

16th February 1943

THE LEGISLATIVE ASSEMBLY DEBATES

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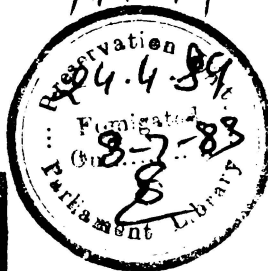
(10th February to 2nd April, 1943)

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

Tuesday, 16th 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.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

DESIRABILITY OF RAISING THE STANDARD OF LABOUR WAGES.

86. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Labour Member please state what is the standard by which the wages of labourers are determined?

(b) In view of the fall in the purchasing power of a rupee from sixteen to six annas, have the Government of India taken any action to enforce proportionate rise in the daily wages of labourers? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) The question of wages is generally a matter of contract between the employer and labour.

(b) The rise in the cost of living, which amounts to a fall in purchasing power, has not been uniform throughout India.

The Government of India has not taken action to enforce increase in wages or to grant any specific dearness allowance for the following reasons:

- (1) Government has not as yet accepted the policy of fixing a minimum wage by law. That is a matter which needs to be considered before any compulsion is enforced.
- (2) There are no index numbers throughout India which can be relied upon to measure the actual cost of living and consequently no specific dearness allowance can be prescribed.
- (3) The rise in the cost of living not being uniform, it is not possible to lay down from the Centre a policy which could be applicable to all Provinces having regard to the diversity of circumstances obtaining in them.

The appointment of Labour Commissioners and the provision made for adjudication under the Defence of India Rules in the case of disputes occurring in war time are steps taken by Government to ensure fair conditions of work for labour.

Mr. N. M. Joshi: May I ask when Government propose to undertake legislation for fixing up the minimum wages?

The Honourable Dr. B. R. Ambedkar: It is not possible to undertake any such legislation during the war period.

Mr. N. M. Joshi: May I ask what is the difficulty created by the war period to undertake legislation of this kind?

The Honourable Dr. B. R. Ambedkar: It is a controversial legislation.

Mr. Hooseinbhoj A. Lalljee: Has any attempt been made to find out the cost of living or the Index number?

The Honourable Dr. B. R. Ambedkar: There is only one province where Index numbers are framed, namely, Bombay.

Mr. N. M. Joshi: May I ask whether Government realises that the Act prohibiting the strikes and lock-outs is a step which necessitates a dispute and whether such a necessity of creating a dispute during the war time is in the interests of war effort?

The Honourable Dr. B. R. Ambedkar: I do not think the premise is correct.

Mr. N. M. Joshi: May I ask which part of the premise is incorrect?

The Honourable Dr. B. R. Ambedkar: The fact that we have on the statute book a legislation does not necessarily involve that it will give rise to disputes as mentioned by the Honourable Member.

Mr. N. M. Joshi: May I ask whether the Government does not realise

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

Dr. Sir Zia Uddin Ahmad: Will the Government try to find out the price Index of bigger towns having a population of more than 200,000? This information is rather important for us.

The Honourable Dr. B. R. Ambedkar: Unless we have an Act which enables the Government to collect statistics, it is not possible to have Index numbers prepared throughout India.

Mr. N. M. Joshi: May I ask whether the Honourable Member is aware that there is an Act of the Central Legislature which enables the Government to collect statistics?

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

DISCONTENTMENT AMONG FACTORY LABOURERS.

87. *Dr. Sir Zia Uddin Ahmad: (a) Is the Honourable Member for Labour aware that there exists great discontentment among the factory labourers on account of the fact that the capitalists who are making abnormal profits do not give an adequate share to their labourers in the form of rise in their wages?

(b) What action has the Honourable Member taken to force the capitalists to give a share of their profits to persons by whose labour the profit is achieved?

(c) Is the Honourable Member aware that the unrest in the factory labour is not due so much to political consciousness as it is due to economic coercion of their employers?

The Honourable Dr. B. R. Ambedkar: (a) Where there is, as now, a tendency for prices to rise and where profits are being made, labour is always likely to claim an increase in emoluments. Government are aware that such claims are being put forward.

(b) A considerable portion of the profits of industry goes to Government in the shape of Excess Profits Tax. Out of the part left to the employers, many employers are distributing bonuses. Government has not found it necessary at present to take any action for the purpose indicated.

(c) The question is not understood.

Dr. Sir Zia Uddin Ahmad: Have the Government found out the names of those factories which are giving the bonus to their employees?

The Honourable Dr. B. R. Ambedkar: Yes, we have. If the Honourable Member wants the information, it can be supplied to him.

Dr. Sir Zia Uddin Ahmad: Are all these factories giving this bonus or only some of them?

The Honourable Dr. B. R. Ambedkar: If my Honourable friend puts down a question, I can give the detailed information on the point.

HOUSEHOLD BUDGET OF A LABOURER.

88. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Labour Member please lay on the table the normal house-hold budget of a labourer for 1943, who earns eight annas a day and who has to support his family which normally consists of six persons?

(b) What is the grain consumption of such a family and what price is to be paid?

(c) What action have the employers of labour taken to feed their labourers?

The Honourable Dr. B. R. Ambedkar: (a) There is no uniform budget for a labourer throughout India. It is regretted also that no family budget figures for 1948 can be supplied for any area. The statistics about family budgets in Bombay in some previous years can be supplied if the Honourable Member so desires.

(b) In the absence of statistics it is not possible to say what the grain consumption of a labourer's family is. Diets and prices vary in different areas.

(c) A number of employers have opened grain shops or canteens and the Government of India are advising the main All-India Employers Associations that they regard such opening as very desirable. The attached statement gives a summary of information so far available with the Government of India.

Statement.

(The information is the latest available but is not up-to-date.)

Madras.—Thirty-one factories have grain shops; 13 of them have been opened by employers and 18 by workers' Co-operative Societies, which are in several cases assisted by employers.

In 50 factories employers have laid in reserves of essential food articles against an emergency; in six factories arrangements have also been made to supply cooked food to workers in an emergency.

In two factories employers are running canteens for workers.

Bengal.—In 146 factories there are grain shops and emergency reserves are also held by them. Besides, emergency grain stocks alone are held by 35 factories. Arrangements for supply of cooked food during an emergency exist in 73 factories.

Bombay/Punjab.—Detailed information is not available. But many employers have opened grain shops and have made arrangements as far as possible to hold emergency stocks of grains.

Bihar.—Seven employers, including the leading employers, have opened grain shops for their workers and are maintaining as far as possible emergency stocks of foodstuffs. One prominent employer has advanced capital to a co-operative society of workers for running grain shops and has also provided storage accommodation at reduced rent.

United Provinces.—All the large Cawnpore factories have grain shops and emergency reserves are laid in as far as possible.

Central Provinces and Berar.—About 14 grain shops have been opened by employers; one employer is helping a trade union to open such a shop. About seven prominent employers and one co-operative society have made or are making arrangements for storing food grains for an emergency.

Sind.—Seven leading employers in Karachi and Hyderabad (Sind) have opened grain shops.

Employers of all essential services have been required to keep within the work premises emergency stocks of foodstuffs with cooking arrangements and prominent employers have complied.

One leading concern at Karachi has set up a canteen for supplying cooked food and milk to its employees.

Assam.—Employers of industrial labour have made adequate arrangements for supply of foodstuffs by opening grain shops, etc.

Dr. Sir Zia Uddin Ahmad: May I know whether the Labour Department has any hand in the fixation of the prices for the poor people?

The Honourable Dr. B. R. Ambedkar: No.

MEASURES FOR MAKING ESSENTIALS AVAILABLE TO LABOURERS.

89. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Labour Member be pleased to state what action his department has taken to safeguard the interests of labourers in getting their essentials of life specially food stuffs? If none, why?

(b) What steps, does the Honourable Member propose to take to ensure that the poor people get enough to eat and at prices comparable to their wages? If none, why?

The Honourable Dr. B. R. Ambedkar: (a) and (b). The question has been engaging the attention of Government for some time and is now considered in the Food Department. Instructions have been issued to Provincial Governments to give priority of supplies to essential civil personnel, including industrial labour engaged in essential employments.

MEASURES FOR AMELIORATING THE ECONOMIC CONDITION OF LABOURERS.

90. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Labour Member be pleased to state what steps he has taken to ameliorate the economic condition of labourers?

(b) In what manner does he propose to safeguard the interests of labourers?

(c) Is he prepared to reorganise the unions of labour and to place them in a position to safeguard their own interests?

The Honourable Dr. B. R. Ambedkar: (a) Both in legislative and executive action Government have striven to ensure fair conditions to labour. A copy of Press Note issued when I met the Press is attached for Honourable Member's information. It will give some idea of the ameliorative provisions. If the Honourable Member desires any more detailed information on specific points, it will be supplied.

(b) This is already replied to under (a).

(c) It is not for Government to reorganise labour unions.

Press Note, dated 30th October, 1942.

(Summary of statement made by the Honourable Dr. B. R. Ambedkar.)

LABOUR WELFARE IN WARTIME INDIA.

In view of the appointment of a number of Assistant Labour Welfare Officers who will soon be posted to important industrial areas, we may take stock of what is being done for Labour's betterment in wartime India.

The old concept of a government's job being to govern, to maintain law and order, has given place to a new ideal in which the responsibility of an administration for the material and cultural well-being of the people is recognised. In India Labour is mainly a provincial subject and we at the Centre have heretofore been responsible mainly in securing uniformity in Labour legislation and adherence to such of the International Labour Office Conventions as are practicable for India. Our legislation though comprehensive has been confined more to conditions of service and industrial relations than to such matters as wages and welfare.

In wartime some curtailment of Labour's rights is necessary to ensure continuance of production but in the very process of effecting those necessary curtailments we have been able to give Labour certain big advantages. Thus under the Essential Services Maintenance Ordinance workers must stick to their jobs. Simultaneously this ordinance guarantees men in essential industries fair terms of employment. Provision has had to be made to ensure the best use of the technical personnel, but here too statutory provision ensures their conditions of service being fair. So also while strikes without notice have been made illegal, adequate provision has been made for adjudication and power taken to enforce the results of such adjudication.

While therefore some restrictions have been imposed on Labour, there has been a development of Government's powers to ensure fair conditions of employment, the influence of which is likely to survive.

Another matter in which developments resulting from the war are bound to have a lasting effect are the training schemes of the Labour Department and the novel experiment of sending skilled workers to England for further training. The Bevin Boys whose period in England has given Indian Labour an insight into English working class conditions and organisations, have themselves benefited by the training to such an extent that they now on the average earn two and a half times their former salaries. The scheme for training raw hands in India, which will train 70,000 skilled workers by June 1943, must have even greater results as this large increase in the skilled labour force of the country must be of the greatest value to India's post-war industrial revival.

Coming to our new Labour Welfare organisation, the best indication of the spirit which animates the Department is the choice of a Labour Welfare Adviser made by my colleague, the Honourable Sir Firoz Khan Noon. Mr. R. S. Nimbkar has been a labour leader all his life. He has been in and out of prison constantly in the cause of Labour. His work for the Bombay Girmi Kamgar Union, one of India's biggest unions, has shown his capacity as an organiser of workers, while he has served his home town and India as a member of the Bombay Municipal Corporation and as a delegate to the International Labour Conference where he was one of a team led by Sir Firoz Khan Noon. We are fortunate to have him now as a Government worker and you may be sure we will use his services to the utmost. So successful has been his work so far that we have now appointed seven Assistant Labour Welfare Officers to help Mr. Nimbkar. For the past three or four days these new Labour Welfare Officers have been here in Delhi in the Labour Department learning something of the work before them. Shortly they (and an eighth officer, who is expected to join soon) will be sent to various areas where it is hoped they will maintain contacts on behalf of the Central Government with Labour. Their duties will be, on the one hand, to keep the Central Government apprised of Labour conditions and feeling and particularly of

grievances of Labour in different parts of India and, on the other, to explain to the workers the policy of the Central Government in Labour matters. They can also help to secure the co-operation of the workers in bringing A.R.P. arrangements to the highest pitch of efficiency.

