

24th September 1942

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

**Volume III, 1942**

*(14th September to 24th September, 1942)*

**SIXTEENTH SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY  
1942**

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1942

# Legislative Assembly

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MR. N. M. JOSHI, M.L.A.

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# LEGISLATIVE ASSEMBLY.

Thursday, 24th September 1942.

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

## MEMBER SWORN:

Mr. Indra Singh Puri, M.L.A. (Government of India: Nominated Official).

## TRANSFERRED STARRED QUESTIONS AND ANSWERS.†

### (a) ORAL ANSWERS.

#### REPORT FROM THE INDIA'S AGENT IN BURMA ABOUT EVACUATION OF INDIANS.

92. \***Mr. K. C. Neogy:** Will the Honourable Member for Indians Overseas please state whether a complete report has been received from Mr. Hutchings in regard to his duties in Burma as India's Agent during the war, dealing particularly with the measures taken for the evacuation of Indians and allegations of racial discrimination in that connection?

**The Honourable Mr. M. S. Aney:** Yes. He has recently submitted a report which deals with the measures taken by the Governments of Burma and India in aid of and for the relief of those Indians who evacuated from Burma.

**Pandit Lakshmi Kanta Maitra:** Is this report going to be laid on the table of the House?

**The Honourable Mr. M. S. Aney:** No. This report and other reports will be all consolidated together and then one report will be published as soon as possible.

#### POSITION OF INDIAN REPRESENTATIVES AT THE BRITISH WAR CABINET.

93. \***Mr. K. C. Neogy:** (a) Will the Honourable the Leader of the House please state whether His Highness the Maharaja Jam Sahib of Nawanagar and the Honourable Sir A. Ramaswami Mudaliar will jointly represent India on the War Cabinet in Great Britain?

(b) On whose instructions will they represent the view-point of India in the War Cabinet? What are the limitations, if any, subject to which they are authorised to make commitments on behalf of India in matters coming up before the War Cabinet?

†The question hour of the 18th September, 1942, having been dispensed with, these questions were transferred till today, *vide* page 233 of these Debates.—*Ed. of D.*

(c) In what official relationship will they stand with the India Office and the Government of India, respectively?

(d) Are they to be supplied with a joint Secretariat to assist them in their work? If so, by whom is its personnel to be selected?

**The Honourable Mr. M. S. Aney:** (a), (b) and (c). I would refer the Honourable Member to the reply I gave to Sir Frederick James's question on September 15th.

(d) The Secretary of State has offered to afford the representatives such secretarial assistance as they may require.

#### PRICE CONTROL AND SUPPLY OF ESSENTIAL ARTICLES.

94. **\*Mr. K. C. Neogy:** (a) With regard to the scheme of price control, will the Honourable the Commerce Member be pleased to state what articles have been selected by the Government of India for such control?

(b) What is the composition and producer of working of the price control machinery of the Central Government as well as in the Provinces?

(c) To what extent is Central control exercised in the fixation of prices, and what are the limits within which Provinces exercise powers in that behalf?

(d) How long has the system of price control been in operation and what results generally have been achieved thereby in the Provinces as well as in the centrally administered areas?

(e) Have the questions of maintaining the requisite supply of certain essential articles, such as wheat, rice, sugar, salt, kerosene oil, and matches, as also of making them available at controlled prices through shops run by Government or Local Bodies, received full attention in respect of all important towns and centres of distribution? If so, what schemes are in operation in this behalf in the different Provinces and in the centrally controlled areas?

**The Honourable Mr. N. B. Sarker:** (a) The Government of India have fixed primary wholesale prices for wheat, sugar, paper, raw rubber, and shellac and retail prices for matches. The Provincial Governments have powers under the Defence of India Rules to control prices in their respective territories and have exercised them with the approval of the Central Government for a wider range of articles.

(b) I place on the Table a note describing the existing organisation of price control at the Centre and in the Provinces. It is proposed to strengthen this organisation, further, by the creation of a non-official advisory body called the Civil Supplies Advisory Council and an executive body called a Central Price and Supply Board.

(c) The broad division of functions between the Centre and the Provinces, which is modified to suit special circumstances, is that the Central Government is responsible for fixing prices, wherever necessary, in the primary wholesale markets, while the regulations of prices at the secondary wholesale and retail stages is left to the Provincial Governments.

(d) The system of price control has been in operation since the 7th September, 1939, when the first notification delegating the necessary powers to the Provincial Governments was issued. The working of price control in the special circumstances of this country is subject to many difficulties.

and every effort is being made to overcome them; but, on the whole, Government are satisfied that the price situation in India would have been worse if no control had been exercised.

(e) The Government of India have instituted wheat and sugar controls on an All-India basis with the object of ensuring a reasonable supply of these commodities to consuming areas. The question of extending control to the distribution of these commodities was discussed at the last Price Control Conference of the representatives of the Provincial Governments and States and the conclusions arrived at that Conference are now before the Government of India. As regards cheap grain shops, such shops are already being run by several Provincial Governments and it was agreed at the last Price Control Conference that the system should be further extended, wherever possible. Detailed information about the cheap grain shops already in operation in different Provinces and the Centrally administered areas is being collected and will be placed on the Table in due course.

#### *Price and Supplies Control.*

This note gives a brief survey of (1) the practice of price and supply control hitherto followed in respect of foodgrains, and sugar and (2) the present organisation for applying such control.

#### *Practice.*

2. Immediately after the outbreak of war in September, 1939, there was an abrupt rise in retail prices and within the first week orders were issued delegating power under the Defence of India Rules to Provincial Governments to fix prices of certain necessities of life viz., foodstuffs, salt, kerosene oil and the cheaper qualities of cotton cloth. It was a condition that the maximum prices fixed should not be less than 10 per cent. above the corresponding prices on 1st September, 1939. This was modified later in the month by the addition of a provision that increased costs of production should be taken into account. The First Price Control Conference was convened on 18/19th October, 1939. It was attended by representatives of all Provinces, of the Chamber of Princes and of five larger States, and of 7 departments of the Government of India.

3. First Price Control Conference—Among other conclusions reached, it was agreed (1) that the list of essential commodities already notified was adequate, (2) that in the case of imported goods and those that were of all-India importance, the basic price at the first stage should be fixed Centrally, and in the case of other goods, by the Provinces, (3) that the normal basis should be "replacement cost", and (4) that it was desirable to develop a "prior intelligence service". From several Provinces opposition was expressed to measures that would prevent a rise in the price of *agricultural products*.

At the time when this meeting was held the weekly index number of primary commodities stood at 111.4 only (base : week ending 19.8.39 = 100).

4. Soon afterwards a boom period began, and in December 1939, the weekly index number had risen to 135.9. The Second Price Control Conference was held on 24/25th January, 1940. Opinions were divided as to the extent of the need for price control but the general tendency was still to favour non-interference with a rise in the basic prices of agricultural products. The necessity for co-ordination of activities was emphasised and it was generally agreed that the fixation of prices at the stage of production and at primary wholesale markets should be a Central responsibility; Provincial and State units to be responsible for determining the margins between the primary wholesale stage and the later stages, including the retail stage, of distribution, and to fix retail prices by superimposing such controlled margins on the controlled or, in the absence of control, the current wholesale rates. It was understood that the Central Government would consult Provinces concerned before applying a control to prices in primary wholesale markets.

The question of giving Provinces power to impose a ban on inter-provincial exports was raised : there was no demand for this power.



5. From the date of this Conference until late in 1940, a period of generally declining prices set in, the above quoted index number falling from 135.3 in January, 1940, to 109.7 in February, 1941. An increase then began, the index number rising to 138.3 in September, 1941. (In the same period, February, 1941, to September, 1941, the index number for wheat at Lyallpur rose from 150 to 200). In June 1941, the powers of price control already delegated to Provincial Governments were strengthened by delegation of power to prohibit *withholding from sale* of the articles scheduled for price control.

6. The Third Price Control Conference was held on 16/17th October, 1941. At this Conference, most attention was paid to the cases of cotton cloth and yarn, prices of which had soared as a result of the freezing order against Japan; this discussion may be said to have been the genesis of plans for the production of standard cloth and for the control of distribution of yarn, further reference to which would be outside the scope of this note. On the matter of foodgrains, the President summed up as follows: "On the whole there does not seem to be very grave apprehension at the moment regarding the rise in price of agricultural products, but the question of wheat price has to be very carefully watched. It may be possible, or it might even be necessary for the Central Government to intervene at any stage if there is a tendency for a rise in the price of wheat. So far as rice is concerned generally speaking, it is a localised problem for which solutions may have to be found by the local authorities subject of course to a satisfactory solution by imports of rice from Burma to various parts of India."

7. The Wheat problem continued to grow in seriousness. The reduction of the import duty to a nominal level on 30th September, 1941, had little effect; on 2nd November, a press note was issued warning traders that the Government considered Rs. 4-6-0 per maund at Lyallpur and Hapur to be a suitable maximum price and that they would trade at higher rates at their own risk; other press notes, conveying further warning, disabusing the public of exaggerated ideas about intended exports and announcing arrangements made for imports from Australia, followed, but without avail, and on 5th December, 1941, a definite order was issued fixing the maximum price for wheat at Rs. 4-6-0 per maund at Lyallpur and Hapur, and authorizing Provincial Governments to determine the maximum price at any other place "having regard to the normal relation between prices at such place and at Lyallpur or Hapur".

On the 31st December, 1941, a Wheat Commissioner for India was appointed. He was first engaged on preparing the ground for the introduction of a control over distribution but before actual measures to this effect could be rendered operative, he was overtaken by a period of acute shortage of visible supplies, in March, 1942, and his energies were directed to *ad hoc* enquiries in search of supplies for deficit areas until the new crop should come in. In the hope of stimulating activity in the marketing of the new crop, the maximum prices were revised at the end of March, so as to stand at Rs. 5 per maund at Lyallpur and Hapur and Rs. 5-4-0 per maund at Sind centres.

The Wheat Control Order, 1942, was made on 30th April, 1942, and thereafter movements of wheat by rail from producing Provinces to consuming areas were regulated by permits issued by him. Movements within producing Provinces were left to be controlled by the Provincial Governments.

8. The Fourth Price Control Conference was held on the 6/7th February, 1942. At this Conference it was recognised that the accommodation of traffic to the most efficient use of the limited transport facilities available was a consideration of great importance and that control over distribution in coordination with transport arrangements might have to take precedence over control of prices. A distinction was drawn between commodities (like wheat) which were subjects of all-India distribution and others (like rice and bajra) which, broadly speaking, had to move only within certain zones. To deal with the latter, the idea of Regional Price and Supply Boards (to work in close relation with Regional Transport Boards) was evolved. Each region was to cover several neighbouring units (Provinces and States), and the Boards would be responsible for seeing that surplus areas within each region would feed deficit areas in the same region.

9. Shortly afterwards Burma was lost by invasion. India had been a regular importer from Burma as had other countries, such as Ceylon, which now had no option but to turn to India for supplies. The effect of this blow was mitigated by a good crop in Bengal, but even statistically the result was to create shortage conditions for India as a whole in respect of commodities that had previously caused no anxiety in this respect.

10. The Fifth Price Control Conference was held on 7/8th April, 1942. The vital importance of linking control over distribution with price control was now fully recognised and the Conference recommended the introduction of the licensing of wholesale dealers (preferably established dealers) by Provincial and State Governments, which would enable those Governments to maintain information as to the course of distribution of the various foodgrains, and would minimize the evil of hoarding. It was left to the discretion of the Provincial Governments to decide whether retail dealers should also be licensed.

11. The Foodgrains Control Order was made on the 21st May, giving powers to Provincial Governments to license wholesale dealers in foodgrains, and to require returns of their transactions. By the Foodgrains (Futures and Options Prohibition) Order, 1942, made on 28th May, (so far only applied to wheat and gram) and attempt was made to check speculative dealings which were believed to be partly responsible for the pressure of prices against the prescribed maximum even so early in the season.

#### *Organisation.*

12. The existing organization in respect of control over prices and supplies of foodgrains and sugar is as follows :

##### *I.—The Commerce Department.*

The Economic Adviser, from whose office the Price and Supplies Branch of the Commerce Department has been taken, and whose staff is also largely engaged in work connected with the compilation of statistics of price-levels, etc.

The Wheat Commissioner for India (see above) with a staff consisting of a Deputy Wheat Commissioner and four Assistant Wheat Commissioners (two at headquarters, one at Lahore, one at Lucknow).

The Civil Supplies Commissioner (Rice and Miscellaneous), appointed on 2nd July 1942. His organization is intended primarily to provide for liaison on a high level between the Centre and Provinces (and especially the Regional Boards) in respect of commodities other than those taken under Central control (wheat and sugar), and to act generally as adviser to Government in respect of such commodities.

The Interdepartmental Committee, Commerce Department, and E. H. & L. Department, which meets weekly so as to maintain contact on subjects of common interest. The first meeting was held on the 6th May 1942.

The Sugar Controller for India, with a staff which includes a Deputy Sugar Controller and three Assistant Sugar Controllers.

Of the above, Wheat Commissioner and Sugar Controller have executive functions; the other authorities exercise general functions of co-ordination and supervision. The Civil Supplies Commissioner has visited Bengal, Madras, Mysore and Bombay and is engaged on working out a scheme for a co-ordinated control of the movements of foodgrains generally which he has discussed with Provincial and States representatives on his tour.

II. The control of prices of wheat at the primary wholesale stage and of inter-Provincial movements of wheat is in the hands of Central authorities; similar control at later wholesale stages and at the retail stage is the responsibility of Provincial and State Governments. All stages of control of prices and distribution of other foodgrains have been left to Provincial and State Governments to enforce, aided by the advice of the Regional Boards.

All the Provinces have set up control organizations, whether in the hands of officers designated as Price Controllers, Supply Commissioners etc., or forming a branch of the Provincial Secretariat. Generally speaking, these organizations work through District Magistrates and the District staff.

#### *Plans.*

13. The Commerce Department has the following measures under contemplation :—  
(1) Improvements in the collection of prompt information as to stocks, movements and prices of foodgrains.

(2) Preparation of programmes of rail movements for the assistance of the War Transport Department and the immediate daily communication to the Railway concerned by permit-issuing officers of information regarding the quantity of foodgrains from each station for which permits are granted each day.

(3) Pressure on Provincial Governments to

(i) improve their own control organizations; and

(ii) enforce the licensing of wholesale dealers without further delay.

(4) Examination at the forthcoming Price Control Conference of a scheme for controlling according to a coordinated plan, with the assistance of Regional Boards and Provincial and State Governments, the movements of foodgrains generally according to a quota programme to be drawn up with a view to securing such distribution of the available foodgrains as is most suitable in the interests of the country as a whole, and consideration of the question whether such a control of movements should also be accompanied by a control of prices, and if so, the principles on which such prices should be fixed.

(5) The following items are also to be discussed at the forthcoming Price Control Conference :

- (i) The stricter enforcement of price control measures by Provincial and State authorities.
- (ii) Prohibition, as an anti-hoarding measure, of the holding of stocks above specified amounts except under a licence by any person, including producers and consumers.
- (iii) The opening of Government grain shops.
- (iv) The extension of licences to retail dealers.
- (v) Purchases in surplus areas on Government account by selected trade agencies of foodgrains for export to consuming areas.

A. H. LLOYD,—19-8-42.

**Dr. P. N. Banerjee:** What will be the composition of the non-official Advisory Committee.

**The Honourable Mr. N. R. Sarker:** We have not yet decided that.

**Pandit Lakshmi Kanta Maitra:** Is there any Central Advisory Council?

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

**Pandit Lakshmi Kanta Maitra:** Will this Central Advisory Council have any liaison with the Provincial Committees?

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

**Mr. Lalchand Navalrai:** May I know if the Central Government have advised the Provincial Governments also to create Advisory Committees along with themselves with regard to this distribution?

**The Honourable Mr. N. R. Sarker:** There is a Regional Board in every region for the control of prices and supplies. I do not know whether there are any other Advisory or Executive Committees in the provinces.

**Mr. Lalchand Navalrai:** Are there any non-officials on that Regional Board?

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

**Pandit Lakshmi Kanta Maitra:** Do I take it that the commodities over which price control is going to be exercised as given in the list by the Honourable Member is only illustrative and not exhaustive?

**The Honourable Mr. N. R. Sarker:** The list is not exhaustive.

**Mr. Muhammad Azhar Ali:** Will the fixing of the prices remain in the hands of the officials alone or will it be in the hands of the non-officials

**The Honourable Mr. N. R. Sarker:** It will remain in the hands of the Government of India with the advice of those Advisory Boards whose names I have mentioned.

**DUTIES OF MAJOR-GENERAL WOOD IN CONNECTION WITH EVACUATION OF PEOPLE FROM BURMA.**

**95. \*Mr. K. C. Neogy:** (a) Will the Honourable Member for Indians Overseas please state what were the duties of Major-General Wood in connection with evacuation of people from Burma, and what was his official designation and pay while he was so employed?

(b) Has any report been received from him regarding his work as yet? If so, when will it be published?

(c) Is it a fact that the thanks of the Government of India have been conveyed to him formally in recognition of his services in the aforesaid connection? If so, on what grounds?

(d) What are his present duties and pay? Is any further special job contemplated for him? If so, of what character and on what emoluments?

