

Monday, 21st February, 1944

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

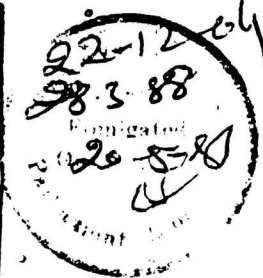
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SIXTEENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1944



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COUNCIL OF STATE

Monday, 21st February, 1944

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

MEMBERS SWORN :

The Honourable Mr. R. N. Banerjee (Indians Overseas Secretary).
The Honourable Mr. H. Greenfield (Nominated Official).

QUESTIONS AND ANSWERS.

CITIZENSHIP RIGHTS FOR INDIAN SETTLERS IN THE U. S. A.

57. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : What steps have Government taken to obtain citizenship rights for Indian settlers in the U. S. A. and with what result ?

THE HONOURABLE SIR MAHOMED USMAN : The Agent General for India has made representations to the State Department. Both the Government of India and the Government of the United States of America realise the importance of the issue, and are giving the matter the most earnest and active attention.

EXTENSION OF JURISDICTION OF THE FEDERAL COURT.

58. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement on the proposed extension of the jurisdiction of the Federal Court of India, and also state whether the scheme and exact scope of extension will be placed before the Central Legislature and the public for opinion before giving effect to it ?

THE HONOURABLE MR. SHAVAX A. LAL : Proposals in this behalf are under correspondence with the Secretary of State. As the Honourable Member doubtless realises, the first requisite would be the bringing into force of the whole or part of section 206 of the Constitution Act by an Order-in-Council under section 320. In the event of the proposals being pursued, it is contemplated that a draft of the necessary Order-in-Council and an indication of Government's intention thereunder would be made available for consultation of public opinion in India and for a debate in each Chamber of the Central Legislature before Parliament proceeded to the consideration of the draft in accordance with section 309 of the Constitution Act.

REFUSAL OF PASSPORTS, ETC., TO INDIAN JOURNALISTS.

59. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that a group of Indian journalists were invited by the American Army authorities to visit some of their centres in China, but they were refused passports and transport facilities by the Government ? If so, why ?

(b) Is it a fact that some Indian journalists wanted to go to England, or the United States at their own expense, for their journalistic work ? But they were refused the necessary passports and travel facilities. If so, why ? Will Government state the names of the newspapers which wanted to send their representatives ?

THE HONOURABLE SIR MAHOMED USMAN : (a) Certain Indian journalists applied for passports for China on the ground that they had been invited by the American Army authorities to visit some of their installations there but when the Government of India made enquiries they were informed that the American authorities had dropped the proposal. The question of the grant of passport facilities did not therefore arise.

(b) No such cases have come to the notice of the Government of India.

APPOINTMENT OF SUCCESSOR TO THE DIRECTOR GENERAL OF ARCHAEOLOGY.

60. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that one Dr. R. E. Mortimer Wheeler has been appointed Director General of Archaeology in India ? Was no suitable Indian in the Department, or outside, available for this post ?

THE HONOURABLE SIR JOGENDRA SINGH : Yes. Government were satisfied that there was no one available in India with the extensive experience

NOTE.—Questions in the name of the Honourable Raja Yuveraj Dutta Singh were put by the Honourable Rai Bahadur Sri Narain Mahtha.

in modern archaeology, including excavation, the preservation of ancient monuments and museum work, which the Director General of Archaeology should have if the Department is to be reorganised.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Was the post advertised?

THE HONOURABLE SIR JOGENDRA SINGH : No, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact, Sir, that one of your own Deputy Directors has had considerable experience of excavation work, including work at Harappa?

THE HONOURABLE SIR JOGENDRA SINGH : I suppose they have had some experience of excavation work, but we got Sir Leonard Wooley to examine the whole situation and his view was that the Department is altogether lacking in men trained for the work which they have to do.

THE HONOURABLE MR. G. S. MOTILAL : What are the qualifications of Dr. R. E. Mortimer Wheeler?

THE HONOURABLE SIR JOGENDRA SINGH : He is the Fellow of the University College, London, Member of the Ancient Monument Board for England and Wales, Honorary Director, Institute of Archaeology, London University, Lecturer in British Archaeology, University College, London, and a Governor of the National Museum of Wales. Before the war he was Keeper and Secretary of the London Museum.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What experience has he of work in India and how long will he take to acquire knowledge of Indian conditions?

THE HONOURABLE SIR JOGENDRA SINGH : That is a question which is difficult to answer. He has not been in India but his knowledge of archaeology is such that he will be able to guide and direct the work.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Couldn't Government have sent one of their own men or one of the archaeologists in the country not in their service at present to England in order to acquire further training and experience?

THE HONOURABLE SIR JOGENDRA SINGH : The appointment is for a short term of four years and no one could have been sent for training who could equip himself at once.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the age of the person who has been appointed?

THE HONOURABLE SIR JOGENDRA SINGH : His age is 53 years, so far as I remember.

THE HONOURABLE MR. G. S. MOTILAL : For what length of time has he been appointed?

THE HONOURABLE SIR JOGENDRA SINGH : Four years.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why was it not possible for Government to carry on as at present and send one of their men to acquire experience in England?

THE HONOURABLE SIR JOGENDRA SINGH : I think the Honourable Member would agree that there was no advantage to let things stagnate.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If you send one of your own men for training, is it letting things stagnate?

THE HONOURABLE SIR JOGENDRA SINGH : It means delay of at least two years.

THE HONOURABLE MR. G. S. MOTILAL : Are you proposing to do that for the future?

THE HONOURABLE SIR JOGENDRA SINGH : I cannot answer that question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : You supersede men whose services you had already recognised?

THE HONOURABLE MR. HOSSAIN IMAM : Is the appointment for a long or a short period?

THE HONOURABLE SIR JOGENDRA SINGH : For four years.

THE HONOURABLE THE PRESIDENT : He has answered that question three times.

EXPENDITURE INCURRED ON DEFENCE AND SUPPLY SERVICES.

61. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that India spent about Rs. 715 crores on her defence and supply during the five years, 1939-40 to 1943-44 and during the same period His Majesty's Government helped India with a sum of Rs. 926 crores under the terms of the financial settlement concluded in September, 1939 between the Government of India and His Majesty's Government, regarding the allocation of defence expenditure between them ?

(b) What is the amount of capital expenditure incurred by His Majesty's Government in India, in implementing certain recommendations of the Chatfield Committee ; and also in meeting half the capital expenditure on measures of industrial expansion including those recommended by the Roger Mission ?

(c) What approximately is the total value of free supplies undertaken by His Majesty's Government on account of the supply of large quantities of aeroplanes, vehicles, guns and other equipment required for the expansion of India's Air Force, and Army ?

(d) Are Government in a position to make a detailed statement on the financial implications of the settlement between the Government of India and His Majesty's Government ; and also the terms governing their future financial and economic relationship ?

THE HONOURABLE MR. C. E. JONES : (a) Out of the total expenditure incurred by India on defence and supply services during the five years 1939-40 to 1943-44 the amount charged finally to Indian revenues under the terms of the Financial Settlement is now expected to be about Rs. 800 crores, leaving a balance for the same period of about Rs. 940 crores at the debit of His Majesty's Government. The latter amount consists for the most part of the cost of supplies and services rendered by India to, or on behalf of His Majesty's Government.

(b) No separate statistics of the expenditure incurred by His Majesty's Government in completing the Chatfield recommendations have been maintained; a large portion of the expenditure relates to equipment and vehicles, etc., supplied free by His Majesty's Government. Generally speaking, the Chatfield Committee's proposals have all been put into effect. The original estimate of the total capital outlay was 45.77 crores. Of this, India was liable for one-fourth, viz., 11.44 crores. It can be assumed that the expenditure actually incurred by His Majesty's Government on the scheme has been considerably in excess of the original estimate of their liability, namely (45.77 — 11.44) Rs. 34.33 crores, in view of the fact that during the period of execution prices have gone up considerably and more expensive types of vessels, aeroplanes, vehicles and equipment generally have had to be supplied than were originally contemplated. The expenditure incurred in India in connection with this scheme less the sum of Rs. 11.44 crores borne by India is included in the sum of Rs. 940 crores mentioned in the reply to Part (a) of this question.

The amount borne by His Majesty's Government in meeting half the capital expenditure on measures of industrial expansion (including those recommended by the Roger Mission) is estimated roundly at Rs. 12 crores to the end of 1943-44.

(c) The information is not available.

(d) The detailed implications of the Financial Settlement have been explained many times—both in Budget speeches and debates. Any fresh developments will be dealt with in the next Budget speech.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member tell us whether the help rendered under the Chatfield Scheme was separate from the agreement between His Majesty's Government and the Government of India for sharing the war expenses ?

