

27th July 1943

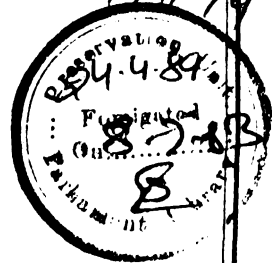
TO  
**THE LEGISLATIVE ASSEMBLY DEBATES**

**Official Report**

**Volume III, 1943**

*(26th July to 25th August, 1943)*

**EIGHTEENTH SESSION**  
OF THE  
**FIFTH LEGISLATIVE ASSEMBLY,**  
**1943**



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# LEGISLATIVE ASSEMBLY.

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

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# LEGISLATIVE ASSEMBLY.

Tuesday, 27th July, 1943

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

## MEMBER SWORN:

Rai Bahadur Naresh Chandra Ray, M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

LOWERING OF THE EDUCATIONAL QUALIFICATIONS FOR EUROPEAN AND ANGLO-INDIAN CANDIDATES FOR TICKET COLLECTORS POSTS IN ALLAHABAD DIVISION.

**34. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether his attention has been drawn to an Employment Notice by the Divisional Superintendent, East Indian Railway, Allahabad, which appeared in the *Hindustan Times*, dated the 1st May 1943?

(b) Which authority has fixed the educational qualifications of "Working knowledge of English" for European and Anglo-Indian candidates forming a panel of Ticket Collectors?

(c) If the orders were issued by the Divisional Superintendent or the General Manager, who authorised them to deviate from rules, which lay down the Matriculation examination as the minimum? If the orders were issued by the Railway Board, why were the qualifications for candidates of other communities for employment on other State-managed Railways not also lowered?

(d) Do Government propose to stop the racial discrimination and different practices on various State-managed Railways? If not, why not?

**The Honourable Sir Edward Benthall:** (a) Yes.

(b) The qualification referred to is contained in the rules issued by the Railway Board.

(c) The advertisement conforms to the rules issued by the General Manager, East Indian Railway. The minimum qualification is not matriculation in the rules issued by the Railway Board which apply to all candidates whatever the community they may belong to. As regards the last part, it is open to a Railway Administration to prescribe a qualification higher than that laid down in the Railway Board's rule if it should consider such a course desirable. I do not consider it necessary to insist on absolute uniformity among all Railways in this matter.

(d) There is no racial discrimination as explained above.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member why, when qualifications have been fixed at least in the E. I. Railway by the Railway Board, such qualifications have not been fixed so far as other railways are concerned? Why is it left to the General Managers?

**The Honourable Sir Edward Benthall:** The answer to that has been given in my reply to part (c).

**Mr. Lalchand Navalrai:** Have the Board gone into the reasons for having a higher qualification in other railways and less qualification in E. I. Railway?

**The Honourable Sir Edward Benthall:** That, Sir, as I have already explained is at the discretion of the administration.

**Mr. Lalchand Navalrai:** When there is that discretion, why is there a change in some railways?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is arguing. He is not putting a question.

**Mr. Lalchand Navalrai:** Will the Board then consider whether that is in accordance with the discretion and whether that discretion should be changed or revised?

**The Honourable Sir Edward Benthall:** As I have already explained, Government does not consider it necessary to insist on absolute uniformity amongst all railways in this matter.

**ARRANGEMENT FOR PAYMENT OF INSURANCE PREMIUMS FROM RAILWAY EMPLOYEES PROVIDENT FUND.**

**35. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether any arrangement exists to allow payment of insurance premiums of approved Insurance Companies from Railway Employees' Provident Fund? If not, is it proposed to make such a provision? If not, why not?

(b) Is it a fact that contributions made by an employee towards the Provident Fund cannot be forfeited for any liability to Government, as such forfeiture is only confined to Government's share of contribution and interest thereon? If so, will Government consider the grant of facilities to railway employees to pay insurance premiums from their Provident Fund savings which do not exceed their share of contribution?

**The Honourable Sir Edward Benthall:** (a) Railway employees are permitted to substitute, in whole or part, for subscription to the Railway Provident Fund, insurance premia for policies taken in the Government Post Office Insurance Fund and not for policies taken from any private Insurance Company. It is felt that subscribers to the State Railway Provident Fund need this protection in the matter of their holdings in the Fund which partly take the place of pension.

(b) Reply to the first part is in the affirmative. Reply to the latter part is covered by reply to (a) above.

**Mr. Lalchand Navalrai:** Why is it that discretion is being given only with respect to Postal Insurance Fund and not with reference to private insurance companies?

**The Honourable Sir Edward Benthall:** I have explained that in my answer to part (a).

**Mr. Lalchand Navalrai:** May I know why, when representations have been made by the employees that they have got facilities from private insurance companies, they have not been allowed to avail of such facilities?

**The Honourable Sir Edward Benthall:** That, Sir, is precisely what I answered in my reply to part (a).

**Mr. Lalchand Navalrai:** May I know whether any representations have been made by the employees and whether they have been given any reasons for refusal of the request?

**The Honourable Sir Edward Benthall:** I am not aware of any such representations.

**SELECTION FOR RECRUITMENT TO POSTS OF ASSISTANT INSPECTORS OF WORKS ON NORTH WESTERN RAILWAY.**

**36. \*Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether a selection for recruitment to posts of Assistant Inspectors of Works on the North Western Railway was held in May, 1942? How many candidates from different divisions were selected, and what was the quota allotted to each of them?

(b) Is it a fact that another selection for recruitment to the posts referred to in part (a) above, was held early this year, but as Muslim candidates were not available, members of other communities were taken against the minority communities' posts? If so, how many, and to what communities did the selected candidates belong?

(c) Is it a fact that persons recruited in the 1942 selection have not been confirmed on the plea that they were taken against posts reserved for other communities? If so, how is this policy proposed to be reconciled with the Government of India, Home Department Resolution No. 14/13/38-Ests. (5), dated Simla, the 15th July, 1938, to the effect that the balance of the posts reserved for the minority communities, if filled by other communities, will be carried over only for one year?

(d) If the confirmations have been stopped during the course of the War, do Government propose to assure the employees appointed against vacancies reserved for minority communities that they will not be discharged to make room for the members of minority communities, if and when they become available? If not, why not?

**The Honourable Sir Edward Benthall:** (a) A recruitment of Apprentice Assistant Inspectors of Works was made in May 1942. As regards the second part, the information is as follows:

Lahore . . . . .	3	and	8	Quetta . . . . .	Nil	and	4
Delhi . . . . .	6	and	3	Rawalpindi . . . . .	6	and	11
Multan . . . . .	1	and	5	Karachi . . . . .	1	and	4
Ferozepur . . . . .	3	and	3				

(b) and (c) I have called for information and a further reply will be laid on the table of the House.

(d) The rules regarding the filling of vacancies reserved for members of minority communities will be observed, and there is no intention to depart from them.

**Sir Muhammad Yamin Khan:** Is it the rule that if any candidate of any particular community is not available in a particular year, that post is reserved for that community in the next year?

**The Honourable Sir Edward Benthall:** Yes, Sir. But this particular question refers to filling the vacancies after the war.

**Sir Muhammad Yamin Khan:** Even in this case, during the war, is the principle laid down by the Railway Board that if any particular community candidate is not available in a particular year, that vacancy will be reserved for that community in the next year.

**The Honourable Sir Edward Benthall:** Sir, the Honourable Member is raising rather a complicated question. I suggest that he puts down a question to which I will give a careful and full reply.

**Maulana Zafar Ali Khan:** May I know whether no Muslim candidate was available throughout India?

**The Honourable Sir Edward Benthall:** It is not a question of any Muslim candidate being available throughout India. This question refers only to the N. W. R.

**Dr. Sir Zia Uddin Ahmad:** May I just tell the Honourable Member that very recently for about 50 seats in Aligarh for admission in the Engineering College, I received 500 applications from Muslims who were B.Sc.'s and Intermediates in science?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is giving information.

**Dr. Sir Zia Uddin Ahmad:** There is no point in saying that Muslims are not available. I can give any number of applicants to fill these posts.

#### OPENING OF CHEAP SHOPS FOR RAILWAY EMPLOYEES.

**37. \*Mr. Lalchand Navalrai:** (a) With reference to the Honourable the Railway Member's reply to my starred question No. 250, asked on the 5th March, 1943, regarding opening of cheap shops for railway employees, will he please make a brief statement on the progress made since then?

(b) Is it a fact that wheat is supplied to employees on the North Western Railway at Rs. 6 a maund? Is it of good quality? Will it continue to be supplied at this rate for the whole year?

(c) Is rice being supplied in Sind? If so, of what qualities, and at what rates? If not, why not?

**The Honourable Sir Edward Benthall:** (a) The number of staff on all State-owned Railways reported to be within the range of grain shops during June was 6,18,700, the number of employees to whom ration cards had been issued being 5,39,331. This represents 89·85 per cent. and 78·92 per cent. of the total staff on these Railways. The commodities covered by the scheme include in addition to the staple foodgrains, spices, sugar, gur, kerosene oil, standard cloth, tea, matches, etc., although all of them are not yet on sale in

all the shops. During the month ending 1st June, 1948, the total quantity of foodstuffs sold exceeded 4 lakh maunds as against a little over 2½ lakh maunds in the month ending 15th April. The prices of commodities were first stabilised at those at which they were being sold in February, 1948; it was subsequently decided to reduce these prices by an average of 20 per cent. and this reduction became effective during June, 1948. This has resulted in further substantial relief to employees in areas like the Eastern region where market prices are high. Continuous efforts are being made to wring every railway employee within the scope of these shops.

