

Thursday, 13th November, 1941

# THE COUNCIL OF STATE DEBATES

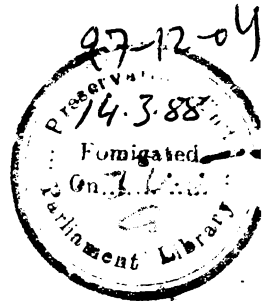
VOLUME II, 1941

*(10th November to 22nd November, 1941)*

TENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1941



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MS. B. D.

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100  
Council House in New  
**CORRIGENDA.**

In the Council of State Debates,  
1941, Vol. II,—

(1) On page 4, in the top line,—  
for " India " read " Indian ";

(2) On page 136, in line 3 from the  
top,—  
for " one is at " read " that is,  
with ".

(3) On page 142, in line 5,—

*delete* the words " at the time ";

(4) On page 147, in line 4,—

for " I lay a statement on the  
table " read " A statement  
has been laid on the  
table ".

# COUNCIL OF STATE.

Thursday, 13th November, 1941.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### PAKISTAN SCHEME.

54. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Have Government received officially any representation regarding the so-called "Pakistan Scheme"? If so, is it under consideration?

THE RIGHT HONOURABLE SIR AKBAR HYDARI: I invite the Honourable Member's attention to the correspondence between His Excellency and Mr. Jinnah reported on pages 310-13 in Volume VII of *Indian Information*, a copy of which is in the Library of this House.

### AVOIDANCE OF URBAN CONGESTION IN SETTING UP NEW FACTORIES.

55. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state what steps they have taken to avoid as much as possible urban congestion in setting up new factories and in the expansion of war industries in consultation with non-official local opinion?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON: All Provincial Governments and Chief Commissioners were informed in March last that the avoidance of undue urban congestion is one of the factors which must be considered when new factories are started. It is recognised that the Industrial development of the country and particularly of war industries needs every possible encouragement. The urban authorities in most places have considerable powers *under local legislation* to act in the direction contemplated by the Honourable Member.

### INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

56. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Is India still a member of the League of Nations, and, if so, up to what year she has paid her annual financial contribution, and how much?

(b) Why should India continue to be a member of the League, in view of the present international situation?

THE HONOURABLE MR. SHAVAX A. LAL: (a) Yes, up to and including the current financial year for which the amount of the contribution was Rs. 7,54,650.

(b) The Government of India recognise that war conditions have involved a serious curtailment of the activities of the League but they consider it important that the League should continue to exist as a symbol of the co-operation of free nations in international affairs and should continue to receive the active support of such nations. Nor are the practical tasks which the League is still in a position to discharge by any means insignificant.

COST OF THE LAST MOVE OF THE GOVERNMENT OF INDIA OFFICES TO SIMLA.

57. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : What is the approximate total expenditure involved in the Simla exodus, 1941 ?

THE HONOURABLE MR. E. CONRAN-SMITH : The information asked for is being collected and will be supplied when it is ready.

ADVERTISEMENT BY THE N. W. R. INVITING APPLICATIONS FROM ANGLO-INDIANS, ETC., FOR APPOINTMENT AS JOURNEYMEN, ETC.

58. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Has the attention of Government been drawn to an advertisement published in the *Pioneer*, dated the 3rd May, 1941, over the signature of the General Manager, N. W. R., Lahore, inviting applications from "Anglo-Indian and Domiciled European candidates for appointment as a temporary journeyman, electrical, class 1, grade 2" ? What are the reasons for this racial restriction ?

THE HONOURABLE MR. S. N. ROY : The answer to the first part is in the affirmative. As regards the second part, the advertisement was issued in order to secure candidates for the quota of posts reserved for the community in accordance with the orders of the Government of India regarding the representation of minority communities in Government services.

#### TECHNICAL TRAINING SCHEME.

59. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government give the main outline of the technical training scheme, and also indicate how many technical training instructors have come from the United Kingdom or elsewhere ? What are the financial implications involved in the scheme ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : A copy of the "Technical Training Scheme, 1940" which gives the main outline of the Scheme is placed on the table.\* One hundred British instructors are being recruited from the United Kingdom, of whom 61 have already arrived. The Scheme began to operate in January, 1941 and the total cost from that date up to the end of March, 1943, is estimated roughly at Rs. 2 crores.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Have Government entered into any contract with the instructors ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : Naturally they would want a contract before they come out.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the period of the contract ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : I am afraid I could not tell that offhand.

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\* Not printed. Copy placed in the Library of the House.

BAN ON CERTAIN BOOKS LIKELY TO BE OF ASSISTANCE TO THE ENEMY.

60. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH** : Is it a fact that two books, named *Routes in the Western Himalayas, Kashmir, etc.*, by Manson, and a handbook for travellers in Burma and Ceylon, published by John Murray and Thacker Spink, Calcutta, have been banned under the Defence of India Act and Rules ? If so, why ?

**THE HONOURABLE MR. A. DEC. WILLIAMS** (on behalf of His Excellency the Commander-in-Chief) : Yes, because they contain maps and detailed descriptions of routes which are likely to be of assistance to the enemy.

DISCONTINUANCE OF WEEK-END RETURN TICKETS ON THE E. I. R.

61. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH** : Will Government state why week-end return journey tickets on the E. I. R. have been discontinued ?

**THE HONOURABLE MR. S. N. ROY** : War conditions have imposed a considerable strain upon the resources of Railways. As traffic offering is greater than can be moved without serious delay, concessions, such as week-end tickets, designed to foster traffic have been withdrawn.