THE HONOURABLE MR. C. E. JONES : It is difficult to answer that question briefly. The Chatfield Scheme was swept up into the scheme of expansion, but it has been implemented by His Majesty's Government and all the obligations of the Chatfield Scheme have been carried out.

THE HONOURABLE MR. HOSSAIN IMAM : Who would be liable to pay a quarter of the Chatfield expenditure? I mean eleven and odd crores. Are we liable because of the merger in the larger scheme?

THE HONOURABLE MR. C. E. JONES : Yes, Sir. Undoubtedly.

THE HONOURABLE SIR SHANTIDAS ASKURAN: You were good enough, Sir, to give the figures of the share of His Majesty's Government. Does the American Government also share this expenditure?

(No Reply.)

EXAMINATION BY RAILWAY EXPERTS OF THE OPERATING METHODS EMPLOYED BY INDIAN RAILWAYS.

62. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Is it a fact that a Railway Advisory Mission consisting of English and American Railway experts have come to India? If so, for what purpose and who will foot their bill? What is the approximate expenditure?

THE HONOURABLE SIR LEONARD WILSON: Yes. One English and one American expert have been invited to examine informally the operating methods employed by Indian Railways and to suggest improvements to the Railway Board. The salaries of these two experts are not borne by the Indian Government, but Government bear the expenses of the staff attached to these experts and certain other incidental expenses. The total anticipated expenditure is about Rs. 21,000.

THE HONOURABLE MR. G. S. MOTILAL: How long are these experts expected to be retained in this country?

THE HONOURABLE SIR LEONARD WILSON: About three months, Sir.

OFFER BY JAPAN TO EXPORT RICE FROM BURMA.

63. THE HONOURABLE MR. HOSSAIN IMAM: (a) Is it a fact that Japan has offered to export rice from Burma; if so what steps the Government of India has taken to show the unreal and false nature of this offer? Is it a fact that Greece is being supplied with wheat by Allied Powers in spite of its being in enemy occupation?

(b) Was it possible for Japan to have adopted the same methods if their offer of rice was genuine and sincere?

THE HONOURABLE MR. B. R. SEN: There was reference to such an offer in a Japanese broadcast towards the end of August, 1943, but no communication on the subject from, or on behalf of, the Japanese Government was received. The broadcast aroused very little interest and no action was necessary. The Government of India have no definite information about the supply of wheat to Greece but have seen references to it in the Press. India is not in alliance with Japan nor is it in enemy occupation.

SUGAR PRICES.

64. THE HONOURABLE MR. HOSSAIN IMAM: (a) Will Government state on what basis and on whose advice has the new sugar price been fixed? (b) Are Government satisfied that the mills will accept this price with the increased sugar cane prices fixed by the Provincial Govt.? (c) Is it a fact that the new cane prices are much below the prices asked by the growers and recommended by the industry and its prominent representatives?

THE HONOURABLE MR. B. R. SEN: (a) The new ex-factory sugar price has been fixed in consultation with the Provincial Governments principally the United Provinces and Bihar and on the advice of the Sugar Advisory Council on the basis of the probable length of the season, estimated yield from cane, price to be paid for cane, working costs and the margin of profit to be allowed to factories.

(b) and (c). So far as Government are aware, the mills have found the price adequate, except in the case of Bengal where the Provincial Government consider some degree of subsidisation justifiable. The cane prices fixed by the different Provincial Governments vary from annas 12 to Rs. 1-2-0. There was considerable advocacy in favour of a cane price of Re. 1, but the Advisory Council on which industry and the producing provinces were represented recommended a cane price of annas 12.

THE HONOURABLE MR. HOSSAIN IMAM: Was the Sugar Committee of the I.C.A.R. consulted and what was their recommendation?

THE HONOURABLE MR. B. R. SEN: So far as I am aware, that Committee was not consulted but the decision was taken on the advice of the Advisory Council.

THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what was the increase in the price suggested last year and the cane price increased last year?

THE HONOURABLE MR. B. R. SEN: I would like to have notice of that question, Sir.

SUGAR PRICES.

65. THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that new prices are to be charged on the old stock or on the new sugar to be made in the current season ? Are the Government of India aware that U. P. Government has increased the retail prices of sugar from the 10th November, 1943, if so, what steps do they propose to take to maintain uniform rates of sugar in India ?

THE HONOURABLE MR. B. R. SEN : New Prices are to be charged for all stocks of sugar held on or after the 10th November, 1943, on which date the ex-factory price of sugar was increased.

The United Provinces Government raised its retail prices as a result of this increase and no action is required.

PROVINCIAL ADVISORY COMMITTEES FOR STANDARD CLOTH.

66. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether Provincial Government have formed Advisory Committees for Standard Cloth : if so will Government state the dates of formation and number of meetings held of each Provincial Government and centrally administered area ? Will Government lay on the table of the House or place in the library of the House a list of the persons of each of these Committees ?

THE HONOURABLE MR. M. S. A. HYDARI : Provincial Advisory Committees for Standard Cloth have been formed in all Provinces and Centrally Administered Areas except the N. W. F. P. A statement giving the information regarding personnel, dates of formation and number of meetings held desired by the Honourable Member has been placed in the Library of the House.

SALE OF STANDARD CLOTH IN DELHI.

67. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state if it is a fact that even in Delhi Standard Cloth is not being sold freely and chit system prevail, or did prevail till September, 1943 ?

THE HONOURABLE MR. M. S. A. HYDARI : The chit system in Delhi was dropped in October, 1943, and standard cloth is now being sold freely.

NUMBER OF STANDARD CLOTH SHOPS, ETC., IN PROVINCES.

68. THE HONOURABLE MR. HOSSAIN IMAM : Are Government aware that in most of the Provinces number of shops dealing in Standard Cloth is grossly inadequate, that in rural areas there is no arrangement to speak of ? Will Government state whether there is an accumulation of stocks in many Provinces, and, if so, what are the causes of it ?

THE HONOURABLE MR. M. S. A. HYDARI : There are well over 2,500 shops dealing in standard cloth in the provinces. Besides these there is a larger number of Government agencies which have been set up where distribution is not arranged through trade channels. The distribution organization is considered on the whole to be adequate. A list of agents for the sale of standard cloth has been placed in the Library.

2. Most of these shops are in rural areas and latest reports indicate that the bulk of the sales have taken place in those areas and that quite a considerable portion of the sales in the urban areas too are to agriculturists and other rural consumers.

3. In Government's view the stocks of undisposed of standard cloth with provinces are not unduly large.

THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that the order for November-January quota has been revised ?

THE HONOURABLE MR. M. S. A. HYDARI : Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Does that not show that there is no off-take by the provinces ?

THE HONOURABLE MR. M. S. A. HYDARI : No, Sir. It shows that the textile control is succeeding. (*Laughter.*)

IMPORTS OF WIRELESS SETS.

69. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the number of radio sets imported by it and the numbers allotted to Defence Services and to civilian needs ? What steps have they taken for imposing restrictions on profiteering and black marketing ?

THE HONOURABLE MR. M. S. A. HYDARI : 40,964 wireless sets were imported by Government of which 8,658 have been allotted to the Defence Services, and 32,306 for civil needs.

Government have issued the Wireless Sets Control Order, 1943, a copy of which has been placed in the Library.

ELECTRIC BULB PRICES.

70. THE HONOURABLE MR. HOSSAIN IMAM : Are Government aware that in spite of an Ordinance to check profiteering electric bulbs are being sold at Rs. 4 to Rs. 5 each, causing great hardship to students and other general public? What steps have Government taken to bring down prices of this article, i.e., manufactured in India or import from America?

THE HONOURABLE MR. M. S. A. HYDARI : Yes, the remedies are control of prices and of distribution, increased production and a greater volume of imports. These measures are being taken.

THE HONOURABLE MR. HOSSAIN IMAM : Any hope of imports from America?

THE HONOURABLE MR. M. S. A. HYDARI : I have said that these measures are being taken.

INDIA'S RECIPROCAL AID TO THE U. S. A.

71. THE HONOURABLE MR. HOSSAIN IMAM : Has Government's attention been drawn to the Official U. S. A. statement (Published in the *Hindustan Times* of 12th November, 1943) that India along with other Eastern Empire countries has spent 300,000,000 Dollars on U.S.A. forces? What is the correct approximate figure of the Government of India's contribution to this sum; and under what head of account is this sum debited?

THE HONOURABLE MR. C. E. JONES : The Honourable the Finance Member will deal in his Budget Speech with the subject of India's Reciprocal Aid to the United States of America.

THE HONOURABLE MR. HOSSAIN IMAM : Has any agreement been entered into with the U. S. A.?

THE HONOURABLE MR. C. E. JONES : No, Sir.

WEIGHT OF PAPER MANUFACTURED.

72. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving, (i) the weight of paper manufactured in India in each month from September, 1942 to September, 1943, (ii) the amount taken up by the Government of India out of 90 per cent reserve and of 70 per cent reserve from 1st April, 1943 to 31st October, 1943 and (iii) the amount still left with the mills out of the old 90 per cent. reserve on 31st October, 1943.