**The Honourable Mr. M. S. Aney:** (a) Major-General Wood was appointed Administrator General, Eastern Frontier Communications in March 1942 on a salary of Re. 3,000 plus Overseas pay of £13-6-8 per mensem. He was invested with all the powers of the Government of India. He was paid from Defence Service Estimates and his primary task was to develop land communications between India and Burma. He was also placed in complete charge of the arrangements necessary for the evacuation of people from Burma to India across the Assam border. At a later stage he was relieved of his military duties and employed exclusively on refugee work.

(b) General Wood is expected shortly to submit his report. It is proposed to collate the reports submitted by him, by the late Agent of the Government of India in Burma and others and publish a self-contained story of the evacuation from Burma.

(c) Yes. The thanks of the Governor General in Council have been conveyed to General Wood for the valuable services rendered by him in successfully organising and directing the rescue of the vast stream of refugees from Burma to India via Assam.

(d) Major-General Wood is now Additional Director General, Munitions Production, on the pay already stated and employed on the preparation and execution of rationalisation schemes for the General Engineering Industry. Any new duties for Major-General Wood can be settled only when his present work is completed.

**Pandit Lakshmi Kanta Maltra:** With regard to part (b) of the question, the Honourable Member said that the report, when available, will be collated with the other reports and then it will be published. May I inquire if this House will be given an opportunity to discuss this report?

**The Honourable Mr. M. S. Aney:** After the report is prepared, I will consider the suggestion and see if something of that nature can be done.

**Pandit Lakshmi Kanta Maltra:** I want to emphasise that this matter is of very great importance to this country. I request the Honourable Member to consider the suggestions seriously and give this House an opportunity to discuss it.

**The Honourable Mr. M. S. Aney:** If it is the general desire of the House to discuss the question of evacuees in general in the next Session, well, I believe the Government will consider that suggestion.

**Mr. Lalchand Navalrai:** May I know from the Hon'ble Member if Major-General Wood has been appointed in connection with evacuees from Burma alone or also evacuees from Malaya and other places? Is there any other officer appointed for evacuees from Malaya, Singapore and other places?

**The Honourable Mr. M. S. Aney:** Major-General Wood was only in charge of the evacuees from Burma who passed through Assam. He could not be for those from Malaya.

**Mr. Lalchand Navalrai:** May I know whether the Honourable Member has been getting any information from Malaya and Singapore about these evacuees?

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

**The Honourable Mr. M. S. Aney:** That supplementary question does not arise on this question.

#### EXTRACTION OF QUININE FROM CINCHONA BUSHES IN THE NURSERY STAGE.

**96. \*Sir F. E. James:** Will the Honourable Member for Education, Health and Lands be pleased to state:

- (a) whether the attention of the Government of India has been drawn to the method believed to have been investigated in Russia of extracting quinine from cinchona bushes in the nursery stage;
- (b) if so, whether similar experiments have been made in India, and with what results; and
- (c) whether, if the answer to part (b) above is in the affirmative, and the results of the investigations are favourable, Government propose to encourage the use of this method by guaranteeing those willing to adopt it on cinchona plantations against financial loss?

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

(b) The experiments so far made indicate that to obtain a substantial yield it is necessary to leave plants in the ground for about three years from the time of sowing. After that period an average of about 85 pounds of total cinchona alkaloids is likely to be obtained from one acre.

(c) The Bengal and Madras Governments have been asked to investigate urgently the extent to which land can be brought under the Russian method of cinchona cultivation and to explore in consultation with Planters' Associations the possibility of cultivation on tea and coffee estates. They have also been asked to furnish an estimate of the cost of cultivation and the nature and extent of the guarantee which will be necessary to induce private landowners to undertake the cultivation. The Government of India will consider what guarantee can be given on receipt of the reports of the Provincial Governments.

**Sir F. E. James:** With regard to part (b) would my Honourable friend inform the House where the experiments have been tried in India?

**Mr. J. D. Tyson:** I think mainly, if not entirely, in North Bengal in Darjeeling district where the Principal Quinine Officer has his headquarters. He made very extensive experiments.

**Sir F. E. James:** Is he not therefore aware of the experiments which have been tried in South India which yield much better results than the experiments to which my Honourable friend refers?

**Mr. J. D. Tyson:** He has not mentioned them in his report. If he had been aware, I think, he would have mentioned them.

**Sir F. E. James:** With reference to part (c), is my Honourable friend aware that while the Government of India are waiting for information as to costs from the Provincial Governments concerned, the planting season for the year 1942-43 will be rapidly closing?

**Mr. J. D. Tyson:** No, Sir. We are advised that it would not be a suitable time to plant at this time of the year, the end of the monsoon. Rather, the planting should take place in February-March.

**Sir F. E. James:** I do not know from where my Honourable friend got the information. May I be allowed to ask whether he does not agree with me that in South India, at any rate, the planting season is in the next few weeks and if that season is not taken advantage of, the information which is being collected with regard to financial guarantees will be of no avail till the next season, namely 1943-44?

**Mr. J. D. Tyson:** I will look into that. It may be that our information is applicable to conditions in the Darjeeling district of Bengal.

**Sir F. E. James:** My Honourable friend is, I take it, aware of the Madras Presidency and that, in point of fact, more advance has been made there in regard to cinchona plantation than even in Bengal, and although it is my Honourable friend's late Province, I suggest that he takes a little more trouble to find out what has happened in the Province of Madras?

**Pandit Lakshmi Kanta Maitra:** Why is it that the Central Drugs Laboratory was not entrusted with the work of carrying on this research or experiment?

**Mr. J. D. Tyson:** Extraction of quinine is the duty of the Principal Quinine Officer and we consider him fully competent to do this particular work.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that there are only two Provinces at the present moment in India, Bengal and Madras, which are carrying on cinchona plantation, will the Honourable Member consider the advisability of having such researches conducted in the Central Research laboratory.

**Mr. J. D. Tyson:** I do not think we shall make any further research. Our duty now is to get on with the growing.

**Pandit Lakshmi Kanta Maitra:** May I know what money has been sanctioned by the Government of India for carrying on this experiment?

**Mr. J. D. Tyson:** We must await the reply of the Provinces, as to what money will be necessary in their opinion?

**Sir F. E. James:** How long are you going to wait?

**Pandit Lakshmi Kanta Maitra:** Will not Government of India make any proposal to the Provincial Governments that they would advance money for carrying on this experiment or research?

**Mr. J. D. Tyson:** It is not now an experimental research. We have asked them to go on with planting now.

**Babu Baijnath Bajoria:** Are Government aware that even in hospitals the supply of quinine is very restricted on account of acute shortage of stocks.

**Mr. J. D. Tyson:** This question hardly arises. We have, however asked that economy should be observed in the giving of quinine. We recognise that there will be acute shortage unless great economy is observed.

**Babu Baijnath Bajoria:** The price of quinine has gone up double, treble and even ten times during recent months.

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

**Dr. T. X. DeSouza:** Will the Honourable Member inform the House as to what period it takes for cinchona bark to mature from the time of its plantation?

**Mr. J. D. Tyson:** Ordinarily we do not start taking the bark till the seventh year after plantation. We take it from the seventh to the twelfth year.

**MONOPOLY TO MESSRS. PARRY AND COMPANY, MADRAS, FOR DISTRIBUTION OF SUGAR IN THE MADRAS PRESIDENCY.**

**97. \*Mr. K. O. Neogy:** (a) Will the Honourable the Commerce Member state whether the attention of Government has been drawn to a representation made by the Federation of Indian Chambers of Commerce and Industry, regarding the appointment of Messrs. Parry and Company, Madras, as the sole distributors of 60,000 bags of sugar, from North India, in the Madras Presidency?

(b) Are Government aware of the existence of an organisation operating under the style of "Southern Province Sugar Marketing Board", composed of sugar manufacturers and dealers in the Madras Presidency? If so, why has a monopoly been granted to Messrs. Parry and Company, Madras, for the distribution of sugar in the Madras Presidency, instead of the distribution being entrusted to the Sugar Marketing Board?

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

(b) The answer to the first part of the question is in the affirmative. The answer to the second part of the question is that this appointment was made by the Provincial Government. That Government has now nominated their own Director of Civil Supplies as the authority for giving despatching instructions for sugar despatched from North India under the direction of the Sugar Controller for India.

**Mr. H. A. Sathar H. Essak Sait:** The question relates to the machinery for distribution of sugar?

**The Honourable Mr. N. R. Sarker:** The distribution of sugar is being done under the authority of Director of Civil Supplies.

**Mr. H. A. Sathar H. Essak Sait:** Under the direct authority?

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

**Mr. Muhammad Azhar Ali:** Is it the policy of Government to give monopoly for sugar just as they are doing in the case of railways where they have given to Eswardas Ballabhdas? Is it to the advantage of the Government of India?

**The Honourable Mr. N. R. Sarker:** The Government of India have not given any monopoly in this respect to any one.

**Mr. President** (The Honourable Sir Abdur Rahim): The answers to the next two questions, Nos. 98 and 99 will be laid on the table.

#### MANUFACTURE OF MOTOR CARS IN INDIA.

†98. \***Mr. K. O. Neogy:** (a) Will the Honourable the Commerce Member please state whether Government's attention has been drawn to a Reuter's press report, published in India, giving publicity to a statement made by the High Commissioner for India, Sir Aziz-ul-Haq, in which, among other things, he has referred to the fact that thirty types of motor vehicles were being manufactured in India?

(b) Will the Honourable Member be pleased to indicate these different types of vehicles and where they are being manufactured?

(c) Has there been any negotiation between the Government of India and the Government of the United States of America, or the authorities of the General Motors Limited, regarding the manufacture of motor cars in India? If so, will Government be pleased to lay on the table a copy of the communications exchanged between the Government of India and the Government of the United States of America or the General Motors Limited in this connection?

**The Honourable Mr. N. R. Sarker:** (a) and (b). The Government have seen the Press report but have ascertained from the High Commissioner that it is inaccurate. What the High Commissioner said was that army vehicles of various types, about 30 varieties, were being constructed in India. The words "motor vehicles" and "manufactured" were not used.

(c) Certain discussions are in progress regarding the erection of a further assembly plant but have not progressed sufficiently far to render it possible to make a statement.

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



**RATES OF ALLOWANCES AND ALLOTMENTS TO EVACUEES FROM THE FAR EAST AND BURMA.**

†99. \***Mr. K. C. Neogy:** (a) Will the Honourable Member for Indians Overseas please state what are the rates of allowances and allotments admissible to evacuees from the Far East and Burma in the case of persons of British nationality and of Indians and other non-European nationals, respectively?

(b) On what principle have these rates been fixed?

(c) Is any part of the expenditure on this account debitable to His Majesty's Government?

**The Honourable Mr. M. S. Aney:** (a) I lay on the table of the House a statement indicating the scale of allowances prescribed by the Government of India. It is applicable to all evacuees irrespective of race, and to dependants and families in India of British subjects stranded in enemy-occupied countries.

(b) The rates admissible to the refugees are roughly graded according to an estimate of their pre-refugee economic status, and the allowances themselves are treated as recoverable advances and granted only against undertakings to repay.

(c) The expenditure in respect of European British subjects, Foreigners and Asiatic British subjects other than Indians and Burmans is debitable to His Majesty's Government.

*Statement showing the Scale of Allowances*

Estimated normal income or remittance per month.	Maximum allowances payable per month.		
	Single adult earner or person normally in receipt of a remittance.	With wife or adult dependant.	Child.
Rs.	Rs.	Rs.	Rs.
0—50	15	25	5
51—150	30	50	8
151—400	60	100	12
401—750	100	170	16
Over 750	150	250	20

The total allowance payable to a family group dependent on one earner or receiver of a remittance may not exceed 75 per cent. of the normal income or Rs. 350 whichever is less.

These scales will be in force for a period of six months in the first instance from the 1st July, 1942.

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

**HELP GIVEN BY GOVERNMENT OF INDIA TO EVACUEES FROM BURMA.**

**100. \*Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member for Indians Overseas be pleased to state what the Government of India is doing to help the evacuees from Burma into India?

(b) What is the scale of allowances given to the evacuees and for what period and with what conditions?

(c) What steps have Government so far taken or propose to take in the near future, to help them to settle down in this country?

(d) Are these evacuees being taken in the Government of India services? If so, what is the principle on which such appointments are made?

**The Honourable Mr. M. S. Aney:** (a) and (b). I would invite the attention of the Honourable Member to the reply which I have just given to parts (a) and (b) of Mr. K. C. Neogy's starred question No. 99.

(c) I would invite attention to the reply given by me to part (c) of Mr. Anarendra Nath Chattopadhyaya's starred question No. 29 on the 15th September, 1942.

(d) Evacuees are eligible for Government employment, but will have no preferential claims over the local unemployed on the ground of their being evacuees.

**Pandit Lakshmi Kanta Maitra:** Sir, may I rise to a point of order? When I gave notice of this particular question for answer and when, for no fault of mine, the reply to a question to which reference is made is not orally given, but laid on the table, am I not entitled to have that answer read out in the House so as to enable me to put supplementary questions?

**Mr. President** (The Honourable Sir Abdur Rahim): If the reply has been given in the House and is in conformity with the rules there ends the matter.

**Pandit Lakshmi Kanta Maitra:** I am denied the opportunity to put supplementary questions.

**Mr. President** (The Honourable Sir Abdur Rahim): It does not matter.

**Pandit Lakshmi Kanta Maitra:** My Honourable friend, Mr. Neogy, exhausted his quota of questions and so the answer to his question was laid on the table only today. Therefore, it is not as if the answer was laid on the table sometime before to which I could have had access.

**Mr. President** (The Honourable Sir Abdur Rahim): It does not matter. The answer was laid on the table under the rules.

**Pandit Lakshmi Kanta Maitra:** I want to know whether, in view of the fact that I am not getting any opportunity to have information on that matter and today is the last day of the Session, I am entitled to ask supplementary questions . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): It does not matter whether it is the last day of the Session. The rules will have to be carried out. When the answer has been laid on the table, the Honourable Member cannot put any supplementary questions on that. He can put in a fresh question if he likes and if there is time.

**ORGANISATION FOR PROVIDING EMPLOYMENT FOR EVACUEES FROM BURMA.**

**101. \*Pandit Lakshmi Kanta Maitra:** Will the Honourable Member for Indians Overseas be pleased to state whether or not any organisation has been set up by Government to provide employment for the evacuees from Burma? If the answer is in the affirmative, will he please make a detailed statement on it?

**The Honourable Mr. M. S. Aney:** I would invite the attention of the Honourable Member to my reply to part (c) of Mr. Amarendra Nath Chattopadhyaya's starred question No. 29 on the 15th September, 1942.

**ALLOWANCES TO NON-INDIAN AND INDIAN EVACUEES FROM BURMA.**

**102. \*Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member for Indians Overseas be pleased to state whether his Department is responsible for the payment of allowances to the following categories of evacuees from Burma:

- (i) European,
- (ii) Anglo-Indian,
- (iii) Anglo-Burman,
- (iv) Burman, and
- (v) Chinese?

(b) If the answer to the above be in the affirmative, will he be pleased to state the scale, conditions and duration of such allowances?

(c) If the scales are different, under what principle has such differentiation been made?

(d) Will he be pleased to state if the allowances to the above are made by the Government of India on behalf of His Majesty's Government in England?

(e) Is the payment of allowances to the Indian evacuees also made by the Government of India on behalf of His Majesty's Government in England? If not, on what principle is this differentiation made?

**The Honourable Mr. M. S. Aney:** (a) The Home Department is the administrative Department concerned with the grant of allowances to Europeans and Foreigners evacuated to India and the Department of Indians Overseas to evacuees of Indian origin and Asiatic British subjects evacuated to this country.

(b) to (d). The attention of the Honourable Member is invited to my reply to Mr. K. C. Neogy's starred question No. 99 earlier in the day. The Government of Burma have accepted responsibility for the expense incurred in giving relief to Burman and Anglo-Burman refugees.

(e) The answer to the first part is in the negative. As regards the second part, the differentiation is based on the principle that the Government of each country should assume responsibility for evacuees who are the nationals of that country. In the case of Colonial Governments like those of Malaya and Hongkong and Foreign Governments, His Majesty's Government in England will act as a clearing house.

Now, Sir, if you have no objection, I am prepared to read out the answer to question No. 99 which was laid on the table because Mr. Neogy had exhausted his quota of questions, so that my Honourable friend, Pandit

Maitra, should have no grievance on that point. Now, I am reading out the reply† to question No. 99 by Mr. K. C. Neogy:

(The Honourable Member then read out the reply.)

**Babu Baijnath Bajoria:** What about Anglo-Burmans?

**The Honourable Mr. M. S. Aney:** It will be a charge on the Government of Burma.

**Babu Baijnath Bajoria:** How will they pay? Does the Burma Government exist?

**The Honourable Mr. M. S. Aney:** It does.

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

**RESPONSIBILITY FOR PAYMENT OF ALLOWANCES TO INDIAN EVACUEES WHO ARE BURMESE NATIONALS.**

103. \***Pandit Lakshmi Kanta Maitra:** Will the Honourable Member for Indians Overseas be pleased to state if any representation has been made by the Government of India to His Majesty's Government in England to undertake responsibility for payment to the Indian evacuees who are Burmese Nationals? If the answer is in the affirmative, will the Honourable Member please state the result?

**The Honourable Mr. M. S. Aney:** The reply to the first part is in the negative: the second part does not arise.

**MACHINERY FOR CO-ORDINATION OF ACTIVITIES OF DIFFERENT GOVERNMENT DEPARTMENTS IN RELATION TO ALL EVACUEES COMING TO INDIA.**

104. \***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member for Indians Overseas be pleased to state if there is any machinery of the Government for the correlation and co-ordination of the activities of the different departments of the Government in relation to all the evacuees coming to India?