ATTITUDE OF THE SINKIANG GOVERNMENT TOWARDS BRITISH INDIAN SUBJECTS.

62. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH** : Is it a fact that the attitude of the Sinkiang Government towards the British-Indian subjects residing in that territory was unfriendly and hostile before the outbreak of the Russo-German War ? Will Government state what has been the reaction of this war on the attitude of the Sinkiang Government towards British-Indian subjects, residing about Kashgar, and the territory concerned ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI** : First part of the question, the answer is in the affirmative.

Second part, no change has been noticeable so far.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** : Have any representations been made either to the Chinese or to the Russian authorities recently ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI** : I am not in a position to answer that question, Sir.

ATLANTIC CHARTER.

63. **THE HONOURABLE MR. M. N. DALAL** : Has the attention of the Government of India been drawn to the Eight Points Declaration of Policy made jointly by the President of the United States and the British Prime Minister on August 14th last, and its reaction on Indian political opinion ? Have Government made any representation so far in regard to the points in that Declaration, touching and concerning India in particular, which the British Prime Minister offered in a statement before the House of Commons on September 9th ? Will Government provide an adequate opportunity to the Members of the Central Legislature to voice the Indian political sentiment on this subject of vital political importance to the constitutional progress of India ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** I would refer the Honourable Member to statements made by my Honourable friend the Leader of the House on this subject in the Legislative Assembly on October 28th and 29th, and in particular to his undertaking on behalf of the Government of India to convey to His Majesty's Government the views expressed by Honourable Members in the course of the debate on the latter date. Copies of the statements referred to are placed in the Library of the House.

#### ATLANTIC CHARTER.

**64. THE HONOURABLE MR. M. N. DALAL:** What steps do Government propose to take to give effect to the principle contained in point (III) in the Joint Declaration of post-war world policy issued by the American President and the British Prime Minister, *viz.*, that "they respect the right of all peoples to choose the form of government under which they would live" as applied to India?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** The application of this part of the Declaration to India has been fully expounded in statements by the Prime Minister and the Secretary of State for India, which have been reproduced in the press. Those statements made it clear that His Majesty's Government's previous declaration with regard to the goal of India's attainment of free and equal partnership in the British Commonwealth and with regard to their desire to see the goal attained with the least possible delay after the war under a constitution framed by agreement among Indians themselves held good and is in no way qualified.

#### APPOINTMENT OF A REPRESENTATIVE OF THE GOVERNMENT OF INDIA ON THE MIDDLE EAST WAR COUNCIL.

**65. THE HONOURABLE MR. M. N. DALAL:** (a) Will Government state who has been appointed the representative of the Government of India to the Middle Eastern War Council under the Chairmanship of the Right Honourable Captain Lyttleton?

(b) What will be the duties of the Indian representative? and

(c) To whom will the representative owe responsibility in the discharge of the functions assigned to him? How far will the Indian Legislature be acquainted with the working of the Council and the representative of the Government of India in that Council?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** (a) The Honourable Member will by now have seen a statement which has appeared in the Press to the effect that Lieutenant-Colonel C. G. Prior, hitherto Political Resident in the Persian Gulf, has been appointed representative of the Government of India on the Middle East War Council.

(b) His duties will be to represent the interests of India on the Middle East War Council and to report to the Government of India discussions and decisions on matters in any way affecting Indian interests.

(c) Colonel Prior will be responsible in the discharge of his functions to the Government of India. For obvious reasons, and in particular the necessity for preventing any information of value reaching the enemy, it will not be possible for Government to place before the House any statement regarding the working of the Middle East War Council.



**THE HONOURABLE MR. M. N. DALAL :** Was the Defence Consultative Committee consulted before the appointment was made, Sir ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** I am not in a position to reply, Sir.

**FUNCTIONS OF THE REFORMS COMMISSIONER.**

**66. THE HONOURABLE MR. M. N. DALAL :** (a) Will Government state whether any official list has been made of the persons or institutions whom Mr. Hodson, the Reforms Commissioner, is required to meet ? If so, are non-official individuals or institutions also included in that list ?

(b) What are the facts, figures, ideas and details, which the Reforms Commissioner is expected to collect bearing upon the constitutional developments after the war ?

(c) Will the material so collected be placed on the table of the Legislature and made available to the public before the discussions on the constitutional problem take a concrete shape ?

(d) Is the work of the Reforms Commissioner under supervision and control of the Government of India, or any other authority ?

(e) Will Government consider the advisability of associating an experienced Indian with the Reforms Commissioner to facilitate not only the collection of material but also to include the Indian view point in co-ordinating this material and presenting a report founded on the same ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** (a) The answer to the first part of the question is in the negative. The second part, therefore, does not arise.

(b) The business of the Reforms Commissioner is to engage in purely factual and objective study of every aspect of the constitutional problem so far as practicable so that when the moment arrives for those to whom will fall the task of framing the new constitution to undertake their labours, as much preliminary work of a fact-finding and objective nature as possible may have been done in the interests of reducing delay in the implementing of the policy of His Majesty's Government. I am sorry I am unable to enter into further detail.

(c) I am unable to give any such undertaking.

(d) The Reforms Commissioner is a member of the Secretariat of the Governor General to whom he is responsible.

(e) The Reforms Commissioner is assisted by Rao Bahadur V. P. Menon, C.I.E., Deputy Secretary in the Reforms Secretariat.

**THE HONOURABLE MR. M. N. DALAL :** Could you tell us when this material will be ready ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** I am not in a position to reply, Sir.