THE HONOURABLE MR. H. C. PRIOR : A statement showing the desired information is laid on the table.

(i) *Production of Indian paper mills during the period September, 1942 to September, 1943 :—*

	Tons.
September 1942	8,145
October 1942	8,430
November 1942	8,410
December 1942	8,925
January 1943	8,750
February 1943	8,081
March 1943	8,863
April 1943	8,906
May 1943	8,850
June 1943	8,957
July 1943	9,040
August 1943	8,892
September 1943	9,022

(ii) *Tonnage taken up by Government (including Provincial Governments and Governments of Indian States) during April 1943 to October 1943* 33,531 tons.

(iii) Probably nothing. Definite information is not available.

EMPLOYMENT OF WOMEN IN COAL MINES.

73. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) In view of the statement made in Parliament on or about the 20th January, 1944 by Mr. Amery,

the Secretary of State for India, that "Owing to a serious shortage of coal production to meet the urgent needs of the war efforts the Government of India have reluctantly and as a purely temporary measure suspended the prohibition in force since 1937 of work by women in coal mines" has the attention of Government been drawn to the further statement by Mr. Amery that "the difficulty has been that miners tended to go away because in other employments their wives are ready to accompany them and work with them and it is because wives have not been allowed to work in mines that miners themselves have drifted away?"

Is the reason adduced above correct?

(b) How many women are now employed in coal mines and do infants accompany them?

THE HONOURABLE MR. H. C. PRIOR: (a) Government have seen press report to this effect. The reason adduced is correct. It is one of a number of reasons which led to a serious shortage of labour in the coal-fields last year.

(b) Approximately 10,500 women are now employed underground in coal mines. Infants do not accompany them. No child is allowed underground in coal mines.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With reference to part (a) of the Question, did Government try to attract more labour to the coal-fields, by raising the wages of the coal-miners?

THE HONOURABLE MR. H. C. PRIOR: The wages of the coal-miners were raised in December.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Were the wages raised after it was decided to employ women underground in coal mines, or was it before that?

THE HONOURABLE MR. H. C. PRIOR: After.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Why were not the wages raised earlier so that Government might see whether it would attract enough labour without trying to persuade women to work underground?

THE HONOURABLE MR. H. C. PRIOR: No persuasion has been employed to make women work underground.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: After all, what is the purpose of removing the previous prohibition against the employment of women underground?

THE HONOURABLE MR. H. C. PRIOR: Women have been permitted to work underground.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: If it was not obviously in order to attract female labour, I ask, why did not Government raise the wages of the male labourers and see whether they could get sufficient labour in that way?

THE HONOURABLE MR. H. C. PRIOR: Because it was necessary to get labour underground quickly. Raising wages is a longer term method than allowing women to go underground.

THE HONOURABLE THE PRESIDENT: I can tell the Honourable Member from my personal knowledge that during the last two years the colliery owners have increased the wages of the labourers in the collieries three or four times.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: And yet they have not succeeded in attracting sufficient labour.

THE HONOURABLE THE PRESIDENT: Because all the labour is engaged on Government work. Government pay very high wages, which the colliery owners are not able to pay.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: Is it not a fact that starvation is sufficient compulsion for women to go underground?

THE HONOURABLE MR. HOSSAIN IMAM: Will Government indicate the percentage of increase in wages?

THE HONOURABLE MR. H. C. PRIOR: The wages are now 150 per cent. of the pre-war wages, in cash; and there is, in addition a considerable concession in respect of prices of foodgrains.

THE HONOURABLE MR. HOSSAIN IMAM: Have not the prices of necessaries of life gone up 300 per cent.?

THE HONOURABLE MR. H. C. PRIOR: The rise in the prices of living is not as high as is suggested.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member state the quantum of rise?

THE HONOURABLE MR. H. C. PRIOR : I would like notice of the question, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the increase in wages as compared with the wages in force in October, 1943.

THE HONOURABLE MR. H. C. PRIOR : The wages in force in October, 1943, were, according to my information, 122½ per cent. of the wages in force pre-war. The increase in December, 1943, was to 150 per cent. of the pre-war wages.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : So that it was less than 20 per cent. of the wages in force in October, 1943?

THE HONOURABLE MR. H. C. PRIOR : Slightly more than 20 per cent.

THE HONOURABLE MR. HOSSAIN IMAM : Is Government aware that the textile mills of Ahmedabad are paying 150 per cent. over and above the pre-war rates?

THE HONOURABLE MR. H. C. PRIOR : Government are aware of fairly high rates of dearness allowance in Ahmedabad.

REPRESENTATION OF INDIA AT THE PROPOSED CONFERENCE OF DOMINION PRIME MINISTERS.

74. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that plans for the meeting of Dominion Prime Ministers in London within a few months have been completed with a view to an exchange of a comprehensive range of ideas and thoughts of mutual interest? Has India been invited to this conference; and if so, who will represent this country?

THE HONOURABLE SIR MAHOMED USMAN : The reply to the first part of the question is in the affirmative. This is to be a meeting of the United Kingdom and Dominion Prime Ministers and not a full Imperial Conference, but the representatives of India at the War Cabinet will be in London at the time and will be available for consultation on matters of interest to India.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : The Honourable the Leader of the House has not answered the question whether India has been invited to this conference.

THE HONOURABLE SIR MAHOMED USMAN : I have answered it. I said that the representatives of India at the War Cabinet would be in London at the time and would be available for consultation on matters of interest to India.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Who is the representative of India in the War Cabinet?

THE HONOURABLE SIR MAHOMED USMAN : It has been announced that the Honourable Sir Firoz Khan Noon will be one of the representatives of India.

THE HONOURABLE MR. A. Z. M. REZAI KARIM : Will the Honourable Member kindly make a distinction between "has been invited" and "will be available for consultation"?

THE HONOURABLE SIR MAHOMED USMAN : I have nothing to add to what I have already said.

FIGURES OF MORTALITY DUE TO STARVATION AND ASSOCIATED DISEASES.

75. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state the approximate number of deaths in this country from starvation and the resulting diseases in each province during the present famine conditions?

THE HONOURABLE SIR JOGENDRA SINGH : Information regarding mortality since June, 1943 is not yet available. When the information is received it is expected that a comparison of the mortality figures in areas in which famine conditions have prevailed with the average of previous years will give an indication of the extent of mortality due to starvation and associated diseases.

THE HONOURABLE MR. G. S. MOTILAL : When is the information expected to be received?

THE HONOURABLE SIR JOGENDRA SINGH : It is difficult to say. It is a very long process. In Bengal the reporting agency is the village chowkidar, who reports to the union boards; the union boards report to the Sanitary Inspector; the Sanitary Inspector reports to the District Health Officer; the District Health

Officer reports to the Director of Public Health ; and the Director of Public Health reports to the Public Health Commissioner. You can thus see that the process is so long that it is difficult to say when the information will be complete.

THE HONOURABLE SIR N. GOPALASWAMI AYYANGAR : Was not that the normal procedure even before the recent famine ?

THE HONOURABLE SIR JOGENDRA SINGH : It was the normal procedure; and it took an equally long time for compiling the information.

THE HONOURABLE MR. A. Z. M. REZAI KARIM : Is the Honourable Member aware that in Bengal a copy of the birth and death report is sent direct to the District Magistrate by the Union Boards ?

THE HONOURABLE SIR JOGENDRA SINGH : I am not aware of it.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : Has the Honourable Member seen a statement issued by the Anthropology Department of the Calcutta University about the number of deaths from starvation ?

THE HONOURABLE SIR JOGENDRA SINGH : Yes, Sir.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : Is the Honourable Member prepared to accept that statement ?

THE HONOURABLE SIR JOGENDRA SINGH : No, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Did the Government of India inform the Secretary of State some time ago that in their opinion the deaths in Bengal from famine and epidemics had amounted to about a million only ?

THE HONOURABLE MR. B. R. SEN : Information to that effect was supplied to the Secretary of State, but it was made clear that it was purely speculative.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : How could the Government supply speculative figures when they had asked for the collection of figures and had not obtained any replies ?

THE HONOURABLE MR. B. R. SEN : At that stage they had no correct figures. However, whatever figures had been received were forwarded.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Where did the Honourable Member get his information from ?

THE HONOURABLE MR. B. R. SEN : From various sources.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Could the Honourable Member name the sources, if they are not of a confidential nature ?

THE HONOURABLE MR. B. R. SEN : One source was the Bengal Government. They got certain reports, but they were not authentic reports ; and, as Honourable Members are aware, investigation is going on with a view to collecting the figures.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What are the other sources ?

THE HONOURABLE MR. B. R. SEN : I must ask for notice, Sir.

THE HONOURABLE MR. A. Z. M. REZAI KARIM : Are we to take it that the figures submitted to the Secretary of State for India by the Government of India were based on the report of the Government of Bengal ?