(b) If the answer to the above be in the affirmative, will the Honourable Member please make a statement about its activities?

(c) If the answer to the above be in the negative, will the Honourable Member please state if Government will consider the advisability of having some such arrangements for correlation?

**The Honourable Mr. M. S. Aney:** (a) No. There is no special machinery to co-ordinate the activities of the different Departments of the Government of India.

(b) Does not arise.

(c) Government are satisfied that the present arrangements whereby important decisions are mostly taken after consultation among the Departments concerned or interested are adequate and that there is no need to set up any special machinery for the purpose.

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† Not reproduced here but see page 498 of these Debates—*Ed. of D.*

RESEARCH FOR FINDING SUBSTITUTE FOR CINCHONA AND QUININE UNDER  
AYURVEDIC SYSTEM.

**105. \*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Education, Health and Lands be pleased to state if ways and means for discovering a substitute for cinchona and quinine through researches by the Ayurvedic system of treatment are being examined? If so, what arrangements and schemes for such researches have been made? If this has not been considered, is he prepared to take up the matter without delay?

(b) Has the attention of the Honourable Member been drawn to the article on quinine by Dr. MacGilchrist in the *Statesman* of August 31, page 4, column 4?

**Mr. J. D. Tyson:** (a) The indigenous drugs enquiry which was conducted by Brevet Colonel Sir Ram Nath Chopra under the Indian Research Fund Association over a number of years investigated a large number of indigenous drugs for their efficacy in the treatment of malaria but none of them has been found to have a specific effect on the malaria parasite similar to that of the cinchona alkaloids. A comprehensive survey of Ayurvedic medicines was also made by Dr. M. C. Koman under the Madras Government some years ago but no new drug with properties similar to the cinchona alkaloids was discovered. Government do not propose to institute any further enquiries.

(b) Yes.

**Babu Baijnath Bajoria:** Will the Government take the help of eminent *Kavirajas* in finding out substitutes for cinchona alkaloids?

**Mr. J. D. Tyson:** I have answered that question already: Government do not propose to institute any further enquiries.

**Pandit Lakshmi Kanta Maitra:** Did the Honourable Member say that the active principle of cinchona alkaloids was not found in the medicinal drugs research on which was carried out by Colonel Sir Ram Nath Chopra?

**Mr. J. D. Tyson:** I said that none of the drugs covered by Colonel Sir Ram Nath Chopra's enquiry was found to have a specific effect on the malaria parasite similar to that of the cinchona alkaloids. What I meant by that was that cinchona alkaloids attack and kill the parasite. So, I understand, does Atebrin, but I do not think that anything else has been found which kills the parasite. Certain drugs, like Aspirin, produce a reduction of the symptom—the fever—but they do not really go for the parasite itself.

**Pandit Lakshmi Kanta Maitra:** So I take it that the present position of the Government is that they are not going to encourage further research in this direction?

**Mr. J. D. Tyson:** No, Sir. We do not see that any useful purpose will be served.

**Mr. Jamnadas M. Mehta:** What steps are being taken to encourage the manufacture of Atebrin?

**Mr. J. D. Tyson:** We are trying to import Atebrin from the countries in which it is manufactured on a very large scale. We cannot manufacture it in India because quite a large proportion of the ingredients are themselves highly manufactured drugs not obtainable in this country.

**Mr. Jamnadas M. Mehta:** Are the Bombay Government not prepared to undertake this experiment at their own cost?

**Mr. J. D. Tyson:** Yes, but they have not got the drugs. A certain proportion of those drugs are not obtainable in India.

**Mr. Jamnadas M. Mehta:** But all that the Bombay Government wanted was some shipping space to import these.

**Mr. J. D. Tyson:** I understand the drugs in question are on the forbidden list for export from the only two countries from which we could get them.

**Mr. Jamnadas M. Mehta:** What is prohibited now should be permitted if it is beneficial. Why is it prohibited? It is only a question of issuing orders.

**Mr. J. D. Tyson:** We can ask for the ingredients but they may prefer to send us the completed product, and we are absolutely in their hands. Another aspect of the matter is economy of shipping space.

**Mr. Jamnadas M. Mehta:** But the manufactured product as it comes to India is several times more costly than it would cost here by the importing of material.

**Mr. J. D. Tyson:** That is a matter of opinion.

**Mr. Jamnadas M. Mehta:** Has it not been proved by the Bombay Government?

**Pandit Lakshmi Kanta Maitra:** Have Government made any organized effort to find Totaquina as a substitute for cinchona alkaloids?

**Mr. J. D. Tyson:** I must ask for notice.

#### SUBSISTENCE ALLOWANCE FOR ANGLO-INDIAN AND INDIAN EVACUEES FROM BURMA AND MALAYA.

106. **\*Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Indians Overseas please state if it is a fact that the Government of India pays a monthly grant for subsistence for Anglo-Indian evacuees' families staying in India? If so, what is the amount granted? On what basis has this amount been fixed?

(b) Will the Honourable Member be pleased to state if the Government of India have fixed any such subsistence allowance for Indian evacuees from Burma and Malaya? If so, what amount has been fixed and on what basis? Is it a fact that Anglo-Indian evacuees are given preference to Indian evacuees in matters of employment?

**The Honourable Mr. M. S. Aney:** (a) and (b). The reply to the first part of part (a) is in the affirmative. As regards the second and third parts of part (a) and the first portion of part (b), I would invite the attention of the

Honourable Member to my reply to Mr. K. C. Neogy's starred question No. 99 earlier in the day. As regards the employment of Anglo-Indian and Indian evacuees mentioned in the second portion of part (b), Anglo-Indians being statutory Indians are treated in the same way as Indians.

**STUDENT STRIKES, DURING RECENT DISTURBANCES, IN UNIVERSITIES AND INSTITUTIONS UNDER THE CENTRAL GOVERNMENT CONTROL.**

**107. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable Member for Education, Health and Lands please lay on the table a list of institutions in the Centrally Administered areas and such Universities and institutions, for which the Central Government is responsible, that were closed abnormally on account of the violent non-co-operation in recent disturbances?

(b) What is the total number of students who left these institutions?

(c) How far are the teachers responsible in the creation of strikes? What disciplinary action if any have the Departments of Instruction taken in such cases?

**Mr. J. D. Tyson:** (a) to (c). The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in present circumstances.

**FINANCIAL CONTRIBUTIONS TO THE LEAGUE OF NATIONS.**

**108. \*Dr. P. N. Banerjee:** Will the Honourable the Law Member please state:

(a) the amounts of financial contribution made to the League of Nations during the financial years

(i) 1937-38; and

(ii) 1941-42; and

(b) the basic principle on which the contributions are made by India and other member-countries to the League of Nations?

**The Honourable Sir Sultan Ahmed:** (a) (i). Rs. 9,88,905.

(ii) Rs. 7,54,640.

(b) The aggregate amount of the League of Nation's budget for any particular year is payable by the members of the League as a whole, each member-State contributing in the proportion of the number of units assigned to her in the scale of allocation for the time being in force. Thus India in 1941 paid 48/522 of the total expenditure, 48 being the number of units assigned to her in the scale of allocation adopted as the result of the Report of the Allocation Committee of 1939 and 522 representing the total number of units in 1941.

The basic principle followed by Allocation Committees has been that of capacity to pay and the principal data taken into account have comprised the population, production, trade and banks, transport and budget of States.

**Maulana Zafar Ali Khan:** May I know, Sir, whether the League of Nations is still alive?

**Mr. President** (The Honourable Sir Abdur Rahim): Dr. Banerjee.

**Dr. P. N. Banerjee:** Why should the progressive decrease not be applied to these contributions?

**The Honourable Sir Sultan Ahmed:** All the matters which could be considered in this connection were brought to the notice of the Allocation Committee. Our contribution would have been much less had not some of the members gone out on account of the war. The House will remember that provisions have been made from time to time in the contribution payable by India to the League. India originally had 85 units assigned to her; now it is 48. The position is that the Government of India have from time to time done their very best to bring to the notice of the Committee or the authorities the condition of this country, our own capacity to pay; and those considerations were present when the Committee considered the contribution. It is very difficult at the present moment to suggest any new method, and we will have to wait till the end of the war. The existence of the League is essential for the purposes of post-war reconstruction, and the contribution we are making is not too high. It could have been much less if some of the major countries had not gone out.

**Dr. P. N. Banerjee:** Will the Government of India take further steps in order that India may be made to pay its fair share of its contribution and not more?

**The Honourable Sir Sultan Ahmed:** Sir, we know that the contribution is there and we will do our best to reduce our liability if possible.

**Babu Baijnath Bajoria:** What benefit is India getting in making these big contributions?

**The Honourable Sir Sultan Ahmed:** That does not arise from the question.

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member tell us in what manner is India's participation in the League of Nations secured at present?

**The Honourable Sir Sultan Ahmed:** That does not arise from the question.

**Pandit Lakshmi Kanta Maitra:** Will the Honourable Member tell us if it is not a fact that a number of units of the League of Nations have been eliminated now and, if so, why is it that India is made to pay a larger amount than what she used to do before?

**The Honourable Sir Sultan Ahmed:** That should be obvious to everybody. If we are in the League of Nations we should make a contribution; besides, the expenditure of the League has gone down very much and that is the reason why we have to pay Rs. 7 lakhs instead of Rs. 14 lakhs, as was our contribution in the earlier part of the existence of the League of Nations.

**Pandit Lakshmi Kanta Maitra:** Has the Honourable Member satisfied himself that the remnant units of the League of Nations have been made to make proportionately increased payments?

**The Honourable Sir Sultan Ahmed:** Certainly.

**Mr. President** (The Honourable Sir Abdur Rahim): The answer to the next question of Mr. Neogy is laid on the table.



**POLICY GOVERNING THE EMPLOYMENT OF EVACUEES FROM BURMA.**

†109. \***Mr. K. O. Neogy**: (a) Will the Honourable Member for Indians Overseas be pleased to explain the policy governing the employment of evacuees from Burma under the Government of India? Was the policy enunciated in any formal communication for the benefit of different departments and offices under the Government, or were they left free to pursue their own course in the matter? If any such communication was issued, will it be please laid on the table?

(b) How many British and other European evacuees from Burma have been employed under the Government of India and in what positions and what were the considerations for such employment?

(c) Was the Public Service Commission consulted at any stage on any relevant point in connection with the policy of such appointments or as regards the merits of any individual evacuee prior to his selection for his employment under the Government?

**The Honourable Mr. M. S. Aney**: (a) I lay on the table of the House a relevant extract from a communication addressed by the Department of Indians Overseas to all Departments of the Government of India suggesting that in the matter of employment of evacuees preference should as far as possible be given to Indian evacuees. In another communication to all the Departments the Defence Department has reiterated the policy that while every effort should be made to absorb evacuees in useful employment, evacuees qua evacuees should not be given any preference over other Indian candidates, in the matter of Government employment.

(b) So far as can be ascertained 124 European evacuees have been appointed by the different Departments to various posts of a temporary nature under their control, but the further particulars asked for by the Honourable Member are not readily available.

(c) The reply to the first part is in the negative. As regards the second part, the Federal Public Service Commission was not consulted in the matter of appointment of evacuees to posts, recruitment to which is under the rules made without consultation with the Commission.

*Extract from a Communication dated the 19th May, 1942, addressed by the Department of Indians Overseas, to all Departments of the Government of India, regarding Employment of Evacuees.*

2. The Department of Indians Overseas fully realise that where appointments are not made through the Public Service Commission, the appointing authorities have full discretion to select the most suitable incumbents and further that there is no bar to the employment of any British subject under the Governments in India. In view, however, of the situation created in India by the influx of a large number of Indian evacuees unemployed, who are likely to be a charge on Indian public revenue until they can become self-supporting, this Department ventures to express the hope that appointing authorities will endeavour to select Indians for Government employment rather than non-Indian persons. It is not suggested that the claims of Indian evacuees should be treated as being in any way stronger than those of other Indian unemployed but it will be recognised that anything done to relieve unemployment among Indians generally can not be without its effect on the problem of the Indian evacuee unemployed. "Indian" in this context should be taken to mean:

(a) British subjects domiciled in India (including Anglo-Indians and domiciled Europeans);

and (b) British subjects of Indian extraction.

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

## TRANSFERRED UNSTARRED QUESTIONS AND ANSWERS.\*

### APPLICATIONS UNDER PAYMENT OF WAGES ACT BY OR ON BEHALF OF EMPLOYEES OF FEDERAL RAILWAYS.

1. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please lay on the Table a statement showing the applications presented to the authorities appointed under the Payment of Wages Act, 1936, by or on behalf of the employees of Federal Railways between the 1st April, 1937, and the 31st August, 1942, showing *inter alia* :

- (a) the application number;
- (b) the particulars of the parties, *i.e.*, name and address;
- (c) allegations in the application;
- (d) amount of the relief claimed;
- (e) findings of the Authority, and qualifications of the Authority,
- (f) if appeal preferred, the result of the appeal together with the full description of the appellate court, and
- (g) if revision preferred, the result of the revision together with the particulars of the Revisional Court?

**The Honourable Dr. B. R. Ambedkar:** The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

### SUMMONS FEES UNDER PAYMENT OF WAGES RULES FOR DELHI PROVINCE.

2. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Labour please refer to Rule 18 of the Payment of Wages (Federal Railways) Rules, 1936, and to Rule 21 of the United Provinces Payment of Wages Rules, 1936, and Rule 21 of Delhi Province Payment of Wages Rules, 1937, and state the amount of the process fee for summoning the opposite party by the Authority and by the court which is prescribed for the Delhi Province?

**The Honourable Dr. B. R. Ambedkar:** Government are advised that no process fee is leviable for issuing notices to the opposite party under the rules mentioned. This is, however, a matter of interpretation of the rules.

### BURMA EVACUEES GIVEN APPOINTMENTS IN GOVERNMENT OF INDIA DEPARTMENTS AND THEIR ATTACHED AND SUBORDINATE OFFICES.

3. **Mr. K. O. Neogy:** Will the Honourable Member for Indians Overseas be pleased to lay on the table a statement on the following lines, in relation to all Departments of the Government of India including all offices and services under their control :

(a) Number of evacuees from Burma and the Far East who may have been given appointments in the Department or offices attached or subordinate to it?

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\*The question hour of the 18th September, 1942, having been dispensed with, these questions were transferred till today, *vide* page 233 of these Debates.—*Ed. of D.*

(b) How many of them are (1) Britishers, (2) other Europeans, (3) Anglo-Burmans, (4) Anglo-Indians, (5) Burmans, (6) Indians, and (7) other nationalities?

(c) Who, among persons of each of the above seven categories, held offices under the Government of Burma, or under any other Government, or were in private employ, or engaged in private business or any profession in Burma, or elsewhere, respectively?

(d) In the case of salaried employees, in what capacity, on what scale of pay and for what length of time, was each such person engaged in Burma or elsewhere; and in what capacity and on what scale of pay has he or she been employed in India, and for what length of time is he or she expected to serve the Government of India?

(e) Has each such person been employed on account of any special qualification, or out of compassion?

(f) In the case of which such person or persons, corresponding qualifications or experience could not be obtained among officers already in the employ of the Government of India, or among non-official Indians?

(g) Has the appointment of any such person prejudiced the service prospects of any individual officer already in the employ of the Government of India, directly or indirectly?

(h) In which cases, if any, are such persons the first incumbents in the appointments concerned, and in which cases have they succeeded other officers? In regard to the first category, what considerations determined the terms fixed and in regard to the second category of cases, have the previous terms of employment been revised in any way for the benefit, or to the prejudice, of any evacuee from Burma or the Far East?

**The Honourable Mr. M. S. Aney:** (a) and (b). So far as can be ascertained from returns which have been received from the various departments of the Government of India the total number is 1,058. A statement giving the composition of this number is annexed.

(c), (d) and (h). Most of these persons are employees of the Government of Burma evacuated to India. All the appointments have been made on a temporary basis. The salaries paid are those prescribed for the different posts. The other details asked for by the Honourable Member are not readily available. The task of collecting them will involve an expenditure of time and labour which would not be justifiable in present circumstances.

(e) It is not the Government's policy to find or create posts for evacuees out of compassion; evacuees were considered equally with other available Indian candidates and appointed to posts for which they were suitably qualified.

(f) Evacuees are considered eligible for Government posts equally with other candidates in India whether official or non-official. The other details asked for cannot be obtained without an unjustifiable expenditure of time and labour.

(g) Government have no reason to believe that the interests of any officers already in the employ of the Government of India have been adversely affected by these appointments.

Statement showing the classification of vacancies from Burma to the Far East employed by Departments of the Government of India and their attached and subordinate offices.

