened with great attention to the speech made by my Honourable friend, the Labour Member, but I must candidly confess that I have not been able to understand his logic, or the figures which he gave. His figures are quite at variance with the figures which the Honourable Commerce Member gave this morning. I do not know who

[Babu Baijnath Bajoria.]

is correct. (*An Honourable Member*: "Both are wrong!") Here the Labour Member says "We have not requisitioned 90 per cent. of the paper: we have only frozen it." What is the difference between the two. The mills can sell only if Government allows. Then how will it allow? I as a public man—how can I get the few reams of paper which I want? He has referred in his speech that paper is hoarded by merchants and you can go and buy from them. But how are we to get more than 10 per cent. from the paper mills? That is the question which I put to him. He has not answered that at all, he has kept discreetly silent on that matter.

Again, he has given lots of figures to prove that he has economised in the use of paper by various departments. As far as I have been able to follow, he said that during the first six months from April to October, Government C. S. demand was 34,000 tons and during the next six months, that is, from October to March, it will be 32,000 tons. That is all the economy he has made. Only 2,000 tons. That does not represent even ten per cent. He has said, we have cut down so much of this, so much of that and so on. He has cut down 400 tons, here, cut down 400 tons there, and then he has increased 1,000 tons in another department. I am giving his figures. In the next budget he proposes that it will be 70,000 tons. 34,000 tons and 32,000 tons is 66,000 tons, and he has increased that to 70,000 tons in the next year. That is reduction according to him! My Honourable friend says, 12,450 tons will be economised according to the figures which he has given and that will be available to the public along with the 5,000 tons which he has allowed under this order of 90 per cent. Let him be straightforward. He said that this 17,000 tons represents thirty three and one third per cent. of the paper production for six months. Let him withdraw this order of 90 per cent. then and make it 66 per cent. That will be straightforward business. Then we would have known where we stand. The public will have known where they stand, and how much they are going to get. My Honourable friend said that he has frozen the thing. For the first few weeks one will have to toss oneself about from pillar to post and they will break their heads on both. I am very sorry that the Honourable the Labour Member should have been so unsympathetic towards this motion. He has only said that the Government has done this, has done that and so on. This is all the economy. Their economy begins and ends with this (showing a small sheet of paper), whereas we get one foot long of envelope containing a six inches letter. What I would suggest is this. It will be fair if Government reduces this order to fifty-fifty, fifty for the Government and fifty for the public. The result of this 50 per cent. will be that the Government consumption will go up from 20,000 to 43,000 tons or an increase of 216 per cent. whereas the public will be getting, instead of 1,99,000 tons, 43,000 tons, or 21 per cent. My Honourable friend's speech has not given satisfaction to this side of the House. It is said that there is plenty of paper in Canada. That does not satisfy us. The Honourable the Commerce Member said this morning in reply to a question about newsprint, and I think that also applies to paper—his reply was absolutely vague and evasive. He said:

"For the shipment of newsprint from North America, the Government of India have accorded as high a priority as is consonant with the importance of this commodity."

**The Honourable Mr. N. R. Sarker** (Member for Commerce and Food):  
What was the question?

**Babu Baijnath Bajoria**: The question was this:

"Have newspaper interests represented to the Government that unless shipping facilities were afforded to them for the import of newsprint, they would have to go out of publication? What action do Government propose to take in this matter?"

You said in reply:

"For the shipment of newsprint from North America, the Government of India have accorded as high a priority as is consonant with the importance of this commodity in relation to other cargo offering for shipment."

In your opinion, the importance of this commodity is very low, the priority is very low.

**The Honourable Mr. N. R. Sarker:** It is not low. •

**Babú Baijnath Bajoria:** You should have said, we have given a very high priority for paper. You have not said so. The whole point is this. Government must take the earliest steps for importing paper and newsprint from Canada and Government must give a very fair proportion, I suggest 50-50, that is, for themselves and for the public. Then Government must economise much more in their requirements than they have hitherto done.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Assembly do now adjourn."

The Assembly divided.

AYES—32.

Abdul Ghani, Maulvi Muhammad.	Krishnamachari, Mr. T. T.
Abdullah, Mr. H. M.	Lalchand Navalrai, Mr.
Azhar Ali, Mr. Muhammad.	Lawson, Mr. C. P.
Bajoria, Babu Baijnath.	Liaquat Ali Khan, Nawabzada Muhammad.
Banerjee, Dr. P. N.	Maitra, Pandit Lakshmi Kanta.
Chattopadhyaya, Mr. Amarendra Nath.	Mehta, Mr. Jamnadas M.
Dam, Mr. Ananga Mohan.	Miller, Mr. C. C.
Deshmukh, Mr. Govind V.	Murtuza Sahib Bahadur, Maulvi Syed.
Essak Sait, Mr. H. A. Sathar H.	Neogy, Mr. K. C.
Ghiasuddin, Mr. M.	Parma Nand, Bhai.
Ghuznavi, Sir Abdul Halim.	Richardson, Sir Henry.
Gray, Mr. B. L.	Sant Singh, Sardar.
Gwilt, Mr. E. L. C.	Siddique Ali Khan, Nawab.
Jehangir, Sir Cowasjee.	Stokes, Mr. H. G.
Joshi, Mr. N. M.	Yusuf Abdoola Haroon, Seth.
Kazmi, Qazi Muhammad Ahmad.	Zafar Ali Khan, Maulana.

NOES—28.

Abdul Hamid, Khan Bahadur Sir.	Mody, The Honourable Sir Homi.
Ahmad Nawaz Khan, Major Nawab Sir.	Noon, The Honourable Malik Sir Feroz Khan.
Ambedkar, The Honourable Dr. B. R.	Pillay, Mr. T. S.
Aney, The Honourable Mr. M. S.	Raisman, The Honourable Sir Jeremy.
Benthall, The Honourable Sir Edward.	Raper, Sir Hugh.
Bewoor, Sir Gurunath.	Sarker, The Honourable Mr. N. R.
Daga, Seth Sunder Lall.	Spear, Dr. T. G. P.
Dalal, Dr. Sir Ratanji Dinshaw.	Spence, Sir George.
Dalpat Singh, Sardar Bahadur Captain.	Sultan Ahmed, The Honourable Sir.
Haidar, Khan Bahadur Shamsuddin.	Thakur Singh, Major.
Imam, Mr. Saiyid Haidar.	Trivedi, Mr. C. M.
Ismail Alikhan, Kunwar Hajec.	Tyson, Mr. J. D.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Wakely, Mr. L. J. D.
Kamaluddin Ahmad, Shamsul-Ulema.	
Maxwell, The Honourable Sir Reginald.	

The motion was adopted. •

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th February, 1943.