THE HONOURABLE MR. B. R. SEN : The Government of Bengal forwarded to us certain figures which they themselves said were unauthenticated.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Who supplied the information that I have referred to to the Secretary of State for India ? I mean which Department ?

THE HONOURABLE MR. B. R. SEN : The Department of Food.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : If I understood the Honourable Member correctly, he said that there were no figures available after June. Could he give us some figures up to June ?

THE HONOURABLE SIR JOGENDRA SINGH : I require notice of that question, Sir. I could certainly give some figures.

EMPLOYMENT OF WOMEN IN COAL MINES.

76. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Are Government aware that the National Council of Women in India has sent a cable

to H. M. Queen Elizabeth, and similar cables to women members of the House of Commons and to the President of the National Council of Great Britain beseeching intercession for securing cancellation of recent order of Government drafting women for work underground in Indian coal mines ?

THE HONOURABLE MR. H. C. PRIOR : Yes.

RESERVATION OF POSTS OF SUPERINTENDENTS OF POST OFFICES AND R. M. S. FOR INSPECTORS OF POST OFFICES AND R. M. S.

77. THE HONOURABLE MR. ABDŪOL RAZAK HAJEE ABDŪOL SUTTAR : Will the Honourable Member in charge of Posts and Air state :

(a) Whether it is a fact that 50 per cent. of the posts of the Superintendents of Post Offices and R. M. S. are reserved for the Inspectors of Post Offices and R. M. S. ?

If so, how many Inspectors have been selected for these reserved posts from the time of introduction of this new system and out of them how many are (i) Hindus, (ii) Muslims, (iii) Indian Christians, and (iv) Scheduled caste respectively ?

(b) Whether the number of Muslims, Indian Christians and Scheduled caste is low as compared with the caste Hindus ? If so, why ?

THE HONOURABLE SIR MAHOMED USMAN : (a) Yes, 15. Hindus 9, Muslims 4, Indian Christians 2 and Scheduled Castes nil.

(b) As the Honourable Member will see from my reply to part (a), the minority communities are well represented but I may add that communal reservations do not apply to posts filled by promotion.

NUMBER OF INSPECTORS OF POST OFFICES AND R. M. S. AND HEAD CLERKS OF THE OFFICES OF SUPERINTENDENTS OF POST OFFICES AND NUMBER OF POSTS HELD BY MUSLIMS, ETC.

78. THE HONOURABLE MR. ABDŪOL RAZAK HAJEE ABDŪOL SUTTAR : Will the Honourable Member-in-charge of Posts and Air state (a) the total number of the Inspectors of Post Offices and R. M. S. and Head Clerks of the offices of the Superintendents of Post Offices in India and number of such posts held by (i) Muslims, (ii) Hindus, (iii) Indian Christians, (iv) Scheduled caste, respectively ?

(b) Is it a fact that these posts are reserved at present only for departmental candidates ?

(c) Is it a fact that the Inspectors are recruited from outsiders in the Income-tax (Central Government) and Co-operative (Local Governments) departments ?

If so, is there any bar for recruitment of Inspectors of Post Offices and R. M. S. from outsiders as is being done in the Income-tax and Co-operative Departments ?

THE HONOURABLE SIR MAHOMED USMAN : (a) and (c). The information is being collected and will be placed on the table of the House in due course.

(b) Yes.

CLERICAL POSTS RESERVED FOR POSTMEN, ETC.

79. THE HONOURABLE MR. ABDŪOL RAZAK HAJEE ABDŪOL SUTTAR : Will the Honourable Member-in-charge of Posts and Air state (a) whether it is a fact that 50 per cent. of the clerical posts are reserved for postmen, etc. ? (b) If so, how many of such posts have been filled up by the Departmental candidates from the time of issue of these revised orders and (c) how many of them are (i) Hindus, (ii) Musalmans, (iii) Indian Christians and (iv) Scheduled caste, separately and respectively ?

THE HONOURABLE SIR MAHOMED USMAN : (a) Formerly 50 per cent. of the posts were so reserved, but with effect from the 1943 competitive examination this reservation has been reduced to 20 per cent.

(b) and (c). Information exactly in the form asked for by the Honourable Member is not available and its collection would involve an undue expenditure of time and labour not justifiable in war time. A statement containing the information for the competitive examination as a whole (including telegraphists and telephone operators) is placed on the table of the House.

Statement referred to in the reply to parts (b) and (c).

Examination held in	Total number of candidates selected.	Number of departmental candidates selected.				
		Muslims.	Anglo-Indians.	Other minorities	Rest.	Total.
1937	1,237	4	1	2	27	34
1938	1,592	20	2	3	39	64
1939	1,515	8	1	3	17	29
1940	2,477	13	1	8	59	81
1941	2,767	46	..	21	147	214
1942	3,361	29	..	13	97	139
1943		Figures not yet available.				

CALL-UP OF MR. SURESH VAIDYA.

80. THE HONOURABLE MR. G. S. MOTILAL: Are Government aware that one Mr. Suresh Vaidya, an Indian journalist residing in England for the last six years, and now on the staff of the American journals *Life* and *Time*, refused to join the army?

THE HONOURABLE MR. R. N. BANERJEE: Mr. Suresh Vaidya who has been in the United Kingdom since 1932, claimed exemption from the National Service Act as a conscientious objector in 1941, but his claim was rejected by the Tribunal.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May I ask whether the Government of India have taken up this matter with His Majesty's Government?

THE HONOURABLE MR. R. N. BANERJEE: As will appear, Sir, from my answer to question No. 84, there is no case for the Government of India taking this matter up with His Majesty's Government.

CONSCRIPTION OF INDIANS IN THE UNITED KINGDOM.

81. THE HONOURABLE MR. G. S. MOTILAL: Will Government state whether His Majesty's Government consulted the Government of India before deciding to conscript Indians in Britain? If so, what were the recommendations of the Government of India?

THE HONOURABLE MR. R. N. BANERJEE: The liability to national service of Indians resident in Great Britain is governed by the National Service Act, 1939, which applies to all British subjects resident in the United Kingdom for a prescribed period, except for temporary purposes or for attending a course of education. The Government of India were not therefore consulted in the matter. The second part does not therefore arise.

HIS MAJESTY'S GOVERNMENT'S POLICY OF CONSCRIPTION.

82. THE HONOURABLE MR. G. S. MOTILAL: Will Government state whether it is the policy of His Majesty's Government to conscript people of all nationalities residing in Britain, or is Mr. Vaidya's case an isolated one?

THE HONOURABLE MR. R. N. BANERJEE: Yes. It is the policy of His Majesty's Government to conscript all persons residing in Britain, who satisfy certain prescribed conditions as to age and period of residence in the country, except those who are there for temporary purposes or for attending a course of education.

CALL-UP OF MR. SURESH VAIDYA.

83. THE HONOURABLE MR. G. S. MOTILAL: Is it a fact that Mr. Vaidya was exempted from joining the colours in 1941 under the plea that he was a conscientious objector? If so, what was the reason for calling him up again to join the army?

THE HONOURABLE MR. R. N. BANERJEE: No. The fact is that Mr. Vaidya's claim for exemption from national service as a conscientious objector was rejected in 1941, the Tribunal having been satisfied that he had no conscientious objection to military service. He was, thereafter, made to appear before a medical board in 1942, his call-up was deferred till 1943 and it actually was made only in the beginning of this year. He refused to obey his call-up orders, was arrested, tried and handed over to a military escort.

THE HONOURABLE MR. G. S. MOTILAL : From what source has this information been obtained ?

THE HONOURABLE MR. R. N. BANERJEE : The usual official source, Sir.

ACTION PROPOSED TO BE TAKEN BY GOVERNMENT IN MR. SURESH VAIDYA'S CASE.

84. THE HONOURABLE MR. G. S. MOTILAL : Do Government of India propose to make an enquiry in the case of Mr. Vaidya ?

- If not, why not ?

THE HONOURABLE MR. R. N. BANERJEE : Mr. Vaidya has no ground for claiming special exemption from the laws prevailing in the United Kingdom. The Government of India do not therefore consider that any action on their part is called for.

EMPLOYMENT OF WOMEN IN COAL MINES.

85. THE HONOURABLE MR. G. S. MOTILAL : Will Government state the number of women that have to work in the coal mines after lifting the ban on the working of women in coal mines ?

THE HONOURABLE MR. H. C. PRIOR : No women have to work in coal mines. Women are now permitted to work if they desire underground in the coal mines in the Central Provinces and Berar, Bengal, Bihar and Orissa. The approximate number of women now employed underground is 10,500.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What has been the increase in the number of women workers underground since they were permitted to work ? Is that the total number as a result of the exemption ?

THE HONOURABLE MR. H. C. PRIOR : No women worked underground before the exemption.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The total number is 10,500 now ?