Serial No.	Department.	Indians.	Anglo-Indians and domiciled Europeans.	Anglo-Burmans.	European British subjects.	Others.	Total.	Remarks.
1.	Secretariats of the Governor General Personal, Public and Reforms.							
2.	Home Department	11		2*	2†		15	* For 3 months. † 1 for 1 month.
3.	Department of Civil Defence.	7	1	2	4		14	
4.	Department of Information and Broadcasting.	3		1		4 (a)	8	(a) Burmans.
5.	External Affairs Department.		1		1	1 (b)	3	(b) In China; domiciled Burman.
6.	Political Department	4	1		2		7	
7.	Finance Department	16 51 (c)	1	2	1		71	(c) In office of Controller of Supply Accounts.
8.	Legislative Department							
9.	Department of Commerce	6	...	1	3		10	
10.	Department of Labour	67	108		9	20‡	204	‡ "Other nationalities".
11.	Department of Education, Health and Lands.	13	4	1	2		20	
12.	Department of Indians Overseas.	6	1				7	Persons employed in the Refugee Organisation, Assam, not included.
13.	Legislative Assembly Department.			...				
14.	Department of War Transport.	5			2		7	
15.	Department of Posts and Air.	56	8		2	...	66	
16.	Department of Supply	96	4	5	13	11(d)	129	(d) 1 Burman and 10 "Other nationalities".
17.	War Department	139	126	87	74	57‡	483(e)	(e) Includes Women's Auxiliary Corps formations. ‡Of this 2 are Burmans, the rest are "Other than British Subjects".
18.	Defence Department		1	2	3		6	
19.	Railway Board		2	...	6	...	8	Does not include non-gazetted staff for whom information is not available.
Total		480	258	408	124	93	1,058	

## SHORT NOTICE QUESTIONS AND ANSWERS.

### GRIEVANCES OF THE ORDNANCE FACTORIES DIRECTORATE STAFF TRANSFERRED TO CALCUTTA.

**Babu Baijnath Bajoria:** (a) Will the War Secretary please state whether it is a fact that a portion of the M. G. O. Branch Staff which was serving in the Ordnance Factories Directorate was compelled to accept transfer to Calcutta in 1940 contrary to the conditions of their service in Army Headquarters?

(b) Is it a fact that the non-gazetted staff of that establishment was then assured by Government that their prospects of promotion and other interests would be adequately safeguarded and that their temporary detachment from their parent office would not in any way adversely affect their prospects?

(c) Are Government aware that during the last two years the Indian element of the transferred staff has suffered considerable financial losses both in respect of promotions and otherwise? If not, what steps have Government taken to make themselves acquainted with their grievances?

(d) Is it a fact that European clerks of the M. G. O. Roll have been promoted Officer Supervisors in supersession of the senior Indian clerks. If so, why?

(e) Is it a fact that promotion is based on confidential reports which give preference to European clerks and are responsible for the supersession of Indians?

(f) Are Government prepared to end the present system of confidential reports on clerks and refer all cases to the Federal Public Service Commission with a view to their selecting the best men for promotion after holding a competitive test? If not, why not?

**Mr. C. M. Trivedi:** (a) In 1940 the staff of the Ordnance Factories Directorate was transferred to Calcutta, but there is nothing in such a transfer which is contrary to their conditions of service.

(b) Yes.

(c) The reply to the first part is in the negative. As regards the latter part, the normal channel of submission of individual representation is open to all clerks.

(d) Yes. Senior European clerks have been similarly superseded, and in one case by an Indian who has been promoted Officer Supervisor. The appointment of Officer Supervisor is a selection appointment and the individual, whether Indian or European, best fitted for a particular post, is selected.

(e) No.

(f) No. The appointments are made from the ministerial establishments and are the responsibility of the head of the Branch who is the best judge of the capabilities of the individual selected.

**Babu Baijnath Bajoria:** With reference to part (c) of the question, if I have understood it, the Honourable the War Secretary has said that there have been no financial losses for the staff who have been transferred to Calcutta.

**Mr. C. M. Trivedi:** I was asked whether the Government were aware that the staff had suffered any loss, and I have given the answer that the Government are not aware of such a loss.

**Babu Baijnath Bajoria:** Are not Government aware that the cost of living in Calcutta is much higher than at Delhi?

**Mr. C. M. Trivedi:** Yes; I am aware of that; but the staff in Calcutta get a compensatory allowance.

COMPENSATORY ALLOWANCE OF THE MASTER GENERAL OF ORDNANCE BRANCH STAFF TRANSFERRED TO CALCUTTA.

**Babu Baijnath Bajoria:** (a) Will the War Secretary please indicate the authority responsible for watching the interests of the transferred staff of the Master General of the Ordnance Branch? Is it M. G. O., or D. G. M. P. or the War Department in which the Master General of the Ordnance Branch Establishment Section has been amalgamated?

(b) Is it a fact that although the transferred staff at Calcutta have submitted repeated appeals to the authorities for an enhancement of their Calcutta Cost of Compensatory Allowance in view of the higher cost of living in Calcutta these days, Government have thought fit to take no action in the matter so far? If so, why?

**Mr. C. M. Trivedi:** (a) As regards the first part, the Master General of the Ordnance in India is responsible where ministerial establishment are concerned, and War Department in the case of officers. As regards the latter part, the Establishment Section of the Master General of the Ordnance Branch has been amalgamated with the War Department.

(b) Government are not aware of any such representations.

**Maulvi Muhammad Abdul Ghani:** May I know whether the cost of living in any part of India is at present enhanced?

**Mr. C. M. Trivedi:** Yes; the cost of living has arisen everywhere in India.

NEGLECT OF DOMICILED INDIAN EVACUEES FROM BURMA REACHING BENGAL.

**Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Indians Overseas be pleased to state if it is a fact that the Indians domiciled in Burma who are now evacuees in Bengal are not provided with food or living arrangement by Government and are therefore wandering about in Chittagong with their children, begging from door to door?

(b) Is it a fact that Provincial authorities have made sufficient arrangements for the support of the Burman evacuees in Dinapur District in Bengal and have been given lands? If so, why a different treatment is being given to Indians domiciled in Burma now evacuees?

(c) Do Government propose to make all suitable arrangements for these Indians who have come for shelter and livelihood in India? If not, why not?

**The Honourable Mr. M. S. Aney:** (a) and (c). The Government of Bengal recently reported that in the Chittagong district several thousand applicants claiming to be evacuees had approached the District Magistrate

for financial assistance under the scheme sanctioned by the Government of India and that due to lack of adequate staff the work of sanctioning relief had fallen into arrears. The staff asked for has been sanctioned by the Government of India and Government expect that requests for relief from the Indian evacuees in Chittagong will now be dealt with expeditiously.

(b) The Honourable Member presumably has in mind the case of some 8,000 Arakanese Mughls who had sought refuge in Chittagong and were moved into the interior of Bengal. These refugees have no relations or homes in India to go to and had to be housed in special camps. These are being maintained at the expense of the Government of Burma. They have not been given any land. Indian refugees are not similarly placed and it has been found sufficient to give them maintenance allowances to enable them to find housing, food, etc.

**Mr. Lalchand Navalrai:** May I know whether it is a fact that these Indians who were domiciled Burmans have not been given any food or other arrangement up to this time and whether any arrangements made are only for the future?

**The Honourable Mr. M. S. Aney:** It is not so. The arrangements there were inadequate to cope with the number that had come in there, and on account of that the work had fallen into arrears. To clear off those arrears additional staff is being given and the work is going on: it is not true that all of them were moving about and none was getting any allowance.

**Mr. Lalchand Navalrai:** What was the number that was wandering about?

**The Honourable Mr. M. S. Aney:** It is difficult to count the number of persons who were moving about. The number that had been given relief already before was a few thousand, and the remaining cases are being decided now.

**Mr. Hooseinbhoj A. Lalljee:** May we know how many beggars were roaming about in the streets of Chittagong before and how many more have been roaming during the period this administration is in force?

**The Honourable Mr. M. S. Aney:** No census of beggars was made and it is difficult to distinguish between the beggars and the destitute evacuees, I cannot, therefore, say how many persons were there before or were not there before.

**Mr. Lalchand Navalrai:** May I know up to this time how many of them have been housed and if there are persons who have not been housed?

**The Honourable Mr. M. S. Aney:** I am afraid my Honourable friend did not listen to my reply properly. All that is being done under the scheme which we have promulgated is to give them a certain allowance on a certain basis, and it is for them to find their own house and food arrangements out of the money given to them as allowance. That is the scheme. As regards housing, the Government of India have not taken any responsibility for the Indian evacuees: nowhere have they taken that responsibility.

**Maulvi Syed Murtuza Sahib Bahadur:** Is it a fact that subsistence allowance is given only for the duration of one month, so that it is sufficient for the upkeep of the individual or family for only one month?

**The Honourable Mr. M. S. Aney:** That is not correct. The scheme will continue at least for six months and they will get this allowance for six months. It is expected that during that period the evacuees will be able to find a job or get some employment and will no longer need relief from the public treasury.

**Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member see about a particular report from Trichinopoly where an evacuee from Burma got subsistence allowance only for one month and will he be prepared to extend the period by five months more?

**The Honourable Mr. M. S. Aney:** I heard some cases while I was in Madras on tour and the mistake was brought to the notice of the local officers that it was a wrong interpretation.

#### ACTIVITIES OF THE UNITED KINGDOM COMMERCIAL CORPORATION.

**Mr. Jamnadas M. Mehta:** (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the United Kingdom Commercial Corporation has been given a monopoly of exports of certain commodities from India in regard to trade with certain countries?

(b) Is it a fact that the United Kingdom Commercial Corporation are participating in the export trade of India, even in regard to commodities for which they have not been granted a monopoly? If so, will Government furnish information regarding the total value of exports of such commodities so far effected by the Corporation and also of all commodities?

(c) Do the Corporation enjoy any exclusive privileges or concessions granted by the Government of India, e.g., in regard to priority of transport and export licences?

(d) Is it a fact that the United Kingdom Commercial Corporation will be utilised as the agency for export of tea from India when private exports are stopped under the Block Purchase Scheme?

(e) Do the Government of India recognise that the activities of the Corporation should not be allowed to supplant existing channels of trade? If so, will they state what steps are they taking to prevent such a development?

(f) Will Government be pleased to give an official date before the presentation of the next Budget for the discussion of the activities of the United Kingdom Commercial Corporation?

**The Honourable Mr. N. R. Sarker:** (a) The United Kingdom Commercial Corporation is at present the sole organisation which has been entrusted with the task of purchasing and supplying essential commodities to Russia. Apart from this, they have been given the privilege of trading with Persia in a limited number of commodities. For fuller particulars the attention of the Honourable Member is invited to the Press Note issued on the 6th August, 1942, a copy of which is available in the Library of the House



(b) Yes. The United Kingdom Commercial Corporation have exported a few consignments of jute goods, rice, spices, tea and yarn to the Middle East countries. The circumstances in which most of these exports were undertaken by the Corporation have been explained in the Press Note referred to in the answer to (a) above. Information regarding the total value of exports made by the Corporation is not available but the percentage of such exports to the total trade with the respective countries is known to be small, except in regard to Russia.

(c) No exclusive concessions have been given to the Corporation as such. Priority of transport and special facilities in obtaining export licences are accorded to the Corporation only for the movement of war supplies.

(d) The entire Indian exportable surplus of tea will, under the Block Purchase Scheme, be sold to His Majesty's Ministry of Food. The machinery by which they will arrange the distribution of the tea to consuming countries other than the United Kingdom is still under discussion.

(e) Yes, except where there are certain conditions arising out of the war which make it impracticable to leave particular transactions to normal commercial channels. The Government of India are keeping themselves fully in touch with the activities of the Corporation in India and are satisfied that their activities have not so far been conducted in a manner from which a displacement of existing trade channels may be seriously apprehended.

(f) This is a matter which can be adequately dealt with under the ordinary procedure governing non-official Resolutions.

**Mr. Jamnadas M. Mehta:** Are Government aware that this Corporation has been financed and controlled by His Majesty's Government in England?

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

**Mr. Jamnadas M. Mehta:** Is it not a fact that the Russian trade was being effectively dealt with by private channels before this Corporation came on the scene?

**The Honourable Mr. N. R. Sarker:** No. I am not aware of it.

**Mr. Jamnadas M. Mehta:** What is the Honourable Member's information?

**The Honourable Mr. N. R. Sarker:** My information is that there were no recognised trade channels to Russia.

**Mr. Jamnadas M. Mehta:** Is it not a fact that there have been innumerable transactions by private traders with Russia in the matter of many articles to which reference has been made by the Honourable Member?

**The Honourable Mr. N. R. Sarker:** I have no information.

**Mr. Hooseinbhoj A. Lalljee:** Specially tea.

**Mr. Jamnadas M. Mehta:** And when the Government made an examination and entrusted all this work to the Corporation, they found that no ordinary trade channels were in existence?

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

**Mr. Jamnadas M. Mehta:** Government are prepared to say that?

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

**Mr. Jamnadas M. Mehta:** Are Government aware that the representation made to them by the Federation of Indian Chambers was quite to the contrary? Are the Federation wrong?

**The Honourable Mr. N. R. Sarker:** I think they are wrong.

**Mr. Jamnadas M. Mehta:** You think. You do not know. The Honourable Member simply promises that the ordinary method of Resolution may be resorted to. Does he not recognise that this is a matter in which vast interests are concerned, and people are afraid that a second East India Company is coming into operation. Why cannot he give some fixed date on which this matter may be effectively disposed of and fears laid low?

**The Honourable Mr. N. R. Sarker:** The next Session will be a long Session and I am absolutely sure that my Honourable Member will get an opportunity for moving his Resolution on a non-official day.

**Mr. Jamnadas M. Mehta:** But failing that, Government are prepared to give time?

**The Honourable Mr. N. R. Sarker:** I will consider that.

**Sir Cowasji Jehangir:** Will the Honourable Member say whether this Corporation is limited with regard to profits?

**The Honourable Mr. N. R. Sarker:** It is a Government corporation, it does not work for profit.

**Sir Cowasji Jehangir:** Who pays for the cost of administration of this Corporation?

**The Honourable Mr. N. R. Sarker:** The Corporation itself pays it.

**Sir Cowasji Jehangir:** Then they must make a profit in order to be able to pay their costs.

**The Honourable Mr. N. R. Sarker:** His Majesty's Government finances it, but so far as my information goes, they do not make profit in the sense that they declare dividends or pay profits.

**Sir Cowasji Jehangir:** Who is the authority in the Government of India who goes through the accounts to see that these profits are not made over and above the costs? I understand that costs are not met from the Corporation. Who is the authority in the Government of India that sees that there are no profits?

**The Honourable Mr. N. E. Sarker:** We have called for the accounts and we shall ourselves examine.

**Mr. Hooseinbhoy A. Lalljee:** Will they come under the Income-tax Act and pay income-tax to the Government?

**The Honourable Mr. N. E. Sarker:** They will be liable to income-tax.

**Mr. Hooseinbhoy A. Lalljee:** Does any department of the Government of India act as their agent in purchasing or despatching goods?

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

**Mr. Jamnadas M. Mehta:** Are the profits of this Corporation 25 per cent.?

**The Honourable Mr. N. E. Sarker:** I do not know.

**Mr. Jamnadas M. Mehta:** The profits allowed to them are 25 per cent.

**The Honourable Mr. N. E. Sarker:** I am not aware of it.

**Mr. Jamnadas M. Mehta:** Will the Honourable Member enquire?

**The Honourable Mr. N. E. Sarker:** Yes, I will enquire.

**Sir Cowasji Jehangir:** Will the Honourable Member see that this Corporation does not make any profit except legitimate costs of administration?

**The Honourable Mr. N. E. Sarker:** From the Indian side we can insist on it, but if they make profits in the case of other countries, how can we control it?

**Sir Cowasji Jehangir:** The Honourable Member confesses that such profits are obtained and the ordinary trades in India are deprived of such profits. I can understand an ally being given commodities, specially war commodities, at cost prices, but I cannot understand a corporation being allowed to do so and to make a profit and prevent the people of this country from making that legitimate profit.

**The Honourable Mr. N. E. Sarker:** So far as I am aware, it does not; but I say I will examine it.

**Mr. Hooseinbhoy A. Lalljee:** The Honourable Member gave a reply that no Government Department works as the purchasing agents or otherwise for the Corporation. Is it correct, because my information is definite that some of the Departments of Government do act as purchasing agents and despatching agents?

**The Honourable Mr. N. E. Sarker:** I do not know. I must have notice.

**Mr. Jamnadas M. Mehta:** Was it not possible to organise an Indian corporation of this kind for Indian export trade?

**Sir Cowasji Jehangir:** May I ask which is the authority which fixes the price that the Corporation pays for the commodities that it buys?

**The Honourable Mr. N. R. Sarker:** It buys in the open market generally.

**Babu Baijnath Bajoria:** Is the Honourable Member satisfied that the activities of this Corporation do not affect prejudicially the interests of the Indian mercantile community?

**The Honourable Mr. N. R. Sarker:** So far I am satisfied that it is not working prejudicially, but we are keeping a watch over their operations.

**Babu Baijnath Bajoria:** As Commerce Member or as a business man?

**The Honourable Mr. N. R. Sarker:** As Commerce Member representing business men.

**Maulvi Syed Murtuza Sahib Bahadur:** Do they make profit when they trade with . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is too late.

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#### STATEMENT LAID ON THE TABLE.

*Information promised in reply to part (b) (ii) of starred question No. 93 asked by Babu Baijnath Bajoria on the 24th February, 1942.*

#### DESIRABILITY OF SPEEDY DISPOSAL OF CASES BY THE RAILWAY RATES ADVISORY COMMITTEE.

*Statement showing the cost to the Railways in respect of the legal and other charges in connection with cases before the Railway Rates Advisory Committee.*

1938-39	Rs. 32,460· 7
1939-40	Rs. 29,837· 9
1940-41	Rs. 19,619· 4

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#### REPORT OF THE COMMITTEE ON TRAVELLING AND OTHER ALLOWANCES TO MEMBERS OF THE INDIAN LEGISLATURE.