(b) The answer to the first part is in the affirmative. As regards the second part, I have seen no general complaints about the quality of the wheat. As regards the third part, no alteration of the price is at present contemplated.

(c) The reply to the first part is in the negative. As regards the last part, it is understood that there is in Sind at present no demand from the staff for rice and efforts are being concentrated on procuring and selling other articles for which there is a demand.

Since the answer to this question was drafted I have seen figures to show that at the end of June the total number of the staff who have received ration cards is 6,21,000, which represents 89 per cent. of the staff of the railways and the figure of the total quantity of foodstuffs sold to the staff has gone up from four lakhs to six lakhs of maunds.

**Mr. Muhammad Nauman:** What is the system of calculation on which they are given? If the rate at which they are supplied is Rs. 6 per maund at what price did the Railways buy them and are they supplied at 50 or 40 or 80 per cent. less than the cost price?

**The Honourable Sir Edward Benthall:** It varies throughout the country. My Honourable friend has mentioned wheat. I will instance the North Western Railway. There, I think I am correct in saying, wheat is being sold at Rs. 6. The price paid by the railways depends on the market price.

**Pandit Lakshmi Kanta Maitra:** Is it a fact that the railway administrations purchase these foodstuffs at considerably low prices and sell them to their employees at higher rates.

**The Honourable Sir Edward Benthall:** No, Sir.

**Mr. Lalchand Navalrai:** At what price is the railway purchasing the wheat?

**The Honourable Sir Edward Benthall:** The railways buy at the market price which varies from day to day.

**Mr. Lalchand Navalrai:** What was the price this month or last month?

**The Honourable Sir Edward Benthall:** I shall require notice of that.

**Mr. Hooseinbhoj A. Lalljee:** Why is standard cloth not being supplied?

**The Honourable Sir Edward Benthall:** We indented for one million yards of standard cloth for delivery between 15th May and 15th June, and we have received some small deliveries on one or two of the railways. I have just had a telegram to say that despatches have been made to all the other railways except two, but I am unable to give any precise figures.

**Sir Muhammad Yamin Khan:** What is the total amount which the railways will lose by supplying wheat at a cheaper rate than the cost price?

**The Honourable Sir Edward Benthall:** That figure is being calculated but I am unable to state now precisely what it is.

**Mr. Lalchand Navalrai:** The Honourable Member said there is no general complaint about the quality of the food supplied. But I have heard complaints myself and will the Honourable Member, therefore, send a copy of this question and the allegation to the General Manager so that instructions may be issued to see that food of good quality may be supplied?

**The Honourable Sir Edward Benthall:** It is the constant interest of the railway administration to see that the quality of the wheat that is supplied is good.

**Mr. Lalchand Navalrai:** Therefore, will they render further help in the matter by sending this question?



**The Honourable Sir Edward Benthall:** I do not think that that step will be particularly effective because, as I said before, the administration gives daily attention to this question.

**ARRESTS OF ABDUL SAMAD KHAN AND OTHERS OF QUETTA UNDER DEFENCE OF INDIA RULES.**

**38. \*Sardar Sant Singh:** (a) Will the Honourable the Leader of the House please state if it is a fact that Abdul Samad Khan, Arbab Abdul Qadir, Baran Khan, Abdul Ghafoor, Malik Said Mohammad, Sardar Jit Singh Sahney and Seth Daulat Ram were arrested under the Defence of India Rules in Quetta (Baluchistan) on the 20th August, 1942? If so, on what charges? Have any of them been released? If so, what are their names?

(b) Have these released persons been permitted to enter Baluchistan? If not, why not?

(c) Has any representation been received from those who have not been permitted to return? If so, what has been the fate of the representation?

**The Honourable Sir Sultan Ahmed:** (a) The individuals in question were arrested and detained under sub-rule (1)(b) of Defence of India Rule 26, because it was considered necessary to take this action for the maintenance of public order. All have since been released.

(b) Daulat Ram of Dadu District, Sind and Jit Singh Sahney of Rawalpindi District, Punjab, have been ordered not to remain in Baluchistan as their presence there has been considered politically undesirable.

(c) A representation from Jit Singh Sahney was received on 18th May, 1943, by the Baluchistan Administration who do not propose to take any action on it for the present.

**Sardar Sant Singh:** May I know if there is communal discrimination in giving permission to the Muslims to go back to Baluchistan and refusing it to non-Muslims?

**The Honourable Sir Sultan Ahmed:** I do not think so.

**Sardar Sant Singh:** As there is an impression that there is communal discrimination in this matter will the Honourable Member kindly make inquiries from the administration?

**The Honourable Sir Sultan Ahmed:** I do not know about the impression but I am prepared to inquire.

**Sardar Sant Singh:** Is the Honourable Member aware that these two persons who have been refused permission to go back have got properties there which they have got to manage?

**The Honourable Sir Sultan Ahmed:** I have no information.

**OPERATION OF THE AMERICAN EXCLUSION ACT ON INDIANS.**

**39. \*Mr. Govind V. Deshmukh:** Will the Honourable the Leader of the House please state: (a) how the American Exclusion Act of 1924 affects the Indians;

(b) if any attempts were made by the Government of India to remove the disabilities arising out of the Act itself or the rules thereunder; if so, what; if not, why not;

(c) if the Agent General of India took any steps in this regard during the last two years; and

(d) if any steps are being taken now to remove these disabilities; if so, what?

**The Honourable Sir Sultan Ahmed:** (a) The Honourable Member no doubt refers to the Immigration Act of the American Legislature of 1924. Information as to how the Act affects Indians is contained in paragraphs 3 to 6 of the Statement which was laid on the table in reply to question No. 2054 asked by Sardar Mangal Singh on the 12th December 1938.

(b) Negotiations were undertaken with a view to the conclusion of a Treaty of Commerce with the United States with the main object of bringing Indians within the definition of aliens entitled to enter the country to carry on trade and so exempting them from the definition of "Immigrant" as given in Section 3 of the Act. These negotiations were postponed as they raised commercial

issues of primary importance between the United States of America and India, which were not susceptible of treatment during the progress of the war.

(c) Yes. In connection with certain Bills before Congress to lighten restrictions against Chinese the Agent General has enquired whether Indians could receive parity of treatment with Chinese.

(d) The matter is under consideration.

**Mr. Govind V. Deshmukh:** Is it a fact that the position today is virtually the same as it was prior to 1938 in spite of the efforts made?

**The Honourable Sir Sultan Ahmed:** As I said in answer to part (d), the matter is under consideration.

**Mr. Govind V. Deshmukh:** My question is, is it correct to say that the position today is what it was prior to 1938?

**The Honourable Sir Sultan Ahmed:** Except this that the matter is being considered.

**Mr. Govind V. Deshmukh:** May I know what steps are being taken at present which will lead us to believe that the matter is under consideration?

**The Honourable Sir Sultan Ahmed:** The Honourable Member has to accept my statement for that.

#### POST-WAR EMPIRE AND INTERNATIONAL AVIATION POLICY.

40. **Mr. K. C. Neogy:** (a) Will the Honourable Member representing the Posts and Air Department be pleased to state whether the Government of India have been consulted by His Majesty's Government in regard to (i) the formulation of a post-war Empire aviation policy; and (ii) schemes of international co-operation for air services? If so, what is the nature of the communications received and their replies to the same?

(b) Have Government consulted the Indian public and commercial bodies as well as the Indian Aircraft Companies in regard to these matters? If not, do they propose to do so?

(c) Have Government received any intimation from His Majesty's Government in regard to the convening of an Empire Air Conference, and have they been invited to participate in such a conference?

(d) What will be the composition of the delegation they propose to send to such a conference when convened, and will this delegation include representatives of the Indian commercial and industrial interests?

**Sir Gurunath Bewoor:** (a) Certain exchanges of views of a purely exploratory and provisional nature have taken place between the Government of India and His Majesty's Government on the subject of the post-war development of civil aviation. Government are not prepared to mention the nature of these communications in view of their very provisional character.

(b) The reply to the first part of the question is in the negative. Such consultations will take place at a suitable stage if Government consider it necessary to do so.

(c) and (d). As regards the first part of (c), the question of convening a conference is still under consideration and no decision has been arrived at as yet. The latter part of (c) and part (d) do not arise.

**Mr. K. C. Neogy:** Has the Honourable Member's attention been drawn to a press report dated 24th July, 1943, in which it is stated that India has received an invitation to participate in the Empire Aviation Conference? Is this a fact?

**Sir Gurunath Bewoor:** No, Sir. I have seen the report. It is incorrect.

**Mr. K. C. Neogy:** Do I take it that this question is not even under consideration?

**Sir Gurunath Bewoor:** It is under consideration as I have already stated.

**Mr. K. C. Neogy:** Has the Honourable Member seen any report of discussions that have gone on in the House of Commons of late regarding the question of an Empire Aviation Conference, and whether it is a fact that the British Government contemplate the calling of a conference after consulting the various members of the Empire as well as India, and have the Government of India been asked to express their view as to whether such a conference is desirable or not?

**Sir Gurunath Bewoor:** I have seen the debate in the House of Commons, and, as I have already stated, there has been an exchange of views: The question of convening a conference is under consideration but no decision has been arrived at as yet.

**Mr. K. C. Neogy:** I quite appreciate that. The point is, have the Government of India expressed a view in favour of calling such a conference?

**Sir Gurunath Bewoor:** Sir, I have stated that an exchange of views has taken place but I am not prepared to mention the nature of these communications.