THE HONOURABLE MR. H. C. PRIOR : Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : What is the number of male workers ?

THE HONOURABLE MR. H. C. PRIOR : I should like to ask for notice of that question, Sir.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member) : Sir, I lay on the table copies of Notification issued by the Chief Commissioner, Ajmer-Merwara, No. F./22-18 (CC), dated the 18th January, 1944, amending the Ajmer-Merwara Motor Vehicles Rules, 1940.

No. F./22/18 (CC), dated the 18th January, 1944.—The Chief Commissioner is pleased to make the following amendments in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his notification No. 1141/34-W./38-III, dated the 12th June 1940, the amendments having been previously published in this Administration's Notification No. F./14-1, dated the 8th August 1943 :—

“ CHAPTER L—Preliminary.

Rule 1.2.—After clause (g) the following shall be inserted, namely, “(g) ‘Producer’ means the whole of the generator, pipes, coolers, filters and accessories necessary for the generation of gas and its supply to the engine”.

In regard to vehicles already in operation on the road, and which have been fitted with a producer approved by a competent authority prior to the date of issue of these Rules, the provisions in these Rules, save as regards any subsequent modification under rule 7.3 (3) shall not apply, so long as the producer, its method of attachment and its maintenance conform with the rules in force at the time when it was fitted.

After Chapter VI the following Chapter shall be inserted, namely:—

“ CHAPTER VII.—Producer gas for motor vehicles.

7.1. (1) On or after the 15th October 1942, no producer shall be fitted to a motor vehicle unless the producer

(a) has been made by a manufacturer approved in this behalf by the Registering Authority,

(b) is of a type of model approved by, and in accordance with specifications approved by, that authority for use on the type of vehicle concerned ;

(c) has affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the name of the manufacturer, the description, name, mark or number assigned to it by the Registering Authority under sub-rule (1) of rule 7.3 and the manufacturer's serial number.

(2) Any producer approved by a competent authority elsewhere in British India as specified in Schedule I and any modification thereof approved by the original authority shall be deemed to be approved for the purposes of sub-rule (1) of this rule.

7.2. (1) Any person seeking the approval of the Registering Authority under rule 7.1 shall make application in writing to the said authority accompanied by duplicate copies of the specifications, of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of motor vehicle, and the horsepower of engine for which the producer is intended.

(2) The instructions for the working and maintenance of the producer shall be subject to the approval of the Registering Authority who shall cause to be endorsed thereon a statement of the materials and parts declared by the applicant not to be calculated to withstand two years' fair wear and tear. A copy of the above instructions, so approved and endorsed, and bearing upon it the particulars specified in clause (c) or rule 7.1 (1) shall be attached to or tendered with every producer offered for sale. The instructions referred to in sub-paragraphs (1) and (2) of rule 7.2 shall include the manufacturers' recommendation as to lubrication generally, and in particular upper cylinder lubrication.

(3) If so required by the said authority, a person who has made an application under sub-rule (1) of this rule shall :—

(a) submit the producer to such test and in such laboratory or workshop and by such person as the authority may specify; and

(b) furnish at his own expense a vehicle fitted with the producer for test on a reasonably level road (including road journey solely on producer gas of not less than 50 miles continuous).

7.3. (1) When the Registering Authority approves of any type or model of producer he shall inform the applicant in writing accordingly, and shall intimate the description, name, mark or number under which it may be offered for sale.

(2) No person shall sell or offer for sale any producer which does not conform in every material respect to the specification approved by the Registering Authority in relation to the name, mark or number displayed on the generator in accordance with clause (c) of rule 7.1 (1).

(3) A manufacturer who proposes to modify or alter in any way the design or specification of an approved type or model of producer shall, before offering the modified type or model for sale make application to the Registering Authority with particulars of the modification or changes proposed, and shall obtain the approval of the Registering Authority thereto.

(4) Upon receipt of an application under sub-rule (3) the Registering Authority may, if he thinks fit, require the modified type or model to be subjected to the tests specified in sub-rule (3) of rule 7.2.

7.4. Before according approval to any type or design of producer, the Registering Authority shall satisfy himself that the design and construction proposed are in accordance with the provisions of these rules and the general specification at Schedule II.

7.5. (1) Every producer shall be installed and maintained in accordance with the specifications and with all reasonable care necessary to prevent danger from fire, gas-poisoning and burns, and, in particular, all pipes, joints, valves, and all covers to hoppers, generators, coolers, filters and any other accessories shall be free from gas or air leaks.

(2) If an escape funnel be fitted to any generator, for use during the blowing of air through the generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or flame trap shall be fitted to the air inlet of all types of generator to prevent danger from blowback.

7.6. (1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed in rule 5.7 or otherwise, or so as to impede the driver in the control of his vehicle.

(2) In a public service vehicle—

(a) no part of the producer shall be placed within the passengers' compartment; and

(b) the generator shall be placed in rear of the passengers' compartment either completely outside it, or recessed into the rear panel, and shall be insulated and have the clearance prescribed in rule 7.7;

(c) in the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the rear springs of the vehicle at that side:—

Provided that notwithstanding the provisions of rule 6.19 the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer shall have any opening or door in the rear end of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's cab, and shall be insulated and have the clearance prescribed in rule 7.7:

Provided that in the case of any special purpose vehicle, the Registering Authority, may, subject to the provision of adequate means of egress for the driver (such as a hinged canvas tilt, or overhead flap opening) specify that the generator may be placed level with the driver's seat.

7.7. (1) On any motor vehicle if any part of the generator is so placed as to be within a distance of six inches in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-eighth of an inch thick, or by such other insulating material, and of such thickness as the Registering Authority may by general or special order in writing specify in this behalf, not less in height than the height of the generator including the hopper and of such a width as—

(a) where the generator is recessed, completely to line the recess,

(b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-rule (1) of less than two inches.

7.8. No generator, and no pipe between the generator and the gas filters shall be so placed that any part of the generator or such pipe is within a distance of less than—

(a) two feet from any part of the petrol tank ;

(b) four feet from the filling point or orifice of the petrol tank.

7.9. On any transport vehicle the filters and gas coolers shall be so placed as to be readily accessible for cleaning at any time.

7.10. Every part of the producer shall be firmly and securely fixed in place, and all pipes, valves, joints and hopper lids or covers shall at all times be maintained in a gas-tight condition.

7.11. No driver or other person in charge of a motor vehicle to which a producer is fitted shall :—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than 20 yards from any petrol pump or place where petrol is supplied in tins ;

(b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank ;

(c) carry or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance ;

(d) clean or take out the generator at any appointed bus stand or stopping place or within a distance of less than 20 yards from any other motor vehicle, or cause or allow the same to be done by any person ;

(e) where a park, bus stand, or halting place or a part of a park, bus stand, or halting place is set apart for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand, or halting place or other part thereof, as the case may be ;

(f) Place the vehicle or cause or allow it to be placed in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors or windows that may be closed.

7.12. (1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be part of the vehicle for the purposes of rule 5.19 and 5.21.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of rule 5.18 or rule 5.20.

• SCHEDULE I.

[See rule 7.1 (2).]

[List of competent authorities in British India whose approval is accepted for the purpose of rule 7.1 (2).]

Ajmer-Merwara District—The Registering Authority, Ajmer-Merwara.

SCHEDULE II.

(See rule 7.43.)

Producer gas plants for mechanically propelled vehicles. General Specification.

1. *Design.*—The general design shall be reasonably simple, and suitable to the type of vehicle for which it is intended. It shall be such that it can be fitted to the vehicle in such a way that the driver's vision and control of his vehicle are not impeded ; that the convenience and safety of the passengers is not endangered ; and that the coolers, filters, pipes, and any other parts requiring frequent cleaning and attention can be installed in readily accessible places.

2. *Performance.*—The producer shall be capable of providing gas sufficient to propel the vehicle under gas alone along a level road with its full lawful loading at a sustained speed of not less than—

(i) in the case of a goods vehicle being a heavy transport vehicle—20 miles per hour.

(ii) in any other case—30 miles per hour.

3. *Fuel capacity.*—The effective fuel capacity of the Generator and Hopper shall be sufficient to provide fuel to propel the vehicle under producer gas for a distance of not less than 50 miles along a level road, without recharging.

4. *Filtering System Capacity.*—This shall be such as to ensure that in normal circumstances the system shall not require cleaning at intervals of less than 50 miles.

5. *Construction.*—The plant shall be constructed, put together, and installed, in a sound and workmanlike manner. The materials and method of construction specified by the manufacturer applicant shall, save as otherwise declared by him, be calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working and maintenance of the type of vehicle for which the plant is intended. The plant shall not form an inflexible or rigid unit, but shall be connected with flexible couplings at approximate points to relieve any stresses within itself or due to travel on the road. No rubber hose shall ordinarily be used as a flexible connection between the generator and the cooler.