**The Honourable Sir Jeremy Raisman** (Finance Member): Sir, with your permission, I would lay on the table the Report of the Committee appointed by this House for the purpose of considering the amendment of the rules governing the grant of travelling and other allowances to Members of the Indian Legislature. I regret that, although the instructions were to report to this House not later than the 19th September, 1942, it did not prove possible to get the Committee to meet together at any earlier date, and, with your permission, therefore, I would present this Report\* now.

**Mr. President** (The Honourable Sir Abdur Rahim): Very well. The Honourable Member can present the Report.

[The Report\* was then presented.]

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\*Printed as an Appendix to these Debates, *vide* page 545.

## RESOLUTION *RE* COMMITTEE FOR ENQUIRY INTO THE ALLEGED MILITARY AND POLICE EXCESSES.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council that a committee composed of nine Members of this House, with a majority of non-officials selected in consultation with the Leaders of the Parties be set up immediately to enquire into the allegations of excesses committed by the military and the police in dealing with the recent disturbances in the country, and to report thereon to the Governor General in Council".

I should like, at the very outset, to make it quite clear that I do not in the least contest the right of the executive Government to use force in repelling force and in upholding law and order. Circumstances may arise where the executive Government may be justified even in taking the law into its own hands, suspend the normal rule of law and make over the control of the internal situation of the country to the military under martial law. In circumstances of lesser gravity the executive Government is perfectly entitled to utilise the assistance of the military in enforcing law and order. At the present moment, although the entire country has been convulsed with acts of unheard of sabotage and violence martial law has not been proclaimed and the civil authorities are, at least in theory, functioning in the affected areas, although to my mind the spirit of martial law determines their actions. Now, Sir, whether it is martial law or whether it is not, when the executive Government takes recourse to force, its actions are expected to be regulated by certain rules which are either contained in our laws or are laid down in the departmental instructions relating to the police or the military. These rules require the minimum of force to be used in quelling any disturbances. They also require a minimum of injury to person and property to be done as a result of such use of force. Nowhere in the civilised world can we find a parallel, however, to the situation that at the present moment obtains in this country arising out of the Government's action in upholding law and order. My time is very limited and instead of going more into these preliminaries, I should like at once to come to the facts, as I take it that

12 Noon. the House must be eager to know from me the reasons which have impelled me to occupy its attention with such a Resolution. \*I have tried to summarise the various charges that are brought against the administration in this connection, under six categories.

The first and foremost is: general pillage and arson and wanton damage to property by the police and the military in places, whether directly affected or not by any hooliganism. This has particularly happened in many villages in Bihar and the United Provinces.

2. Shooting at random in places not affected by any hooliganism, just for the purpose of creating an impression—I am borrowing a very well-known expression used by certain martial law authorities in the Punjab. I may say that so far as this practice is concerned, this has particularly happened in Calcutta.

3. Random shooting of innocent people found in any locality affected by hooliganism, after the hooligans had already left the place, the object being to chastise the locality rather than the criminal mob which cannot be traced at the moment. This has happened in Delhi and in Calcutta as well as elsewhere.

4. Assault or shooting of non-violent crowds or individuals without proper warning. Technical violation of the curfew order by ignorant and innocent people is believed to have been promptly met with shooting at sight, leading to death in many cases. This is supposed to have occurred particularly in Delhi.

5. Excessive amount of force used in dispersing non-violent crowds.

6. Merciless assaults, particularly whipping, insults and indignities on all and sundry on the same principles that actuate the collective fine. In some cases, whipping and other kinds of assaults are reported to have led to death.

It will not be possible for me during the time at my disposal to give typical instances in support of all these various categories of excesses which I have tried to summarise under these heads, and I very much hope that it will be possible for some of my friends who will speak after me to supplement my observations. I am particularly anxious that my Honourable friend, Mr. Joshi, who, as the President of the Civil Liberties Union in Bombay, had occasion to conduct an inquiry into some of these allegations, will have an opportunity of speaking. I am also very anxious that my Honourable friend, Mr. Deshmukh, will have an opportunity of dealing with the situation that has prevailed in the Central Provinces for some time. I am also anxious that my friend, Mr. Chattopadhyaya, will have the opportunity of dealing with many specific instances that have been reported to us from Calcutta, instances supported by signed and verified statements of the people who have suffered.

Sir, I do not think I can do better than begin with the province of my Honourable friend, the Law Member, who, I understand, is going to reply to the debate on behalf of Government. I was particularly touched the other day when he referred to the distress from which Bihar was suffering; and may I tell him in all sincerity that my heart goes out to him in sympathy for all that Bihar is suffering, not merely at the hands of hooligans but also at the hands of the military and the police.

Sir, in dealing with this part of my subject I have the high testimony of a very respected citizen of Bihar, a man who is held in high esteem and who is an Honourable Member of the Council of State, and I have the advantage of having a copy of the speech which this Honourable gentleman delivered yesterday in the Council of State, and I will with your permission extract just a few sentences from his speech to describe what the position now is in Bihar.

**Mr. President** (The Honourable Sir Abdur Rahim): It is not Parliamentary etiquette for an Honourable Member to reproduce speeches made in another place.

**Mr. K. O. Neogy**: This is a very serious matter. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can incorporate that as part of his own speech.

**Mr. K. O. Neogy**: This gentleman, in his capacity as the district leader of the National War Front Movement, had occasion to visit some of the affected villages in the district of Muzaffarpur to which he belongs, and in the course of his tours, in the company of the Chairman of the

[Mr. K. C. Neogy.]

District Board of Muzaffarpur and the Secretary of the National War Front Movement, he saw sights which he says would haunt him to his dying day,— sights not due to the action of hooligans but sights resulting from the wanton acts of damage, loot and arson which were indulged in by the police and the military. He says:

"Troops and police were let loose on the country side, and in the course of my tours in the villages as a leader of the National War Front for my native district, I had reports made to me of the oppression of the police and of the troops, of vandalism, of wanton destruction and loot of private property, of whole villages burnt, of extortion of money on threat of arrest and in some cases of actual physical torture . . . what these eyes of mine have seen in the villages: all wealthy shops in the bazaar looted, entire villages burnt not by the mob but by the soldiers and by the police: and I must confess that these sights would haunt me to my dying day".

Sir, I should not like to dwell any further on this particular picture. It will be for the Honourable Members to read his speech in the proceedings of the Council of State. May I appeal to my Honourable friend, the Law Member, to inquire from his friends in Bihar as to whether these accounts are in any way exaggerated. I have cited as high an authority as was possible for me in the circumstances in which we are placed today. There is a complete black out of news and we have to depend upon what glimpses we get from here and there in support of our contention before this House.

Now, Sir, the next document to which I will refer is a notice under section 80 of the Civil Procedure Code, which a zamindar in the district of Ghazipur has served on the Government of India and on the Government of the United Provinces, claiming damages for wanton destruction of property committed by the military and the police in his village. I have got a complete copy of the notice in my hand. He first of all gives his own pedigree of loyalty. He mentions what his grandfather did and how his services were rewarded, what is the amount of income-tax that he pays, and finally, this is not without some amount of grim humour, he reproduces a certificate that was awarded to him only in the year 1938 in recognition of his meritorious services in connection with the putting down of the civil disobedience movement. Now, the House will soon realise what has happened to him, in spite of all his faithful and highly appreciated services. He adds that he is an Honorary Magistrate. Now, Sir, I come to the most important portion of this notice. He says:

"On the 26th August, 1942, at about 3 P.M. my Manager sent a man to me and through the message of my Manager I came to know that four European soldiers accompanied by about 150 military men armed with rifles and along with the Sub-Inspector, Nandganj Police Station, came to my village in the afternoon of the 24th August and asked all the male members of my village including my Manager and servants to leave the village and file on *kutchra* road, which passed through the village, on pain of being shot at. The male members including children came out of the village and sat on the *kutchra* road. Thereafter, the four European soldiers along with the military men entered the village leaving a few military men to guard the villagers sitting on the road. In the village the women were asked to come out of the house on threat of being shot at should they refuse to do so. When the women came out the soldiers deprived them of all their ornaments which they were putting on their person and after that they raided in the houses and looted cash, jewellery, ornaments, clock, etc. They also raided my house. The Sub-Inspector warned the European soldiers that the house belongs to an Honorary Magistrate who was a loyal British subject but the European soldiers asked the Sub-Inspector to shut up. They then looted my house and broke some of the valuable furniture and articles. That I have been put to a loss of Rs. 30,406-7-3 approximately as detailed hereunder on account of the acts of vandalism committed by the said soldiers."

I do not want to mention the details. Now comes something which, I think, would not rouse the House into any hilarity:

"That the soldiers removed the clothings from the houses of the villages outside the houses and set them on fire and further set fire to 20 houses of my tenants in addition to several straw thatched houses in the village.

That after having looted my house and the houses of my tenants the soldiers came back on the road and asked all children below the age of 12 and to go out of the line of the people sitting on the road. After this order was complied with the adult persons sitting on the road were asked to sit like frogs after undressing themselves including my Manager. They had to obey the order on point of rifles.

That, thereafter, a bamboo stick was split up into few parts and five stripes were severely inflicted on the naked back of each of the villager so sitting including my poor Manager who was throughout protesting that he was a servant of a loyal Zamindar and of an Honorary Magistrate. The condition of all these persons have become very serious and they will make their separate representation in due course if they so desire.

That one of my peons who was protesting was tied to a tree and mercilessly beaten with 30 stripes and was later on taken under arrest along with three other villagers.

That no public property is situate near my village and that none was injured by the residents of my village."

As the ornaments belonged to his wife and daughter they too have joined in the service of notice on the Government, and perhaps they will join him in the subsequent suit. This is a typical case, and I hold in my hand a bundle of papers giving very great details regarding some outrages perpetrated by the soldiers and the police in the districts of Ballia, Gorakhpur, Azamgarh and Jaunpur. These papers give a summary of the various acts of tyranny and torture which the police and the military practised on the villagers. In one paper they give, village by village, the names. . . .

**Mr. C. C. Miller** (Bengal: European): Are they all signed?

**Mr. K. C. Neogy**: They are not signed but they have been sent to me by a party in whose integrity I have every confidence. They give in very great detail the names and the nature of the damages caused, articles looted, and the houses that were burnt down. If the Government are at all anxious to find out the truth about these matters, I would be very happy to hand over these papers to the Honourable the Law Member.

Before I leave the United Provinces, I should like to dwell for a few minutes on the situation in Cawnpore. Cawnpore, the House will realise, was one of the districts which were not affected by these disturbances to the same extent as the eastern districts of the United Provinces. What I am referring to is the correspondence which passed between the Merchants' Chamber of the United Provinces and the District authorities.

Now, Sir, this is a letter addressed to the District Magistrate from the Merchants' Chamber dated the 17th August, in which they refer to indiscriminate beating, assaults and arrest of merchants made at Cawnpore, particularly in the Naraingunj market. I am afraid I have no time to go into these details, but again, I make an offer to the Government that I will be prepared to place these papers in their hands if they would be so pleased as to order an inquiry into the very grave allegations made by no less a body than the Merchants' Chamber of the United Provinces.



[Mr. K. C. Neogy.]

There is another letter dated the 24th August, in which they say:

"It has further come to the notice of the Chamber that people without any consideration for their respectability have been arrested, insulted and beaten in their own houses and in the absence of male members of the house, the ladies have been insulted and subjected to misbehaviour by the police."

Then, again, take the letter from the Secretary, Hindu Sangh, Cawnpore, dated the 14th August. He says:

"Apart from the frequent and indiscriminate arrests, the police has resorted to breaking open the doors of houses, in the absence of male members, terrorising the women-folk and smashing and throwing all the belongings and removing the valuables of the houses."

Sir, there are certain true copies of statements made by the people who have been affected by this sort of behaviour of the police, but I have no time. I should, however, like only to refer to the statement made by Mr. Onkar Prasad Saxena, who is a Government employee, being employed in the Laboratory Office of the Ordnance Laboratories. He says:

"They ran amok in the whole house, smashed the gramophone, damaged our Radio, and hurled our utensils down on the road. Crockery, glassware, photos and E. P. N. S. calendars met the same fate, and as if it was not enough they further proceeded to abuse and kick the ladies who stood aghast, trembling with fear . . . . They also relieved us of our cash amounting to Rs. 210 and jewellery worth about Rs. 1,500, a loss of roughly Rs. 5,000 . . . . When I had gone to lodge a report in the Collectorganj Thana the policeman there declined to write anything about it."

Sir, my time is passing. I have now to content myself by giving very briefly the facts regarding a few other Provinces. When I come to Madras, I should like to read out the published resolution of the Majura Municipal Council which was adopted on the 19th of August. In this resolution, which was passed without any dissentient voice, the Municipal Council strongly condemned the shooting of innocent persons without warning on the pretext of the curfew order. This is one typical sample which I can give regarding the atrocities committed by the police.

Now, Sir, I should like very briefly to deal with the situation that prevailed in Calcutta. The House is aware that many of the Calcutta newspapers suspended their publication as a protest against the interference by the censoring authorities with the publication of news depicting the true situation in that city. And in an article which appeared in the *Statesman*, dated Delhi, Friday, the 21st August, headed "Newspapers in suspense", we find the following rather significant observations:

"Government in Bengal should also attend without loss of time to statements made and repeated in certain quarters about events in Calcutta. Whether true or false they cannot safely be ignored. For want of a reply from Government the public is believing the worst."

No reply came to this from the Government, and the public has all along believed the worst and the public are convinced that the worst is really what actually happened. My Honourable friend, Sir Abdul Halim Ghuznavi, whose absence today I very much deplore, gave his personal testimony as regards the indiscriminate shooting that took place in Calcutta to which he was a personal witness. I am now speaking in the presence of my Honourable Leader, Dr. P. N. Banerjea, who has also some personal experience of shooting which was indulged in in a locality, twenty-four hours after the act of hooliganism was committed there. After twenty-four hours of the happening, the police came on the scene and shot down people at random creating panic in the locality and then the police went away. This

matter was debated in the Calcutta Corporation itself and they adopted a resolution condemning all these outrages. The House should remember that the Calcutta Corporation does not enjoy any privilege which the Legislature enjoys, and any statement which any member of the Corporation makes there must have been uttered with the utmost caution. I am going to quote just a few words from the speech delivered by a very prominent Barrister, who may not be unknown to some of my Honourable friends of the European Group, especially my Honourable friend, Sir F. E. James. I am referring to Mr. N. C. Chatterjea. He said:

"I openly declare from my place in this House that if this policy of frightfulness which has been pursued in Calcutta had been pursued in the City of London, the Head of the Metropolitan Police would have been lynched."

Then he gave several instances about which he had satisfied himself, particularly one in which a boy of seven was killed. He was standing on the ledge of his house in a lane. A sergeant entered the lane and shot him. That lane was not the scene of any hooliganism or disturbance and yet the sergeant rushed into that lane and shot dead that little boy, and got away after committing this act of great bravery.

I would make a passing reference to Bombay. I find that as many as 34 Commercial Associations led by the Indian Merchants' Chamber passed certain resolutions on Monday the 17th August "condemning the repressive measures taking the form of the police and the military compelling the householders and merchants who were at their places of business, and also passers-by to clean the streets of obstacles and debris littered there, and effecting arrests from residential houses, shops and *padhis* even of business people who were not implicated in the disturbances and who were entirely innocent". The resolution continues: "This meeting regrets that several businessmen and their employees while engaged in their usual vocations have been beaten and arrested. . . ."

I should particularly like to refer in this connection to an observation which was made in the *Bombay Chronicle* under the heading "Stop such Humiliation":

"We welcome the assurance that law and order will be maintained. We presume, however, that this does not mean that the police and troops have been given a *carte blanche* to adopt methods which are intended to humiliate innocent and respectable citizens. Most of the Bombay papers have carried the story of residents, . . . . (This is not the only paper in which this story appeared) "Most of the Bombay papers have carried the story of residents of and passers-by in certain localities being compelled to sweep the streets! Some Members of our staff have personally witnessed such incidents, when even ladies were asked to sweep the street at the point of the gun."

This sweeping of streets appears to be a sort of special technique in putting down lawlessness because, we find this headline in the *Searchlight*, dated the 16th August, 1942:

"People forced to do work of road clearing".—This relates to Patna and this is what it says—"People in different *mohallas*—even respectable people of high position and status—are being dragged out of their houses and forced to do the work of cleaning the obstructions on the roads. And on refusing or hesitating to obey the orders they are severely dealt with and even given good thrashing. This morning . . . ."

[Mr. K. C. Neogy.]

I particularly draw the attention of the Honourable the Law Member to the following:

"This morning, Babu Nawal Kishore Prasad No. 1, one of the senior members of the Patna Bar, who is the President of the District Hindu Sabha and the Vice-President of the Provincial Hindu Sabha and who is one of the very prominent and respectable citizens of the town, while out for his morning walk, on the Kadamkun road was suddenly caught hold of and ordered to clean the road".—Then,—“Dr. Damodar Prasad, M.B.B.S., a well known medical practitioner of the town is reported to have been dragged out of his sick bed on the upper storey of the Central Medical Hall and taken up to the Patna Collegiate school probably for the same purpose of doing the work of cleaning and was given a severe blow on his head which caused a deep wound in his skull from which blood oozed out profusely”.—Again,—“Maulvi Shakarullah, a prominent Mokhtar, also it is reported was dragged out of his house and given a severe blow.”