#### LETTER BOXES REMOVED BY RIOTERS AND POSTAL AUTHORITIES DURING RECENT DISTURBANCES.

41. **\*Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Secretary of the Posts and Air Department be pleased to state the number of letter boxes removed by the rioters and postal authorities during the recent disturbances?

(b) How many of them have been replaced by the department, so far?

**Sir Gurunath Bewoor:** (a) With the exception of the Provinces of Bihar and Orissa, for which figures are not yet available, the total number of letter boxes damaged or removed by rioters was 1,299 and the number withdrawn by the Postal authorities was 1,280.

(b) 708, so far.

**Mr. Muhammad Nauman:** May I know why Bihar and Orissa have not been able to give the figures as yet? It is more than 10 months now.

**Sir Gurunath Bewoor:** It is not a question of ten months. We asked for the figures, but they have not been able to collect them up-to-date and therefore they have not yet been supplied. I am prepared to give those figures when I receive them.

**Mr. Muhammad Nauman:** Have they sent any report so far, or not?

**Sir Gurunath Bewoor:** Yes, but you must remember that I had to ask for these figures to reply to this question, and, unfortunately, Bihar and Orissa has not yet been able to collect these figures.

#### DESIRABILITY OF CHANGING THE ROUTE OF AIR MAILS TO BRITAIN.

42. **\*Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Secretary of the Posts and Air Department be pleased to state whether Government propose to change the route of the air mails to Britain in view of the improved situation in the Mediterranean?

**Sir Gurunath Bewoor:** The air services to the West of India are operated by the British Overseas Airways Corporation (which is under the control of His Majesty's Government) and not by the Government of India. The question of adopting a quicker, and if possible an all-air, route for air mails between India and the United Kingdom is already under the consideration of His Majesty's Government.

#### COMPLAINTS AGAINST TELEPHONE OPERATORS AT CALCUTTA EXCHANGES.

43. **\*Sir Abdul-Halim Ghuznavi:** (a) Will the Secretary of the Posts and Air Department be pleased to state if his attention has been drawn to the editorial comments in the Calcutta edition of the *Statesman* of the 29th June, 1943, and also to the *Dainik Basumati* (a vernacular Daily of Calcutta) of the 26th June, 1943, about the lack of attention and dereliction of duties on the part of the Telephone Operators at the Exchanges in Calcutta resulting in serious inconvenience to the subscribers? If so, has necessary action been taken to remedy this state of affairs?

(b) If the answer to the latter part of (a) be in the negative, do Government propose to make an enquiry, and to take prompt action?

**Sir Gurunath Bewoor:** (a) Government have already seen these comments and enquired into the matter. There has undoubtedly been some deterioration in the quality of the telephone service in the Calcutta area. This has been due mainly to the following causes:

(i) A very large increase in the number of subscribers.

(ii) Abnormally heavy traffic during the busy hours which is beyond the capacity for which the existing equipment was designed.

(iii) Depletion in the number of trained and experienced operators due to a large number of resignations in 1942, on account of the abnormal conditions prevailing in Calcutta, and their replacement by new and inexperienced staff.

(iv) Abnormal rate of sickness this summer leading to heavy absenteeism.

(v) Inordinately long calls indulged in by some subscribers.

It has been decided to install additional equipment to meet the heavy calling rate and certain other remedial measures with a view to improving the service are under examination by the Posts and Telegraphs Department, but it will take some time before the full effect of these measures can be felt.

(b) Does not arise.

**Sir Abdul Halim Ghuznavi:** Is my Honourable friend aware that in five out of ten telephone calls one gets repeatedly wrong number, or on enquiry from the operator he is informed: 'the number is engaged'?

**Sir Gurunath Bewoor:** I am not aware whether that is correct, but I have admitted that the service is not as good as it should be and that is due to the inexperienced staff. As regards being told that the number is engaged, the Manager reports that many subscribers unfortunately refuse to believe the operator when he tells them that the number is engaged. In this connection it will be of interest to the Honourable Members that on watching certain numbers we discovered three instances in which one local call was 1½ hours in duration, another 1½ hours, and the third one 6¼ hours.

**Sir Abdul Halim Ghuznavi:** Is my Honourable friend aware of the constant interconnections, which seldom took place before, and that these interconnections have created a horror in the mind of the public as they do not consider it safe to talk on their private affairs with reliance lest they be overheard?

**Sir Gurunath Bewoor:** I am aware of that complaint and we are taking action to remedy it.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member that besides the reasons which he enumerated for the inefficiency of the service one other is the transference of the telephone service in the Calcutta area from the hands of a private company to the Government?

**Sir Gurunath Bewoor:** No, Sir, because it is exactly the same staff and the same management which is now managing the telephones under the Government.

#### RESERVATION OF SECOND CLASS COMPARTMENTS IN THE TOOFAN EXPRESS FROM DELHI ON THE 1ST JULY, 1943.

**44. \*Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Railway Member be pleased to state whether any applications for the reservation of Second Class compartments as distinguished from "berths" in the Toofan Express which started from Delhi on the evening of the 1st July, 1943, had been received? If so, how many Second Class compartments had been reserved in that train?

(b) How many Second Class compartments in all, besides those marked for the Military personnel, were there in the said train, and for what total number of passengers was seating accommodation provided in those compartments?

(c) How many Second Class tickets were issued from the Delhi Station for the said train?

(d) How many Second Class tickets were, as a result of checking, found to be held by passengers changing from other trains to the said train?

(e) Is it, under the rules, necessary for reserving a compartment to pay the number of fares equal to the number of passengers for whom seating accommodation is provided in a compartment?

(f) If the answer to (e) be in the affirmative, had the full number of fares required by the rules been paid for the train and for the date, in question?

(g) Can a Second Class passenger who has not got a berth or a seat reserved for himself lawfully travel in a Second Class compartment if he accommodates himself on the floor or any other unoccupied part of the compartment without encroaching on the berths or seats reserved for other passengers in the compartment?

(h) If the answer to (g) be in the affirmative, has a Ticket Collector or any other Railway Official any authority to eject such a passenger from the compartment?

(i) If the answer to (g) be in the affirmative and the answer to (h) be in the negative, has the Station Superintendent, Delhi, received a complaint, dated the 3rd July, 1943, to the effect that a Ticket Collector unlawfully ejected an M.L.A. from a Second Class compartment in the Down Toofan Express on the 1st July, 1943, on the false plea that the compartment was reserved although the compartment was neither reserved in fact nor labelled as such (the 5 berths only being labelled as reserved)? If so, what action has been or is proposed to be taken in the matter?

**The Honourable Sir Edward Benthall:** (a) I am informed that one application for the reservation of a full 2nd class compartment was received, and one such compartment was reserved.

(b) Nine providing seating accommodation for 82.

(c) 32 tickets were issued during the period between 16 and 24 hours on the 1st July, 1943. This does not take into account tickets which may have been purchased earlier or from city booking offices or held by through passengers.

(d) I am unable to say as no record of passengers holding through tickets and changing from one train to another is kept at junction stations.

(e) No. A compartment can be reserved on payment of fares equal to the number of berths in the compartment.

(f) Does not arise. But all passengers occupying berths were in possession of tickets.

(g) and (h). The Honourable Member is referred to sections 109 and 63 of the Indian Railways Act No. IX of 1890, a copy of which is in the library of the House. The Honourable Member is also referred to sections 120 and 132 of the Indian Railways Act No. IX of 1890.

(i) I understand a complaint from the Honourable Member was received by the Station Superintendent, Delhi, who enquired into it and has sent a letter of explanation to the Honourable Member which I trust has satisfied him.

**Sir Cowasjee Jehangir:** May I ask the Honourable Member whether the M. L. A. travelling in the Toofan Mail, who has complained, was travelling at Government expense?

**The Honourable Sir Edward Benthall:** I have no information, Sir.

**Sir Cowasjee Jehangir:** Would he enquire whether the M. L. A. was travelling at Government expense, and, if so, whether he was drawing 1st class fare or 2nd class fare?

**Syed Ghulam Bhik Nairang:** With your permission, Sir, I would like to say that it was I, and I was travelling at my own expense.

#### EXCESSIVE FREIGHT RATES ON SUGARCANE CHARGED BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

45. \***Mr. T. T. Krishnamachari** (on behalf of **Qazi Muhammad Ahmad Kazmi**): (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the freight charged on the transport of cane on the Bombay, Baroda and Central India Railway (meter gauge in the United Provinces) is Re. 0-1-3 per maund for a distance of 50 miles whereas on the East Indian, Great Indian Peninsula, Bengal and North Western and Rohilkhand & Kumaon Railways, it works out at 5-8, 6-5, 8-4 and 11-1 pies, respectively?

(b) Is it or is it not a fact that the raw material as well as the manufactured material of the Sugar Cane factories being controlled by the various Provincial Governments, the margin of profit in the sugar factories is duly limited and the sugar factories located on the Bombay, Baroda and Central India Railway are very much handicapped by the high rates of freight on that Railway?

(c) Do Government propose to consider the advisability of bringing down the rates of freight on the Bombay, Baroda and Central India Railway, in conformity with rates of other Railways, and to remove this complaint of the sugar industry?

**The Honourable Sir Edward Benthall:** (a) The rates for sugarcane to the factories on the B., B. & C. I. Railway for a distance of 50 miles are about

11 pies per maund and not 15 pies. The other rates given by the Honourable Member are substantially correct.

(b) So far as I am aware it is only in the U. P. and Bihar provinces that the price of cane is controlled by the Provincial Governments. The price of sugar is controlled by the Central Government. I am not aware that the freight rates on the B., B. & C. I. Railway have handicapped the sugar factories located on that Railway.