The work of these officers will, it is hoped, bring the Central Government into closer touch with such Labour aspects as concern them (Labour is of course largely a provincial subject) and will help in the development of one of the main planks in Government's policy. . . . that is tripartite collaboration between employer, employee and Government. We held our first tripartite conference last August—the Standing Committee of that conference will meet in December and we hope that these meetings will be held frequently in the future and lead to a well developed Labour policy throughout this country.

Dr. Sir Zia Uddin Ahmad: With reference to part (c) of the question, may I ask whether the Government are contemplating to introduce any legislation on this point?

The Honourable Dr. B. R. Ambedkar: Yes, Sir.

SETTLEMENT OF QUESTIONS OF STATUS OF INDIANS IN CEYLON.

91. *Mr. K. C. Neogy: (a) Will the Honourable Member for Indians Overseas be pleased to state whether all questions relating to the status of Indians in Ceylon have been settled? If so, in what manner?

(b) Are the differences confined only to franchise as was recently stated by Sir Baron Jayatilaka?

(c) What is the total number of Indians employed in Ceylon today, and what are the categories of labour or occupation on which they are employed?

(d) Is it the position that all of them can be discharged at 24 hours' notice without compensation or redress of any sort, and that they are debarred from any occupation under that Government and can also be debarred from any other occupation by a decree of the Ministry?

(e) Have the Government of India made any representations to the Government of Ceylon in the matter of the Bus License Ordinance recently enacted by that Government discriminating against Indians? If so, with what effect?

(f) Were 12 Indian boatmen whose services were availed of by the Harbour Department of Ceylon soon after the Japanese raid when no other boatmen were willing to come forward for work, asked to quit after a month because they were non-Ceylonese? Were any efforts made by the Government of India to reinstate them or secure redress otherwise?

The Honourable Mr. M. S. Aney: (a) The answer to the first part is in the negative. The second part does not arise.

(b) I am not aware to what statement by Sir Baron Jayatilaka the Honourable Member is referring. The main subjects upon which disagreement exists are indicated in the opening paragraph of the joint report of the delegations from India and Ceylon published on October 16, 1941.

(c) Exact information is not available as there has been no census in Ceylon after 1931. It is estimated that the number of Indians in Ceylon now is about 780,000 of whom about 670,000 are labourers on tea and rubber estates and their dependents. Indian labourers are also employed in the harbour, on the docks, as domestic servants and as inferior servants in local bodies and Government Departments. Other Indians are engaged in business, as shop assistants and some employed under Government and quasi-Government Departments.

(d) No. The conditions of employment vary. Estate labourers are generally entitled to a month's notice on discharge. Other Indians are governed by the conditions of their employment and only those employed on daily wages can be discharged at 24 hours' notice. The general policy of the Government of Ceylon is not to employ non-Ceylonese unless suitable Ceylonese are not available. The Ceylon Ministers have no power to issue decrees as suggested.

(e) Yes. The Government of Ceylon have replied that the promulgation of the ordinance was immediately necessary in the interests of the rationalisation

of the trade and that no Indian interests are affected as the existing owners of omnibus companies are without exception Ceylonese.

(f) Yes. The Agent of the Government of India in Ceylon made representations in the matter. The Indian boatmen have now, however, secured other suitable employment under private employers.

Mr. K. C. Neogy: With reference to the answer to part (b) of the question, will the Honourable Member please indicate the outstanding issues as regards which there are differences between the Government of India and the Ceylon Government?

The Honourable Mr. M. S. Aney. All the questions have been gone into by the joint delegation and the points of difference are indicated in the opening paragraph of the joint report.

Babu Baijnath Bajoria: Is it a fact that Indians trading in Ceylon suffer under the discriminatory legislation imposed upon them?

The Honourable Mr. M. S. Aney: If any particular instance is brought to my notice I shall see to it.

Babu Baijnath Bajoria: I want to know whether there are such restrictions or not?

The Honourable Mr. M. S. Aney: The question is not for me to answer.

Mr. T. T. Krishnamachari: In view of the rather conflicting reports that appeared in the press with regard to the question of labour in Ceylon, do Government consider it desirable to issue a communique clarifying the position?

The Honourable Mr. M. S. Aney: I will look into the matter.

THE INDIAN LEGISLATURE (PREVENTION OF DISQUALIFICATION) ORDINANCE.

92. ***Mr. K. C. Neogy:** (a) With reference to the Governor General's Ordinance No LXII of 1942 (Indian Legislature—Prevention of disqualification—Ordinance), will the Honourable the Law Member please state if it is a fact that the Ordinance was promulgated in pursuance of a proviso added to subsection (1) of section 63-E of the Ninth Schedule to the Government of India Act, 1935, by a Parliamentary Statute enacted in October 1942; and that the said proviso merely permits the Indian Legislature to pass an Act declaring any office in the service of the Crown in India to be an office the holding of which does not disqualify the holder thereof for election as, or continuance as, a member of either Chamber of the Indian Legislature?

(b) Did Government, at any time, consider the desirability of introducing necessary legislative measure in the Central Legislature, in terms of the intention of Parliament, to implement the proviso mentioned above? If so, what were the reasons for an Ordinance being promulgated on this subject?

(c) Which members of the Central Legislature are at present benefited by the operation of this Ordinance, and what are the reasons for giving effect to the Ordinance retrospectively from the 3rd day of September, 1939?

The Honourable Sir Sultan Ahmed: (a) Yes. In enabling the relevant provision to be made by Act of the Indian Legislature, the proviso inserted by subsection (1) of section 3 of the India and Burma (Temporary and Miscellaneous Provisions) Act, 1942, brought the same provision within the scope of the ordinance-making power conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, which provides that any ordinance made thereunder shall have the like force of law as an Act passed by the Indian Legislature.

(b) If the Honourable Member intends to suggest that the expression of the proviso in terms of an Act of the Indian Legislature indicates an intention that resort should not be had to the ordinance-making power, I am unable to agree with him. The question whether the matter should be left to be dealt with by

a Bill in the course of the present Session was carefully considered, but the immediate regularisation of the position of certain Honourable Members was felt to be inoperative.

(c) I lay on the table a list of the Members whose position was believed to require regularisation. Retrospective effect from the 3rd September, 1939, was necessary because in some cases the acceptance of office, assuming such to be involved, took place shortly after the outbreak of the war.

List of Members whose position was believed to require regularisation.

LEGISLATIVE ASSEMBLY.

Name of Member.	Office or Appointment held.
Sir Frederic James	Coffee Controller and Rubber Adviser.
Mr. P. J. Griffiths	Publicity Adviser to the Government of India.
Major Thakur Singh	Assistant Recruiting Officer.

COUNCIL OF STATE.

Name of Member.	Office or Appointment held.
The Honourable Sardar Buta Singh	Army in India Reserve of Officers.
The Honourable Mr. Khurshid Ali Khan	Ditto.

Mr. N. M. Joshi: I think the list cannot be very long, may I ask the Honourable Member to read out the same to the House?

The Honourable Sir Sultan Ahmed:

Sir Frederic James, Coffee Controller and Rubber Adviser.

Mr. P. J. Griffiths, Publicity Adviser to the Government of India.

Major Thakur Singh, Assistant Recruiting Officer.

The Honourable Sardar Buta Singh, Army in India Reserve of Officers.

The Honourable Mr. Khurshid Ali Khan, Army in India Reserve of Officers

Dr. P. N. Banerjee: If it was thought necessary to give retrospective effect to some of the cases would it not have been better for the Government to wait till the Legislature had met? No difficulty would have arisen if they had done so.

The Honourable Sir Sultan Ahmed: I have answered that question in my answer to part (b).

Dr. P. N. Banerjee: What was the necessity for taking immediate steps for giving retrospective effect?

The Honourable Sir Sultan Ahmed: I have nothing to add to my answer.

Sardar Sant Singh: May I know was it not considered a disqualification at the time when the Honourable Members of the either House accepted the office under the Crown?

The Honourable Sir Sultan Ahmed: This is the question that we have considered and we came to the conclusion to issue an Ordinance to regularise the position of certain Members.

Maulvi Muhammad Abdul Ghani: May I know the amount of remuneration, allowances or salary given to each of these members?

The Honourable Sir Sultan Ahmed:

Sir F. James—*Nil.*

Mr. Griffiths—*Nil.*

Sardar Buta Singh—*Nil.*

Major Thakur Singh—*Nil.*

The Honourable Mr. Khurshid Ali Khan was perhaps given some allowance or pay. I am not sure.

Maulvi Muhammad Abdul Ghani: What is amount of daily allowance or travelling allowance paid to every one of them.

The Honourable Sir Sultan Ahmed: I cannot say that.

SUPPLY OF FOODSTUFFS TO CEYLON.

93. *Mr. K. C. Neogy: (a) Will the Honourable the Food Member please state what is the exact nature of the commitment of the Government of India with regard to the supply of foodstuffs to Ceylon?

(b) How much rice and other foodstuffs have been exported from this country to Ceylon during the last twelve months?

(c) With regard to any supplies already made in the past, or any supplies likely to be made in the future, have Government imposed any conditions to ensure that the foodstuffs supplied to Ceylon would be available to Indian labour on a basis of equitable distribution between various sections of the population?

(d) Have Government studied the rationing scheme in Ceylon? If so, how much rice is being allowed to Indian labourers on the estates and plantations, and how does that compare with the rations for the native population of the Island and other non-Indians?

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.

(b) Rice—176,596 tons.

Other Foodstuffs—29,275 tons.

(Figures are for the 12 months ending 31st December, 1942.)

(c) No specific condition to this effect has been imposed but there is an understanding that Indian labour will receive the same facilities as the rest of the population of Ceylon.

(d) Yes; in the rationed areas the ration in terms of rice is the same for Indians and non-Indians on the following scale per week:

Infant—1 measure.

Child—1½ measures.

Ordinary (i.e., other than male heavy worker)—adult—2 measures.

Male heavy worker—2½ measures.

A measure is roughly equal to about a seer.

Mr. Lalchand Navalrai: May I know from the Honourable Member at what rate or on what price was rice given to Ceylon—either at prices prevailing here or at any other price?

The Honourable Mr. N. R. Sarker: At current market prices.

Dr. Sir Zia Uddin Ahmad: May I know if the Government of India made any attempt to clarify the export and import, or in other words to have ascertained the balance of trade, with each country.

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

DIPLOMATIC STATUS OF SIR BARON JAYATILAKA AND OF GOVERNMENT OF INDIA'S AGENT IN CEYLON.

94. *Mr. K. C. Neogy: (a) Will the Honourable Member for Indians Overseas please state what is the exact diplomatic status of Sir Baron Jayatilaka, the Ceylon Government's representative in India?

(b) Is the status of the Government of India's Agent in Ceylon in any way inferior to that enjoyed by Sir Baron Jayatilaka in India?

(c) Have the Government of India made any representations to His Majesty's Government regarding this matter? If so, with what result?

The Honourable Mr. M. S. Aney: (a) and (b). No diplomatic status attaches to either of these posts which depend upon agreement between the two Governments concerned. Sir Baron Jayatilaka has been appointed the special representative of the Government of Ceylon in India to secure and maintain adequate food supplies for his country from India and to promote better understanding

between the two countries on all matters of common interest. He has general authority to discuss any question of mutual concern to the two countries on which either Government may desire discussion and will be the channel of communication between the two Governments on such questions.

The Agent of the Government of India in Ceylon is an officer appointed under section 7 of the Indian Emigration Act to perform the functions assigned to him under the provisions of that Act. These relate to the welfare of emigrants governed by the Act, but he has also kept the Government of India informed on many matters affecting the general welfare of the Indian community resident in Ceylon.

(c) No, but in an answer to an enquiry, the Government of Ceylon have informed the Government of India that they would welcome the appointment of an Indian representative in Ceylon of a status similar to that of Sir Baron Jayatilaka.