6. *Generators.*—Generators are divided into three main types, viz., Updraft, Downdraft, and Cross draft. The materials for the construction of Generators including Hoppers, and outer shells, if any, shall be of Mild Steel sheet and shall not be less than No. 16 B. W. G. (0.065 in. thick) with the exception that in the case of any Updraft Generators in which no refractory lining is used, the firebox shall be constructed of Mild Steel Sheet not less than No. 11 B. W. G. (0.120 in. thick) for a distance of 12 in. above the grate or to the top of the gas offtake, whichever is the less. In the case of Crossdraft Generators where no refractory lining is used, the distance from the mouth of the tuyere to any part of the shell shall not be less than 5 in. All generator cover and generator flange joints shall be made of heat resisting material. If an escape funnel be fitted to

any Generator, for use during the blowing of air through such Generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or suitable flame trap shall be fitted to the air inlet of all types of Generator to prevent danger from blowback.

7. *Coolers*.—The material from which coolers are made shall, be mild steel, copper or brass sheet not less than No. 18 B. W. G. (0·049 in. thick). All coolers must be made so that they can be readily cleaned.

8. *Filtering*.—The gas filtering system shall be in not less than three stages, of which the last stage shall be felt or other approved fabric, provided that the Provincial Government may by notification approve any filtering system. The test mentioned at rule 7.2 (3) (a) may include a gas filtering test with the object of determining the purity of the gas in this respect. The materials from which filter casings and all gas piping up to the mixing chamber or carburettor are made shall not be less than No. 18 B. W. G. (0·049 in. thick).

9. *Flanges and Flange Joints*.—Flanges fitted to piping shall be made of material not less than No. 11 B. W. G. (0·120 in. thick). Each flange shall be secured by not less than 4 bolts.

10. *Use of Water*.—Where water is used, either for injection, or for cooling tuyeres, it shall be provided from a source other than the engine cooling system, and shall not be in circuit therewith.

CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member): 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 13th November, 1944."

The Motion was adopted.

THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member): Sir, I move:—

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

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motions which have just been adopted by the Council, I have to announce that nominations to the Advisory Board and the Committee will be received by the Secretary upto 11 A.M. on Thursday, the 24th February, 1944, and the date of election, if necessary, will be announced later.

COFFEE MARKET EXPANSION (AMENDMENT) BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Industries and Civil Supplies Secretary): Sir, I beg to move:—

"That the Bill further to amend the Coffee Market Expansion Act, 1942, as passed by the Legislative Assembly, be taken into consideration."

Sir, as the Statement of Objects and Reasons shows, these small amendments are necessary to rectify an obvious omission in the original Act and the reasons for them are given in the Statement of Objects and Reasons and I do not need to take the time of the House in making a speech.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI: Sir, I move:—

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

CENTRAL EXCISES AND SALT BILL.

THE HONOURABLE MR. H. GREENFIELD (Nominated Official): Sir, I move:—

"That the Bill to consolidate and amend the law relating to central duties of excise and to salt, as passed by the Legislative Assembly, be taken into consideration."

The character of this Bill and the need for it are set out at some length in the Statement of Objects and Reasons. Its purpose is to bring together all the laws relating to central duties of excise and to the tax on salt in a single measure embodying a Schedule, similar to that in the Indian Tariff Act; setting forth the rates of duty leviable on each class of goods subjected to excise. The laws in regard to salt

[Mr. H. Greenfield]

date back more than 60 years ; the excise Acts are much less elderly and some are quite juvenile. For over half a century the salt tax provided the Government of India's only revenue from the consumption of goods produced within the country and its rate was varied from time to time in accordance with financial needs. During the first World War an excise was placed on motor spirit. Its first object was to reduce the civil consumption of petrol, but it was later retained for revenue purposes ; and about 5 years later a parallel duty was imposed on kerosene. In 1930 an excise was imposed on silver ; but this has lost all significance since the separation of Burma from India. Revenue requirements led in 1934 to the imposition of excises on sugar, on matches, and on iron and steel, followed in 1941 by an excise on tyres ; and last year saw the introduction of a similar tax on vegetable product and the creation of an important new source of revenue in the tobacco excise.

India has long possessed an effective customs code in the Sea Customs Act of 1876 and in 1934, to the great convenience of the Customs administration and the commercial public, the numerous separate laws relating to customs duties were consolidated in the Tariff Act. The excise administration is at present without this desirable foundation. Hitherto, each new impost has been embodied in a separate Act, with power to attract machinery provisions from the Sea Customs Act as might be necessary. To each Act was appended a body of rules, and in some cases three or more, so that together they resemble a thick forest through which only the skilled woodsman can readily pick his way. In view of the development which has taken place in the last 10 years, and particularly since the introduction of the tobacco excise, it is essential that the laws and the regulations should, both in the interests of the efficiency of administration and of the convenience of the public concerned, be consolidated and set out in a comprehensive Central Excise Code.

The inclusion of the salt laws in this consolidation is suggested firstly by the nature of the tax and is necessitated primarily by the fact that their provisions are better adapted to central excises operations than the similar provisions of the Sea Customs Act on which we have hitherto relied, particularly where such excise operations take place in mofussil areas.

Each of the separate Acts included in the present amalgamation was of course designed to fit the circumstances of the commodity to which it related. Since the circumstances of production vary from one commodity to another, there are material differences in our several excise systems and these differences are reflected in the Acts. A consolidation measure must of course embrace all the subjects dealt with by the separate instruments which it embodies ; and it follows that certain provisions which formerly applied to particular subjects must, after amalgamation, become applicable or be susceptible of application over the whole field. The outstanding examples of this in the present measure are Chapters III and IV, which hitherto appeared only in the salt laws. The provisions of Chapter III are closely akin to similar provisions in the provincial excise laws and are obviously needed in any broad panoramic central excise system and they are therefore given general application ; but those in Chapter IV, which are of a more special character and are needed only in particular circumstances, will, by notifications under section 30, be applied only to those commodities in respect of which they are required. Otherwise, except for clause 37 (2) (*vii*), which empowers the Central Government where necessary to require a person producing or storing excisable goods to provide accommodation for excise officers appointed to supervise operations at his premises, the Bill is simply a consolidation measure. The Bill has undergone certain changes, both in the Select Committee and in the other House. The former are fully explained in the Select Committee's report, the latter are minor and require no explanation. The Bill may now be regarded as a satisfactory basis for central excise operations of all kinds and is thus a desirable legislative reform and will, as Honourable Members will observe, replace no less than 17 different enactments. From the administrative aspect also it will be a boon, both for the reasons I have just cited and because it will permit of the consolidation of the numerous sets of statutory rules. This will greatly facilitate and assist their operation and will also conduce to the convenience of those concerned in the production and distribution of excisable products.

Sir, I commend the Bill to the House for its consideration.

***THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) :** Sir, I welcome this measure as a consolidation measure bringing together a number of Excise Acts the number of which had increased too much. While there are some very desirable features in this Bill there are certain features which are in my personal opinion a little stringent. I mean the provisions which were necessary for certain particular things are now made general and we have to rely on the executive for its moderation and for its use. I refer particularly to section 6 which did not form a feature of either the Sugar Excise Act or of the Steel Protection Act and of some other Excise Acts of ours. In the Bill as it was introduced the provision was restricted to salt but in the general provision which has been made after the Select Committee Report the Bill has become extensive. It was not as extensive when it was introduced as it has now become.

Another thing, Sir, on which I particularly wish the Legislative Department to throw light is that this Bill requires the previous sanction of the Governor General because it repeals a Governor General's Act, the Indian Finance Act, 1931, and I am sure the Legislative Department would not have missed this point but an indication to that effect—that the Governor General's consent has been taken—is neither attached to the Select Committee Report nor is it attached to the Bill as passed by the Legislative Assembly.

THE HONOURABLE THE PRESIDENT : Is it necessary ?

THE HONOURABLE MR. HOSSAIN IMAM : Well, it is necessary. The previous sanction of the Governor General is essential under section 108 of the Government of India Act for introducing any Bill which purports to amend any Act of the Governor General.

THE HONOURABLE THE PRESIDENT : They must have obtained that.

THE HONOURABLE MR. HOSSAIN IMAM : I think they must have obtained such a sanction but they should have shown us the courtesy of stating it prominently in the Select Committee Report as well as in the Bill as passed by the Legislative Assembly that the Governor General's assent had been taken because we are repealing at this moment a part of the Indian Finance Act, 1931, parts of which had been supplied by many of the enactments which we have passed. Only one part referring to salt was in existence at the moment. All the other parts of the Indian Finance Act had been repealed by previous Acts of the Legislature.

Secondly, Sir, I welcome very much the provision of section 38 in which a procedure has been laid down for framing the rules under the Act and if the Finance Department which is the most stringent and most, I should say, resisting of all the Government Departments can accept an amendment from the Assembly it is only natural that other Departments should also accept it.