**THE HONOURABLE MR. P. N. SAPRU :** How will this factual matter differ from the factual material collected by the Round Table Conferences, the Simon Commission and the Joint Select Committee of Parliament ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** I presume that the material will have been brought up to date. It was collected by those bodies some time ago.

**THE HONOURABLE MR. P. N. SAPRU:** Are we to understand, Sir, that all that the Reforms Commissioner will be required to do is to bring the material up to date from 1935 to whatever may be the time when the constitutional question is taken up ?

**THE HONOURABLE THE PRESIDENT:** You are asking for an opinion.

**THE HONOURABLE MR. P. N. SAPRU:** No, Sir. I merely asked if we are to understand that all that the Reforms Commissioner will do will be to take 1935 as his basis and collect the additional material from 1935 to the time when the new constitution will be framed ?

**THE HONOURABLE THE PRESIDENT:** You can ask that if that is what his statement means.

**THE HONOURABLE MR. P. N. SAPRU:** That is what I mean, Sir. Am I right in understanding your statement to mean that that is all that the Reforms Commissioner will be required to do ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** Sir, if you will refer to my reply to part (b) carefully you will find an answer to your question there.

**THE HONOURABLE MR. P. N. SAPRU:** The Honourable the Leader of the House said that he was engaged in factual work. I have pointed out that factual work had already been done by those three bodies, and what I want to know is whether the factual work will start from 1919 or earlier or from 1935 ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** My reply definitely stated "factual and objective study of every aspect of the constitutional problem and that will be his duty and to bring in all facts with the object of studying everything that is pertinent and which he considers necessary to be placed before Government at the time".

**THE HONOURABLE MR. P. N. SAPRU:** Is it a fact, Sir, that the Reforms Commissioner has been canvassing actively or indirectly for certain solutions, namely, functional representation, hereditary Governors with an Executive responsible to those hereditary Governors and British Agents in Provinces to represent the British Crown ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** I am not aware of that. I will require notice.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:** Can the Honourable Member state why the Reforms Commissioner is part of the Secretariat of the Governor General and why he has not been placed under the Government of India whose business it ought to be to consider future reforms ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI:** His Department is directly under the Governor General in his discretion. I would require previous notice of your question if you require a further answer.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Is it the view of the authorities, namely, the Secretary of State for India and the Governor General, that constitutional reforms are today the concern only of the Secretary of State and the Governor General and not of the Government of India ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** My reply did not imply that.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Then why is it that the Reforms Commissioner has nothing to do with the Government of India and is solely concerned with the Governor General ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** I have already asked for notice in reply to a previous question and I want to do the same in regard to this.

**THE HONOURABLE MR. P. N. SAPRU :** One last question, Sir. How is the Indian gentleman, Rao Bahadur V. P. Menon, associated ? I mean what are his functions *vis-a-vis* the Reforms Commissioner ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** His functions are like those of any Deputy Secretary to a Secretary.

#### VISIT OF PROFESSOR COUPLAND.

67. **THE HONOURABLE MR. M. N. DALAL :** (a) Has the attention of Government been drawn to the press report about Professor Coupland, Professor of Colonial History in the Nuffield College, and Editor of the *Round Table*, said to be engaged in a study of the Indian constitutional development ?

(b) What facilities, if any, have Government offered Professor Coupland for study ?

(c) Will Government place on the table of this House the programme of the work Professor Coupland intends to do in India ?

(d) Is there any co-ordination of work between Professor Coupland and the Reforms Commissioner appointed by the Secretary of State, both as regards the actual work and the investigation to be carried out by each and the report to be submitted jointly or severally by either of them ?

**THE RIGHT HONOURABLE SIR AKBAR HYDARI :** I have seen the press report to which the Honourable Member refers. So far as Government are aware, Professor Coupland's visit is of an entirely private and unofficial character. They have no information as regards his plans or his programme : nor have they been asked to grant him any special facilities.

#### SUGAR FACTORIES.

68. **THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA :** Will Government state the number of sugar factories in the various Provinces and Indian States ?

**THE HONOURABLE MR. G. S. BOZMAN :** A statement is laid on the table.

*Statement showing the number of sugar factories in the various Provinces and in Indian States during 1940-41.*

	No. of factories.
Madras . . . . .	15
Bombay . . . . .	8
Bengal . . . . .	10
United Provinces. . . . .	80
Punjab . . . . .	6
Bihar . . . . .	33
Central Provinces and Berar . . . . .	1
Assam . . . . .	1
North-West Frontier Province . . . . .	1
Orissa . . . . .	2
Sind . . . . .	1
Indian States . . . . .	14
Total	172

**ROYAL INDIAN NAVAL RESERVE AND ROYAL INDIAN NAVAL VOLUNTEER RESERVE.**

69. THE HONOURABLE MR. V. V. KALIKAR: (a) Is there a large number of qualified Indian officers trained in the Mercantile Marine in the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve? If so, what is the number of Indian officers in these services?

(b) Have Government recruited officers from the British Reserves to the Royal Indian Navy? If so, what is the number of officers recruited to the Royal Indian Navy from the British Reserves.

(c) Have only two Indian officers been recruited to the Royal Indian Navy from the Royal Indian Naval Reserve?

(d) If the answer to part (c) is in the affirmative, what are the reasons for not recruiting more Indian officers to the Royal Indian Navy from the Royal Indian Naval Reserve?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): (a) Yes. The numbers are—

Royal Indian Naval Reserve, 130.

Royal Indian Naval Volunteer Reserve, 60.