MEASURES FOR SOLUTION OF THE FOOD SUPPLY PROBLEM.

95. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Food Member be pleased to state if the withdrawal of the control of price of wheat has stopped the black market which was creating great discontent in the country? Has it solved the food supply problem? If not, why not?

(b) Has he under contemplation any other scheme which would be helpful to the solution of this food supply problem?

(c) What organisational scheme for the purchase and distribution of staple food and secondary food has the Honourable Member made to solve this food supply problem to avoid further discontent in the country?

The Honourable Mr. N. B. Sarker: (a) The withdrawal of control of the wholesale price of wheat automatically results in the disappearance of the wholesale black market as such markets can only exist where prices are controlled. It is too early yet to assess the full effect of the withdrawal of the control price but in any case the disappearance of the black market in wheat by itself cannot solve the food supply problem in its entirety as the solution of the problem depends on adequate supplies of grains.

(b) and (c). The Government of India have arranged for the import of substantial supplies of wheat from abroad during the next few months. They have also requested all Provincial Governments to set up organisations for the purchase of the major foodgrains in their Provinces, the surplus Provinces purchasing for exports to other areas on account of the Central Government as well as for their own provincial reserves, the deficit areas buying as much as possible for their own internal needs. In respect of the purchase of surpluses to be transferred to deficit areas the surplus Provinces will act as the procurement agents of the Central Government who will control the distribution of surpluses among the deficit areas. The supplies arranged will be passed on direct to the administrations of the deficit territories concerned who will take suitable measures to control distribution to the consumers so as to ensure that the supplies reach them at prices based on actual cost are not held up by profiteers.

Sir Henry Richardson: Will the Honourable Member say what is the price for the wheat which is being imported now?

The Honourable Mr. N. B. Sarker: I do not yet know. It must be lower than the current price.

Mr. N. M. Joshi: What is the current price of wheat in India?

The Honourable Mr. N. B. Sarker: Rs. 10-5-0 a maund.

Babú Baijnath Bajoria: Have all the Provincial Governments withdrawn the price control of wheat?

The Honourable Mr. N. B. Sarker: Except United Provinces and Sind, all other Provinces have withdrawn the price control.

Dr. P. N. Banerjea: Is it not a fact that the price of wheat has risen in Delhi since the withdrawal of the price control?

The Honourable Mr. N. R. Sarker: It has rather decreased. The price of wheat was Rs. 14 before; now it is Rs. 10.

Dr. P. N. Banerjea: During the period when price control was in force, the price of wheat was 4 seers a rupee, now the price has risen. Is it not so?

The Honourable Mr. N. R. Sarker: Yes, it has risen.

Dr. P. N. Banerjea: What is the cause of that?

The Honourable Mr. N. R. Sarker: When the control was withdrawn some rise was naturally expected.

Mr. K. C. Neogy: Was not the control price a fictitious price?

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

Mr. Lalchand Navalrai: May I know which are surplus Provinces and which are deficit Provinces?

The Honourable Mr. N. R. Sarker: Regarding wheat, the Punjab is the main surplus Province. U. P. and Sind are to a certain extent surplus Provinces. All other Provinces are deficit Provinces.

Maulana Zafar Ali Khan: If the Punjab is a surplus Province, how is it wheat is selling there at three seers and even $2\frac{1}{2}$ seers a rupee?

The Honourable Mr. N. R. Sarker: The price of wheat does not depend upon the surplus stock alone; it depends upon many other factors.

Babu Baijnath Bajoria: How is it that though U. P. is a surplus Province, yet in many cities there, like Benares, Allahabad and other places, there is scarcity of wheat?

The Honourable Mr. N. R. Sarker: It may be due to bad distribution and also hoarding.

Dr. Sir Zia Uddin Ahmad: May I know whether the Government of India are convinced that their policy of price control without controlling the stock is responsible for all the difficulties that have arisen, especially in view of the fact that wheat has gone into the black market and it was not readily available for sale and that when price control was withdrawn, people are selling wheat?

The Honourable Mr. N. R. Sarker: That is a matter of opinion and argument.

Dr. Sir Zia Uddin Ahmad: Are the Government convinced now?

The Honourable Mr. N. R. Sarker: Otherwise we would not have lifted the price control.

THE NEW FOOD DEPARTMENT.

96. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Food Member be pleased to state if, since the price control of wheat has been withdrawn, he has decided to abolish the office of the Wheat Controller with all staff and menials or are they to be absorbed in the Food Supply Department?

(b) Are all officers of the Food Supply Department selected out of graduates in agriculture? What new appointments have been made and how many of these employees are graduates in agriculture? Is the Controller General of Food Supply an expert in agriculture?

(c) Is it a fact that a food expert is being imported from England? If so, what are his special qualifications which might be helpful to the solution of food supply problem in India? What will be his salary and overseas allowances? Was not such expert available in India?

The Honourable Mr. N. R. Sarker: (a) The Office of the Wheat Commissioner for India has been absorbed in its entirety in the Department of Food with effect from 1st January, 1943.

(b) The reply to the first and last part of the question is in the negative. Of the 17 new appointments made, 11 are Agricultural graduates.

(c) The services of an expert from the Ministry of Food have been obtained temporarily on loan. The Officer has held various high appointments in the Ministry of Agriculture particularly in connection with wheat matters. Prior to the war, he was Vice-Chairman of the Statutory Wheat Commission. Since the war his services have been lent to the Ministry of Food, where he has been Head of the Cereals Division of that Ministry.

His salary is to be Rs. 3,500 with no overseas pay.

No expert with comparable experience of special war time food arrangements was available in India.

Babu Baijnath Bajoria: Is it a fact that this expert is being brought out from England to help us in getting wheat imported from Australia.

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

Mr. Jamnadas M. Mehta: Will the Government take steps to bring into existence an Indian who may be qualified some day to fill the top posts like these?

The Honourable Mr. N. R. Sarker: There are many Indians in the Food Department.

Mr. Jamnadas M. Mehta: If there is no Indian qualified to be put at the top, will the Government bring into existence one who will some day be able to occupy this post?

The Honourable Mr. N. R. Sarker: Where shall we find him? I think there is no Indian expert with comparable experience.

Dr. P. N. Banerjee: Is this outside expert acquainted with the conditions in India?

The Honourable Mr. N. R. Sarker: He has got a lot of experience about wheat matters, distribution, rationing and things like these. So his services have been taken on loan. As regards experience of Indian conditions, he will be able to pick it up in a day.

Sardar Sant Singh: What is the expert knowledge that he possesses? Distribution of food requires very close acquaintance with the conditions prevailing in the markets in India?

The Honourable Mr. N. R. Sarker: I am convinced that this officer whom we are getting from England has all the necessary experience to be able to meet Indian requirements. He is not taken permanently. He is taken only on loan for a few months.

†97*

PRODUCTION AND EXPORT OF TEXTILE GOODS.

98. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Commerce Member be pleased to state:

- (a) the total production in yards of textile goods by mills in India, since the 1st September, 1939 till the 31st December, 1942.
- (b) the total quantity of such goods exported to other countries during the period 1st September, 1939 to 31st December, 1942; and
- (c) the names of the countries to which such goods were exported since the 1st September, 1939 till the 31st December, 1942?

The Honourable Mr. N. R. Sarker: (a) Total production for the period 1st September, 1939 to 30th November, 1942 was 13,597 million yards. Figures for December 1942 are not yet available.

(b) Total quantity exported during the period 1st September, 1939 to 30th November, 1942 was 1,925 million yards. Figures for December 1942 are not available.

(c) A statement showing the countries to which such goods were exported and the quantities of such exports is placed on the table.

†This question was withdrawn by the questioner.

Statement showing the Names of the Countries to which Textile Goods were exported during the period 1st September, 1939 to 30th November, 1942.

Names.	Quantity exported. (Yds.)
1. United Kingdom	34,176,553
2. Palestine	77,659,559
3. Cyprus	4,042,418
4. Iraq	99,907,734
5. Aden and Dependencies	55,097,348
6. Arabia	50,026,366
7. Bahrein Islands	12,352,366
8. Iran	63,782,447
9. Ceylon	109,310,615
10. Burma	264,416,987
11. Straits Settlements	102,937,707
12. Federated Malay States	19,227,835
13. Egypt	91,919,564
14. Nigeria	112,244,299
15. Union of South Africa	74,941,152
16. Italian East Africa	24,030,489
17. Anglo-Egyptian Sudan	51,304,060
18. Rhodesia	21,181,057
19. Mauritius and Dependencies	18,506,500
20. Portuguese East Africa	14,828,856
21. Tanganyika Territory	78,796,377
22. Kenya Colony and Zanzibar and Pemba	158,121,376
23. United States of America	3,379,926
24. British West India Islands	19,399,869
25. Australia	186,954,521
26. Other Countries	176,883,065
Total	1,925,429,046

**EXPORT OF SUGAR, WHEAT AND RICE AND THE PRODUCTION OF PETROL
FROM MOLASSES.**

99. *Maulvi Muhammad Abdul Ghani: Will the Honourable the Food Member be pleased to state:

(a) the total quantity of sugar, wheat and rice exported to other countries since war broke out;

(b) the names of the countries together with the quantities exported; and

(c) the total production in tons of petrol prepared in India from molasses during the period 1st September, 1939 to the 31st December, 1942:

The Honourable Mr. N. E. Sarker: (a) 443,439 tons of wheat and 965,555 tons of rice were exported from India since the outbreak of the war up to the end of the year 1942. 65,780 tons of sugar were similarly exported up to the end of November 1942. Figures of December for sugar are not yet available.

(b) Wheat and wheat flour:—United Kingdom, Burma, Persia, Aden and Dependencies, Ceylon, Straits Settlements, Arabia and others.

Rice.—Ceylon, Arabia, Mauritius, Aden and Dependencies, Union of South Africa and others.

Sugar:—United Kingdom, Burma, Ceylon and others. It is not in the public interest to give information of the quantities despatched to each destination.

(c) The information, which is not readily available, is being collected and will be furnished when ready.

Mr. Lalchand Navalrai: May I know why were these exports made when foodstuffs were required in India?

The Honourable Mr. N. E. Sarker: These exports were made before the food situation in India became serious.

COMMUNAL COMPOSITION OF THE ENGINEERING SERVICE IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

100. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Labour please state:

- (a) the number of officers of the Engineering service selected and appointed in the Central Public Works Department from the Public Works Department of every province during the last 3 years with their nationalities and creed;
- (b) the criterion, if any, for such selection and appointments; *
- (c) whether the Home Department Resolution of 1934 regarding communal composition of services applies to such appointments;
- (d) if the reply to part (c) be in the negative, the reason and the order of the Government, if any, on the subject; and
- (e) the total strength of officers in the Engineering service of the Central Public Works Department and the number of Muslim and Sikh officers of such services?

The Honourable Dr. B. R. Ambedkar: (a) The collection of this information to cover officers of every grade would involve an amount of time and labour which would not, in the opinion of Government, be justifiable in war time. The number of gazetted officers is, however, 83. Their nationalities are: five Europeans rest Indians. Creeds: Hindus 61, Muslims 10, Sikhs 2, others 10.

(b) In the case of three appointments, which have been made on a permanent basis, the selection of the officers was made in consultation with the Federal Public Service Commission and with due regard to the requirements of the Home Department Resolution of 1934 regarding communal representation in the public services. The rest of the appointments are all temporary, the officers concerned having been obtained on loan from Provincial Governments for the execution of certain specific works. In these cases, the officers were selected and placed at the disposal of the Government of India by the Provincial Governments themselves, in accordance with the requirements of the Government of India indicated to them from time to time.

(c) No, so far as the temporary appointments mentioned in the answer to clause (b) are concerned: Yes, so far as the permanent appointments referred to above are concerned.

(d) The Home Department Resolution of 1934 does not apply to persons who are on deputation for a definite period and are expected to revert to their substantive posts thereafter.

(e) The total strength of gazetted officers is 174, of whom 18 are Muslims and 8 Sikhs. Figures of non-gazetted staff cannot be readily given.