While I am on this subject, Sir, I regret that the Select Committee for a Bill of this nature was so small. Out of six members of the Committee there were three Government officials, one was a European representative and there were only two others to represent the non-official view. I think perhaps it was due to the fact that some of the members failed to attend to their duty. In measures like this it would be better if we had a Joint Select Committee. This Bill was introduced in the Legislative Assembly in the November session and there was no reason why the Government should not have referred it to a Joint Select Committee of the two Houses. This section 38, to which I have referred, was not recommended or asked for by the Select Committee. It was admitted by the Government in the Legislative Assembly while this Bill was under discussion and in this a procedure has been laid down that all rules framed under this Act will be laid on the table of the two Houses for one month and if the two Houses suggest any amendment or reject that rule, that rule shall be either amended or rejected as the case may be. This is a very good concession, Sir, and we welcome it very much as giving us a right which we have been demanding all along but which the Government has so far resisted.

Sir, I support the measure.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : On a point of explanation, Sir. I would draw my Honourable friend's attention to the slip pasted to the Bill when it was introduced in the Legislative Assembly which said that the necessary sanction had been obtained. Now that the Bill has been passed by the

*Not corrected by the Honourable Member.

[Mr. Shavax A. Lal.]

Assembly, and we have circulated a copy of the Bill as passed, it is not necessary to repeat the fact that the necessary sanction had been obtained before the Bill was introduced.

THE HONOURABLE MR. HOSSAIN IMAM : But it was not mentioned in the Select Committee Report.

THE HONOURABLE MR. SHAVAX A. LAL : You may blame the Select Committee but not the Legislative Department.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, the Statement of Objects and Reasons attached to the Bill as it was introduced in the Legislative Assembly shows that there are no less than ten separate Excise Acts and 11 sets of statutory rules. In addition to these there are five Acts relating to salt. The multiplicity of the laws and of statutory regulations made it difficult both for the public and the administrative staff to understand the principles underlying the various excise laws and made it difficult for Government, as stated in the Statement of Objects and Reasons, to have a comprehensive code of standing instructions for the guidance of the excise staff. A measure, therefore, which seeks to consolidate all these Acts and Regulations is to be welcomed on general grounds.

But there are certain features of the Bill before us which show that the Bill is not a purely consolidating measure. The mover of the Bill, anticipating this objection, remarked in his speech that it was obvious that when a number of measures were consolidated, the provisions relating to a particular matter in one law should be applied over the whole field after consolidation. I do not, however, agree with him that the matter is quite so simple. Chapters III, IV and VI are the chapters containing the most important provisions. But the Notes on Clauses show that these provisions are practically reproductions of sections in the various Salt Acts in force at the present time. It must not be supposed that all of them exist in the Indian Salt Act. I think it will be true to say that most of them have been taken from the Bombay and Madras Salt Acts where the administration of salt was carried on along with that of other subjects on which excise was levied, such as liquor. Now, is it right that provisions of this nature should be extended to all the commodities which would be covered by this Bill? Take, for instance, clause 10, which empowers the Court not merely to order the forfeiture of the goods in respect of which any offence has been committed, but also the animals, vehicles, vessels or other conveyances used in carrying the goods. This provision, so far as I have been able to find out, exists only in the case of salt and customs. The Select Committee has made certain changes in the long title, short title and preamble of the Bill in order to make it clear that the Bill applies not merely to ordinary excisable commodities but also to salt. In the opinion of the Select Committee, the position in respect of salt is a special one. If so, is there any reason why provisions that might be suitable in the special case of salt should be applied to other commodities? The salt revenue and the customs revenue are among the most important sources of revenue in the Central budget. Therefore there may be good reasons to apply the stringent provisions to which I have already referred to cases in which it is proved that successful attempts have been made to evade the duty. But I do not really see why in the case of other commodities such a step should be taken. There is no doubt that there will be very little difficulty in the collection of many kinds of duty. For instance, the duties on sugar, kerosene, motor spirit, etc., can be easily collected, because it is only large concerns, generally speaking, which are engaged in their production or sale. Nevertheless one would like to know why Government have taken such comprehensive powers. It may be said that Government will exercise these powers with great care and that there need therefore be no apprehension that the measure before us, when passed into law, would result in the harassment of the public. Nevertheless, I think it would have been better if Government had treated salt and tobacco on a different footing from the other commodities and given us no cause to fear that the penal provisions of the Bill before us would be indiscriminately applied.

Sir, I shall take another instance only to add point to what I have already said. Clause 12 of the present Bill relates really to the prevention of smuggling on a large

scale. The provisions of the Sea Customs Act might well be applicable, say, to salt or articles brought in from outside, because it would be disastrous to the public revenues if smuggling were allowed. But is there any reason why clause 12 should be applied to the other commodities mentioned in this Bill? Again, take clause 24. It is at present, I believe, applicable only to salt, in order to prevent country boats from carrying salt except with a permit. Now, in some parts of the country small boats are engaged in carrying various commodities some of which are excisable. I do not know what is happening at present in the case of tobacco. Are country boats carrying tobacco asked to obtain a permit beforehand? If they are not, why should the provisions of clause 24 be made applicable to it and to other commodities?

Sir, the illustrations that I have already given show that the Bill before us, in respect of its penal provisions, goes beyond the necessities of the case. These provisions have been taken, generally speaking, from the Sea Customs Act or the Indian Salt Act. It is true that the provisions of the Sea Customs Act can at present be extended by notification to any commodity by the Executive Government. But I do not see any reason why statutory provision should be made to put commodities which have hitherto been treated in a different way from salt on the same footing as that commodity.

These, Sir, however, are not the only objections that I have to some of the provisions of the Bill. There are other clauses also in regard to which I should like to make a few observations. Clause 5 of the Bill gives power to the Central Government to impose a customs duty on goods mentioned in the First Schedule. The clause runs thus :—

“The Central Government may, by notification in the official Gazette, impose on any excisable goods other than salt brought into British India from the territory of any Indian State, not being territory which has been declared under section 5 of the Indian Tariff Act, 1934 (XXXII of 1934), to be foreign territory for the purposes of that section, a duty of customs equivalent to the duty imposed by this Act on the like goods procured or manufactured in British India”.

I should like to know what would happen in the case of goods brought from those States where an excise duty or something like an excise duty is in force? Would the rules made under the Act enable the Government to charge only such duty on these goods as would bring up the entire duty paid to the level of that paid on commodities produced in British India? I think this is a point on which we should receive a satisfactory assurance from Government.

The next clause to which I should like to refer is clause 6 to which my Honourable friend Mr. Hossain Imam has already referred. Clause 6, as amended by the Select Committee, requires that a licence should be obtained not merely for the production or manufacture of any specified excisable goods but for engaging in any process of the production or manufacture of such goods. I should like to know what this means. Cultivation of sugar cane may well be regarded as a part of the process of the manufacture of sugar. The Central Government can, therefore, under this provision take to themselves powers which would amount to an encroachment on the Provincial field. The Provincial Government will certainly protest strongly in such a case in order to safeguard their rights. Nevertheless, the illustration that I have given shows that the terms of clause 6 (a) are a little too widely drawn. To take another illustration, Sir, the Local Governments, so far as I know, can manufacture power alcohol. But power alcohol, when mixed with motor spirit, will be subject to the central excise duty. Will it be possible for the Central Government under clause 6 (a) to regard the production of power alcohol itself as part of the process of manufacturing motor spirit? I shall personally be very glad if the Central Government will interest itself in the manufacture of power alcohol. It has neglected this important subject absolutely notwithstanding the shortage of motor spirit in the country. But I do not want that the central authorities, while neglecting their moral responsibility in respect of so important a matter, should take power to control the production of power alcohol merely because, when it is mixed with motor spirit, it can be used in the same way as motor spirit now is used.

There is, Sir, just one other clause to which I shall refer before finishing my examination of the Bill before us. Under clause 33 a Collector of Central Excise is empowered to confiscate any goods which can be lawfully confiscated, under the rule,

[Pandit Hirday Nath Kunzru.]

to be made under this Act and to impose any penalty that might be permissible. This is, I think, a serious matter. Such a provision exists, I believe, only in the case of the Sea Customs Act, and there, if I am not mistaken, the matter can be taken before a court of law. Here the Central Government would be the final appellate authority. The provision, therefore, is a sweeping one. If an appeal had been allowed to a High Court or if there had been a proper appellate authority, it might have been said that there need be no fear that this provision would be used in an oppressive manner. But clause 36 of the Bill makes the Central Government the final authority. If the Central Board of Revenue arrives at a particular decision, it is hardly to be expected that the Central Government, *i.e.*, the Finance Department, would reverse its decision. The appeal to the Central Government may not, therefore, be of much value. I think it would have been better if another kind of appellate authority had been provided for so that all those affected by the provisions of Chapter VI might feel that their cases would not be judged finally by persons who are themselves interested in the matters coming under this Bill.