(c) No.

#### EXCESSIVE CHARGES FOR SUGARCANE STACKING BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

46. \***Mr. T. T. Krishnamachari** (on behalf of **Qazi Muhammad Ahmad Kazmi**): (a) Will the Honourable the Railway Member please state if it is or it is not a fact that the Bombay, Baroda and Central India Railway charges Rs. 24 per annum for a small piece of land on which cane is stacked prior to being loaded on the railway wagons for transport, while the other railways do not charge more than Rs. 5 per annum?

(b) Is it or is it not a fact that the Bombay, Baroda and Central India Railway demand a sum of Rs. 75 as expenses for drafting an amendment for the inclusion or exclusion of a plot, in the agreement regarding places on which sugarcane is stacked while no such high charges are made by other Railways?

(c) Do Government propose to consider the desirability of reducing the charges to bring them in conformity with other Railways?

**The Honourable Sir Edward Benthall**: (a) to (c). The terms on which railway lands are leased to the public, and the conditions of agreement, vary with the conditions prevailing in individual localities. The Railway Board have no information of the details of these arrangements by individual railway administrations. Individual cases of hardship can be brought to the notice of the railway administration either direct or through the medium of the Local Advisory Committees.

#### NECESSITY OF INCREASING THE RATE OF DEARNESS ALLOWANCE FOR LOW-PAID STAFF OF SHAHDARA-SAHARANPUR LIGHT RAILWAY.

47. \***Mr. T. T. Krishnamachari** (on behalf of **Qazi Muhammad Ahmad Kazmi**): (a) Will the Honourable Member for Railways please state if it is or it is not a fact that the Dearness Allowance given to the low paid staff of the Loco department of the North Western Railway is Rs. 11 per month, and in addition six maunds of wheat at concessional rates?

(b) Is it or is it not a fact that the Loco staff on the Shahdara-Saharanpur Light Railway gets a Dearness Allowance of Rs. 7 per month only? If not, what are the facts?

(c) In view of the great disparity in the pay of the staff of the Shahdara-Saharanpur Light Railway and the North Western Railway, and the high prices of commodities, do Government propose to consider the advisability of pressing on the Shahdara-Saharanpur Light Railway the necessity of increasing the rate of Dearness Allowance for the low paid staff, and bringing it at least on a level with the North Western Railway?

**The Honourable Sir Edward Benthall**: (a) The Dearness Allowance to loco staff on the N. W. Railway is Rs. 11 in B areas for those on pay up to Rs. 125 per month. As regards the supply of wheat at concessional rates, this is limited at present to 15 seers per adult and 7.5 seers per child subject to a maximum of 60 seers per family.

(b) I have no specific information but believe that the Honourable Member is correct in his statement.

(c) The reply is in the negative.

#### NECESSITY OF RAISING THE PAY OF LOCO-WORKMEN ON SHAHDARA-SAHARANPUR LIGHT RAILWAY.

48. \***Mr. T. T. Krishnamachari** (on behalf of **Qazi Muhammad Ahmad Kazmi**): (a) Will the Honourable the Railway Member please state if it is or it is not a fact that the Loco-workmen on the North Western Railway get a

salary of Rs. 45—75, while the Loco-workmen on the Shahdara-Saharanpur Light Railway doing exactly the same work get Rs. 30—50 per mensem?

(b) Is it or is it not a fact that even the scale of Rs. 30 to 50 is only a nominal one, and in practice most of the workmen get only Rs. 30 per mensem?

(c) Do Government propose to consider the advisability of pressing upon the Shahdara-Saharanpur Light Railway authorities the necessity of raising the pay of the workmen to the level of the North-Western Railway workmen, and giving them proper increments in time? If not, why not?

**The Honourable Sir Edward Benthall:** (a) It is not clear what the Honourable Member means by loco workmen but if he refers to fitters in loco sheds, their scales of pay on the N. W. R. vary from Rs. 1/2 to Rs. 2/4 per day. I have no information concerning the rates of pay of staff on the Shahdara-Saharanpur Light Railway.

(b) I have no information.

(c) No, because Government do not interfere in matters of detail as regards Company-managed Railways.

#### ANNUAL REPORT ON PILGRIMAGE TO IRAQ.

49. \***Mr. H. M. Abdullah** (on behalf of **Khan Bahadur Shaikh Fazl-i-Haq Piracha**): (a) Will the Honourable the Leader of the House please state whether an annual report on the pilgrimage to holy places in Iraq is received by the Government of India?

(b) If the answer to (a) be in the affirmative, are copies placed in the Library of the House?

(c) If the answer to (b) is in the negative, does he propose to place them in the Library, and also to supply them to Members of the Central Haj Committee?

**The Honourable Sir Sultan Ahmed:** (a) Government of India receive an annual report on the work of the Indian Section of the British Consulate, Baghdad which also contains information about the pilgrimage to Iraq. No separate annual report on the pilgrimage to holy places in Iraq is received.

(b) and (c). As a measure of war economy publication of this report has been suspended but typed copies of the latest report for the years 1940 and 1941 have been placed in the Library of the House and supplied to Secretary, Standing Haj Committee for circulation among members.

#### RESTRICTIONS IMPOSED BY IRAQ GOVERNMENT ON INDIANS.

50. \***Mr. H. M. Abdullah** (on behalf of **Khan Bahadur Shaikh Fazl-i-Haq Piracha**): (a) Will the Honourable the Leader of the House please state whether any restrictions are imposed by the Government of Iraq on Indians—pilgrims and others—for their stay and business? If so, what?

(b) Are similar restrictions imposed on Iraqi Nationals in India?

(c) What is the total number of Iraqi subjects who are residing in India for purposes of trade?

**The Honourable Sir Sultan Ahmed:** (a) No restrictions are imposed by the Government of Iraq on Indians for business in Iraq. As regards their stay in Iraq, the Iraqi Residence Law is applicable to all foreigners alike and does not discriminate against Indians in particular. A copy of press note dated the 10th January, 1940, in which the Iraqi Residence Law of 1938 has been explained is laid on the table. The fee for a residence book has since been increased to one dinar (= Rs. 13-6-0).

(b) Does not arise, there being no residence law applicable to foreigners in India similar to the Iraqi Residence Law.

(c) Government have no information.

*Press Note.*

No. F. 25/30/39-Pub.

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PILGRIMS TO IRAQ.

NEW RESIDENCE LAWS EXPLAINED

Haj pilgrims intending to visit Iraq will do well to get themselves acquainted with the provisions of the New Iraqi Residence Law, passed, in 1938. Under this law all foreigners

entering Iraq are required to report to the police within 15 days of arrival; if they desire to stay longer than three months, they must apply to the passport or police authorities for residence books within three months of arrival.

Recent experience at Baghdad and Basra tends to show that Indian pilgrims particularly those who are illiterate, are likely to encounter difficulties when they attempt to leave Iraq unless their pilgrim passes bear the appropriate endorsement by the local police authorities showing that they have complied with the formality of registration at a police station or, in the appropriate cases, of taking out residence books. Reporting to the police involves attendance at a police station and the passports should be stamped by a Passport Officer on arrival at Basra or other place of entry. In addition, foreigners should produce three passport photographs when reporting to the police or applying for residence books. As the cost of such photographs is probably lower in India than in Iraq, pilgrims may, in their own interest, provide themselves with the required number of photographs before leaving India. Women in purdah are exempted from the necessity of producing photographs.

A fee of 250 fils (Rs. 3.5-6) is charged for residence books issued to foreigners wishing to stay longer than three months in Iraq.

Foreigners intending to reside in Iraq for more than the period granted to him shall :

(1) Apply before the expiry of the prescribed period to the Residence Officer for the purpose of obtaining permission to reside for a period of one year. The Residence Officer shall not grant or reject the permission except with the approval of the Minister of Interior or any person authorised by him.

(2) Every foreigner, permitted to reside under paragraph (1) above, shall be provided with a residence book granting him the right of residence in Iraq for a period of one year, and, at least one month before its expiry, he should apply to the Residence Officer for its extension which may be renewed.

(3) In the event of losing a Residence book, a foreigner, shall apply immediately to the Residence Officer for the purpose of obtaining a duplicate copy of the book lost.

(4) A foreigner shall produce his residence book to the Police authorities whenever asked to do so.

(5) A foreigner holding a residence book shall, when changing his place of residence from one town to another, report to the Police headquarters of the district of his new place of residence, producing his residence book. The Police headquarters shall take the necessary particulars from the book and report the movement of the foreigner to the issuing Residence Officer.

*External Affairs Department.*

#### CONTEMPLATED ABOLITION OF THE LOWER GAZETTED SERVICE ON STATE RAILWAYS.

**51. \*Bhai Parma Nand:** Will the Honourable Member for Railways be pleased to state:—

(a) whether the abolition of the Lower Gazetted Service on State Railways is still under consideration;

(b) what the reasons are for the step thus contemplated;

(c) if it is a fact that members of the Lower Gazetted Service are actually drawing higher salaries than officers in the junior scale of the superior service;

(d) if it is a fact that the proposal, if accepted, will entail an extra expenditure;

(e) how many Indians and Anglo-Indians or Europeans will be promoted to the superior service as a result of this proposal; and

(f) if it is proposed to give some years' seniority to the promoted members of the Lower Gazetted Service so as to supersede the junior members of the superior service?