Maulvi Muhammad Abdul Ghani: May I know the number of officers recruited from Binar Public Works Department in the Central Public Works Department?

The Honourable Dr. B. R. Ambedkar: I require notice of that.

WITHHOLDING OF DELIVERIES OF DIVERTED CARGO SOLD IN MADRAS.

101. *Mr. T. T. Krishnamachari: Will the Honourable the Commerce Member please state:

- (a) whether the attention of the Government of India has been drawn to the fact that in the matter of diverted cargo in several cases in Madras when sale has been made to private parties and payment obtained from them, delivery has been withheld by subsequent instructions from the Government of India; and
- (b) whether the Government of India have any information as to the number of instances so affected in Madras?

The Honourable Mr. N. R. Sarker: (a) If the Honourable Member is referring to the cases in Madras where several consignments of frustrated cargo originally destined for Empire or Dutch territories in the Far East, now under enemy occupation, have been requisitioned and acquired by Government under the Defence of India Rules for disposal through the Anglo-Dutch Committees, then the answer is in the affirmative.

(b) Yes, five instances covering 60 packages are involved.

Mr. T. T. Krishnamachari: May I ask the Honourable Member if anything has been done regarding the instances mentioned under (b)? Has the Honourable Member any information as to whether the money has been refunded to the parties concerned?

The Honourable Mr. N. R. Sarker: I have no information, but a committee which has been appointed for the disposal of this cargo will decide this matter.

Mr. T. T. Krishnamachari: May I ask the Honourable Member why after receiving payments the delivery of goods has been left to the tender mercies of the Anglo-Dutch Committees?

The Honourable Mr. N. R. Sarker: I am not aware that Government have received the money. The Chartered Bank has received the money.

Mr. Lalchand Navalrai: May I know under what law has the delivery of goods been withheld when the sales had been made and money was paid?

The Honourable Mr. N. R. Sarker: Under the Defence of India Rules. The purchasers are not entitled to the goods unless they have a title to them.

Babu Baijnath Bajoria: What will happen to the sale proceeds?

The Honourable Mr. N. R. Sarker: It will be refunded to those who purchased them.

Babu Baijnath Bajoria: In the case of diverted cargo which has been paid for and the delivery of the goods have been taken by the Government, what will happen to the sale proceeds in those cases? Will the sale proceeds be paid to the original consignors?

The Honourable Mr. N. R. Sarker: There seems to be some misapprehension. The goods belong either to the consignee who have paid for them or the consignors who have dispersed the goods. They will get the money.

Mr. T. T. Krishnamachari: May I know whether in view of the fact that this order has been issued by the Government, they will now take steps to ensure that the Anglo-Dutch Committees will take prompt action in the matter?

The Honourable Mr. N. R. Sarker: They have been asked to take quick action.

ASSISTANCE TO INTERNAL COMBUSTION ENGINES INDUSTRY.

†102. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state if Government has carried out the suggestions of the Internal Combustion Committee that it should give liberal assistance to concerns concerned to overcome the difficulties of plant extension and establishment of new plants to make those parts which are at present imported? If not, why not?

The Honourable Mr. N. R. Sarker: The Internal Combustion Committee referred to was of an exploratory nature and the Council of Scientific and Industrial Research have now set up an Advisory Committee on Internal Combustion Engines to find ways and means of giving effect to the findings of the Exploratory Committee. The Exploratory Committee's recommendation being of a tentative nature, Government are not in a position to consider the question of giving assistance to the manufacturers concerned until the new Committee have gone into the details and made their report. The second part of the question therefore does not arise.

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

PLAN FOR PROVIDING AGAINST MASS UNEMPLOYMENT OF INDIAN LABOUR.

†103. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Labour please state if he has planned any scheme to provide against mass unemployment of Indian labour so that it may enjoy freedom from want of necessities of life? If so, what?

The Honourable Dr. B. R. Ambedkar: No formal scheme to provide against mass unemployment has been planned.

In War time the scope for employment has increased enormously. As regards post-war conditions, the Reconstruction Committee appointed in the Commerce Department will devote attention to them.

MONOPOLY OF EXPORT OF MICA TO THE JOINT MICA MISSION AND METAL RESERVE COMPANY OF THE UNITED STATES OF AMERICA.

104. ***Babu Baijnath Bajoria:** (a) Will the Honourable the Labour Member be pleased to state whether it is a fact that export of Mica is allowed only when effected by the Joint Mica Mission and Metal Reserve Company of the United States of America and none else is allowed to export Mica to any country outside India?

(b) If the answer to part (a) be in the affirmative, for what reasons and on what conditions has such a monopoly of export of Mica been granted to the above mentioned foreign interest?

(c) Is the Honourable Member aware that such restrictions of export have resulted in these concerns securing Mica in India at much lower rates and making enormous profits for themselves by selling at much higher rates in America and other allied countries?

(d) Are these concerns Government concerns or private companies?

The Honourable Dr. B. R. Ambedkar: (a) No.

(b) Does not arise.

(c) The prices at which the Joint Mica Mission secures mica have been fixed with the prior approval of the Government of India. The prices are in the opinion of the Government of India fair and reasonable. The prices offered by the Mission are almost invariably higher than or equal to the standard prices ruling before the Mission began to operate. Furthermore the Mission is prepared to buy all mica of merchantable quality which is offered to it. This covers practically the whole range of useful mica and may include mica which would previously not have found a market at all. The Metals Reserve Company is not now buying mica in India. It bought certain quantities of mica in 1940-42 under contracts with the Government of India and the large increase in production in Indian mica in 1941 was largely the result of these purchases. The prices which it paid were fair and reasonable. Neither the Joint Mica Mission nor the Metals Reserve Company are profit-making concerns.

(d) The Joint Mica Mission is a Government concern. It consists of three British and three American members appointed by the Governments of Great Britain and of the United States of America. One of the British members is Chairman. The Mission buys mica for the Ministry of Supply in the case of the United Kingdom and for the Metals Reserve Company of the United States of America in the case of the United States of America. The Metals Reserve Company is a Corporation created by the Reconstruction Finance Corporation of the United States of America under section 5(d) of the Reconstruction Finance Corporation Act and is a duly organised agency of the Government of the United States of America.

Babu Baijnath Bajoria: With regard to para. (a) of the question, the Honourable Member has said "No". Does it mean that other supplying firms are allowed to export mica from India?

The Honourable Dr. B. R. Ambedkar: My Honourable friend will find answer to that in the next question.

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

Babu Baijnath Bajoria: But you have already said 'No' to part (a) of my question.

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

Babu Baijnath Bajoria: That means that other firms will be allowed to export mica from India.

The Honourable Dr. B. R. Ambedkar: There is no prohibition; there are certain conditions prescribed.

Babu Baijnath Bajoria: As regards (c), is the Honourable Member aware that the Joint Mica Mission have raised the standard of quality and reduced the rate thereby?

The Honourable Dr. B. R. Ambedkar: No. The answer to that also will be found in the next question.

MONOPOLY OF EXPORT OF MICA TO THE JOINT MICA MISSION AND METAL RESERVE COMPANY OF THE UNITED STATES OF AMERICA.

105. *Babu Baijnath Bajoria: (a) Will the Honourable the Labour Member please state if it is a fact that when the Joint Mica Mission assumed control of export of Mica from this country, they gave an undertaking to the Government of India that they would purchase the entire production of Indian Mica?

(b) If the answer to the part (a) be in the affirmative, what steps are Government taking for the implementing of this undertaking?

(c) Is the Honourable Member aware that the Joint Mica Mission is purchasing only scheduled qualities of Mica and refuses to purchase other qualities, e.g., lower grade splittings and Block Mica, and many a time refuses to purchase even certain scheduled qualities, which has resulted in large stocks of these qualities remaining unsold in the hands of Indian merchants?

(d) What steps are Government taking so that the industry may be able to dispose of its stocks of qualities not purchased by the Joint Mica Mission?

(e) Are Government prepared to permit the export of Mica by private firms to the United States of America and other Allied countries? If not, why not?

(f) Are Government aware that since the Joint Mica Mission is controlling the purchase and export of Mica, the production of loose Mica splittings has considerably decreased and several thousands of workers have been thrown out of employment due to the closing of numerous factories and home splitting centres?

The Honourable Dr. B. R. Ambedkar: (a) The Joint Mica Mission has not assumed control of export of mica from this country. It has, however, undertaken to purchase all mica offered to it which is of merchantable quality and which is trimmed and graded to the usual recognised trade standards.

(b) Government have no reason to suppose that the Mission is not implementing the undertaking.

(c) The Mission is only purchasing scheduled qualities of mica; no other qualities are merchantable among the United Nations. Such qualities can however be exported to neutral countries provided they do not conflict with any general orders issued by Government. The Mission never refuses to purchase scheduled qualities of mica provided they are up to the Mission's standards. The Government of India are not aware that there are any large stocks of scheduled qualities of mica remaining unsold.

(d) Qualities of mica not purchased by the Joint Mica Mission are not merchantable in the United Nations. Government are accordingly not taking steps to assist the industry to dispose of such stocks. In the unlikely event of such stocks being merchantable in neutral countries, Government have no objection to the issue of licences for the export of such stocks provided they do not conflict with any general orders issued by Government.

(e) Export of mica by private firms is not prohibited. The United Nations will however not import mica by private firms but will only import mica purchased by the Joint Mica Mission. The United Nations require all merchantable mica which the mica industry in India can produce. The sale of mica to the United Nations has been canalised through the Joint Mica Mission because the United Nations including the Government of India consider that a single purchasing agency buying on the spot provides the quickest and easiest means of providing mica in the very large quantities now required by the United Nations.

(f) The United Nations already have considerable stocks of mica splittings and their principal requirements are now of block mica. Nevertheless the Mission continues to buy all mica which comes split from the mines. They will not however buy mica which is split from old dumps and such mica is no longer merchantable among the United Nations. Such mica can however be sold in neutral countries provided such sale does not conflict with any general orders issued by Government. Government are not aware that any factories have been closed, although possibly a number of home splitting centres may have been closed.

Babu Baijnath Bajoria: As regards part (a), again I repeat the question that there is a demand for Mica of other varieties in America and that is not being allowed to be exported.

The Honourable Dr. B. R. Ambedkar: I am not aware of that.

Babu Baijnath Bajoria: Will you make inquiries? If there is a demand in the U. S. A. of the qualities which this Mission does not buy then private firms should be allowed to export those qualities to America.

The Honourable Dr. B. R. Ambedkar: I will make inquiries.

FIXATION OF PRICES OF GRADES OF MICA BY THE JOINT MICA MISSION.

106. *Babu Baijnath Bajoria: (a) Is the Honourable the Labour Member aware that the Joint Mica Mission fixes the prices of the various grades of Mica without any consultation with the representatives of the industry?

(b) Is the Honourable Member aware that the Joint Mica Mission raised the standards considerably, compared to those of the Metal Reserve Company who bought through the Director, Geological Survey of India?

(c) Are Government aware that the Joint Mica Mission has reduced its purchasing prices by ten per cent. to 30 per cent. from the ruling prices in the market and the factories are compelled to sell their products at their rates for want of any other outlet?

(d) Is it a fact that the Government of India accepted the reduction in prices as mentioned in part (c) above?

(e) Are Government prepared to appoint an advisory committee consisting of representatives of mine-owners and factory-owners to advise the Joint Mica Mission on the question of fixation of prices of different qualities? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) Before fixing the prices of various grades of mica, the Joint Mica Mission have invariably consulted the mica industry, including representatives of individual firms both in Bihar and Madras.

(b) The Joint Mica Mission has not raised the standards considerably. It has however raised the standards slightly in certain cases although no change has been made in splittings and films. Wherever the standard has been raised the price has been raised in proportion. Taking pre-Mission standard and price as 100, the Mission standard where it has been raised is 105 and the Mission price 110. The range of standards required by the Metals Reserve Company

when buying through the Director of the Geological Survey of India was small compared with the very wide range of scheduled standards being dealt with by the Mission.