(b) No officers serving in the British Reserves have been given any permanent commissions in the Royal Indian Navy since the outbreak of war.

(c) Yes, since the outbreak of war.

(d) It has been decided that no increase in the permanent strength of the Royal Indian Navy should be made during hostilities in view of the uncertainty of the strength of the Royal Indian Navy after the war, and all recruitment is, therefore, made only to the Reserves on a temporary basis.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With reference to the answer to part (b) of the question, will the Honourable Member tell us whether officers belonging to the Royal Naval Reserve have been employed permanently or temporarily in the Royal Indian Navy since the outbreak of the war?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** No, Sir, because no appointments are made from the Reserve to the Royal Indian Navy either permanently or temporarily. Such appointments as are made are made in the Royal Indian Naval Reserve on a temporary basis, not in the Royal Indian Navy.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Am I to take it that no officer from the Royal Naval Reserve has been appointed as an officer in the Royal Indian Navy ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** No.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Have any been appointed as officers in the Royal Indian Naval Reserve ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I should require notice of that, Sir. I am clear that none have been transferred to the Royal Indian Navy, but as to the Royal Indian Naval Reserve I am not sure.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I have another question with regard to part (c). Will the Honourable Member tell us whether any Indian officers belonging either to the Royal Indian Navy or the Royal Indian Naval Volunteer Reserve have been appointed even in a temporary capacity in the Royal Indian Navy ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** It is rather a difficult matter. The point is this. Two Indian officers shortly after the outbreak of the war were appointed on a permanent basis to the Royal Indian Navy. Nobody has been appointed after that on that basis. At that time the policy was changed. No appointments are made on a permanent basis direct to the Royal Indian Navy. Appointments are made on a temporary basis to the Royal Indian Naval Reserves.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** After all these Reserves are more or less in the same position as the Special Reserve of Officers and the Army in India Reserve of Officers in connection with the Army ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** They are not so. That is what makes the position so complicated.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I quite understand that. The Royal Indian Naval Volunteer Reserve is in the same position as the Army in India Reserve of Officers and the Royal Indian Naval Reserve is in the same position as the Reserve of Retired Officers who have had military training in the Army. Officers of the Army in India Reserve of Officers who have been employed in the Army have all been employed on a temporary basis and have been awarded emergency commissions. Have the Royal Indian Naval Volunteer Reserve officers been appointed in the same way in the Royal Indian Navy ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** No, Sir. I thought I made that clear.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Why not ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** Because it is not the policy to do so.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** The Honourable Member stated that it was not the policy of the Government to give permanent commissions. What I have asked is whether temporary commissions have been given to officers belonging to the Royal Indian Naval Volunteer Reserve in the Royal Indian Navy ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I repeat, Sir, that new commissions in the Royal Indian Navy itself, either permanent or temporary, are not being given.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Then how have the officers required in connection with the expansion of the Navy been obtained ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** Officers are appointed to commissions in the Reserve.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Are these people who are in the Reserve employed on the ships or not ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** Of course they are employed on the ships.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Then how many of these officers have been so employed ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** That merely means how many officers have been appointed recently or during the war to the Indian Naval Reserve.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Appointed for duty on ships. That is my question.

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I must have notice of that, Sir.

#### ROYAL INDIAN NAVAL RESERVE AND ROYAL INDIAN NAVAL VOLUNTEER RESERVE.

70. **THE HONOURABLE MR. V. V. KALIKAR :** (a) Have Government granted permanent commissions to the officers serving in the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve ? If so, to how many officers ?

(b) Are the officers in the British Reserves granted permanent commissions ?

(c) If the answer to part (b) is in the affirmative, what are the reasons for giving only "temporary reserve commissions" to Indian officers enlisted in the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve and not permanent commissions ?

**THE HONOURABLE MR. A. DEC. WILLIAMS** (on behalf of His Excellency the Commander-in-Chief) : (a) Four permanent commissions had been granted in the Royal Indian Naval Reserve and 31 in the Royal Indian Naval Volunteer

Reserve on the date of the outbreak of war. Since that date all recruitment to the Reserves has been on a temporary basis.

(b) So far as Government are aware, no officers serving in the British Reserves have been granted permanent commissions since the outbreak of war.

(c) Does not arise.

ROYAL INDIAN NAVAL RESERVE AND ROYAL INDIAN NAVAL VOLUNTEER RESERVE.

71. THE HONOURABLE MR. V. V. KALIKAR : Is it a fact that the non-Indian officers joining the Royal Indian Naval Reserve and the Royal Indian Naval Volunteer Reserve as lieutenants are placed on a ship as juniors to the Indian Royal Indian Naval Reserve sub-lieutenants for one year and that they automatically supersede the Royal Indian Naval Reserve Indian officers even though the Indian officers had eight or nine years training at sea and higher technical qualifications ? If so, what are the reasons for the supersession of qualified Indian officers ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : The answer to the first part is in the negative. The latter part does not therefore arise.

ROYAL INDIAN NAVY.

72. THE HONOURABLE MR. V. V. KALIKAR : Will Government state the number of European and Indian officers recruited to the Royal Indian Navy since the beginning of the war ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : Eleven Europeans and 14 Indians.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Whence have these 14 Indian officers been obtained ?

THE HONOURABLE MR. A. DEC. WILLIAMS : From the "Dufferin" and by examination by the Public Service Commission.

INDIAN IMMIGRATION FUND, MALAYA.