Now, Sir, in close juxtaposition to this column appears an interesting, but speculative, item of news under rather a mischievous headline “Mr. Aney to resign”. No, Mr. Editor, Mr. Aney is engaged in the most important work of saving the prestige of Mahratta Knights. I do not think I have any more time to go into more details of this character.

The Honourable Sir Sultan Ahmed (Law Member): Will the Honourable Member please repeat his last remarks.

Mr. K. C. Neogy: I was saying that in the *Searchlight* of August 16, 1942, an item of news appeared under the rather mischievous headline “Mr. Aney to resign” and this item of news appears in close juxtaposition to the other item of news to the effect that people were forced to do work of road clearing. And I observed that the Honourable Mr. Aney is now engaged in the most responsible and grateful task of safeguarding the honour of Mahratta Knights.

Sir, I have asked for a Committee of enquiry and I understand that the Government are in no mood to concede this demand. I must say that I was not quite unprepared for this attitude because already we have communiqués issued by the Governments of the Central Provinces and of the United Provinces firmly taking their stand on this point and stating that, in the case of the Central Provinces Government they have no intention of holding a judicial or any other enquiry into the measures which have so far been taken to restore order and that any such measure would only tend to affect the morale of the forces employed to counter the disturbances. I have already given to the House an idea of the technique which they adopt to counter these disturbances. The Central Provinces Government have gone one better. They have refused permission to the High Court Bar Association to hold a non-official enquiry in regard to the police excesses which they wanted to hold.

In the case of the United Provinces Government, they say that “The morale of the police is high,”—of course, it is high as you have already seen from the various instances to which I have drawn attention of the House—“the Inspector General of Police has given them the watchword ‘Guard the people’.” We know how they have been guarding the people, incidentally enriching themselves and burning down the property belonging to people. In order to avoid any possibility of misunderstanding, the United Provinces communiqué says that the United Provinces Government wishes to make it quite clear that no public enquiry will be held into the incidents arising from the disturbances.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

**Mr. K. O. Neogy**: Now, Sir, the only conclusion to which one can come to from these communiqués is that the acts to which I have drawn attention have been deliberately done, and the same policy has been pursued everywhere with the full knowledge and concurrence of these provincial administrations. If anything, these declarations made by the two Provincial Governments are a direct encouragement to the police and the military to continue these outrages, these acts of vandalism which the police and the military have been perpetrating on innocent people. If anything, this is likely to aggravate the situation beyond measure. I have no desire at all to say anything, or ask the Government to do anything, which will in any way weaken their hands in regard to any legitimate use of force which may be required for the purpose of meeting the situation. But I should like to warn the Government that they have already allowed the situation to get out of their hands, and it is high time that they sought to control their unruly hordes which were let loose on innocent people.

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

"That this Assembly recommends to the Governor General in Council that a committee composed of nine Members of this House, with a majority of non-officials selected in consultation with the Leaders of the Parties be set up immediately to enquire into the allegations of excesses committed by the military and the police in dealing with the recent disturbances in the country, and to report thereon to the Governor General in Council".

There are five amendments to be moved. The first is in the name of Babu Baijnath Bajoria.

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

"That for the original Resolution the following be substituted:

"That this Assembly, while strongly condemning acts of murder, sabotage, arson, loot and other forms of violence committed by unruly mobs and hooligans in the country which have caused serious destruction and loss of life and property and while supporting Government in all legitimate measures taken or to be taken to suppress such more violence and restore law and order, . . . . ."

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I rise to a point of order. The original Resolution is that the allegations of excesses committed by the military and the police in dealing with the recent disturbances be enquired into, but the amendment which Babu Baijnath Bajoria is moving condemns the violent acts of the people . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): This is only a preface, I understand.

**Mr. N. M. Joshi**: Well, Sir. I understand in the preface he is committing the Legislature to condemn . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The substance is the same. It is perfectly in order.

**Babu Baijnath Bajoria:**

" . . . . . emphatically condemns the use of excessive force and frequent firing which have resulted in the deaths of and injury to innumerable innocent persons including women and children and recommends to the Governor General in Council that all complaints about excesses committed by the police and the military in quelling these disturbances should be investigated by judicial tribunals to be established in all the Provinces for the purpose and those found guilty be suitably and condignly punished."

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

"That for the original Resolution the following be substituted:

"That this Assembly, while strongly condemning acts of murder, sabotage, arson, loot and other forms of violence committed by unruly mobs and hoodlums in the country which have caused serious destruction and loss of life and property and while supporting Government in all legitimate measures taken or to be taken to suppress such mob violence and restore law and order, emphatically condemns the use of excessive force and frequent firing which have resulted in the deaths of and injury to innumerable innocent persons including women and children and recommends to the Governor General in Council that all complaints about excesses committed by the police and the military in quelling these disturbances should be investigated by judicial tribunals to be established in all the Provinces for the purpose and those found guilty be suitably and condignly punished."

The next one is in the name of Pandit Nilakantha Das. This amendment is exactly the same.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): It is No. 4, overleaf, which I want to move.

**Mr. President** (The Honourable Sir Abdur Rahim): I am talking about amendment No. 2; it is the same as No. 1, and, therefore, it cannot be moved.

**Pandit Nilakantha Das**: Sir, I am not moving No. 2.

**Mr. President** (The Honourable Sir Abdur Rahim): The next one, No. 3, is apparently outside the scope of this Resolution; it is not relevant to the Resolution. The Honourable Member wants that the Government should not put any more ban on any unofficial enquiries that might be made. Is that not the object of this amendment?

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): The object of the original Resolution is that an enquiry should be made into the excesses . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Resolution wants an enquiry to be instituted by the Government. The Honourable Member's amendment is that the Government should place no ban on any enquiries that may be made by anybody. It is not relevant to the resolution moved. But if the House agrees, and if the Government have no objection, that can be moved as a substantive Resolution after Mr. Neogy's Resolution and the amendments have been disposed of. But it is not relevant to this Resolution.

Then there is another amendment in the name of Pandit Nilakantha Das. Is it not substantially the same as Babu Baijnath Bajoria's amendment?

**Pandit Nilakantha Das:** It is not exactly the same.

**Mr. President** (The Honourable Sir Abdur Rahim): But it is substantially the same.

**Pandit Nilakantha Das:** Sir, this amendment asks for tribunals consisting of high judicial officers for investigating into the well supported allegations of the use of excessive force . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Very well, the Honourable Member can move his amendment.

**Pandit Nilakantha Das:** Sir, I move:

"That for the original Resolution the following be substituted:

"That while severely condemning all acts of violence and sabotage resulting in serious loss of life and destruction of property, and while recognizing that it is the duty of the Government to restore law and order and prevent the breach of public peace and to use legitimate force for that purpose, this Assembly recommends to the Governor General in Council that with a view to ensure public confidence in the Government measures, immediate and effective steps be taken for the investigation of well supported allegations of the use of excessive force by tribunals consisting of high judicial officers, and that those found guilty thereof be suitably and condignly punished'."

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

"That for the original Resolution the following be substituted:

"That while severely condemning all acts of violence and sabotage resulting in serious loss of life and destruction of property, and while recognizing that it is the duty of the Government to restore law and order and prevent the breach of public peace and to use legitimate force for that purpose, this Assembly recommends to the Governor General in Council that with a view to ensure public confidence in the Government measures, immediate and effective steps be taken for the investigation of well supported allegations of the use of excessive force by tribunals consisting of high judicial officers, and that those found guilty thereof be suitably and condignly punished'."

The next amendment is in the name of Dr. Ziauddin. Are you moving?

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Yes, Sir. My object is to widen the scope of enquiry. Sir, I move:

"(1) That after the words 'enquire into' the following be inserted:

'the nature of organization leading to dislocation of communication, murder, loot and forcible extortion of money under the threat of murder, the allegation that some factory owners helped hooligans by deliberately turning out their labourers after paying their full wages and',

(2) that after the word 'country' the words 'in a manner that may not benefit the enemies' be inserted."

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member read out the Resolution as amended?

**Dr. Sir Ziauddin Ahmad:** It will read thus:

"That this Assembly recommends to the Governor General in Council that a committee composed of nine Members of this House, with a majority of non-officials selected in consultation with the Leaders of the Parties be set up immediately to enquire into the nature of organization leading to dislocation of communication, murder, loot and forcible extortion of money under the threat of murder, the allegation that some factory owners helped hooligans by deliberately turning out their labourers after paying their full wages and . . . . ."

**Dr. P. N. Ganerjia** (Calcutta Suburbs: Non-Muhammadan Urban). It is entirely out of order.

**Dr. Sir Ziauddin Ahmad:**

" . . . . . the allegations of excesses committed by the military and the police in dealing with the recent disturbances in the country in a manner that may not benefit the enemies, and to report thereon to the Governor General in Council."

**Mr. President** (The Honourable Sir Abdur Rahim): I will simply read out the amendment now. Amendment moved:

"(1) That after the words 'enquire into' the following be inserted:

'the nature of organization leading to dislocation of communication, murder, loot and forcible extortion of money under the threat of murder, the allegation that some factory owners helped hooligans by deliberately turning out their labourers after paying their full wages and',

(2) that after the word 'country' the words 'in a manner that may not benefit the enemies' be inserted."

**Mr. N. M. Joshi:** Mr. President, my Honourable friend, Mr. Neogy, has rendered great public service by bringing forward this Resolution before this House. Sir, before I deal with the subject matter of this Resolution, I would like to say a few words on the amendment moved by my Honourable friend, Mr. Bajoria.

**Babu Baijnath Bajoria:** Sir, I think it would not be fair for him to comment on my amendment until I have had an opportunity . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Why not? Not only the Resolution but the amendments also are under discussion.

**Mr. N. M. Joshi:** When I spoke on the motion of the Leader of the House regarding the present situation, I said that I would not deal with this aspect of the situation at that time as I would get another opportunity to deal with it. I simply contented myself by saying at that time that the policy of the Government of India in arresting a large number of leaders of the Congress resulted in great disasters. The disasters which I referred to at that time were the spontaneous violent as well as non-violent protests on behalf of the public and the Government's action regarding them. I have no desire to say, Sir, that there was no premeditated violence at all. There may have been some attempts at tampering with communications and other methods of sabotage. But, Sir, I have no doubt in my mind that the large bulk of the protests, though violent in some cases, from the people against the action of Government, was spontaneous. Sir, let me make it quite clear that I do not approve violence either by Government or by the people, and, personally, I also feel that violent methods are not even effective when used against a well-established and well-armed Government. But, Sir, I cannot absolve the Government of

## EXCESSES

India from their responsibility for the violence that has taken place in the country on account of the wrong policy which they followed in arresting the leaders of the Congress. It has appeared from the speeches of the representatives of Government that nothing has happened between the resolution passed by the All-India Congress Committee at Bombay and the violence that has taken place. The Government should have known that the arrest of the leaders of the Congress had intervened between the resolution of the All-India Congress Committee and the violence. I thought that the Members of the Government of India are honest. They would themselves admit that the arrest of the Congress leaders, at least to some extent, led to the violent protests by the people. Sir, I do not wish to deal with this aspect of the question which was introduced in today's discussion by the amendment of my friend, Mr. Bajoria.

Now, I shall deal with the question dealt with in the main Resolution introduced by my friend, Mr. Neogy. Sir, Mr. Neogy has placed before the House a number of particular instances of the excesses committed by the police and the military in various parts of the country. He referred to certain investigations made in Bombay, by the Bombay Civil Liberties Union of which I happen to be the Chairman. Sir, the Bombay Civil Liberties Union sometime ago, after the Government had initiated their policy of arresting the leaders of the Congress and after the violent protests by the people, requested the Vice-President of the Bombay Civil Liberties Union, a gentleman who is an experienced solicitor in Bombay, to make an enquiry into some of the cases; and from the enquiries made by the Vice-President of the Bombay Civil Liberties Union I have no doubt in my mind that in Bombay, too, cases of different kinds of excesses described by my Honourable friend, Mr. Neogy, have taken place. He has already mentioned that people were forced at the point of the bayonet to sweep the roads of the debris. We have also found out instances of unjustifiable firing: firing not only on the crowd, but shooting at persons who were not in the crowd. Dr. Jewaraj Mehta, who is a very distinguished doctor in Bombay, and the head of a big hospital and medical college in Bombay, had published that a boy, who was not in the midst of a crowd, and whose only fault was that he said "*Gandhi Maharaj ki Jai*", was shot at in cold blood. Sir, people were dragged out of their rooms—people who had not gone out of their houses at all in the crowd—and lathi-charged and very severely handled by the police.

Sir, besides this result of the enquiry made by the Bombay Civil Liberties Union, I have also got information regarding some cases. One of these cases has happened in the district of Kaira. Some students were going about villages preaching what they call 'satyagraha'. After finishing preaching 'satyagraha' they were going to take a train at some railway station in the Kaira district. The police party which was hunting these boys, alighted from the train which these people were going to catch, and marched towards them. The leader of the boys told the officer in charge of the police party that they were satyagrahis and if the police wanted to arrest them they were ready to be arrested; there would be no opposition to the arrest. In spite of this willingness of being arrested peacefully, the police fired on these students. Three of them were killed and a large number of them were wounded. Not only that, after firing on these boys the police prevented help being given to the wounded by way of water. The wounded felt thirsty. People in the village wanted to give them water; they were prevented from giving water to the wounded.



[Mr. N. M. Joshi.]

The railway staff out of pity wanted to give water to the wounded; they were prevented from doing so. I do not think I shall find time to describe the whole incident.

Then there was another incident which has come to my notice, that had taken place in the district of Meerut. The manager of the Gandhi Ashram in Meerut went to a village called Bhanwori and some fifty or sixty people gathered round him. A police party came to the village and started bayoneting this crowd of people who were absolutely peaceful. When some people in the crowd began to retaliate against this bayonet attack, the police fired; and again three or four people were killed. This is not the whole story. The police found that this manager of the Gandhi Ashram, whose name is Ram Sarup Sarma, was not among the killed nor even among the wounded. Therefore, one policeman said that the chief culprit has escaped and we must shoot him. He was thrice shot and ultimately killed.

I shall give only one more instance and stop this narration of stories of excesses by the police and military. There is a small town called Nandurbar in the Dhulia district of the Bombay Presidency. On the 9th, when the students heard about the arrests of the leaders they took out a procession. These students can only be very small children because in Nandurbar there is no college and there could therefore be no grown up students. While the procession was marching, the police sub-inspector was hit either by some stone or by something else by a person whom the people in Nandurbar knew as being an enemy of this police sub-inspector. The police sub-inspector, who was hit, got angry and instead of catching hold of his assailant and punishing him, he fired on these school children: three or four of them were again killed.

I do not wish to add to the lists which either my friend, Mr. Neogy, has given or the small list which I have given. The point to be considered is this that we want an inquiry into these excesses. I am quite sure that even the Government of India will not say that in attempting to put down these disturbances

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has got one minute more to conclude his speech.

**Mr. N. M. Joshi:** The Government of India themselves will not say that there was no likelihood of excesses. The Honourable the Home Member said in his speech the other day that if there were any cases of excesses or injustice, they should be brought to the notice of the Provincial Governments or of the military authorities who, in the opinion of the Government of India, would do justice. We do not think that either the Provincial Governments or the military authorities or even the Government of India would do justice. The Provincial Governments themselves announced beforehand that there would be no public inquiry, and by making that announcement they gave direct encouragement to some of the excesses committed by the police and the military. I would also say this, that the Government of India by giving full freedom to Provincial Governments and to local authorities themselves encouraged the commission of some of the excesses which have been described and which have taken place in all parts of the country on many occasions.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Mr. N. M. Joshi:** I feel, therefore, that the Government of India should accept this challenge by the Assembly for the finding out of the truth. If the officers of the Government of India had done nothing wrong, the committee will declare them not guilty; but if they have done wrong, the committee will find them guilty. I do not know whether the police or military officers will be punished or not; but I am afraid that the highest authorities responsible for the commission of these excesses by the police and military, namely, the Provincial Governments and the Government of India may escape the consequences of even the decision of these Committees against them. Sir, I support the Resolution moved by Mr. Neogy.

**Sir F. E. James (Madras: European):** Sir, my Honourable friend, Mr. Joshi, spoke of the movement which has led to the present disturbances as a spontaneous protest. I take leave to differ from his interpretation of the position and would suggest to him that the evidence is overwhelming that this movement is not a spontaneous movement but is a well-directed attempt at revolution by force. In any case, if the movement grew out of some spontaneous desire to express a political wish, how is it that that spontaneity has continued for over six weeks? My Honourable friend further spoke as President of the Civil Liberties Union of Bombay. He spoke on behalf of civil liberties; may I ask him, whose civil liberties?

**Mr. N. M. Joshi:** The people's.

**Sir F. E. James:** He says the civil liberties of the people; and what about the civil liberties of those people for whom he stands, which were interfered with by the very movement which he has refrained from condemning? What about the civil liberties of those who cannot get food because of the interruption of communications? . . .