(c) The Joint Mica Mission has not reduced its purchasing prices by 10 per cent. to 30 per cent.

(d) Does not arise.

(e) No. The prices offered by the Mission were fixed after consultation with the representatives of the mica industry and with the approval of the Government of India. They are in the opinion of the Government of India fair prices and the Government of India see no justification for the appointment of an Advisory Committee.

Babu Baijnath Bajoria: What objection can the Government have to appoint an advisory committee consisting of representatives of mineowners and factories? That will strengthen their hands and that of the Mica Mission for purchasing the requirements of Mica.

The Honourable Dr. B. R. Ambedkar: The answer as stated in part (e) is that the Mica Mission does fix the price after consultation with the representatives of the Mica industry.

Babu Baijnath Bajoria: I do not think that is correct.

RECRUITMENT OF THE HEAD OF COMMERCE DEPARTMENT, DELHI POLYTECHNIC.

107. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the notice published by the Federal Public Service Commission on page 8, Part II, of the Government of India Gazette, for the recruitment of the Head of Commerce Department, Delhi Polytechnic; if so, the reason for fixing the age limit at 40 years;
- (b) whether there is any one serving in the Commerce or any Department of the Government of India possessing the requisite qualification and age limit; and
- (c) the names, qualifications and age of the Government servants or evacuees from Burma who have applied for the said post?

Mr. J. D. Tyson: (a) Yes. The age limit has been fixed at 40 as the incumbent of the post is required to possess at least seven years' experience in Insurance, Banking, Accountancy or in the teaching of Commercial subjects. A lower age limit particularly in the case of a senior post may rule out candidates with valuable experience. At the same time an experimental institution like the Polytechnic does not want men who are elderly or in any way set in their ideas.

(b) Government have no information.

(c) Government have no information. As the Honourable Member is aware, recruitment to the post is made by the Federal Public Service Commission who communicate to the Government only their final recommendation.

Maulvi Muhammad Abdul Ghani: Will Government make inquiries regarding (c) and lay the answer on the table.

Mr. J. D. Tyson: It would be contrary to our practice to inquire who have applied.

Mr. Lalchand Navalrai: Is the post ear-marked for any of the evacuees?

Mr. J. D. Tyson: No, Sir.

PURCHASE OF WHEAT AT LAHORE ON BEHALF OF GOVERNMENT OF INDIA.

+108. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Food Member please state if it is a fact that Mr. Rau went to Lahore to purchase wheat on behalf of the Government of India?

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

(b) Will he please state how much wheat he was able to purchase in an open market and at what rate?

The Honourable Mr. N. R. Sarker: (a) The answer is in the negative.

(b) Does not arise.

IRREGULARITIES IN PAYMENT OF WAGES TO RAILWAY STAFF.

109. *Mr. Lalchand Navalrai: (a) Will the Honourable the Labour Member be pleased to state when the Payment of Wages Act, IV of 1936, was made applicable to the Railways in India?

(b) Is it a fact that several irregularities in the payment to staff have been noticed by the Labour Inspectors?

(c) Is it a fact that the Conciliation Officer (Railways) and the Supervisor of Railway Labour, who is the Inspector under the Act, generally tries to report these irregularities to the administrations concerned for relief, if any could be given?

(d) Is it not a fact that in several cases of late payments, etc., no relief can be given to the affected employees when once the provisions of the Payment of Wages Act have been violated? Are prosecutions launched in such cases to act as a deterrent? If not, why not?

(e) Have any prosecutions been launched against the Railway Paymasters or the administration? If so, does the Honourable Member propose to lay a statement of such cases on the table of the House?

The Honourable Dr. B. R. Ambedkar: (a) 28th March 1937.

(b) Yes.

(c) The irregularities detected are brought to the notice of the Railway Administration for rectification.

(d) Relief can be given under section 15(3) of the Act. But no prosecutions are launched as it has always been possible to remove defects so far discovered by administrative action.

(e) No prosecutions have been launched.

Mr. Lalchand Navalrai: Why are the payments made late?

The Honourable Dr. B. R. Ambedkar: In a huge administration such delays are bound to occur.

Mr. Lalchand Navalrai: What does the administration do in the case of late payments?

The Honourable Dr. B. R. Ambedkar: They make the payments.

Mr. Lalchand Navalrai: Only make the payments, or do they do anything further?

The Honourable Dr. B. R. Ambedkar: What does the Honourable Member expect the administration to do?

Mr. Lalchand Navalrai: To avoid these occurrences, what does the Government do?

The Honourable Dr. B. R. Ambedkar: I have no doubt that they must be trying to avoid these delays.

Mr. Lalchand Navalrai: But what do they do?

The Honourable Dr. B. R. Ambedkar: I do not know. If the Honourable Member wants an answer, he may put down a specific question.

Mr. Lalchand Navalrai: Will the Honourable Member direct the administration to see that such things do not recur and that warnings be issued?

The Honourable Dr. B. R. Ambedkar: Yes, certainly.

APPOINTMENT OF SIR BARON JAYATILAKA AS CEYLON'S REPRESENTATIVE WITH THE GOVERNMENT OF INDIA.

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

- (a) the purpose of the appointment of Sir Baron Jayatilaka by the Government of Ceylon as their Representative with the Government of India;
- (b) whether Sir Baron Jayatilaka is conducting or expected to conduct negotiations for an Indo-Ceylon Agreement; and
- (c) whether he will have direct access to all Members of the Government of India, or will have to go through the Honourable Member in his efforts to secure supplies of rice, etc., to Ceylon?

The Honourable Mr. M. S. Aney: (a) and (b). The Honourable Member's attention is invited to para. 1 of the reply given to parts (a) and (b) of Mr. K. C. Neogy's question No. 94 earlier in the day.

(c) Sir Baron Jayatilaka will have direct access to all the Members of the Government of India.

MOTIONS FOR ADJOURNMENT.

MALTREATMENT TO SIKH MILITARY PRISONERS IN INDORE JAIL.

Mr. President (The Honourable Sir Abdur Rahim): The first adjournment motion is in the name of Sardar Sant Singh which is for the purpose of discussing a definite matter of urgent public importance, namely, the inhuman treatment meted out to the Sikh military prisoners now confined in the Central India Agency Jail at Indore resulting in 120 of them resorting to hunger-strike since 15th January, 1943, and the disrespect shown to holy Granth Sahib by the Superintendent of the Jail.

Sardar Sant Singh (West Punjab: Sikh): I do not propose to move it.

INABILITY OF A MEMBER OF THE LEGISLATIVE ASSEMBLY TO ATTEND ITS SESSION DUE TO DETENTION IN JAIL.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Dr. Banerjea, regarding the inability of one Member of this House to attend the Assembly because he has been detained in jail. Is that so?

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): By whom was the order passed?

Dr. P. N. Banerjea: Well, that I do not know exactly, but I have had correspondence with the Honourable the Home Member, and he informed me that he was being detained under the orders of the Government of Bihar.

Mr. President (The Honourable Sir Abdur Rahim): Well, that is not the concern of the House here.

Dr. P. N. Banerjea: Sir, may I submit that the power which is exercised by the Provincial Government is delegated power.

Mr. President (The Honourable Sir Abdur Rahim): I have considered that several times in this Assembly and I have ruled that when an order is passed under the Defence of India Rules by a Provincial Government, it cannot be the subject of an adjournment motion here. The motion is out of order.

MALTREATMENT TO MR. C. B. JOHRI IN JAIL.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Qazi Muhammad Ahmad Kazmi regarding the callous

and inhuman treatment meted out to Mr. Chandrabhal Johri, a member of this House, even during his illness in prison, which resulted in his sad demise at Lucknow on 10th February, 1943.

He is not here, so the motion is ruled out.

FAILURE TO TERMINATE MARTIAL LAW AND RESTORE NORMAL CONDITIONS IN SIND.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Seth Yusuf Abdoola Haroon regarding the failure of Government to restore normal conditions in Sind inspite of the unprecedented continuance of Martial Law for more than eight months.

I find that he gave notice of this on the 15th February. The rule is that notice must be given of an adjournment motion on the very first available date. It, therefore, ceases to be of public urgency. I rule that the motion is out of order.

RESTRICTIONS ON THE *Hindustan Times* re PUBLICATION OF NEWS ABOUT MAHATMA GANDHI'S FAST.

Mr. President (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Sardar Sant Singh. He wishes to discuss a definite matter of urgent public importance, namely, the restrictions placed on the publication of the news about Mahatma Gandhi without pre-censorship on the *Hindustan Times*, New Delhi, by the Chief Commissioner, Delhi.

Is the order passed only on the *Hindustan Times* or on other newspapers as well?

Sardar Sant Singh (West Punjab: Sikh): I think it is only on the *Hindustan Times*. Its issue of February 13th refers to further restrictions on the *Hindustan Times*. This order does not refer to any other newspaper.

Mr. President (The Honourable Sir Abdur Rahim): I have seen the order. Is there any objection?

The Honourable Sir Reginald Maxwell (Home Member): No, Sir. If the House wish to debate it I have no objection from the Government side. But it hardly seems to be a matter of general importance. That is all I can submit.

Mr. President (The Honourable Sir Abdur Rahim): It is of some importance. One newspaper seems to have been singled out for this order.

The Honourable Sir Reginald Maxwell: I think it was passed in Delhi against another paper, the *Hindustan*.

Mr. President (The Honourable Sir Abdur Rahim): Is that so?

Sardar Sant Singh: I do not know of any other paper. This particular order refers to the *Hindustan Times*....The order reads:

"The Chief Commissioner of Delhi, has served the following fresh order on the *Hindustan Times* today:

In exercise of the powers conferred by sub-rule (1) of rule 41 of the Defence of India Rules the Chief Commissioner of Delhi, being satisfied that this measure is necessary for the purpose of securing the public safety, the maintenance of public order and the efficient prosecution of war, is pleased to make this order and to address the same to the publisher and the editor of the *Hindustan Times* newspaper— . . ."

Mr. President (The Honourable Sir Abdur Rahim): I have seen the order. What I wanted to know is this: this being an order as regards what a newspaper may or may not publish under the Defence of India Rules, it is very difficult for this House to discuss whether the officer concerned has exercised his discretion properly and I should certainly be very loath to admit any motion which seeks to question and discuss the judgment of any censor officer in a

[Mr. President.]

particular matter; but what struck me was why any one particular newspaper should be singled out for this purpose: has the order been issued to other papers?

An Honourable Member: He does not object.

The Honourable Sir Reginald Maxwell: The position is that the editors were summoned by the Chief Commissioner and warned, at the time when this fast commenced, of the restrictions which they would be asked to place on themselves; and this order was passed by the Chief Commissioner against the *Hindustan Times*—and I believe the *Hindustan* also—because they had failed to co-operate with him to the extent that he had asked them; they had actually given cause for the action he took after he had warned them.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Does the Honourable Member know if it is a fact

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Is it true that this paper refused to co-operate with the censor officer before?

Sardar Sant Singh: May I submit that that will be a question on merits? It will be discussed during the course of the motion itself. The very fact that one of the leading newspapers in the province of Delhi has been selected particularly on this occasion when Mahatma Gandhi is undergoing a fast is a matter which requires to be publicly discussed

Mr. President (The Honourable Sir Abdur Rahim): I do not want all that. I wanted to know if the Honourable Member knew anything about it. Perhaps it is a matter which can be discussed. It seems the Honourable Member does not know the reason why this particular newspaper should have been singled out for this order. The motion will be taken up at 4 O'clock. If the business of the House is finished earlier, I take it the House will agree to have this motion taken up then. In that case, of course, the discussion will be limited to two hours as usual.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INFORMATION AND BROADCASTING.