73. THE HONOURABLE MR. V. V. KALIKAR : Will Government make a short statement regarding the Bill published in the Federated Malaya States Gazette of 25th September, 1941, proposing an important change in the provisions concerning the purposes for which money in the Indian Immigration Fund could be utilised and the action taken by the Government of India against this Bill ?

THE HONOURABLE MR. G. S. BOZMAN : The Indian Immigration Fund was constituted by the Malayan Governments in 1907 with a view to place on a properly organised footing the system of recruitment of Indian labourers and to obviate the possibility of one employer unfairly obtaining the services of labourers who had been recruited at the expense of another employer. The Fund is utilised to pay for the train and steamship fares of emigrants and to meet their feeding, medical, quarantine and repatriation charges. It may

also be used for certain other purposes. The Malayan Governments now propose to amend their Labour Code in order to make it possible for them to utilise this Fund for the recruitment of labour from the Netherlands East Indies also. The Government of India have now under consideration the question of making certain representations to the Malayan Governments on the subject.

**NUMBER OF BRITISH OFFICERS GRANTED COMMISSIONS IN THE INDIAN ARMY.**

**74. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) How many British combatant officers have been brought from England since the 1st September, 1939, for appointment to commissioned rank in the Indian Army ?

(b) How many officers belonging to the Special Unemployed List who ceased to be on active duty in 1934 have been recalled since the 1st September, 1939 ?

(c) How many British warrant officers have been appointed as commissioned officers in the Indian Army since the 1st September, 1939 ?

(d) What is the number of British combatant officers who have been selected for the grant of emergency commissions in India since the 1st September, 1939 ?

**THE HONOURABLE MR. A. DEC. WILLIAMS** (on behalf of His Excellency the Commander-in-Chief) : With your permission, Sir, I will answer questions Nos. 74 to 76 together.

It is not in the public interest to give the information asked for by the Honourable Member and in this connection I would refer him to the answer given by His Excellency the Commander-in-Chief to the Honourable Mr. Hossain Imam's question No. 78 on the 6th March, 1941.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Is it a fact, Sir, that a question similar to question No. 74 was answered sometime ago by Government ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I would again refer the Honourable Member to the answer given by His Excellency the Commander-in-Chief to the question which I mentioned. It is all there.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** May I again ask the Honourable Member\* if a question similar to this question was answered, why is not this information supplied now ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I would again refer the Honourable Member to His Excellency the Commander-in-Chief's answer.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I would again ask why if this information was supplied some time ago it is not supplied now ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** The Commander-in-Chief has explained it there.

**THE HONOURABLE THE PRESIDENT :** Government might have supplied the information sometime ago, but the Government Member now says that he does not wish to reply. That is the end of it. I cannot go beyond it.



**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Is this change of policy due merely to a change in the headship of the Defence portfolio ?

**THE HONOURABLE THE PRESIDENT :** Government is responsible for that. I have nothing to do in this House with that change of policy.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** It does seem to me absolutely intolerable that Government should arbitrarily decide not to give information of a kind which they have given before.

**THE HONOURABLE THE PRESIDENT :** May I request the Honourable Member not to argue further ? He is a very old Member. He knows that neither the President nor a Member has a right to question anything further in a matter of policy. Whether that policy is acceptable to the House or not is a different question.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** I quite understand, Sir. The Government are greater dictators than the dictators they are fighting against.

**THE HONOURABLE THE PRESIDENT :** Please don't argue, Pandit Kunzru.

**THE HONOURABLE PANDIT HIRDAY NATH KINZRU :** I do not know up to what question Mr. Williams has replied. Perhaps Mr. Williams will tell me whether he has answered all the questions or some of them.

**THE HONOURABLE THE PRESIDENT :** Up to No. 77.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** His answer covered so many questions that I do not know where to start.

**THE HONOURABLE MR. A. DEC. WILLIAMS :** The answers apply, Sir, to questions Nos. 74 to 76.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** We may take it that the answers will apply to all questions relating to the Defence Department in future.

#### NUMBER OF INDIANS GRANTED EMERGENCY COMMISSIONS.

**75. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** How many Indian candidates have been granted emergency commissions since the 1st September, 1939 ?

(See reply to question No. 74.)

#### NUMBER OF INDIANS, ETC., UNDER TRAINING AT DEHRA DUN, ETC.

**76. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Will Government state the number of pure Indian, Anglo-Indian and British candidates, respectively, under training at (a) Dehra Dun, (b) Mhow, (c) Belgaum and (d) Bangalore ?

(See reply to question No. 74.)

**WAGES OF INDIAN LABOURERS IN MALAYA.**

**77. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** What are the wage rates applicable to Indian workers on rubber plantations in Malaya at present ?

**THE HONOURABLE MR. G. S. BOZMAN :** The standard wage rates for Indian labourers are 40 cents a day for men and 32 cents for women. The basic rates of wages now being paid are 50 cents for men and 40 cents for women. In addition, all labourers receive an allowance termed a victualling allowance of 10 cents a day on account of the increased cost of living. I understand that in certain areas higher wages are in fact being paid.

**LIVING ALLOWANCES TO INDIAN LABOURERS IN MALAYA.**

**78. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) What is the cost of living allowance paid by the Malayan Government to Indian labourers employed under any public authority whose daily wages do not exceed \$1?

(b) Is the same allowance paid to Indian workers on rubber plantations ? If not, why not ?

**THE HONOURABLE MR. G. S. BOZMAN :** (a) For the month of September, 1941, it was \$5.10 or about 19 cents a day.

(b) No. The employers hold that it does not apply to and is not binding on them, and that the increases sanctioned by them are sufficient.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Are Government aware that the cost of living allowance given by Government to their own employees has been increased since October and that the lowest daily allowance given now amounts to about 22 cents ?