**The Honourable Sir Edward Benthall:** (a) Yes.

(b) The Honourable Member is referred to the memorandum at pages 47 to 52 of the Proceedings of the Standing Finance Committee for Railways, Volume XIX—No. 1.

(c) The old scale of pay of the Lower Gazetted Service being Rs. 350 to 800, it is likely that many members of that service are drawing more pay than junior scale officers of short service or who are on the revised scale of pay.

(d) Yes.

(e) I am unable to say until the final form the proposal will take is known and the details have been settled.

(f) No, the intention is that the officers promoted *en bloc* to the superior service will be placed after confirmed junior scale officers for purposes of seniority.

**Mr. Lalchand Navalrai:** May I know at what stage the proceedings are with regard to the change from the lower to the higher grade?



**The Honourable Sir Edward Benthall:** It is before the Standing Finance Committee for Railways, who have met and discussed this question on several occasions: I understand, although I am not a member of that Committee, that there is to be another meeting on the 31st at which it is hoped that final conclusions will be reached. If no final conclusion is reached on that occasion we may have to consider taking action without further delay.

**Mr. Lalchand Navalrai:** Will the Honourable Member say what is the consensus of opinion up to now of the Committee?

**The Honourable Sir Edward Benthall:** A great many opinions have been expressed and it would take a long time to give a statement to the House.

**Maulvi Muhammad Abdul Ghani:** What is the view of the Department?

**The Honourable Sir Edward Benthall:** The view of the Department is as set forth.

**MUSLIM PROTEST AGAINST WORDS USED BY MR. R. P. MATHUR OF SUPPLY DEPARTMENT.**

**52. \*Dr. Sir Zia Uddin Ahmad:** (a) Has the Honourable Member representing the Supply Department seen the article published on page 5 of the *Dawn*, dated July 10, 1943, under the heading 'Supply Department, Mussalmans Protest'?

(b) Did Government make any enquiries about the words used by one Mr. R. P. Mathur, C.P.I.?

(c) What action, if any, did Government take in this matter? If none, why?

(d) Were there other complaints of a similar nature against the officer mentioned in (b)?

**Mr. J. A. Mackeown:** (a) Yes.

(b) The Chief Controller of Purchase (Supply), head of the Purchase Branch, Directorate General of Supply, personally investigated the incident and was satisfied that no expression derogatory to the Muslim community was used by Mr. Mathur, who had occasion to warn two Mohammadan clerks of two different sections—one for late attendance and the other for not starting his work at 10-30 A.M.

(c) Does not arise.

(d) No.

**Dr. Sir Zia Uddin Ahmad:** Is it not a fact that some Muslim employees in the Supply Department resigned on account of this act?

**Mr. J. A. Mackeown:** One Muslim employee resigned.

**Dr. Sir Zia Uddin Ahmad:** If the case was so serious that he had to resign his post as a protest you cannot call it a trifling matter.

**Mr. J. A. Mackeown:** I did not say it was a trifling matter but the investigation showed that no expression had been used to which the Muslim community need take any objection.

**Sardar Sant Singh:** May I ask the Honourable Member if it is a fact that the enquiry was made by Muslim high officials?

**Mr. J. A. Mackeown:** The enquiry was made by the Chief Controller of Purchase (Supply), Mr. K. G. Morshed.

**Sardar Sant Singh:** May I know if it is a fact that the resignation which was referred to by Dr. Sir Zia Uddin was made six times by this man and six times withdrawn?

**Mr. J. A. Mackeown:** I have not heard that before.

**Sardar Sant Singh:** Will you make enquiries if it is a fact or not that in the first five resignations no kind of allegation was made which was made on the sixth resignation.

**Dr. Sir Zia Uddin Ahmad:** Is it not a fact that the same gentleman used similar remarks to a contractor from Jullundur and when a protest was made those remarks were withdrawn?

**Mr. J. A. Mackeown:** I have no information to that effect, but I will make enquiries about this particular incident.

(Interruptions.)

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

**SUPPLY DEPARTMENT ORDERS FOR ARTICLES FROM UNITED PROVINCES SMALL SCALE INDUSTRIES.**

**53. \*Syed Ghulam Bhik Nairang:** Will the Honourable Member representing the Supply Department please state:—

(a) the value of the articles prepared by the small scale industries ordered by the Supply Department from the United Provinces since the beginning of the war;

(b) how many of such orders were complied with; and

(c) the value of the orders (excluding locks) placed with Muslim firms?

**Mr. J. A. Mackeown:** (a) and (b). The value of orders placed with small scale industries in the United Provinces since the beginning of the war is Rs. 3,36,93,000, of which orders valued at Rs. 2,37,60,000 have been executed.

(c) It is not possible to give the value of orders placed with Muslim firms owing to the difficulty of distinguishing between Muslim firms and other firms.

**Dr. Sir Zia Uddin Ahmad:** Will the Honourable Member please state what is the reason for not executing the orders amounting to more than one crore according to his own statement?

**Mr. J. A. Mackeown:** Well, Sir, out of orders totalling Rs. 3,36,00,000 already Rs. 2,37,00,000 worth of orders have been executed. I presume the other one crore is in the course of execution.

**REALIZATION OF THE COST OF THE INDIAN ARMY IN IRAN FROM THE IRANIAN GOVERNMENT.**

**53A. \*Mr. Abdur Rasheed Choudhury:** (a) Will the Honourable the Leader of the House please state whether Government are realising in any form from the Iranian Government the cost of the Indian Army in Iran?

(b) If the reply to (a) be in the affirmative, what is the amount that is being realised, and in what form?

**The Honourable Sir Sultan Ahmed:** (a) and (b). It is contrary to the public interest to give any information on this matter.

**UNSTARRED QUESTIONS AND ANSWERS.**

**HOLIDAYS GRANTED IN RAILWAY OFFICES.**

**1. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that employees in the Railway administrative, Divisional and allied offices are entitled to holidays declared under the Negotiable Instruments Act, and such other local or sectional holidays which the head of the department may in his discretion grant?

(b) If the reply to part (a) above be in the affirmative, were any holidays canceled on the State-managed Railways? If so, which, and was any compensatory leave granted to the employees affected by such cancellation? If not, why not?

**The Honourable Sir Edward Benthall:** (a) While staff in administrative divisional and allied offices are generally permitted to avail themselves of declared public holidays, it is within the discretion of the administration to require staff to work on such days if the public interest so demands.

(b) Government have no information whether any Railway Administration decided not to observe any particular public holiday. Government have also no information if under such circumstances staff were granted compensatory leave, but staff do not have the right to such compensatory leave the grant of which is within the discretion of the administration.

**BLOCK IN PROMOTION OF CERTAIN CLASSES OF RAILWAY EMPLOYEES FROM GRADE I TO II.**

**2. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that 503 grade II posts were sanctioned to relieve block in promotion of certain classes of employees, from grade I to II, in September, 1941?

(b) Is it a fact that it was ruled that promotion to these appointments were to be made in strict order of seniority subject to fitness with the personal approval of the Divisional Superintendent in all cases?

(c) Is it a fact that several employees have been deprived of relief of promotion given in the Railway Board's scheme, without the approval of their Divisional Superintendents? If so, why? Is it proposed to review the position? If not, why not?

(d) What steps are proposed to be taken in future to ensure that orders issued by a competent authority are faithfully carried out? If none, why?

**The Honourable Sir Edward Benthall:** (a) Yes, by the reduction of a corresponding number of Grade I posts.

(b) Government understand that the Railway issued instructions in this sense.

(c) Government understand that on the Delhi Division, with the approval of the Administration, the actual upgrading of the particular posts was done with the approval of the Divisional Superintendent, but the promotions to these posts were ordered by Divisional officers who were competent to do so. Government also understand that a few senior employees were not promoted as they were considered unfit. Government see no reason for ordering a review.

(d) Government are satisfied that the competent authority has sufficient means of enforcing its orders.

#### **RAILWAY DEARNESS ALLOWANCE RATES IN CAWNPORE AND OTHER AREAS.**

**3. Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that the rate of Dearness Allowance admissible to railway employees in the Cawnpore area with effect from the 15th March is Rs. 16 or so much as is admissible in Bombay and Calcutta; if so, why;

(b) whether the different rates of the Dearness Allowance admissible in different areas have been based on population; if so, what is the population of Cawnpore and of other cities (excepting Bombay and Calcutta) having a larger population than Cawnpore, where lower rates are admissible; and

(c) why the rate of the Dearness Allowance is lower in other cities having a larger population than Cawnpore?

**The Honourable Sir Edward Benthall:** (a) The reply to the first part is in the affirmative. As regards the second part, Government consider that conditions in the three places are so similar that the same rate of Dearness Allowance is justified.

(b) Areas A, B and C are based on population, Area X is not; the second part does not arise as the classification of Cawnpore is not based on its population.

(c) The reason for the higher classification of Cawnpore is given in the reply to part (a).

#### **DEARNESS ALLOWANCE OF RAILWAY EMPLOYEE OCCUPYING A RENT-FREE QUARTER.**

**4. Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that 10 per cent. of pay is added to an employee's wages if he is in occupation of a free railway quarter to determine his wages for the purpose of admissibility of the Dearness Allowance;

(b) the amount added to an employee's wages if he is occupying a quarter, the assessed rental value of which is less than ten per cent. of his pay; and

(c) when an employee is actually given the privilege of a free quarter of lower rental value than 10 per cent. of his pay, why this much percentage is added to his pay for the admissibility of dearness allowance?

**The Honourable Sir Edward Benthall:** (a) In areas where staff would be given an allowance of 10 per cent. of their pay in lieu of free quarters if they were eligible for such an allowance, the value of free quarters to be added to an employee's wages would be 10 per cent.