The Honourable Mr. M. S. Aney (Leader of the House): Sir, I move:

"That this Assembly proceed to elect in such manner as the Honourable the President may direct three non-official members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

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

"That this Assembly proceed to elect in such manner as the Honourable the President may direct three non-official members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

Sardar Sant Singh (West Punjab: Sikh): Sir, before this motion is put to the House, I just want to make a few observations on this point. The Department of Information and Broadcasting has grown in importance in these days when the censorship prevails all over the country. It is absolutely necessary in that case that effective control or consultation should take place between the Members of the Legislature and this Department; I would, therefore, request the Honourable the Mover of this motion to increase the number from three to at least seven

The Honourable Mr. M. S. Aney: Five.

Sardar Sant Singh: All right. I agree to at least five. I hope he will agree to it.

The Honourable Mr. M. S. Aney: I accept that amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then we will make it five. The question is:

"That this Assembly proceed to elect in such manner as the Honourable the President may direct five non-official members to serve on the Standing Committee to advise on subjects in the Department of Information and Broadcasting."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members for the Standing Committee for the Department of Information and Broadcasting the Notice Office will be open to receive nominations up to 12 O'clock on Thursday, the 18th February, 1943, and that the election, if necessary, will be held on Monday, the 22nd February, 1943. The election, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code, and to amend the Currency Ordinance, 1940.

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, and to amend the Currency Ordinance, 1940."

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

THE CRIMINAL PROCEDURE AMENDMENT BILL.

The Honourable Sir Sultan Ahmed (Law Member): Sir, I move:

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be circulated for the purpose of eliciting opinion thereon."

In commending this motion to the House I may point out that as matters stand at present there are prohibitions in the various Letters Patent establishing High Courts in India prohibiting appeals from the orders passed by the High Court in the exercise of its original criminal jurisdiction. This perhaps has been due to the fact that there was no appeal provided for in England against such decisions. In 1907—the Criminal Appeal Act was passed by the Parliament, which allowed appeals on questions of law arising out of a decision given by a High Court judge in the exercise of its original criminal jurisdiction; and it is considered necessary now that a similar provision should be made in this country. This matter was brought to a head by a report which came from the Bombay High Court recommending such an amendment; and we have after consultation with the different High Courts felt that it is high time that such a provision was made. The necessary amendments for completely putting out of action the effect of those Letters Patent have been provided for in the Bill.

I would have been very happy to ask the House to let this Bill go to the Select Committee and finish with the matter as quickly as possible.
12 NOON. But it has been pointed out that perhaps we may have to make some consequential changes that may be necessary in some other enactments and we do not like to come now and again for amendments. That is the reason why we want circulation, but we are very anxious that this circulation should be as expeditiously finished as possible and I do hope that this measure will find unanimous support of the House.

Sir, I move.

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

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be circulated for the purpose of eliciting opinion thereon."

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, this is an enabling Bill and I am glad to see that an attempt is being made to give power of appeal against the original decisions of the High Court. I would like to draw the attention of the House to the fact that nowadays there have been many cases of contempt of court before the High Courts. In those cases there is no provision for appeals at all and as such

Mr. President (The Honourable Sir Abdur Rahim): This Bill has nothing to do with that.

Mr. Lalchand Navalrai: I want to know as the Honourable the Law Member said that we might make some suggestions whether that provision will also be included in the Bill or not.

The Honourable Sir Sultan Ahmed: No.

Mr. Lalchand Navalrai: I am only asking whether that would be covered by the Bill.

Mr. President (The Honourable Sir Abdur Rahim): I am pointing out that it would be beyond the scope of the Bill.

Mr. Lalchand Navalrai: Clause 2 of the Bill says:

"Without prejudice to the provisions of section 449 any person convicted on a trial held by a High Court. . . ."

Now, the question arises whether the cases of contempt of court would be triable or not because under section 484 of the Criminal Procedure Code

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not notice that it is in exercise of the original criminal jurisdiction.

Mr. Lalchand Navalrai: I am submitting that when the High Court has got power either to summarily pass the order of contempt of court or send it for trial to a court, and that would mean a trial. I find that under section 484 of the Criminal Procedure Code it can be done and then it becomes a trial.

Mr. President (The Honourable Sir Abdur Rahim): Then it will come under that and you do not want any separate provision for it.

Mr. Lalchand Navalrai: I am making an inquiry from the Honourable the Law Member to that effect.

Mr. President (The Honourable Sir Abdur Rahim): It is for the Chair to say whether it would be within the scope of the Bill or not. That is why I have been pointing this out to the Honourable Member.

Mr. Lalchand Navalrai: If the Chair gives a ruling on that point that it comes under section 484 and it will have its own appeal, then it is all right. But there will be no appeal even then. Therefore, I am asking that as the Bill is going into circulation, I would submit that the Honourable the Law Member might enlighten me on that point and also in the circulation the same question might be considered. It may be that the question might be considered by the other High Courts with regard to that point and some relief given on the point I have raised.

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

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE MOTOR VEHICLES (AMENDMENT) BILL.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I move:

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The Statement of Objects and Reasons briefly explains why this legislation has been introduced. Under sub-section (3) of section 1 of the Motor Vehicles Act, 1939, Chapter VIII of the Act relating to the compulsory insurance of motor vehicles against third party risk is to come into force on the 1st July, 1943. The introduction of the provisions about compulsory insurance of motor vehicles requires elaborate preparations including the framing of rules and procedure and the drawing up of forms, etc. This preliminary work will throw an additional burden on Governments concerned who are pre-occupied with more urgent problems in connection with the war. Moreover, with the use of private cars drastically curtailed, third party risks have been reduced considerably and actuarial calculations rendered difficult. As regards transport vehicles, it is difficult to forecast the position, but the exigencies of the war have deprived a large number of owners of the use or control of their vehicles. The insurance companies are also likely to find difficulty in arranging for insurance in the present circumstances. Further, in view of the large increase in the cost of operating vehicles in present conditions, it is considered inexpedient to add to the burden by enforcing compulsory insurance. The matter was considered by the Transport Advisory Council, a body consisting of representatives of Provincial Governments, at its last meeting held in September, 1942. The Council recommended that legislation should be undertaken to postpone the operation of Chapter VIII until the 1st July, 1946. The Provincial Governments have ratified the conclusion of the Transport Advisory Council. Therefore, this Bill has been introduced and it proposes an amendment in sub-section (3) of section 1 by substituting for the figures '1943' the figures '1946'. Sir, I move.

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

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I welcome this Bill. It is a step in the right direction. I would have rather liked that this provision about the compulsory insurance of vehicles against third party risk ought to have been deleted from the Act.

Honourable Members: No, No.

Babu Baijnath Bajoria: Most of the reasons which have been given in the Statement of Objects and Reasons to this Bill will apply even after 1946, but we will see to that later on. In the meantime, I agree to the suggestion made by the Honourable the Mover.

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

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Gurunath Bewoor: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

The motion was adopted.

THE GOVERNMENT SAVINGS BANKS (AMENDMENT) BILL.

Sir Gurunath Bewoor (Secretary, Posts and Air Department): Sir, I move:

"That the Bill further to amend the Government Savings Banks Act, 1873, and the Post Office Cash Certificates Act, 1917, be taken into consideration."

Sir, this is again a simple amendment of the Act and the Statement of Objects and Reasons mentions why it is proposed. Section 4 of the Government Savings Banks Act, provides that if a depositor dies and probate of his will or letters of administration of his estate or a succession certificate granted under the Indian Succession Act, is not, within three months of the death of the depositor, produced to the Secretary of the Government Savings Bank in which the deposit is, then if the deposit does not exceed Rs. 3,000, the Secretary may pay the same to any person appearing before him to be entitled to receive it or to administer the estate of the deceased. According to the definition in section 3, Secretary means in the case of the Post Office Savings Bank the Postmaster General appointed for that area.

Now, Sir, under the Post Office Cash Certificate Act, the limit of three thousand rupees is raised to five thousand rupees. Government consider that there is not much reason for the existence of a difference between the two and the present amendment is intended to raise this limit to five thousand rupees in the case of Savings Banks deposits as in the case of Cash Certificates. Government consider that this would give a very valuable facility to the depositing public. The maximum limit of deposits in the Savings Bank Account is rupees five thousand. Therefore, under the proposed amendment, almost all accounts will be covered. We further propose to increase the facility now as given in sub-clause (b) of section 4, according to which within the limit—originally three thousand rupees and now five thousand rupees—any officer employed in the management of a Government Savings Bank who is empowered in this behalf by a general or special order of the Central Government may, to the extent to which he is empowered by such order and subject to any general or special orders of the Secretary in this behalf, pay the deposits to any person appearing to him to be entitled to receive it if the deposit does not exceed rupees one hundred. At present, Head Postmasters have been authorised to pay upto one hundred rupees. We propose to raise this limit to rupees one thousand in order to accelerate the disposal of claims to deposits and orders will be issued by the Central Government authorising Postmasters to pay upto certain limits after these amendments have been passed. Sir, I move.

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

"That the Bill further to amend the Government Savings Banks Act, 1873, and the Post Office Cash Certificates Act, 1917, be taken into consideration."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): This amendment is going to be made in the interest of heirs of the deceased persons, but I find that there is an omission here; this Bill does not entitle the persons nominated by the depositor to receive the amount. There is no system in the case of the post office savings bank as is in the case of the Provident Fund and the Insurance policies. It would have been better

Mr. President (The Honourable Sir Abdur Rahim). The Honourable Member must speak up, it is difficult to hear him.

Maulvi Muhammad Abdul Ghani: Sir, I am submitting to you that the interest of the deceased depositor would have been better served if the Government had introduced the system of nomination in the case of these deposits: There is no nomination system in the case of deposits made in the Post Office Savings Bank as is done in the case of Provident Fund and the Insurance Fund. There the depositor nominates in the form before making any deposit that after his death so and so will receive the amount standing in the name of the deceased person. Here in the case of Post Office Savings Bank that is not done. I think it would be better for the Government to introduce such system

that before any deposit in the Post Office Savings Bank the depositor may be required to fill in a form providing for the nomination of his heir whom he desires to receive that amount. It can be done even now if a minor amendment is made in the latter portion of clause 4 sub-clause (b) i.e., "pay the deposit to any person appearing to him to be entitled to receive it or to administer the estate" be changed to read "pay the deposit to any person appearing to him to be nominated by the depositor or to be entitled to receive it or to administer the estate." In other words an addition of one or two words, namely, "nominated by the depositor" would facilitate the matter. I think the Honourable Member in charge of the Bill may consider it and if no harm, the words "nominated by the depositor" may be added in sub-clause (b) of clause 4. I urged this point before the Advisory Committee. But the Advisory Committee for the Post and Air Department sat too late when the Bill was already introduced in the House. So nothing could be done by that Committee. I have no doubt and I hope this is the right time for the Member in charge to accept this and on his own motion ask the Chair to add the words "nominated by the depositor". With these few words I support the motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I know that it will be difficult for the Honourable Member to accept any amendments inasmuch as they have not been tabled before this House. However, Sir, what I find in this Bill is that the time limit of three months which has been fixed is very short inasmuch as those people who have the experience of courts, especially of Probate Courts and the Courts administering the Indian Succession Act cases and even the Civil Courts which generally take up such cases, know that this period of three months is not sufficient. If the courts argue that such cases cannot be disposed of in three months, how can you expect the claimant to produce a certificate before the Secretary of the Government Savings Bank. From my experience of courts I may say that the machinery of law in such cases moves very slow, it takes a lot of time to produce witnesses, they may have to be called from different Provinces and different places and it is, therefore, difficult to expedite the disposal of such cases within three months. I suggest that this period should be increased to six months. It would be in the interest of those people who go to courts to get letters of administration and succession certificates under the Indian Succession Act, etc.