**Dr. P. N. Banerjee:** Mr. Neogy condemned those things.

**Sir F. E. James:** My Honourable friend is not aware that I am referring to Mr. Joshi's speech. What about the civil liberties of those inoffensive persons, not in any way connected with any political organisation, using no violence whatever, who have been fired upon by the mob, who have been beaten to death, who have been burnt alive, what about their civil liberties? If my Honourable friend is President of a movement to protect civil liberties, let me invite him to put his whole energy into the protection of the civil liberties of all the people in this country; and not only the civil liberties of one particular section. My Honourable friend, Mr. Neogy, said that he was dealing with a large number of allegations. May I here say that during this Session he has proved himself to be a past master in the art of making or repeating allegations, most of which have not been founded on any tangible fact. He said he would refer to certain broad classifications—general pillage and arson, shooting at random, assault on non-violent crowds, excessive use of force. All those classifications apply to those who have begun this movement and upon whom falls the responsibility for the disturbances that have taken place. Sir, it is not easy to take an objective view of the situation under present circumstances. There are reasons for that. One reason is that the movement which has been started under the auspices of the Congress Party has indirectly—I say indirectly—the sanction of the Leader of the Congress Party, who is Mahatma Gandhi, who, let it be admitted, is the idol of practically every Hindu home. . . .

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): No; that is not true; the Hindu Mahasabha does not recognise him.

**Sir F. E. James:** May I say that in most Hindu homes, whether the head of the home belongs to the Congress Party or not, you will find a portrait of Mahatma Gandhi and you will find also that portrait garlanded on all suitable occasions.

**Mr. Jamnadas M. Mehta:** You are quite wrong. How many houses have you seen?

**Sir F. E. James:** Many friends of mine, who are by no means Congress-minded, among the Hindu community, have shown me in their own houses these photographs. I make no complaint about that. . . (Interruptions). But that is one reason why, at such a time as this, it will be very difficult for many people to apply their minds objectively to the situation. I

**I.P.M.** remember that Lord Balfour once said of Mr. George Lansbury, who was a most attractive but sentimental pacifist, that "the great trouble about him was that his bleeding heart always ran away with his bloody head". And there is a danger that in critical times like these, emotion may crowd out reason and passion may become the enemy of realism. However, my Honourable friends may describe the movement which has been commenced under the auspices of the Congress, it is, in fact, a revolution by violence, which has invoked the law of the jungle, the law of force, and which must be dealt with by force.

What is its object? Its object is to hit the face of Great Britain; and yet this movement has also hit in severe measure every community in this country, the Allied Nations who are helping us, and the very people whom it is supposed to free.

What stands in the way of the complete success of this attempt at revolution by violence? I suggest that the only thing that stands in the way of utter chaos and civil war and continued bloodshed is the police in the various provinces behind whom stand the military prepared to intervene when needed. And here may I say a word about the police? They have always been blamed when any excessive force is used. Who are the police? People of this country, mostly underpaid, many under-educated. If there is one service in the administration of India which has never been treated fairly, it is the police service in the employ of the various Provincial Governments. I suggest that it is the duty of this Government, or any Government which might be in power at the moment, even if it were a Muslim-Congress Government, or a Congress Government or a Government of the Muslim League,—it would be the duty of that Government to strengthen and not to weaken the forces which keep in check the great floods of revolution and violence which threaten to sweep away every civilised bulwark in this country.

Sir, the Resolution before this House asks for an enquiry, an enquiry, be it remembered, by non-official Members. I suggest that that is not the way in which those who are now standing to defend authority should be supported. Is it right to weaken their hands just now? Is it right to make them doubt their stern duty? Is it right to cause them to hesitate in the efficient execution of their duty, however unpleasant it may be? Is it

right that the fear of enquiry, the fear of blame should be cast upon them,—and the fear of the absence of support? These men who have suffered heavy casualties, who will suffer undoubtedly grave social and economic pressure of a very virulent kind,—is it right that they should feel that this House does not stand behind them? As far as we are concerned, we are of the opinion that any attitude on the part of this House which gives the police and the authorities that impression would be short-sighted folly and calculated to weaken the authority of any Government both now and in the days to come when India gains independence.

Sir, there are some things that should be remembered. First of all, I would place the responsibility which is upon the shoulders of every citizen in this country to do what he can to strengthen the hands of authority at this time, for upon that sense of responsibility depends the civil liberty of which my Honourable friend, Mr. Joshi, has spoken. I noticed a complete absence of that point in the speech of my Honourable friend, Mr. Neogy. Secondly, it is true, and it should be emphasised, that it is the responsibility of the Provincial Governments to see that, so far as it lies in their power, the weapons which they have to use in dealing with this attempt at revolution by force should be used only to the extent to which it is necessary, and with a modicum of force. Thirdly, all Parties in this House—and I can speak of my own Party—should make it a point not in any way to be influenced in its attitude towards the political questions which loom large in the future, by the brutal and horrible crimes which are now being perpetrated in the name of the Congress upon the police and upon the people of this country.

**Mr. K. G. Neogy:** And in the name of the Government, upon the people..

**Sir F. E. James:** Finally, may I appeal to my Honourable friends, however much they may feel that Provincial Governments should exercise the power which is in their hands at present, with as much care and justice as is possible—may I appeal to them that one thing which is need today is for all Parties to stand solid and four-square behind authority as constituted by law in this country. (Interruption by Mr. Neogy). There is as yet no alternative to that Government and until that comes, I would ask my Honourable friend, Mr. Neogy, to stand four-square behind those who, after all, are not only defending civilisation in this country, but are trying to remove the obstacles which have been deliberately placed by ill-disposed persons in the way of the final and complete victory of the Allied Powers.

**Mr. President** (The Honourable Sir Abdur Rahim): Sir Sultan Ahmed.

**Mr. Jamnadas M. Mehta:** I rise to a point of order. Proper Government reply cannot be given unless those Honourable Members who want to speak have spoken.

**Mr. President** (The Honourable Sir Abdur Rahim): This is not a point of order. It is entirely in the discretion of the Chair. I may say that I have often heard complaints in this House that the Government Member does not state his case to the House early enough.

**Mr. Jamnadas M. Mehta:** But he must hear the other cases also.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member may hold that opinion, but what the Chair has stated is the general feeling in the House.

**Mr. Jamnadas M. Mehta:** It is a question of right, not merely a question of feeling. Those who have moved amendments must have their say before Government reply.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member knows the practice of this House that there will be a debate not only on the main motion but on the amendments also. Simply because a certain Member has given notice of an amendment, he does not get any right of priority over other Members.

**Pandit Nilakantha Das:** Then what is the meaning of amendments?

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

**The Honourable Sir Sultan Ahmed:** My Honourable friend, Mr. Neogy, has moved his Resolution with the speech of a skilled advocate. He has placed certain cases which have been brought to his notice in support of his claim for a non-official inquiry. Amendments have been tabled and moved which in my opinion do not widen the scope of that inquiry, because I respectfully submit that without going into the earlier history of the revolution which is taking place and is not yet over, it will be impossible to consider these stories in their true perspective.

After the speech which had been made by the Honourable the Home Member last week, I had hoped that no such motion will be pursued in this House but my learned friend, Mr. Neogy, however, has thought fit to move the Resolution and at this stage I should like to read a passage from the Home Member's speech which represents the considered policy of the Government of India, to which a reference was also made by my learned friend, Mr. Neogy. The Home Member said:

"If . . . any such act has occurred anywhere, it is a breach of discipline with which the Provincial Governments and the officers in command of their forces, are as much concerned as any member of the public . . . The proper course in such cases will be to bring the allegations, if they are well authenticated (*this is very important*) to the notice of the authorities immediately responsible for the discipline of their forces, and it can be assumed that, if satisfied, they will do what is proper."

I submit that this is the considered policy of the Government of India and I, on behalf of Government, reaffirm it today. The Resolution, however, has to be dealt with now. It asks for a Committee of the House to inquire into the allegations of excesses committed by the military and the police in dealing with the recent disturbances. It is obvious that we will have to find out all these allegations if the inquiry is ordered, as is asked for in the Resolution but I do hope that the House realises, as I submitted before, that even if these amendments had not been tabled, it will be impossible to understand the situation without closely examining the other side of the picture in a manner which will not be prejudicial to the public safety of our country, as has been mentioned in the amendment of my Honourable friend, Dr. Sir Ziauddin Ahmad.

Leaving aside the machinery by which this inquiry is to take place—and the Government is absolutely indifferent to it—the main question is whether such an inquiry is possible or even desirable. Whether it is possible or not must depend upon various factors—Firstly, the character of the rebellion and whether normal condition has been restored, secondly, the number of occasions on which fire had to be opened and thirdly the territorial area over which this rebellion operated. Whether it is desirable or not will depend on what effect it is likely to create on those in charge of law and order throughout the country.

As regards the character of the movement, one can safely say that every possible method of sabotage, every known method of attack on public property, every method of defiance of law and order, as was fully stated to the House by the Honourable the Home Member and some other speakers on the last occasion, was resorted to. So far as the attack on person was concerned, no officer of Government who tried to save human life or property was not the object of the attack by the mobs. As regards the ferocity of the crimes, nothing was considered too brutal, and atrocities were committed, some of which would shock the conscience of the world.

I will now deal with these points *seriatim*. The number of occasions on which firing was resorted to was 239 by the police only. This number does not include the firing in Bihar and Assam, as the reports have not been received from these provinces and the reports from the United Provinces and Bengal are also very incomplete, and indeed it was bound to be incomplete, as disturbances are still occurring in some parts of the country. Honourable Members must have read in the papers, only the other day, about the use of muzzle loading guns in an attack on a police station in Bihar and other serious incidents are still reported from that province. The area which was covered by these disturbances may be roughly stated to be the whole of India *minus* the North-West Frontier Province and Sind, and practically the Punjab. Honourable Members will, I hope, agree with me that on this statement alone an inquiry of the character which is asked for is absolutely ruled out. If an inquiry is to be held, the inquiry itself will take quite a year before any satisfactory result can be achieved by it and I, therefore, submit, that on this statement alone the House will turn down the motion.

I will now deal with the question of excesses. In order to find out the excesses, it will be necessary to find out what was done by the mobs in different parts of the country. My Honourable friend, Sir F. E. James, has very rightly pointed out that it is not enough to say a few words that the Members are very sorry for all that has happened but what is it for which this sorrow is expressed. We must know that first before we find out whether any excesses have been committed. To begin with, I feel certain that this House is fully satisfied that the military or the police were not the aggressors, anywhere in India. Once that is conceded, it is necessary to find out in detail, even from the incomplete information that we have got, the activities of the mob. Further, it is also perfectly clear that in every case in which firing had to be resorted to, it was when something extraordinarily serious was being done by the mobs and it was mainly to prevent any serious sabotage or attack or to prevent extension of it that firing was opened. The House last week heard from the Honourable the Home Member the figures of the loss to person and property.

[Sir Sultan Ahmed.]

To complete the picture which I am going to give you this afternoon, I will give the figures very quickly. 250 railway stations were damaged or destroyed. 550 Post Offices attacked, 50 completely burnt and 200 seriously damaged. Over 3,500 instances of wire cutting have been reported. 70 police stations and outposts and 85 other Government buildings were attacked. As regards the casualties so far reported, the police lost 31 killed and a very large number were injured. The details have not yet been reported to us. The military casualties were eleven killed and 7 wounded. Amongst the mob, the number killed was 658 and the total number of wounded was 1,000. As some killed and wounded are reported to have been carried away by the mobs, we may roughly take this figure to be well below 2,000.

Now, all these statements were made by the Honourable the Home Member on the last occasion.

I should like to supplement this by a reference to some of the 'gross' cases of murder of public officers and men. So far as these figures are concerned and so far as this devastation is concerned, no inquiry is necessary. All these are facts. One has only to go and see what has happened. But I must again premise by saying that the information so far received by us is not quite complete and I am not in a position, as I said before, to give the large number of injured persons.

Now, I will give you a few cases and try to put them in their proper places as against the stories which have been placed before you by my Honourable friend, Mr. Neogy. In Bihar, on the 16th of August, at Minapur, the police station was attacked by a mob of five thousand, headed by Congressmen with Congress flags and armed with deadly weapons, and the Sub-Inspector who resisted the attack was chased, bound to a pillar, and then burnt alive. This was done by a Congress mob who had the emblem of the Congress with them. A number of policemen also were injured. The police station was destroyed, and two constables who were left for dead by the mob, were later taken to a hospital. At Sitamarhi, the Sub-Divisional Officer, a most devoted public servant, a police Inspector, one head constable and an orderly were held up in a car and murdered brutally. Every bit of his body was separated. At Rupauli in the district of Purnea a mob of about ten thousand surrounded the police station and hoisted the Congress flag. This was objected to by the Senior Inspector and the other staff. They were, however, overcome and had to fly to their quarters and they were attacked there. They managed to resist the attack from their quarters, but the Junior Sub-Inspector and the two constables with him were overcome and the insurgents poured kerosene oil over them and burnt them alive.

In the Central Provinces, at Ashti, a Sub-Inspector of Police and four constables were murdered, the Sub-Inspector having been beaten to death with stones and lathis and three of the constables having been soaked in kerosene oil and burnt alive on the spot and the fourth who had been rescued by his friends was later on caught and killed. At Chimur, a Circle Inspector and a constable were burnt, and two Magistrates were beaten severely and the Rest House in which they were still alive, was set on fire. In the United Provinces, in Bihar and the Central Provinces and also in other parts of the country there were murders of Magistrates and police officers and men.

I now want to refer to three other cases which are, in my submission, absolutely ghastly. Unfortunately, these cases come from my province of Bihar. At Narayanpur, a plane crashed west of Narayanpur on the 18th of August. The pilot was killed in the crash, and the remainder of the crew were killed brutally by the mob. At Marhowra, one British officer and four British other ranks, part of a detachment on protective duty, were ambushed as they alighted from a car in a field and speared or beaten to death. The last case is the murder of two Canadian Air Force officers, officers who had come here to defend India and to protect the lives and property of Indians. I should like to give a few details of this crime, as the brutality and the ferocity with which they were murdered display the colossal callousness of the mob. These two young officers were travelling as ordinary passengers in a train and were not on duty in connection with the disturbances. Their train was attacked by an angry mob and stones were hurled at the windows of the carriage in which the two officers were travelling. Attempts were made by them to pacify the mob, but absolutely in vain. Finally, the officers were forced to come down from the carriage and stepped out on to the platform. One of them was dressed only in a pair of shorts and the upper part of his body was bare. They were both set upon immediately and hacked to death in a most brutal way. Their bodies were then paraded through the town on an *ekka* and were finally thrown into a river. The train in which they had travelled was afterwards burnt. I do not know in what language one can describe the brutality.

I have given these details only for the purpose of showing the enormity of the crimes and the large area that it covered and the number of occasions when it became necessary to open fire. It is obvious from this that those who were out to prevent damage to life and property by the mobs had to be mainly on the defensive and were suffering from tremendous handicap of the superiority of number against them. As I submitted before, it is in this perspective that the question of inquiry into excesses can be considered. Knowing these facts and knowing the area where the devastation took place, is it possible to have an inquiry? Is there any *prima facie* case for an inquiry of this character? I respectfully submit, none whatsoever.

I will now take up the question of the propriety of inquiry against the troops and the police separately. As regards the allegation of excesses by the troops, it must be pointed out that the troops are always averse to be engaged in the suppression of riots. It is not their legitimate function and they only come in because they are called upon to operate in aid of the civil power. The army is a highly disciplined organisation which can be trusted to do the best possible in an emergency and their confidence should never be undermined. If their conduct is called in question on any and every occasion when they have to carry out a duty which they do not like and which is perhaps the most unpleasant and difficult duty any citizen can have thrust upon him, it will be perfectly clear that their morale will be sapped and, when called upon to act, there will be a great and natural disinclination to do so. And there is a very strong feeling in the army that they shall not undertake such duties with the ever present fear before them that they will have to defend themselves and answer questions inspired by hostility, or even worse, by the desire to find a scapegoat. They are bound by very strict rules and they are taught that they will be trusted



[Sir Sultan Ahmed.]

in an emergency to do the best they can. In an emergency a soldier must be trusted to do his duty as best as he can. In the conditions already described, these arguments apply with almost equal force to an inquiry into the conduct of the police. If an officer is always to have to justify his action before a Committee of Inquiry, there is bound to be a tendency to take the line of least resistance and not to take drastic but effective measures. From the reports which have been received, the Government are fully satisfied that the troops and the police have done their duty remarkably well under most trying and perilous conditions.

Government do not suggest that there may not have been cases when in a serious disturbance as this, there may not have been some excessive force or that innocent persons may not have suffered. To begin with, the primary responsibility for this must fall upon those who actually started this movement of sabotage and destruction. But if there have been cases of excesses which are authenticated and not stories from newspapers or from men who come and say all sorts of things, if they are authenticated, then the attention of the Army Department and the Provincial Governments will be drawn to them so that they may try to see that those who have been guilty of them do not escape punishment. The military authorities are exceedingly jealous of their reputation and the reputation of their soldiers, and I have no doubt that once a case of unjustifiable shooting is brought to their notice, they are sure to take action themselves.

As regards the police, there may be a question whether the Governor General in Council would have any power to appoint a Committee of Members of the Central Legislature to enquire into the operation of the police forces which are entirely a Provincial subject. But leaving this aside, here again we feel sure that gross and callous cases of police excesses, if any, will most certainly be examined by the Provincial Governors. The communiqués which have been referred to by my Honourable friend, Mr. Neogy, and also by my Honourable friend, Mr. Joshi, all tend to show that such cases will be enquired into. But what they object to is the holding of a general enquiry. But if there are cases which are well authenticated and which are brought to their notice, then enquiries will be held.