(b) The value would be calculated at the prescribed percentage.

(c) The question of taking into account assessed rent is under consideration.

**INSUFFICIENT WAITING ROOMS ACCOMMODATION AT THE NORTH WESTERN RAILWAY HOSPITALS.**

**5. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the average number of candidates and employees attending the Divisional and other railway hospitals on the North Western Railway for medical examinations?

(b) What is the average duration of time for which they are detained on the examination day?

(c) Do any waiting rooms exist in such hospitals for these men? If so, of what kind, and of what capacity?

(d) If the waiting rooms are insufficient to accommodate all examinees, is it proposed to increase the existing accommodation in such waiting rooms? If not, why not?

**The Honourable Sir Edward Benthall:** (a) The average number of persons attending the places where such examinations are conducted on the prescribed days is 17 to 18.

(b) About three hours at a large centre.

(c) No, such waiting rooms as exist are intended primarily for sick persons.

(d) No; Government do not consider it necessary.

**RELATIVE SENIORITY OF PROMOTED GRADE II GUARDS ON NORTH WESTERN RAILWAY**

**6. Mr. Lalchand Navalrai:** (a) With reference to the Honourable the Railway Member's replies to parts (b) and (c) of my starred question No. 248, asked on the 5th March 1943, will he be pleased to state the date from which the different rules regarding the reckoning of seniority of Train Clerks, Ticket Collectors, etc., who were taken as Guards, come into force?

(b) Are these rules in conformity with the Notification No. 148 which appeared in the North Western Railway Gazette No. 39, dated the 27th September 1926? If not, when was this Notification superseded?

(c) Is it a fact that some Guards employed in the Karachi Division have sent a representation in April last protesting against the wrong fitting in the Guards' Branch of employees imported from other posts in 1929 and after? If so, why are the rules referred to by the Honourable Member not being observed, and how was the Guards' representation disposed of?

**The Honourable Sir Edward Benthall:** (a) The orders that in the case of Guards Grade I, Ticket Collectors, Train Clerks, etc., promoted as Guards Grade II, the order of merit of their passing out from the school will determine their seniority were issued on 7th July 1936. The orders regarding confirmation alternately from two separate lists were issued in April 1938, and the confirmation of guards who were then officiating was made in accordance with these orders.

(b) The answer to the first part is in the negative. As regards the second part, the orders were superseded in 1927 and again amended in 1936 to their present form.

(c) Government understand that the Railway has under examination a representation received from the Guards on the Karachi Division.

**SUPPLY OF WAGONS TO BENGAL AND BIHAR COALFIELDS FOR LOADING COAL.**

**7. Mr. K. O. Neogy:** Will the Honourable Member for War Transport be pleased to state:

(a) the number, separately, of coal mines now working in the Bengal and Bihar coalfields with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the quarters ending the 31st March, 1943, and the 30th June, 1943;

(b) the total number, separately, of rakes and half rakes supplied in the Bengal and Bihar coalfields for loading coal during the months of March, April and May 1943 and the number allotted to collieries with daily bases (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said periods;

(c) the total number of wagons allotted for loading coal in each of the above months in the Bengal and Bihar coalfields, and the total number allotted to collieries with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said months;

(d) the total number, separately, of special allotment of wagons in the Bengal and Bihar coalfields for loading coal during the months of March, April, and May 1943, and the number allotted to collieries with daily bases of (i) 6 to 10 wagons; and (ii) 5 wagons and under during the said months; and

(e) the total number of wagons allotted to the Bengal and Bihar coalfields under the Provincial Quota system during each of the months of March, April and May, 1943, for each province, with separate total monthly quotas?

**The Honourable Sir Edward Benthall:** (a) to (d). A statement together with an appendix to the statement is laid on the table.

(e) The information asked for in part (e) is not readily available for the month of March, 1943. Its collection would involve an amount of time and labour which would not be justifiable in war time.

STATEMENT.

Number of mines working in the Bengal and Bihar coalfields.

Mines with daily bases of 6 to 10 wagons Mines with daily bases of 5 wagons and under	Quarter ending 31st March 1943.			Quarter ending 30th June 1943.					
	101	94	315	94	334				
	Total number allotted for loading coal in the Bengal and Bihar coalfields.			Number allotted to collieries with daily bases of 6 to 10 wagons.			Number allotted to collieries with daily bases of 5 wagons and under.		
	March 1943.	April 1943.	May 1943.	March 1943.	April 1943.	May 1943.	March 1943.	April 1943.	May 1943.
(b) Full rakes	34	48	23	Rakes and half rakes are not allotted individually to collieries with daily bases of 5 to 10 wagons or 5 wagons and under but to groups of collieries which include those with bases of 5 wagons and under, 6 to 10 wagons as well as others. Details of these group allotments during the months March to May 1943 are given in the Appendix to this Statement.					
Half rakes	137	205	241						
(c) Wagons	85,440	80,825	81,823	11,409	8,970	9,745	8,059	7,324	8,480
(d) Wagons under special allotment.	2,529	1,783	2,743	280	118	220	296	169	249

(e) Number of wagons allotted to the Bengal and Bihar coalfields under the Provincial Quota System during—	Sind.	Orissa.	Bengal.	U. P.	Bihar.	Punjab including Delhi.	Bombay.	Madras.	N.-W.F.P.
	(i) April 1943	1	10	1,082	179	207	240	...	852
(ii) May 1943	7	15	1,739	393	273	533	162	3	3.
(iii) Monthly quota fixed for each province.	50	50	3,000	900	1,050	1,100	750	160	50

APPENDIX.

Statements showing the number of rakes and half-rakes allotted to collieries in the Bengal, Bihar coalfields during the months March, April and May 1943.

Details of collieries who participated in the allotment.

Months.	No. of half rakes allotted.	With bases 6 to 10.	With bases 5 & under.	With bases over 10.	No. of full rakes allotted.	With bases 5 & 6-10.	With bases 5 & under.	With bases over 10.
	1	...	3	...	...	...	...	...
	1	1	...	...	1	4	1	1
	1	...	1	1	1	2	4	...
	1	...	3	...	...	...	...	...
	1	1	...	1	...	...	...	...
	1	...	3	...	...	...	...	...
	1	...	3	...	...	...	...	...
	1	...	3	...	...	...	...	...
	1	1	...	1	...	...	...	...
<b>TOTAL</b>	<b>9</b>	...	...	...	<b>2</b>	...	...	...
<b>April</b>	1	...	4	...	1	1	...	1
	1	1	...	...	1	2	...	1
	1	...	1	...	1	3	3	...
	1	...	4	...	1	3	...	1
	1	...	1	1	1	1	4	...
	1	...	4	...	1	...	4	...
	1	...	1	...	1	2	2	1
	1	1	1	...	...	...	...	...
	1	1	1	...	...	...	...	...
	1	2	...	...	...	...	...	...
<b>TOTAL</b>	<b>10</b>	...	...	...	<b>7</b>	...	...	...

Months.	No. of half rakes allotted.	With bases 6 to 10.	With bases 5 & under.	With bases over 10.	No. of full rakes allotted.	With bases 5 & 6-10.	With bases 5 & under.	With bases over 10.
May 1943	1	1	1	...	1	1	1	...
	1	1	...	...	1	...	2	...
	1	...	3	...	1	1	...	...
	1	...	...	...	1	1	5	...
	1	1	1	...	1	...	5	...
	2	2	...	...	1	4	2	...
	1	...	1	...	...	...	...	...
	2	2	...	...	...	...	...	...
	1	1	...	1	...	...	...	...
	1	1	...	...	...	...	...	...
	1	1	...	...	...	...	...	...
	1	2	...	1	...	...	...	...
	1	2	...	1	...	...	...	...
	...	...	...	...	...	...	...	...
	1	1	2	...	...	...	...	...
	1	1	1	...	...	...	...	...
	1	...	1	...	...	...	...	...
	1	1	...	...	...	...	...	...
	1	1	9	...	...	...	...	...
	1	1	...	...	...	...	...	...
	1	2	...	1	...	...	...	...
TOTAL	21	...	...	...	6	...	...	...

#### COAL WAGONS ALLOTTED TO COTTON AND JUTE MILLS.

8. **Mr. K. C. Neogy:** (a) Will the Honourable Member for War Transport be pleased to state the total number, separately, of coal wagons sanctioned for the cotton and jute mills, and the total number of wagons actually allotted against the sanctioned number during the months of April, May and June, 1943?

(b) What is the total number, separately, of rakes and half rakes for coal actually allotted to the cotton and jute mills in each of the months of April, May and June, 1943?

(c) Is it a fact that preference is being given to coal wagons for jute and paper mills in Bengal over the coal requirements of the cotton mills and other war industries?

**The Honourable Sir Edward Benthall:** (a) and (b). A statement is laid on the table.

Information regarding the number of wagons actually allotted to cotton mills during April-June 1943 is not readily available, and its collection would involve an amount of time and labour which would not be justifiable in war time.

(c) Paper mills have been given a high priority but jute and cotton mills are in the same category, viz., class H of the priority list.