It is said that within three months of the death of a depositor probate of his will or letters of administration should be produced before the Secretary of the Government Savings Bank. Sir, I have nothing to say about Officers of Government. What I submit is that if this sum claimed is placed in the hands of the District Officer where the case arises, it may be deposited to the credit of the District Judge before whom the application for probate or letters of administration will be filed, and he can give the amount to the person who proves his claim before him. This will be more in consonance with the justice of the case, rather than leave it to the Secretary of the Government Savings Bank. Why I say this is this. I say it in the interest of the Officer himself, not in the interest of the party so much. After all the heir will receive the money in any case. It is not so much in the interest of the heir as in the interest of the Officer that I am suggesting this. In these cases, if the Officer gives money to one person and later on it is proved in court that some other person is entitled to the money, it will be very difficult for the heirs to acquire it from that other person. He may spend it away.

I will now say how it is in the interest of the Secretary of the Government Savings Bank. There might be allegations of favouritism or corruption or some other allegations. So, it is no use exonerating the Secretary from his responsibility. Such cases will crop up again and again. I, therefore, draw the attention of the Honourable Member that instead of leaving this matter in the hands

[Mr. Muhammad Azhar Ali.]

of the Secretary of the Government Savings Bank, it will be desirable to place the money at the disposal of the District Judge, who after all is the ultimate authority to declare who is the proper claimant to the money.

Sir Gurunath Bewoor: Sir, as regards the suggestions made by my Honourable friend, Maulvi Muhammad Abdul Ghani, the question as to whether in the Post Office Savings Bank, the system of nomination should be introduced or not has been considered by Government on a number of occasions. It was first considered as long ago as 1921, when after taking the advice of the Solicitor to the Government of India at that time, various legal and administrative difficulties were found to exist. It was therefore abandoned. In 1931, there was a question asked in the Legislative Assembly by Lala Hariraj Swaroop and the Banking Enquiry Committee of 1931 also recommended that the system of nomination should be introduced in the Post Office Savings Bank. The Government considered the matter again but felt great difficulties in adopting the suggestion. In 1934, Bhai Parma Nand and, in 1935, Lala Sham Lal, both asked questions in this House and the question was again examined in consultation with the Solicitors of the Government of India at the time. In 1939, we had a Special Enquiry into the Savings Bank system with a view to adopting various methods to prevent frauds and to expedite the disposal of Savings Bank cases, and a similar suggestion was made by officers holding that inquiry about introducing the nomination system. But we could not accept it as we still found great legal and administrative difficulties. There is the personal law of Hindus and Muslims, according to which, the power to will away property is restricted in many ways. Also, there is likely to be difficulty about identifying the nominee; his signature will have to be taken and kept on record. Further, people will be changing nominees, frequently, especially if they quarrel with their grandsons whom they have made their nominees. We found on enquiry that other Banks, that is to say, Joint Stock Banks which have got Savings Bank accounts are not in the habit of allowing nomination. I do not know about all Banks, but the enquiry we made from the Imperial Bank of India showed that they do not allow this system of nomination. The matter was raised by Maulvi Muhammad Abdul Ghani in the Standing Advisory Committee and I have promised to put up a detailed statement to that Committee, explaining at greater length than I can do in this House at this time, the difficulties which we have experienced. There is one possible solution, namely, the introduction of accounts in joint names, payable to either of the two parties or to the survivor. This may help in the quicker disposal of this class of cases. For the reasons I have just now mentioned, I cannot accept the suggestion made by Maulvi Muhammad Abdul Ghani to have an amendment in this legislation as he has now proposed. But I hope to be able to convince him in the Standing Advisory Committee of our real difficulties. If he can suggest some other methods, we shall be very happy to consider the matter further.

As regards my Honourable friend, Mr. Muhammad Azhar Ali, he speaks of the limit of three months being inadequate. That is perfectly true. But in actual practice, as soon as any heir has filed an application in Court for a probate or letters of administration or succession certificate, and he gives that information to the Postmaster General, then the Postmaster General withholds any payment under the provisions of this Act until a decision has been reached. Once notice is given, it does not matter, if three months period has elapsed, the decision of the court is awaited. Therefore, there is in fact no difficulty. We are very anxious that heirs of depositors should receive payment as quickly as possible and that other so-called pretenders to the claim should not obstruct payment to the rightful heir whom the Postmaster General considers as duly entitled to the amount.

The other suggestion made that the amount should be handed over to the District Judge is exactly what we want to prevent. We want to prevent the

troubles of litigation to the parties. I think we can do it better in the Post Office than by leaving these people to go to courts. For that reason, I cannot accept Mr. Muhammad Azhar Ali's suggestion.

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

"That the Bill further to amend the Government Savings Banks Act, 1873, and the Post Office Cash Certificates Act, 1917, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Gurunath Bewoor: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

The motion was adopted.

MOTION FOR ADJOURNMENT.

RESTRICTIONS ON THE *Hindustan Times* re PUBLICATION OF NEWS ABOUT MAHATMA GANDHI'S FAST.

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

"That the Assembly do now adjourn."

Sir, an order—the date of this is not given—was passed by the Honourable the Chief Commissioner of Delhi and served upon the *Hindustan Times* on Friday last. The order says:

"In exercise of the powers conferred by sub-rule (1) of Rule 41 of the Defence of India Rules, the Chief Commissioner of Delhi being satisfied that this measure is necessary for the purpose of securing the public safety, the maintenance of public order and the efficient prosecution of war, is pleased to make this order and to address the same to the publisher and the editor of the *Hindustan Times* newspaper—

- (i) requiring that all news, comments, reports of speeches, statements, pictures, photographs and other matter relating directly or indirectly to the fast on which Mr. M. K. Gandhi has lately entered, other than matter given to the Press by or on behalf of the Government of India or any Provincial Government, shall before being published in the said *Hindustan Times* newspaper be submitted for scrutiny to Lala Savitri Prasada, Assistant Press Adviser, Delhi, or other officer appointed for the purpose;
- (ii) prohibiting the printing or publishing in the said *Hindustan Times* newspaper of any matter of the nature described in clause (i) above unless it has been submitted for scrutiny as required by that clause and has been passed by the appointed authority as suitable for publication;
- (iii) prohibiting the use in the said *Hindustan Times* newspaper, for any headlines, sub-headings or cross-headings relating to any matter of the nature described in clause (1) above, of any type exceeding one-fifth of an inch in overall height;
- (iv) prohibiting the printing or publishing in the said *Hindustan Times* newspaper of any headlines, in connection with any matter of the nature described in clause (1) above extending over a width greater than that of two columns of the usual width;
- (v) prohibiting the use in the said *Hindustan Times* newspaper of any type or arrangement of type designed to give special prominence to any matter of the nature described in clause (i) above.

Sir, the order is so worded that it is difficult for a Czarist regime to excel it. Practically it amounts to this: that the Chief Commissioner wants this newspaper not to be a newspaper for the public but an agent for the publication of the news given by Government. I hardly think this is the function of the newspaper in any civilized country.

One thing which I want the Government to make quite clear to this House is why this particular newspaper has been singled out for this treatment. Secondly, how do they justify the use of the Defence of India Rules for this purpose relating to the news about the fast of Mahatma Gandhi. If I remember aright, we were given an assurance on the floor of the House at the time when

[Sardar Sant Singh.]

the Defence of India Bill was under consideration that the use of the Defence of India Act will be confined to the purposes relating directly to the war effort. The language of the Defence of India Act may give authority to the Government to go beyond it, but morally they are not justified in extending the scope of the Defence of India Act for the purpose for which they are now using it. As a matter of fact, they are by implication now repealing the provisions of the other penal Statute by the use of this Act. It is known to the House that for some time past the *Hindustan Times* has ceased to publish its editorial probably for a similar order served upon it. But in spite of this resentment and protest which the *Hindustan Times* has shown, the Government has refused to take any step to remove the grievances from which this paper is suffering. There are other papers in Delhi Province—may be very important from their point of view—but the two leading newspapers that we receive and study every day are the *Statesman* and the *Hindustan Times*. People take their news from these two papers. But why discriminatory treatment should be meted out to the *Hindustan Times* is not made clear. From the remarks which fell from the Honourable the Home Member at the time of the admission of this motion it appeared that the complaint of the Government is that this newspaper has refused to co-operate with the Government. May I ask, Sir, what is the meaning of 'co-operation' on which Government insists. The word carries different meanings for different individuals. If the Government by 'co-operation' means co-operation on the terms dictated by the Government at the point of bayonet, no self-respecting newspaper or individual can submit to such a co-operation. The law is there. If it is infringed the law can take its own course for punishing the offender, but to use censorship and the Defence of India Rules for stifling the free expression of opinion on a point in which the public is very much interested in these days is nothing but abuse of powers by those who are using that power. I understand that similar orders were passed by some other Provincial Governments too against some provincial newspapers. I am not concerned with those orders because the Provincial Governments are responsible for them and this House cannot go into that question. But there is no justification why the Government in the Capital town of India should feel so panicky about the publication of news about Mahatma Gandhi. In this particular case of the *Hindustan Times* this order is more objectionable from this point of view as well that the editor of the paper happens to be the son of Mahatma Gandhi. Naturally he feels both from public point of view and from individual point of view about the health of his revered father. Public is anxious to know about the condition of Mahatma Gandhi as it develops during the fast. If the news that is to be published by the press in Delhi is to be confined to the news issued by the Government alone, certainly if later on that news proves to be untrue or minimized, or is only one-sided, the consequences will be too serious.

Mr. President (The Honourable Sir Abdur Rahim): That applies to all censored news.

Sardar Sant Singh: Yes Sir. It does.

Mr. President (The Honourable Sir Abdur Rahim): Why should the Honourable Member go on challenging the law?

Sardar Sant Singh: I do not intend to challenge the law at all. But.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address himself to the motion under discussion and tell the House why he alleges that this particular paper has been singled out for this order.

Sardar Sant Singh: Therefore, Sir, my submission is this: that the press should have so much liberty as to give the news which it feels to be right and just and not

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really covering a wider field than the motion allows.

Sardar Sant Singh: All right, Sir, I will not touch on this point. About this news of Mahatma Gandhi, I understand that the news that comes from the Censor's office is not complete. I know that certain press news from Bombay and Poona was censored and certain paragraphs cut off and not published. Therefore, my submission would be that the attempt to restrict the news to that which the Government alone wishes to convey to the press is not justified. Secondly, the singling out of a particular newspaper in the province to publish censored news is discriminatory treatment meted out to a respectable newspaper of Delhi, and there is no justification for that. I will therefore move:

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

“That the Assembly do now adjourn.”

The Honourable Sir Reginald Maxwell (Home Member): Sir, we have been accused of exercising undue discrimination against a particular paper, the *Hindustan Times*. That, however, has a tolerably long history behind it, and I would like to remind the House of what has occurred.

In September last the Chief Commissioner of Delhi passed pre-censorship orders against the whole press in Delhi, in respect of news about the Congress disturbances. The *Hindustan Times* then decided to go out of publication, and it remained out of publication until the end of the year. Then in October a meeting of the All-India Newspapers Editors' Conference took place in Bombay and they passed a resolution enjoining restraint on the publication of news relating to the disturbances, or likely to help in promoting them or prolonging them. In the light of this resolution, which we accepted in the spirit in which it appeared to have been put forward, the Delhi Chief Commissioner withdrew all restrictions on the press in Delhi at the beginning of December, but he did make it clear to them in doing so that he would have no option but to re-impose pre-censorship orders against any paper which, given this opportunity of co-operating, still disregarded the spirit of the resolution passed by the All-India Newspaper Editors' Conference in Bombay. Then the *Hindustan Times* announced its intention of re-publishing itself from the 1st January.

About the middle of December, the Central Provinces Government found it necessary to ban certain forms of publicity about the fast then being conducted by one Professor Bhansali, and the Chief Commissioner informed all editors in Delhi, including the *Hindustan Times* that he proposed to issue no statutory orders on the subject but expected them, in accordance with the spirit of the Bombay resolution of editors, to observe restraint in the matter and to take press advice as regards what they publish about this Professor Bhansali. Well, on the first day of its republication, that is January 1st, the *Hindustan Times* came out with a great deal of objectionable news relating to that particular fast and other matters, showing that it had no intention of observing the spirit of the Bombay resolution; and consequently the Chief Commissioner found it necessary to reimpose the old pre-censorship orders on this particular paper. That was the position when Mr. Gandhi's fast started.