**THE HONOURABLE MR. G. S. BOZMAN :** I have given, Sir, the latest information supplied to us officially but the Honourable Member's information may very well be correct.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** What efforts have been made by the Government of India to get for the workers on the plantations the same allowance owing to the rise in the cost of living as the Government of Malaya are paying to their own workers ?

**THE HONOURABLE MR. G. S. BOZMAN :** The Government of India, Sir, have brought this to the notice of the Malayan Government.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** If the Malayan Government has done nothing so far, what action has been taken by the Government in the meanwhile to press their views on the Malayan Government ?

**THE HONOURABLE MR. G. S. BOZMAN :** The Honourable Member is aware that certain action has already been taken, though not specifically in connection with this particular issue. What further action should be taken is a matter under consideration of the Government.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Frankly, Sir, I do not understand what the Honourable Member has referred to. I am not aware of any specific action taken by the Government of India either in this connection or in any other connection.

**THE HONOURABLE MR. G. S. BOZMAN :** I thought the Honourable Member was aware that we had prohibited the emigration of assisted unskilled labour.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** But that was done some time ago, long ago in fact.

**AUSTRALIAN OFFICERS IN THE INDIAN ARMY.**

**79. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Has the attention of Government been drawn to Reuter's message from Singapore, dated the 23rd August, 1941, that 30 Australian officers have been trained in Singapore "for service in the Australian Imperial Force and in British and Indian Army units" ?

(b) Is it intended to employ any of these officers in Indian units ? If so, why ? Can Indians be appointed as officers in the Australian Imperial Force ?

**THE HONOURABLE MR. A. DEC. WILLIAMS** (on behalf of His Excellency the Commander-in-Chief) : (a) Yes, Sir.

(b) Yes, provided they are suitable and offer their services. The reason is the great need for officers for the expanded Indian Army. As regards the last part, Government have no information.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Have Government made any inquiries on the subject ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** No, Sir.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Why have they not ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** It will require a special reference to Australia and it is neither desirable in the public interest nor worth while to make a reference.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Is the Honourable Member aware how strong is the feeling in India against the appointment of Dominion nationals as officers in the Indian Army ?

**THE HONOURABLE MR. A. DEC. WILLIAMS :** I said, Sir, I have no information.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** Does this Government know anything about Indian sentiment or does it merely ignore facts in order to thrust their arbitrary decisions down our throats ?

**THE HONOURABLE THE PRESIDENT :** Mr. Williams has stated that Government have no information and that is an end of it.

**THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** If I were given time I would point out the statements made by the military authorities showing that they are aware of this fact. What is the good of his saying that they are not aware of it. They are aware of it but they feel that they have the power today to flout our sentiments in any manner they like.

**THE HONOURABLE MR. P. N. SAPRU :** Is the Government of India functioning in this country or in any other country? (Laughter.)

**THE HONOURABLE THE PRESIDENT :** I cannot allow the question. That does not arise.

#### DEFENCE CONSULTATIVE COMMITTEE.

**THE HONOURABLE THE PRESIDENT :** The following Honourable Members have been nominated for election to the Defence Consultative Committee :—

1. The Honourable Sardar Buta Singh.
2. The Honourable Sir A. P. Patro.
3. The Honourable Mr. Khurshid Ali Khan.
4. The Honourable Mr. V. V. Kalikar.
5. The Honourable Pandit Hirday Nath Kunzru.

There are five candidates for four seats and an election is necessary. The Council will now proceed to elect Members from the Council who shall be required to serve on this Committee. The election will be according to the principle of proportional representation by means of the single transferable vote and the ballot papers will now be placed in Members' hands and I ask the Honourable Members to vote in accordance with the instructions noted thereon.

(Ballot papers were then distributed.)

**THE HONOURABLE THE PRESIDENT :** As the Council will not probably meet till next week, I shall have the result of the election communicated to the Honourable Members by circular.

#### STANDING COMMITTEE FOR THE DEPARTMENT OF SUPPLY.

**THE HONOURABLE THE PRESIDENT :** With reference to the announcement made by me on the 10th November, 1941, regarding nomination to the Standing Committee attached to the Department of Supply, I have to announce that the Honourable Mr. R. R. Haddow has been nominated to it. As there is only one candidate for one vacancy I declare him duly elected.

#### BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

**SECRETARY OF THE COUNCIL :** Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to alter the constitution of the Board of Trustees of the Port of Madras, which was passed by the Legislative Assembly at its meeting held on Tuesday, the 11th November, 1941.

#### STATEMENTS, ETC., LAID ON THE TABLE.

**THE HONOURABLE MR. C. E. JONES (Finance Secretary) :** Sir, I lay on the table copies \* of—

1. Central Government Appropriation Accounts, Civil, 1939-40 and Audit Report, 1941.

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\* Not printed. Copies placed in the Library of the House.

2. Central Government Commercial Appendix to the Appropriation Accounts, Civil, 1939-40 and Audit Report, 1941.
3. Central Government Appropriation Accounts, Posts and Telegraphs, 1939-40 and Audit Report, 1940.
4. Central Government Appropriation Accounts of the Defence Services for the year 1939-40.
5. Audit Report—Defence Services, 1941.
6. Central Government Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1939-40 and the Audit Report thereon.
7. Appropriation Accounts of Railways in India for 1939-40, Part I—Review.
8. Appropriation Accounts of Railways in India for 1939-40, Part II—Detail Appropriation Accounts.
9. Railway Audit Report, 1941.
10. Capital Statements, Balance Sheets and Profit and Loss Accounts of State Railways in India, including the Balance Sheet and the Profit and Loss Account of Tatanagar Workshops, 1939-40.
11. Balance Sheets of Railway Collieries and Statements of all-in-cost of Coal for 1939-40.