Sir, I hope what I have said is sufficient to show that we can scarcely regard the present Bill as a purely consolidating measure. I would therefore suggest that in Chapter IV, section 30 should be so altered as to enable the Central Government to bring under the operation of that Chapter only those goods which it considers necessary to subject to its operation by notification in the Gazette of India. Government have chosen a different procedure. They have laid down that Chapter IV will apply to the carriage of all excisable goods unless they are exempted from the operation of this Chapter by notification in the Government Gazette. I would have preferred, however, the other procedure which I have just referred to. There is no reason, Sir, why this small suggestion should not be accepted by the Central Government, particularly as it would create a feeling that the Government in the guise of consolidating the various excise measures was not seeking to take new power and imposing new penalties.

THE HONOURABLE THE PRESIDENT: Why did you not give notice of amendment?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We were told only on Friday that this Bill would come up for discussion on Monday and I confess that it was not possible for me to give notice of it on Saturday.

THE HONOURABLE THE PRESIDENT: This Bill has been in your hands for some days.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: So it has. But it was passed by the Legislative Assembly only the other day.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I rise to give expression to the discontent of the Madras people in regard to the excise duty on tobacco. My information is that the people who are engaged in the manufacture of snuff in Madras have been very hard hit by the duty on tobacco. Snuff is one of the important industries in Madras and Madras snuff is popular not only in the province but also throughout India. But the rate of duty which has been applied to tobacco from which snuff is made is out of all proportion. While chewing tobacco is subject to only one anna per lb., tobacco which is used for the making of snuff is subjected to 6 annas per lb.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-official): It is superior tobacco.

THE HONOURABLE SAIYED-MOHAMED PADSHAH SAHIB BAHADUR: It may be superior, but the difference in quality is not even half as much as the difference in the rates which have been adopted in respect of the duty on those two varieties of tobacco. I am told that the people who are engaged in the industry in Madras have been making repeated representations to the Central Board of Revenue in regard to this matter and I am sorry to find that no relief has been given to them. As has been observed by my Honourable friends who have preceded me, there are a number of other provisions in this consolidating Bill which are also open to many and serious objections; but I do not want to repeat them.

Before I sit down I should like to make one observation. There have been one or two commodities about which the excise rules were very stringent and it was expected that when the Government undertook consolidation of the law on all excise duties in the country, it would take the opportunity to liberalise those provisions, to soften them and try to give relief to the people who have been making representations about the hard manner in which those duties have been affecting them. But instead of doing that, it looks as if the Government has availed of this opportunity only to stiffen the law so that the stringent provisions which were applicable only to a few commodities have now become practically applicable to all the other commodities also. I think this is a feature of the Bill which is not welcome.

But whatever our objections as regards the specific provisions of the Bill, I cannot help appreciating the great labour and skill which the Honourable Mr. Greenfield has bestowed upon the task. I congratulate him, in spite of the difference of opinion that I have on this subject the effect of this consolidating measure, is to put in a codified and concise form all the law on the subject which but for this measure would have to be sought in as many as two dozen Acts. I congratulate Mr. Greenfield on having consolidated this law which will really be of great help not only to the administration but also to the public who are interested in this matter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Will you permit me, Sir, to put two questions to my Honourable friend before he rises to speak. They relate to salt and tobacco. It was stated in the other House that Government had no intention to depart from the letter and spirit of the Gandhi-Irwin pact which was arrived at in 1931. I was told when I was in Chittagong that the people there were not allowed to collect salt for their own consumption. Will Government look into this matter and take such steps as may be found necessary to remove this complaint? The other inquiry relates to tobacco. The schedule distinguishes between country tobacco intended for manufacture into cigarettes and *biris* and *hookah* tobacco and chewing tobacco. While tobacco intended for manufacture into *biris* is liable to a high duty, viz., 6 annas per lb., tobacco required for the other two categories, namely, for smoking in *hookah* and for chewing, pays a duty of 1 anna per lb. only. Now, Sir, is a distinction made in actual practice between tobacco used for the manufacture of *biris* and *hookah* tobacco and chewing tobacco or not? I understand that the authorities charged with the administration of the law expressed their inability to distinguish—

THE HONOURABLE THE PRESIDENT: I only allowed you to put two questions.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I am telling him, Sir, that complaints have reached me that those charged with the administration of the law make no distinction between tobacco used in these three forms on the ground that it is impossible for them to know whether a particular kind of country tobacco would be used for the manufacture of *biris* or *hookah* tobacco or chewing tobacco. If so, I should like to know whether this complaint is true and what steps Government propose to take to remove it?

THE HONOURABLE MR. H. GREENFIELD: Sir, I should like in the first place to state how gratified I am to find that my Honourable friends on the other side of the House have generally welcomed the introduction of this measure.

With regard to the particular points which have been raised by Honourable Members I should like with your permission, to touch quickly upon them.

Firstly, in regard to clause 4 my Honourable friend Pandit Kunzru wanted to know what would happen to goods which are subject to duty in States. Sir, the object of this provision is to secure that all goods which are subjected to excise duty in British India are so far as possible subjected to a like duty when brought in from States. In this matter we usually try to carry the States with us and I may say that so far we have done so with general success and the provisions of this section would only come into operation if they were necessary in order to secure a common level of taxation for goods produced on the one hand in British India and on the other hand in the States.

[Mr. H. Greenfield]

As to clause 6, my Honourable friend apprehended that its provisions might be utilised to apply the licensing requirement to the cultivating of sugarcane. I should like to say here, Sir, that this is not a process of manufacture but in any case the making of rules under the Act is restricted to the degree to which they are necessary in order to secure the proper levy and collection of the tax.

His next point was in regard to clause 10. The provision which allows for the forfeiture of animals and conveyances which have been used for the carrying of goods liable to confiscation is common to a number of Acts, notably those concerning Salt and Sea Customs. In regard to the Honourable Member's apprehensions I would point out that the power would be exercised by a Court which would naturally take into account all the circumstances of the particular case.

Clause 12 is a provision which appears already in all the excise laws. It is a general provision designed to enable us to attract certain machinery clauses as necessary from the Sea Customs Act.

I think the next point that my Honourable friend touched on was the provisions of Chapter III generally. These, Sir, chiefly concern the holding of enquiries and will only come into operation where such enquiries are necessary. They will not for example be necessary in regard to duty-paid goods, with which we are not concerned.

Then as to the provisions of Chapter III, these are taken *verbatim*, except for minor verbal changes, from the Transport of Salt Act of 1879. My Honourable friend has suggested that we might amend section 30, under which, as I said in my opening speech, notifications will be issued limiting the operation of the Chapter to particular goods. The form in which this section now stands is the form adopted in the Transport of Salt Act and it has the same effect as the alternative form which my Honourable friend has suggested. The provisions of this Chapter will in fact be applied only to those commodities, the transport of which by land or by inland waterways has to be regulated, and I may say for the information of the house that a notification has already been drafted confining the application of the Chapter to such goods.

The next section dealt with by my Honourable friend was section 33. Sir, this is a provision taken from the Sea Customs Act and it can already, by virtue of the provision equivalent to section 12 which appears in all the existing excise laws, be applied to all excisable commodities even under the present law. Therefore, no change is effected by the introduction of this clause.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Has the Sea Customs Act ever been applied to the commodities mentioned in this Bill, except one or two of them?

THE HONOURABLE MR. H. GREENFIELD: Yes, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What are they?

THE HONOURABLE MR. H. GREENFIELD: I cannot say off-hand, but it has been applied in a number of cases.

As to the points last mentioned by my Honourable friend, I will undertake to look into the complaint, to which expression, has been given from Chittagong and will see what action can be taken.

On the second point, the position in regard to *biri* tobacco and other kinds of tobacco is that these tobaccos are treated in different ways before they pass into consumption and it is quite possible for any trader in such tobaccos by having recourse to the warehousing provisions of the Tobacco Excise Rules, which were inserted for this very purpose, to show clearly, before he pays the duty, for which purpose his tobacco is intended.

I think that is all I need say. In regard to the remarks made by my Honourable friend from Madras concerning the rates of duty on tobacco I would point out that the Bill with which we are concerned today is a consolidation measure intended to reproduce the provisions of the law as it now stands and any representations in regard to rates of duty are more appropriate to a discussion of the Finance Bill.

Sir, I move:

"That the Bill as passed by the Legislative Assembly be taken into consideration."

THE HONOURABLE THE PRESIDENT : Motion made :—

“ That the Bill to consolidate and amend the law relating to central duties of excise and to salt, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

Clauses 2 to 40 were added to the Bill.

The First, Second and Third Schedules were added to the Bill.

Clause 1 was added to the Bill. •

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. GREENFIELD : Sir, I move :—

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

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : Sir, I beg to inform Honourable Members that the discussion on the food situation will take place on Monday, the 28th instant.

The Council then adjourned till Eleven of the Clock on Wednesday, the 23rd February, 1944.