When that happened, the Chief Commissioner arranged for a conference of all editors in the province and communicated to them the advice and the wishes of Government. The House will observe that there was no attempt in the first instance to pass any restrictive orders on them under the Defence of India Rules, but the requirements were clearly put before them and they were asked to avoid unnecessary display, such as would be likely to excite the public and stir up popular resentment or apprehension. At the same time, it was realised that on the first day of the fast, papers would naturally wish to give a certain amount of prominence to it and he was prepared to take a broad view of what was permissible or not for giving publicity on the first day. Well, the

[Sir Reginald Maxwell.]

Hindustan Times; as, we all know, came out with a big banner headline and made the most of it, and the Chief Commissioner found it necessary to inform all the editors of Delhi that if undue publicity continued to be given to the news of the fast a pre-censorship order would have to be passed against any offending newspaper without further warning. On the very next day, the 11th February, the *Hindustan Times* came out with more full-page headlines and a great deal of other news about Mr. Gandhi, and it also, in printing the correspondence, omitted the most vital sentence in Mr. Gandhi's letter to the Home Department, and, therefore, created a false impression of what had been said. I am informed that on being asked for their explanation, they said it was unintentional, but for a responsible paper, publishing correspondence of great importance to the public, to make such an inexcusable error does seem to me to indicate a certain degree of irresponsibility in that management. Therefore, when it was clear that the *Hindustan Times* did not intend to observe the spirit of the Bombay resolution, or to follow the advice given to them, it was necessary to pass pre-censorship orders on this paper. The point I wish to make is that the action taken was taken only because this paper refused to co-operate with Government, having been given an opportunity to do so. There was no question of taking the matter in the first instance out of the hands of the editor. He was given every chance and it was only because he failed to avail himself of it that this specific order became necessary.

As regards the justification for using the Defence of India Rules for such an order, I think the position is clear. I made it clear yesterday that Government regard this fast as a form of pressure upon them, and that they do not regard this method of applying pressure as justifiable. If that is their position, they cannot also regard it as justifiable that the press should lend themselves to the purposes of this fast in increasing the pressure to which it gives rise, and therefore it is necessary for Government to take such measures as are open to them to see that the press do not lend themselves to a purpose which they do not regard as justifiable. It must be remembered that the issue between Mr. Gandhi and Government is whether the Congress are going to have their way or not, and Government have, for reasons which they have already made public, utilised the Defence of India Rules in order to fight this open threat and this open rebellion. They cannot allow a situation again to arise in consequence of fresh pressure of this kind, in which fresh life is given or might be given to a movement which has caused such a large amount of disaster and disturbance to this country. They believe that the general public are sick of these mass disturbances and excitements and that the Government will have the support of all reasonable sections of the public in trying to persuade the press, and if necessary to compel the press to exercise such restraint as is necessary. That is all I have to say in opposing the motion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this order is of a very vexatious and irritating character, and it is evident that the real object of it is not only to prevent news from being published but also to humiliate this newspaper before the general public. What are the reasons given for this order? It is said that the Chief Commissioner "is satisfied that the measure is necessary for the purpose of securing the public safety, the maintenance of public order and the efficient prosecution of the war". In what way will news regarding Gandhiji's fast affect the public safety, or the maintenance of public order, or the efficient prosecution of the war? This passes our understanding. Gandhiji's fast has perturbed the whole of India and the people are anxious to know what is the present state of his health. If an enterprising newspaper is able to give some news which is not given in the other papers, should that not be published? Should it be regarded as a crime? I think not.

Then, the order goes into great detail about the size of the headlines, the length and breadth and so forth. What is the necessity for all this? Of course, I would be satisfied if this newspaper had been singled out because it gave any false news with regard to the fast, but that is not urged. The Honourable the Home Member does not say that the *Hindustan Times* published any false news about Gandhiji's fast. We do not want the spreading of false news, and we insist that correct news should be given. But there is no necessity for banning the publication of correct news. That will not help the Government in prosecuting the war or in the maintenance of order.

The Honourable the Home Member says that there is a history behind this order: he says that this newspaper was unable to agree with the previous orders of the Government and had stopped publication for some weeks and that republication began on the 1st of January. So it is clear that when this newspaper found that the orders were so irritating that it could not with self-respect publish its paper and that was why it ceased publication. Why should you say that that amounted to non-co-operation?

The Honourable Sir Reginald Maxwell: I did not. I said that the non-co-operation came after it started republishing.

Dr. P. N. Banerjea: I stand corrected. With regard to Bhansali's fast, the Honourable the Home Member says that the *Hindustan Times* came out with objectionable matter. Did this newspaper give any false news? If it gave false news, it could have easily been prosecuted by the Government; but that is not the contention. "Objectionable matter" is a very vague and indefinite term.

Again, the Honourable the Home Member says that this newspaper was likely to give unnecessary display to matters relating to Gandhiji's fast. Is that such an objectionable matter that a particular newspaper should be singled out for punishment? He objects also to headlines and so forth. He further refers to undue publicity. Now, what is due publicity and what is undue publicity? To me it appears, and I believe all persons on this side of the House will agree with me, that undue publicity consists only in publishing false news and due publicity consists in the conveying of correct news. The Honourable the Home Member also urges that there was the omission of a certain sentence from the publication of some document some days ago. But that has been explained; and after the explanation no steps should have been taken against this newspaper.

Sir, restrictions on the press should not be indulged in at pleasure. We have seen in this country that the press has been gagged whenever it has suited the purpose of the Government. But you should look to the interests of the general public. The general public at the present moment is greatly interested in obtaining correct news about Gandhiji's fast, and the banning of such publication will greatly irritate the general public and intensify the discontent that already prevails in this country. In view of that fact, I would ask the Honourable the Home Member to reconsider his views and to give the necessary order for the withdrawing of these restrictive instructions of the press censor.

Nothing will be gained by irritating the public mind at the present moment but a great deal will be gained if you try to secure the goodwill of the public. Gandhiji's life is a great asset to the country. Rightly or wrongly this view is held by the people. You may not hold that view; but you cannot—you should not ignore the views of the general public of India. This is a solemn occasion and on such an occasion you should not take any step which will further embitter the feelings of the country.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): May I ask the Honourable the Home Member whether a similar order has not been issued on another paper called the *Daily Swaraj* and if so for what reason?

The Honourable Sir Reginald Maxwell: Where? In Delhi? I have no information on that. The motion related only to one paper and I have not got information about other papers.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Sir, my Honourable friend, Sardar Sant Singh, in moving his motion presented it in this light, that the *Hindustan Times* is prevented by this order from being a proper newspaper and is compelled to express the views that are approved by the Government alone. Dr. Banerjea also said that so far as the allegations made by the Honourable the Home Member against this paper are concerned, the *Hindustan Times*, is not guilty of giving any false news. I do not know what my Honourable friends consider to be false news. I should like to know from them whether suppression of truth is an expression of falsehood; because we on this side of the House have a standing grievance against these papers, that they are used to suppression of news. Even this morning, in publishing the A. P. I. report of the proceedings in the other House yesterday with regard to the adjournment motion that was moved in the other House on Gandhiji's fast, I find that this particular paper has suppressed one paragraph out of the A. P. I. Report, but has at the same time mentioned that the report is from the A. P. I. It does not say that this particular paragraph has been omitted. It looks as if the report is complete and full. This particular portion that has been suppressed is my Honourable friend, Mr. Hussain Imam's speech explaining the Muslim League Party's point of view on that question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into all that.

Mr. H. A. Sathar H. Essak Sait: What I suggest is that this paper has been in the habit of not only suppressing the news but applying restrictions on itself and there is no harm if the Government applies certain other restrictions for certain other purposes. I do not, therefore, think that I can support this motion.

Sardar Sant Singh: Sir, we are indebted to the last speaker for giving a lesson to the press not to suppress the views which they receive through the established agencies though it may go directly against the policy of the paper. I have myself been the victim of several Anglo-Indian newspapers which did not publish my speeches which were sent by the A. P. I. and which were made in this House. So, the charge cannot be laid at the door of one newspaper alone. If my Honourable friends of the Muslim League Party are to oppose this motion because the speech of one of their Members was not published in a particular newspaper, they are not taking a broad view of the situation and are not appreciating the principles involved in the motion.

With regard to the Honourable the Home Member's reply, there are two points which he has tried to make out. He says, in the first place, that the Government does not want undue publicity to be given to the fast. The principle underlying this suppression of opinion is a very vicious one. What is undue publicity? The public opinion of the country is surely not an undue publicity. And if the Government refuses to listen to the public opinion of the country, surely it cannot complain on this ground that the public opinion of the country receives an undue publicity from the press. The press will cease to function when it does not translate the public opinion in its columns.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Which is public opinion? That is the issue.

Sardar Sant Singh: That is a point for decision by every individual Member. You cannot make out a political controversy over every issue.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Sardar Sant Singh: You decide it for yourself. . .

Mr. President (The Honourable Sir Abdur Rahim): Order, Order: The Honourable Member must address the Chair.

Sardar Sant Singh: There is political controversy on every issue. The second point which the Honourable the Home Member has made out is this, that the justification for the use of the Defence of India Act on this occasion is on the ground that the fast is a pressure on the Government. May I ask whether the people suffering from subjection have or have not the right to bring pressure upon the administration? If they have, what ways are open to them? The constitutional ways have been denied to the country. The constitutional agitation for the establishment of a National Government at the Centre has not been listened to so far. Well, if other ways are adopted to bring pressure upon the Government, the Government takes exception to them and says, "No, the Government is not open to pressure at all". If it is not open to pressure, then why are you keeping this House here? We are here on the Opposition Benches to bring pressure upon the Government and to try to get their policy modified as they conceive it. The Defence of India Act was not enacted for the purpose of minimising the pressure of public opinion on the Government of India. Surely not. The justification given by the Home Member is no justification at all. The Government of India seems to rely entirely upon the brute force. Let them rely on the brute force but such force will not last for ever.

The issue which the Honourable the Home Member has stated in reply to my motion for adjournment is whether the Congress is going to have its own way or not. That is not the issue. The issue is just the other way about, whether the Bureaucratic Government in India is going to have its own way or not. That is the issue between the public and the Government. Government wants to have its own way and to rule this country in its own way even in this age. We refuse to give the Government the permission to rule this country in its own way and every sort of pressure will be brought upon it to bring it to the righteous ways of administration. I have quoted several times from the English jurisprudence that when the evils of an existing Government become intolerant, even rebellion becomes justifiable. This is the opinion of the British jurists. I am not quoting any other opinion. A similar opinion was held by Sri Guru Gobind Singh when he sent a letter to Aurangzeb. This is what he said:

"Chun Kar Az Haman Helat-i-biguzasht, Halal ast burdan Shamsher dast."

When translated into English, it means that when all methods of bringing pressure upon an administration for reform are exhausted, it becomes lawful to take the sword in one's hand. Government ought to be thankful to Mahatma Gandhi for preaching non-violence in the country. For preaching non-violence, Government have not only sent him to jail but are keeping him in detention camp. . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the motion before the House.

Sardar Sant Singh: I am only referring to the issue which is between the Government of India and the public.

Mr. President (The Honourable Sir Abdur Rahim): That is a very large issue.

Sardar Sant Singh: Very well, Sir, I will not go further in this connection, but I will tell the Home Member that though he may be commanding the votes of the House and though he may think that we will not be able to carry this

[Sardar Sant Singh.]

censure motion in this House, the fact remains that even this much freedom is denied to the country that they should have the right to read the correct news. Dr. Banerjea put it very rightly when he said that you can suppress the false news! But why do you suppress the right news. There is no reason for doing that. Therefore, my submission is that the Government is not acting or following a right policy when it persists in its attitude of indifference about Mahatma Gandhi and the news about Mahatma Gandhi when published in the press. Therefore, I will ask the House to support me in this motion.

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

"That the Assembly do now adjourn."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th February, 1943.