#### STATEMENT.

	Total number of wagons sanctioned for cotton and jute mills.		Number of wagons actually allotted to jute mills.	
	Cotton mills.	Jute mills.	Full rakes.	Half rakes.
April 1943	10,785	3,393	4	31
May 1943	10,785	3,393	1	61
June 1943	10,785	3,393	..	49

(b) *Number of rakes and half rakes allotted to cotton and jute mills.*

	Cotton mills.		Jute mills.	
	Full rakes.	Half rakes.	Full rakes.	Half rakes.
April 1943	16	32	4	31
May 1943	6	13	1	61
June 1943	2	10	..	49

#### METHOD AND PRINCIPLE OF SUPPLY OF COAL WAGONS TO BENGAL AND BIHAR COAL-FIELDS.

9. **Mr. K. C. Neogy:** (a) Will the Honourable Member for War Transport please state on what principles are coal wagons supplied to the collieries in the Bengal and Bihar coalfields?

(b) Is it a fact that the method and principle approved by the trade organisations in the matter of allotment of wagons are not followed at present?

**The Honourable Sir Edward Benthall:** (a) Wagons are supplied to the collieries in accordance with the position occupied by their buyers on the priority list of consuming industries. In respect of coal supplies for domestic consumption and small industries not included in the priority list, which come under the provincial quota system, a monthly quota of wagons for each quarter is allotted to each colliery for different provinces on the basis of its average monthly raisings.

(b) I am not sure what the Honourable Member is referring to. The order of priority is well known to the trade organisations and the provincial quota system was evolved in consultation with them.

#### METHOD AND PRINCIPLE OF SUPPLY OF COAL WAGONS TO BENGAL AND BIHAR COALFIELDS.

**10. Mr. K. C. Neogy:** (a) Will the Honourable Member for War Transport please state if it is a fact that allotment of wagons in the Bengal and Bihar coalfields is in practice made at the discretion of one of the Assistants of the Controller of Coal Distribution?

(b) What steps have been taken to prevent chances of abuse and preferential treatment in the matter of allotment of wagons?

(c) Is it proposed to appoint a representative committee to advise the Controller of Coal Distribution as recommended in a cut motion moved by me and carried by the Legislative Assembly in connection with Demands for Grants in March last?

**The Honourable Sir Edward Benthall:** (a) No Sir. The actual allotments are made on the recommendations of the officers in charge of the different sections but they have to be approved by the Controller of Coal Distribution personally, and in his absence by his Deputy.

(b) The personal control exercised by the Controller is a check against abuse. I may add that the Controller is in daily contact with the coal trade associations who have so far made no complaints of any abuse or preferential treatment. A few complaints which have been received from individual members of the coal trade have been investigated personally by the Controller and the result communicated to the parties concerned.

(c) No, Sir.

#### DISTRIBUTION OF STANDARD CLOTH AMONGST RAILWAY EMPLOYEES.

**11. Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether standard cloth has been allotted for distribution amongst the Railway employees? If so, how many yards and what arrangements have been made for its sale?

(b) If the reply to part (a) above be in the negative, what steps are proposed to be taken to secure the standard cloth for the Railway employees?

**The Honourable Sir Edward Benthall:** (a) An allotment of one million yards of Standard Cloth has been made for sale to Railway employees. Railways will sell the cloth at their Grain Shops.

(b) Does not arise.

#### DEFENCE OF INDIA UNITS ORGANISED ON RAILWAYS.

**12. Mr. Ananga Mohan Dam:** (a) Will the Honourable the Railway Member be pleased to state on which Railways the Defence of India units have been organised?

(b) What is the purpose of such units? Are the members of such units given proper military training as is given to Sappers and Miners in the British Army? If not, do Government propose to bring the training on par with that obtaining in the British Army? If not, why not?

(c) What is the Ration Allowance granted to the members of the unit?

(d) Is it a fact that the Ration Allowance for Indian members is less than that of Anglo-Indian and Domiciled European members, being 0-8-0 and Re. 1-2-0 *per diem*, respectively? If so, what is the reason for such a discrimination?

**The Honourable Sir Edward Benthall:** (a) The Railway Units (D. of I.) I.E. have been organized on the B. & A., S. I., E. I., B. N. and M. & S. M. Railways.

(b) These Units have been organized with a view to secure the effective maintenance of railway services at the present time. Officers and railway servants enrolled in these Units are required to undergo elementary military training but Government do not propose to give full military training to these personnel as such training is not considered necessary; nor is it possible to do so as the personnel are heavily engaged in their normal duties.

(c) European, Anglo-Indian and Domiciled European Railway servants enrolled as combatants in these Units draw ration allowance at Re. 1-1-0 *per diem* while Indian Railway servants similarly enrolled draw Re. 0-8-0 *per diem*.

(d) The reply to the first part is in the affirmative. As regards the second part, such difference is due to the provisions contained in Army Regulations.

#### RAILWAY EMPLOYEES CONTINUING AS MEMBERS, ETC., OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION.

**13. Mr. Ananga Mohan Dam:** (a) Will the Honourable the Railway Member please state if it is a fact that in spite of definite orders, responsible Railway employees are still members and office bearers of the Anglo-Indian and Domiciled European Association?

(b) Do Government propose to take disciplinary action against those officers who take an active part in such political bodies, contrary to Government instructions?

(c) Is it also proposed to call for records of the Anglo-Indian and Domiciled European Association?

(d) Is it a fact that Anglo-Indians get a number of privileges in Railway services, especially in the matter of Education Allowance and initial pay which is Rs. 35 *per mensem*?

(e) What is the policy underlying these undue advantages to this particular community?

**The Honourable Sir Edward Benthall:** (a) Government have no information whether Railway employees are members and office-bearers of the Anglo-Indian and Domiciled European Association but there is no ban on their becoming members, provided that their activities as such do not offend against the provisions of the Railway Servants' Conduct Rules.

(b) In the event of a breach of the Railway Servants' Conduct Rules coming to the notice of Government they will take whatever action they consider that the circumstances warrant.

(c) No.

(d) Under State Railway rules Anglo-Indians get no special privileges in respect of educational assistance. Anglo-Indians recruited to categories in which the community has a special reservation in recruitment are guaranteed a minimum wage of Rs. 55 *per mensem*.

(e) The policy underlying the minimum wage has been explained in the Honourable the Home Member's reply to Dr. Sir Zia Uddin Ahmad's starred question No. 123 asked on 22nd February, 1941.

#### APPOINTMENT OF A SPECIAL MUSLIM OFFICER FOR LOOKING AFTER THE INTERESTS OF MUSLIM EMPLOYEES IN RAILWAYS.

**14. Mr. Ananga Mohan Dam:** (a) Will the Honourable the Railway Member please state if it is a fact that Government have appointed a special Muslim officer to look after the interests of Muslim employees in Railways?

(b) Do Government propose to appoint a similar Hindu officer to look after the interests of the Hindu employees of Railways whose prospects are in danger? If not, why not?

**The Honourable Sir Edward Benthall:** (a) No.

(b) Does not arise.



**TERMS OF SERVICE OF WORKERS ON MUNITIONS PRODUCTION IN ORDNANCE FACTORIES AND RAILWAY WORKSHOPS.**

**15. Mr. Ananga Mohan Dam:** (a) Will the Honourable the Supply Member be pleased to state the terms of service of workers including the supervisory staff employed on munitions production in the Ordnance Factories and Railway Workshops?

(b) Is it a fact that Chargemen engaged for munitions work in the Railway get only seven days' casual leave, whereas those employed in the Ordnance Factories get one month's privilege leave in addition to casual leave and a bonus of one month's pay per year?

(c) Do Government propose to take steps to grant equal establishment privileges to all staff engaged for munitions production work either on Railways or on Ordnance works?

**Mr. J. A. Mackeown:** (a) Two statements (I & II) showing the terms and conditions of service of:

(i) Workmen and Non-gazetted Supervisory staff in Ordnance Factories; and

(ii) Workmen in Railway Workshops engaged on munitions production, are appended herewith.

(b) Chargemen engaged for munitions work in Railway Workshops are governed by the Railway Rules under which no leave other than casual leave is admissible if the employee has put in less than 3 years' service. If the employee has put in 3 years' service or more, but less than 10 years' service, he is allowed 10 days' leave each year with pay. Casual leave is allowed according to Railway practice and does not exceed 15 days in a year except at Kancharapara Workshops where under a local Railway order only 7 days' leave is given in a year. The temporary Chargemen in Ordnance Factories are, however, entitled to earned leave at 1/22nd of the period of duty and can accumulate such leave up to a maximum of 30 days and in addition are eligible for a bonus equal to one month's pay for each year of approved service.

(c) No. Staff employed on munitions work at (i) Railway Workshops and (ii) Ordnance Factories are governed by separate rules applicable to their respective services under the Railway and Ordnance Factories. No distinction can be made between men doing the same class of work in the same workshop; for example, two chargemen, one supervising a number of machinists making locomotive parts and the other the same number of machinists on munitions work, cannot be regarded as performing different duties which might entitle those employed on munitions work to be brought under Ordnance Factory leave and pay rules.

**STATEMENT I.**

*Terms and conditions of Service of Workmen and Non-Gazetted Supervisory Staff Employed on Munitions Production in Ordnance Factories.*

(a) *Workmen in Ordnance Factories—*

(i) *Wages.*—Workmen (skilled semi-skilled and unskilled) normally employed on daily rates up to Rs. 5 per diem, according to trade and skill.

(ii) *Accommodation.*—Not entitled to rent free quarters. If housed in factory Workmen's lines are required to pay rent at concession rates.

(iii) *Provident Fund.*—Workmen with more than 3 years' service are eligible for membership of Indian Ordnance Factories Workmen's Provident Fund. Subscription payable is at uniform monthly rate of 1/12th of emoluments. Government contribution is 75 per cent, of the amount so paid.

(iv) *Medical attendance.*—Free medical attendance for self and family and factory hospital and at quarters in workmen's lines.