#### CENTRAL ADVISORY BOARD OF EDUCATION IN INDIA.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas Department): Sir, I move:—

“That the Members of this Council do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their own numbers to be a member of the Central Advisory Board of Education in India, with effect from the date of election.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations will be received by the Secretary in his office up to 1 P.M. on Saturday, the 15th November, 1941 and the date of election, if necessary, will be announced later.

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

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:—

“That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration.”

Sir, this Bill is designed to supply a shortcoming in the existing law relating to criminal procedure. It has been brought to light by a recent decision of the Sind Chief Court, and I think also of the Patna High Court. In the case before the Sind Chief Court a person was accused of having committed an offence at a place in a tribal area and was arrested at a place in Sind. But the Sind Court ordered his release on the ground that the warrant was issued by a Court outside British India and could not therefore be executed in British India.

[Mr. Shavax A. Lal.]

The decision was undoubtedly correct, but it has led to serious practical difficulties. No doubt there is the procedure of extradition. But extradition, in some cases, is bound to involve delay and it might conceivably defeat the ends of justice by enabling the criminal to make good his escape. I must make one thing clear, namely, that this Bill does not provide for execution of criminal processes issued by Indian State Courts in British India but merely provides for the execution of criminal processes issued by British Courts outside British India but in India which have to be executed in British India.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. SHAVAX A. LAL: Sir, I move:—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

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

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:—

“That the Bill further to amend the Code of Criminal Procedure, 1898 (Second Amendment), as passed by the Legislative Assembly, be taken into consideration.”

Sir, the need for this Bill has been very fully explained in the Statement of Objects and Reasons and I need not detain the House by recapitulating the contents of that statement.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. SHAVAX A. LAL: Sir, I move:—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

#### INDIAN FACTORIES (AMENDMENT) BILL.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Labour Member): Sir, I beg to move:—

“That the Bill further to amend the Factories Act, 1934, as passed by the Legislative Assembly, be taken into consideration.”

Sir, it is a very simple Bill and the objects are already put down in writing. I do not think it needs any speech from me.

**THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : While welcoming this Bill, I should like to stress the need for amending the definition of a factory in the Indian Factories Act. Under the present law a factory is a workshop or a manufacturing establishment which employs more than 20 persons. The Provincial Governments have power to reduce by notification the number 20 to 10.

**THE HONOURABLE THE PRESIDENT** : While your argument is perfectly sound, I would point out that that is not the question before this House. The only question before us at present is the amendment of the Factories Act in a certain manner. If you want to amend it in any other manner you are at liberty to bring in a Bill.

**THE HONOURABLE MR. P. N. SAPRU** : Sir, while supporting this amendment I was suggesting that further amendments might be considered by the Government, and what I was therefore saying is that there is need for central direction and legislation. The Provincial Governments have not utilised this power to the extent it should have been, I mean the power of reducing the number from 20 to 10. The matter I think was considered at the second conference of Labour Ministers which was held recently, and I think their conclusion was that—

“ The Conference is generally of the opinion that the proposal of the Bombay Government for amending clause 5 of the Factories Act should be followed up by Central legislation ”.

Therefore I am suggesting to the Honourable Member to consider the question of further amending the Factories Act to bring it into harmony with modern conceptions.

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON** : All that I can say is that in respect of any amendment that any Honourable Member of this House feels ought to be brought about, I shall be very grateful if they will kindly send it to me in writing, and the matter will receive my very careful consideration and I will get in touch with them afterwards.

**THE HONOURABLE THE PRESIDENT** : Motion moved :—

“ That the Bill further to amend the Factories Act, 1934, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON** : Sir, I beg to move :—

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

#### MINES MATERNITY BENEFIT BILL.

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON** (Labour Member) : Sir, I beg to move :—

“ That the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them, as passed by the Legislative Assembly, be taken into consideration.”

**THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : Sir, I should like to lend my support to this measure, but while doing so I should like to stress that it should have gone further than it actually has done. I think there was a draft Convention of the International Labour Office in 1919, and the principle accepted in 1919 by that draft Convention was that the period of maternity benefit should be six weeks before and six weeks after childbirth, that is, a total period of three months altogether. Now, Sir, so far as this Bill is concerned, it provides for a period of four weeks before and four weeks after childbirth. I should have liked the Bill to be in accordance with the draft Convention adopted by the International Labour Office in 1919. The cost of maternity benefit is extremely small. Out of ten women employed it has generally been found that one woman becomes entitled to maternity benefit in a year. Under this Bill this woman will get two months benefit, and I would ask that she should be paid for three months, one-fourth of her year's pay. Now, the number of women employed in mines is only one-fourth of the total working populations in mines, and we know that women workers do not get equal pay with men. They get about half the men's wages. Therefore, so far as the cost of production is concerned, it will not go up very much if the period is extended from four to six weeks before and after childbirth. It must also be remembered that in these mining areas very few women will get the benefit because of the word "continuously". In order to get the benefit it is necessary for a woman to have worked continuously and very few of them do work continuously. Therefore, if my proposal is accepted, the cost of production will go up very slightly, and I do hope that Government, having gone so far, will go further and implement the draft Convention of 1919.