The main objection to the proposal, as I have submitted before and I am glad my Honourable friend, Sir F. E. James, has supported it, is the disastrous effect it would have on the morale of the services concerned, if an enquiry such as has been suggested was ordered. It is interesting to note that the Sind Government which had agreed to hold an official enquiry into certain allegations against the police in Karachi, which incidentally turned out to be completely unfounded, has reported that it had immediately an adverse effect on the morale of the police forces in that area. The cases that have been mentioned in this House will no doubt be noted, and the attention of the proper authorities drawn to them, but I respectfully submit that simply because some people come and start stories before some of us, it does not necessarily follow that they are true. Most of them may turn out to be without foundation and may be on a par with Sir Madhava Rao Deshpande's story, or the story of machine gunnug in Bombay and Calcutta. Lots of stories had been brought to me from Patna which, on enquiry from the persons concerned, have been found to be absolutely untrue; one of these concerned an Honourable Member of this House. I hope, if there is time, he will say something about it. 1½

was exactly the same story that he was dragged out of his house and asked by the Police or the military to clean the roads and remove the boulders. Well, Sir, at present, I have only to say that this is unfounded and the Honourable Member will no doubt say what he has to say about this. Any attempt, I submit to bring discredit on the forces who have so courageously and loyally performed their onerous duties in the face of tremendous odds would be most unfortunate. We are in the midst of a life and death struggle; the enemy is knocking at our doors and surely on such an occasion, it is better to look forward rather than look backward, and to see whether the orgy of destruction cannot be put behind us and all endeavours concentrated to bring peace and tranquillity in the country and defeat our external enemies.

May I, in conclusion, Sir, respectfully submit to the House that this chapter should now be closed and we must now go ahead. Enough damage has been done by this senseless anarchy. Let us not let down those who have stood by us and who deserve our gratitude, because if we do, that will not only be the end of any discipline, but we must also be prepared for disasters of the worst kind in the country.

**Babu Baijnath Bajoria:** Sir, as a non-violent man, non-violent in thought, word and deed (interruption)—I am not a congressman, you know—I detest and abhor all violence of all sorts, either committed by the unruly mob or by the hooligans or by the agents of Government in the name of law and order. Sir, that is why I have tabled this amendment, which in my opinion is a balanced one. I have stated therein that I strongly condemn all acts of murder, sabotage, arson, loot and other forms of violence committed either by the unruly mobs or hooligans or by the police and the military. The police and the military have, I am sorry to say, had recourse to unnecessary firing, they have also burnt numerous houses, they have also pillaged villages and they have also done all sorts of mischief which could be imagined in the name of law and order.

Sir I do not want to go into great details and give stories which, the Government may say, are all stories without any foundation. I will give them some facts which I think will not be denied. On behalf of the trading community, which consist of all castes and creeds, Hindus and Muslims and even Europeans, I say we have all suffered tremendously both at the hands of these unruly mobs and also at the hands of Government agents. It is common knowledge that hundreds of loaded wagons containing goods worth crores of rupees have been burnt down and destroyed by hooligans. I am not here to say whether this movement owes its origin to the Congress resolution or not. But the fact is that Congressmen, in the name of the Congress itself, and the Congress sympathisers have not uttered one word against these hooligans and according to the well known Sanscrit proverb:

*"Maunam sammati lakshanam",*

I think the Congress sympathisers cannot get away without getting some blame for the crimes which have been perpetrated by these hooligans and unruly mobs. Now, Sir, who is going to pay for these losses incurred by the trading community by the burning of these wagons? Are the railways liable to pay for these? I doubt very much. I should like to know from the Honourable the Law Member or from any Member of the Government what is the position. Shall I pause for an answer?

**The Honourable Sir Jeremy Raisman:** (Finance Member): The losses incurred by the Railways themselves will reduce the profits which should have gone in aid of the taxpayers in dealing with the general Budget and on that account also my Honourable friend and all of us will lose.

**Babu Baijnath Bajoria:** About the loss of property, I should like to give one instance of hoodliganism by the unruly mob. I was told that there were more than one thousand bags of sugar at Mokhamaghat and they were all looted by the mob. They looted and carried as much as they could and when they could not carry all of them, they simply threw the bags into the river Ganges to sweeten the water. Sir, what is the position of sugar in Calcutta. I come from Calcutta and I think several Honourable friends of mine are also coming from there. They will bear me out when I say that we cannot even get one seer of sugar there, but here thousands of maunds of sugar have been thrown into the river Ganges.

**An Honourable Member:** Drink the Ganges water.

**Babu Baijnath Bajoria:** That I do, and I would advise my Honourable friend to do the same. Sir, on the one hand the property of traders has been looted, and here I would like to say a word about the Muslim community. It has been said on behalf of the Muslims, time and again, in this House that the Mussalmans have taken no part in the Civil Disobedience Movement. Sir, I do not know whether the Muslim community have taken any part in the Civil Disobedience Movement or not, but so far as looting and arson is concerned, the members of their community are never backward. I live in a Muhammadan quarter; alongside my house there are all Muhammadans. . . .

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): That is why you are protected.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): That is why you are not burnt alive.

**Babu Baijnath Bajoria:** Sir, I was referring to this only because my Muslim friends have said that they should be exempted from the payment of collective fines.

**Mr. President** (The Honourable Sir Abdur Rahim): That question is not now before the House.

**Babu Baijnath Bajoria:** Sir, this also comes under excesses. I will prove how excesses have been committed by the police in the collection of fines. . . .

**Mr. Jamnadas M. Mehta:** Not imposition?

**Babu Baijnath Bajoria:** No, not imposition. They have got no hand in imposition.

Sir, in connection with the collection of fines, I have read a notice that the fines will be collected according to the capacity and means of the persons who can pay. (Laughter.) You may laugh, but I have read that with my own eyes in Amrit Bazar Patrika. So we see that on the one hand the property of the trading community—I am not speaking here about the Marwari community, but of the trading community in general—has been looted, and on the other hand they will also be fined heavily

according to their capacity as they have got the means to pay. So the hooligans have got it both ways: They have escaped with the loot, and they will be immune from paying the fines.

About the sabotage of trains, I strongly condemn this, whoever may have done it, whether at the inspiration of the Congress or not. We all know what inconvenience it has caused to the millions of people in our country. Fortunately there has not been any serious derailment as yet, but if there is any derailment, who will suffer? It will be Indians—whether Muslims or Hindus—who will be killed. I do not understand, Sir, how any progress can be made in the country, or how Swaraj can be attained by the sabotage of trains or by the burning of tram-cars, as we have noticed in Calcutta. Sir, I strongly condemn this. But there is a point which I would like the Honourable Members on the Treasury Benches to hear. After all who were burning the tram-cars and how many of them were burnt? This was done mostly by college students.

**Dr. P. N. Banerjee:** No, by hooligans.

**Babu Baijnath Bajoria:** No, excuse me. College students did take part in this. But, Sir, what I want to say is that there was shooting at each and every step. Excessive force has been used, and by excessive force I mean that the force used was in excess of the legitimate force which would have been necessary to prevent those miscreants to perform their misdeeds. Sir, this will be the criterion, this will be the test of proving whether any excessive force has been used or not. In the case of burning of these tram-cars, which has been a feature of Calcutta disturbances, the mob could have been easily dispersed by lathi charges. But what did actually happen? The miscreants cut a few wires and set tram-cars on fire, and some of them ran away. After that the police and the military came and went on firing right and left. There was one incident in the College Street, very near my own house and I could see as to what was happening. There was firing on the right and left and those who were in their houses nearby were hit. Sir, this could be easily enquired into. It is no use for the Honourable the Law Member and for my friend, Sir Frederick James, to say that if we make any enquiries it will undermine the morale of the police or the military. I think, Sir, that if that is their opinion then, I feel, that their opinion of the police and of the military is very low. If they think that merely an enquiry will upset them and will put them off their guard, they have got very little faith in the police and the military. In our opinion and in the opinion of the Members on this side of the House the police and the military are already totally demoralized. They are acting like mad dogs just in the same way as the hooligans are acting. They have put themselves in the same low category. If there is a check from the above, I feel, Sir, that that will have some salutary effect and it will check them from committing excesses and they will be able to render much more useful service to the cause of restoring law and order.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

**Babu Baijnath Bajoria:** One minute, Sir. In conclusion, I will say that if the Government refuses to accept even a judicial enquiry by their own high judicial officers, we on this side of the House and the public

[Babu Baijnath Bajoria.]

in general will be justified in thinking that this irresponsible Government, who think they are responsible only to themselves, and to none else, are giving shelter to those who have committed murders, loot and arson in the sacred name of law. This Government and its agents who have perpetrated these crimes may not be responsible to this House and to the people of India, but they will be responsible to God and they will have to stand their trial before Him.

**Mr. Muhammad Ashar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): I am glad to have an opportunity to say a few words on the floor of this House. I have listened very patiently to the speech which has been delivered by the Honourable the Law Member today, and I would say first of all that the amendment which has been put in by Dr. Sir Ziauddin Ahmad gives only a wider scope to the enquiry which is to be made. It is not the one-sided enquiry as required by Mr. Neogy but it is an amendment to have an equal enquiry for both sides. Sir, it was the Government and not the public or the Opposition that brought that Resolution moved by the Honourable the Home Member. If in that Resolution the Honourable the Home Member put instance after instance of the perpetrations of the hooligans in the country, and today if Mr. Neogy has also put in instances, where is the harm? They are put before the House to judge on the merits of the cases presented by the Honourable the Home Member, by Mr. Neogy and by people from the Opposition side. I ask the Government to be honest, to be equal to the occasion and to consider the propositions which have been put from this side too. It is a matter that should not be shelved in this way and we be told that we ought not to quote instances in the House. Where is the forum or place where the public and the representatives of the people are to put in instances, if not before this House? I ask my Honourable friend and those Members of the Government on the Treasury Benches to consider it. Which is the forum? Where are the local Councils where the people's representatives can put in these cases? To say we ought to go to the Local Government, I submit that it is not an easy job for an individual Member to approach the Local Government in that way, just as we can put in cases in this forum. At least Government ought to know that this is the only forum where people can represent cases, individual cases, or cases where the public is interested.

Sir, I must remind Members that the present Session is terminating today. This has been a very short Session, in spite of the fact that the conditions of the country are serious. You have come here and told us that the conditions of the country are very serious. I know the conditions are serious. But remember that the conditions are not serious only for us; they are very serious for you and even for the United Nations. I ask you and the Members of the Government (I warn them that they may be the representatives of the Government but they are not the elected Members of the country) to remember as well the words which Mr. Churchill spoke in the mother of Parliaments. He said:

"After all, we are passing through a period of very rapid daily change in Europe. (I would also say in India) of the most disturbing character, and it does not seem quite right that Parliament should go away for 25 days (here we are going away for more than four months)...."

**Several Honourable Members:** Call another Session!

**Mr. Muhammad Azhar Ali:**

"... as if nothing was going on, and as if it had lost interest in matters which affect the whole future of this country. It is derogatory to Parliament, it seems to me, that it should be thought unfit, as it were, to be attending to these grave matters, that it should be sent away upon a holiday. I know that there is a certain under current of derision of Parliament among Ministers, what relief it will be."

**Mr. President** (The Honourable Sir Abdur Rahim): What has that to do with this? I do not think Parliament discussed it?

**Mr. Muhammad Azhar Ali:** It is necessary because I am referring to our going away also and then who is to represent. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member cannot go on reading all that.

**Mr. Muhammad Azhar Ali:** If these fifteen Members of the Government are here for the contempt of public opinion, I tell you it is a menace to Government and to your democracy. Sir, they ought to remember that we, the Mussalmans, never said that we would not go with the Government and would not fight for the Government. We said that we would. But it is really very strange that yet no solution has been found by the British Government; and to say it is our responsibility; however, I would not expatiate on that point today. But I must tell the Government that we were always ready to work with the Government and to take up these matters in our hand, but it is a pity that our friend, the Honourable Dr. Ambedkar, the other day said in words of derision that we are all irresponsible people or so:

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member must confine himself to the Resolution.

**Mr. Muhammad Azhar Ali:** It is not only to the public but to the representatives of the people that they give offence. I am prepared to relate to the House that in my own town a police Sub-Inspector came to two of the big zamindars and told them to give their 12 bore-shot guns with 50 cartridges in the *thana*. When they protested the Sub-Inspector of Police said it was the order of the Superintendent of Police, but the latter denied it, when questioned about it. Is this the way to ask for help? How are we to defend ourselves? These are the things under which we suffer in this country. I do not say that the Congress is not to blame, or this party or that. But the blame is also on the Government. You are to take courage in both hands and if the enquiry is asked for what is the harm? Just as you say it is not an occasion to go and enquire about the doings of the police or the doings of the court or the doings of the army, so also it is not an occasion where people should go and lodge complaints and carry on the prosecution for days and days. We have told you sincerely and honestly, and with deliberate intention, that you are the guardians of peace of this country and so must look after these matters and do what you can help. But, I say that in these difficult times, these dilatory methods of Government will not help. I find what Mr. Churchill has said. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That has nothing to do with this Resolution.

**Mr. Muhammad Azhar Ali:** It is he, the greatest Tory, who is today driving the destiny of this country. It is Mr. Churchill again who is sending troops from outside to guard India but he is not retaining the Indian troops in this country. Why should he send our children outside and get outsiders from abroad to defend us? This shows the distrust of the Government of the people of this country. I lay stress on this point, that Government distrusts the people of this country. We are prepared to help them in every way, but they will not accept our help. These are matters which I want to lay stress upon. Dr. Sir Ziauddin Ahmad's motion says that there are some millowners who are paying the labourers and then turning them out. It is common knowledge that millowners in this country are helping their own labourers to go on strike. If that is a fact then I ask the Honourable the Law Member to look into it very carefully: these things are done under your own eyes and you ought to look into them.

These are the representations which the representatives of the people want to make to you and if you are not prepared to listen, it is your own fault. We have come here for a few days and we want to represent these matters. The people were given to understand that the Expanded Council of the Viceroy would handle the affairs in India as if it was all peace and calm and quiet everywhere. Is that a fact today? Ever since the day you had this Expanded Council, these eleven heaven-sent people, you have found these hooligans and others disturbing the country's peace. (Interruptions.) I do not know who are the real leaders of the hooligans but it is well-known that this hooliganism started only afterwards. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has half a minute more.

**Mr. Muhammad Azhar Ali:** So my last word is. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable 2 p.m. Member must conclude his speech now.

**Mr. Muhammad Azhar Ali:** I want the Government only, not to expand their Council at all.

#### ELECTION OF MEMBERS TO THE ADVISORY COMMITTEE FOR THE UTILIZATION BRANCH OF THE GEOLOGICAL SURVEY OF INDIA.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Mr. H. A. Sathar H. Essak Sait, Raja T. Manavedan and Mr. K. C. Neogy have been elected to serve on the Advisory Committee for the Utilization Branch of the Geological Survey of India.

The Assembly then adjourned *sine die*.

## APPENDIX.

*Report of the Committee appointed in pursuance of the Resolution adopted by the Assembly on the 14th September, 1942, to consider the question of travelling and other allowances admissible to Members of the Indian Legislature.*

We, the undersigned Members of the Committee appointed in pursuance of the Resolution\* adopted by the Legislative Assembly on the 14th September have the honour to present our report. We regret that the pre-occupations of many of us with other urgent business precluded us from meeting in time to present our report by the date specified in the Resolution.

2. The Resolution in pursuance of which we were appointed was adopted as an amendment to a Resolution recommending the suspension for the duration of the emergency of the right to free haulage of a motor car to and from Delhi and we have confined our deliberations to the question whether this right should be so suspended and, if so, what alternative facilities should be provided.

3. We recommend—

- (1) that the right to free haulage be suspended for the period of the emergency ;
- (2) that with effect from the next Session of the Assembly and for so long as the right to free haulage is under suspension, the conveyance allowances now admissible to a Member who does not avail himself of the right to free haulage—Rs. 5 a day in case of a Member residing outside New Delhi and Rs. 50 per mensem in the case of a Member residing in New Delhi—be enhanced to Rs. 10 a day for all Members irrespective of their place of residence.

4. The question was raised of the position of a Member who having had a motor car hauled to Delhi in pursuance of the right to free haulage has since retained the car in Delhi. We recommend that a Member in this position should be free at his option either—

- (1) to retain his right to free haulage of the car to his home whenever transport can be made available and in the meantime (if he resides elsewhere than in New Delhi) to draw the existing petrol allowance of Rs. 75 per mensem, but not (wherever he resides) the proposed new conveyance allowance, or
- (2) to draw the proposed conveyance allowance of Rs. 10 a day but not the existing petrol allowance and to relinquish his right to free haulage of the motor car to his home.

A. J. RAISMAN.  
P. N. BANERJEA.  
MOHD. YAMIN KHAN.  
LESLIE GWILT.  
HOOSEINBHOY A. LALLJEE.  
E. C. BENTHALL.  
COWASJI JEHANGIR.

NEW DELHI,  
*The 24th September, 1942.*

\* "That this Assembly recommends to the Governor-General in Council to appoint a Committee of the following, namely, the Honourable Sir Jeremy Raisman, the Honourable Sir Edward Benthall, Sir Muhammad Yamin Khan, Dr. P. N. Banerjee, Mr. Hooseinbhooy A. Lalljee, Mr. E. L. C. Gwilt and Sir Cowasji Jehangir, for the purpose of considering the amendment of the rules governing the grant of travelling and other allowances to Members of the Indian Legislature with instructions to report not later than the 19th September, 1942."