**THE HONOURABLE THE PRESIDENT** : You are very lucky you are not a factory owner.

**THE HONOURABLE MR. P. N. SAPRU** : I am very lucky I am not a factory owner. I am rather proud of it. I am looking forward to the day  
12 NOON. when gradually we shall have no factory owners and the factories will be run in the interests of the community by the community itself. All that will come about gradually in the course of evolution. Therefore, Sir, not being a factory owner, I can look at these questions from a detached point of view. My personal interest is not involved one way or the other. I am a professional wage earner. I do hope, Sir, that Government will look at this question sympathetically and I welcome the Bill. All that I say is that I should have liked it to go a little further. The matter was considered by the Labour Ministers' Conference. Their conclusion is rather vague. They say :—

" The Conference was of opinion that legislation must be undertaken centrally with a view to ensuring maternity benefits for women employed in coal mines on the same lines as existing legislation governing factory labour ".

With these words, Sir, I support the Bill.

**THE HONOURABLE MALIK SIR FIROZ KHAN NOON** : Sir, I should like to say just a few words on what the Honourable Member has said. The Honourable Member has my sympathy when he wishes to extend the benefit of the Bill to women for six weeks before and after childbirth and nobody will be more pleased than myself to find that this country so far as benefits to women workers and to labour are concerned was in the forefront like the most civilised countries in the world. But I should like to point out just one or two facts



[Sir Firoz Khan Noon.]

for his consideration. One fact is that this is a very poor country where there is an enormous competition between worker and worker and if we make the cost of the child-bearing women heavy for the factory owner there may be a tendency on their part not to employ married women or women likely to have children and in that way they may be doing harm to the poor women who are bringing up children, especially when the number of such women is small as compared with the number of women who do not bear children.

THE HONOURABLE THE PRESIDENT: You are quite right. I understand in many factories they do not employ child-bearing women workers.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON: We have to safeguard against this contingency in respect of these women. Secondly, this kind of legislation is not new to this country. Our factory owners have to compete with foreign factory owners and the cost of production means a lot to them. We have to be a little patriotic in the beginning when our industry is just trying to stand on its legs. Another point is that when you have to break to saddle a new colt you must put the weight on him gradually. If you put too much weight on him all at once, he will begin to kick. The industry has to progress by the co-operation of factory owners and workers. It is then alone that we can get the happy medium which we all wish to see achieved.

THE HONOURABLE THE PRESIDENT: Motion moved:—

“That the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

Clauses 2 to 5 were added to the Bill.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move:—

“That for the existing proviso to sub-clause (1) of clause 6 the following proviso be substituted, namely:—

‘Provided that she shall not receive such bonus if at the place chosen by her for her confinement she would have been entitled free of charge to the services of a qualified midwife or other trained person provided by the owner of the mine.’”

Sir, this is a purely drafting amendment which improves upon the wording of the existing proviso. I move.

The Motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 18 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON: Sir, I beg to move:—

“That the Bill to regulate the employment of women in mines for a certain period before and after childbirth and to provide for payment of maternity benefit to them, as passed by the Legislative Assembly and as amended, be passed.”

The Motion was adopted.

RESOLUTION *RE* AMENDMENT OF AUDITORS' CERTIFICATES  
RULES, 1932.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary): Sir, I beg to move the following Resolution :—

“ This Council recommends to the Governor General in Council to amend the Auditors' Certificates Rules, 1932, in such manner as to admit of the enrolment on the Register of Accountants of a Restricted Certificate holder who does not possess the normal qualifications for enrolment but satisfies the Central Government that he is a fit person to be enrolled.”

I make this Motion, Sir, in rather unusual circumstances. The object which we wish to secure is the framing of a rule to the effect described in the proposed Resolution. There is no legal objection to the framing of such a rule under the law as it stands ; but the effect of such a rule would be to cover the substance of an amendment which was moved in the Legislative Assembly at the time when the Indian Companies (Amendment) Act, 1930, was before it, in the form of a Bill, and which was rejected. Before making such a rule, therefore, we felt that we were under a moral, if not a legal, obligation to put the matter before the Legislature and as no amending Bill was called for, we have resorted to the moving of Resolutions in both Houses of the Legislature.

The proposal to enact the rule described rests upon a recommendation of the Indian Accountancy Board who pointed out that the class of Restricted Certificate holders includes a number of persons who by virtue of their wide experience are fit to be entrusted with the full responsibilities of a Registered Accountant.

I wish to make it clear that we do not feel any apprehension lest this action should lead to a lowering of the high standards of the profession which we are all concerned to maintain. It will apply only to auditors who were already in practice before the passing of the Act of 1930 and there are only 49 Restricted Certificate holders in all India. Moreover, arrangements will be made for the merits of individual applicants for inclusion in the list of Registered Accountants to be subjected to careful scrutiny.

The Motion was adopted.

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STATEMENT OF BUSINESS.

THE RIGHT HONOURABLE SIR AKBAR HYDARI (Leader of the House) : Sir, I was going to suggest that the House should meet on Saturday, the 15th, for the sole purpose of laying on the table the Bills which the Assembly is expected to pass today or tomorrow, but I understand from my Honourable friends opposite that they have no objection to taking up the Bills on Wednesday, the 19th, provided they are circulated amongst the Members on Saturday. There will, therefore, be no need for this House to meet tomorrow or the day after and I propose that the House should meet on Monday, the 17th to deal with the Government Bills which have already been laid on the table.

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The Council then adjourned till Eleven of the Clock on Monday, the 17th November, 1941.