(v) *Leave.*—No leave if total continuous service is less than three years. After three years, 10 days leave on full pay each year up to ten years service. Thereafter fifteen days each year on full pay up to twenty years service. Twenty days each year after twenty years service. Accumulation of earned leave is allowed up to thirty days in all.

Leave on medical certificate on half pay in addition to the above is allowed only to workmen with service of twenty years and over up to 30 days in a year and not more than 120 days in all. Extraordinary leave without pay is allowed in addition.

Enforced casual leave on full pay on production of medical certificate for a period not exceeding one month at a time when suffering from infectious diseases or receiving anti-rabic treatment.

(b) *War Supervisory Staff (Non-Gazetted) Recruited in India.*—(i) *Employment.*—For the duration of the war with three months' probation. Service may be terminated at any time on grounds of inefficiency or ill-health. Three months' notice of termination at the end of the war.

(ii) *Pay*—

Principal Foremen . . . . .	Rs. 475—15—535.
Foremen . . . . .	„ 400—15—475 E.B. at 25/5—500.
Storeholders . . . . .	„ 400—15—475 E.B. at 445.
Assistant Foremen . . . . .	„ 300—12—360 E.B. at 15/2—390.
Assistant Storeholder . . . . .	„ 300—10—350 E.B. at 320.
Chargemen . . . . .	„ 170—10—250 E.B. at 40/4—290.

(iii) *Leave.*—In accordance with A.I.(I) 116 to 1936.

(iv) *Bonus.*—One month's salary for each year's approved service. Proportionate bonus for part of a year. Not eligible for either pension or the benefits of Indian Ordnance Department Provident Fund.

(v) *Overtime pay.*—Time rate for principal Foremen, Foremen and Storeholders and time and quarter rate for all others for systematic overtime worked under the orders of competent authority.

(vi) *Quarters.*—Free quarters, or compensation in lieu thereof according to rules.

(vii) *Medical attendance.*—Free medical attendance and medicines to the extent authorised in the rules (Medical Regulations) for the Army in India.

#### STATEMENT II.

*Terms and conditions of workers employed on Munitions Production in Railway Workshops.*

(1) *Pay.*—As for Railway employees of corresponding rank.

(2) *Travelling Allowance.*—Travelling Allowance not usually given on joining first appointment but free passes are granted to cover journeys over the home line on which a worker is appointed. T.A. is paid under the Railway Rules. Free passes and tickets at concession rates for other journeys not connected with duty under the Railway Rules.

(3) *Leave.*—No leave for service less than three years. Between 3 and 10 years ten days' leave with pay each year. In addition casual leave in accordance with Railway practice and exigencies of service permitting.

(4) *Quarters.*—No free quarters are provided but where residential accommodation is available, rent under Railway Rules limited to 10 per cent, of their pay is recovered.

(5) *Medical Attendance.*—Workers and families receive free medical attendance as outdoor patients at Railway Hospitals and dispensaries and free medical aid for themselves at residence when too ill to attend hospital.

(6) *Overtime and Working Hours.*—At one and a quarter time ordinary rate between 56 and 60 hours a week and beyond 60 hours at one and a half times.

(7) *Bonus.*—Temporary non-gazetted workers (whether wholly or partly employed on munitions works) who have completed one year's continuous approved service before the date of cessation of hostilities will be eligible for bonus equivalent to one day's pay for each completed month of continuous employment during the war.

#### OFFENSIVE REMARKS BEFORE A DEPUTATION OF THE SIKH STAFF BY THE SUPERINTENDENT, TRAFFIC ACCOUNTS BRANCH, LAHORE.

**16. Sardar Sant Singh:** (a) Is the Honourable the Railway Member aware :

(i) that a deputation of the Sikh staff and other non-smokers of the Compilation Branch of the Traffic Accounts Branch, North Western Railway, Lahore, represented to their Superintendent their difficulties about water arrangements as they could not take it from the room where the smoking pipes were placed in large numbers;

(ii) that they also requested for a separate room for seating themselves during the recess period; and

(iii) that the Superintendent instead of sympathising with them said that he had seen Akalis smoking in trains and that Sikhs should go to river Ravi to take water, and to bask in the sun during the recess period, *etc.*?

(b) Is it a fact that the Sikh Rights Protection Society, Lahore, protested against these uncalled for and humiliating remarks made by the Superintendent?

(c) Is it a fact that the Superintendent totally denied having received such a deputation, and that the same reply was passed on to the Sikh Rights Protection Society?

- (d) Were any enquiries held before passing on the reply?  
 (e) Does he propose to hold an enquiry in this case now and what steps does he propose to take against this official?

**The Honourable Sir Edward Benthall:** (a) (i). Government understand that no such deputation waited on the Superintendent.

- (ii) and (iii). Do not arise.  
 (b) Yes, a complaint making the allegations was received.  
 (c) and (d). Yes.  
 (e) Does not arise.

#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to unstarred question No. 15 and parts (a) and (b) of unstarred question No. 16 asked by Mr. K. C. Neogy on the 11th February, 1943.*

#### JUTE ACREAGE IN BENGAL.

15. (a) and (b). In October, 1941, before the outbreak of war with Japan, it appeared to the Government of India, on the basis of information available with them, that, in order to meet the demand from consuming countries overseas, including the United States of America, and domestic requirements, it would be necessary for Bengal to grow a 10 anna crop during 1942-43. The Government of Bengal were accordingly apprised of this view, which they accepted. Subsequently, however, as a result of the developments in the war situation in the Pacific, the Government of Bengal approached the Government of India suggesting reduction of the 1942-43, crop to an 8-anna level, to which the Government of India agreed. A copy of the Bengal Government's Press Communique, dated 24th March, 1942, which sets out the position clearly, is attached.

(c) Exports to the United States of America of jute and jute goods fell short of the anticipated off-take by that country, chiefly owing to unforeseen shipping difficulties following the extension of hostilities to the Pacific. The Government of India had given no promise of any kind to the Government of the United States of America as suggested by the Honourable Member, but had merely ascertained, for the purpose of facilitating the regulation of the jute crop in 1942-43, what the requirements of consuming countries overseas, including the United States of America were likely to be during that year.

As regards the last part of the question, the Government of India agreed to view sympathetically any request from the Government of Bengal for accommodation necessary to finance reasonable measures taken by them with a view to preventing jute prices from falling.

#### BENGAL GOVERNMENT PRESS COMMUNIQUE, DATED 24TH MARCH, 1942.

On 1st December, 1941, Government issued a notification under the Bengal Jute Regulation Act fixing the acreage to be sown with jute in 1942, at ten-sixteenths of the recorded acreage in 1940. Licenses have been issued in accordance with that order.

The decision to fix the acreage in Bengal at ten annas of the 1940 acreage was taken by Government after careful consideration of the supply position and the probable world demand during 1942-43, as far as it could be calculated at that time from the estimated demands for jute manufactures from all the principal consuming countries. The Government of India were also consulted and this decision was approved by them.

The entry of Japan into the war and the deterioration of the position in the Pacific have however introduced new factors which could not previously be foreseen. Government have therefore again considered the situation and with the approval of the Government of India, have now decided that a full 10 annas crop in 1942, in present circumstances likely to prove excessive. It is however the considered opinion of both Governments that the acreage under jute in 1942, should not fall below 8 annas of that of 1940, if all probable requirements for urgent and important war purposes in the allied countries are to be met.

Government therefore announce that although the licenses issued to growers entitle them to grow jute on ten annas of the recorded 1940 acreage, they very strongly advise all growers to plant jute on 8 annas (one half) of the 1940 acreage. In other words, the licenses which they hold should be regarded by growers as licenses for 8 annas and not for 10 annas of the area recorded in their names in 1940. On all the remaining lands growers should plant food crops, especially paddy, in order to prevent any possible shortage in Bengal of the principal food of the people.

Government confidently appeal to all growers of jute to accept this advice and act accordingly.

#### JUTE ACREAGE IN BENGAL.

16. (a) No. The Official Report of the Bengal Legislative Council Debates of the 25th September, 1942, does not contain any such statement.

(b) The Honourable Member's attention is invited to the answer to Parts (a) and (b) of Question 15.

LEGISLATIVE ASSEMBLY.  
MOTIONS FOR ADJOURNMENT,  
DEATHS BY STARVATION IN ORISSA.

[27TH JULY, 1943]

**Mr. President** (The Honourable Sir Abdur Rahim): This is an adjournment motion by Mr. Abdur Rasheed Choudhury. I am not sure whether he gave any notice to me. Did the Honourable Member send me a notice of it?

**Mr. Abdur Rasheed Choudhury** (Assam: Muhammadan): I sent in a notice to the Secretary.

(Secretary explained to the President that the notice was sent to him.)

**Mr. President** (The Honourable Sir Abdur Rahim): This is an adjournment motion "to discuss a matter of urgent public importance, namely, failure of Government to prevent death of many a person for want of food in the Province of Orissa as stated by Mr. Pyari Sankar Roy, Parliamentary Secretary of Orissa Government in the Orissa Legislative Assembly, on 3rd July, 1943, *vide* statement in the *Amrita Bazar Patrika* of 5th July, 1943".

That can be dealt with on the day when this food question is discussed.

**Mr. Abdur Rasheed Choudhury**: But this raises a specific question relating to Orissa.

**Mr. President** (The Honourable Sir Abdur Rahim): The shortage of food affects lots of persons and the matter that the Honourable Member wishes to discuss can be discussed on that day.

REFUSAL TO ALLOT A DAY FOR DISCUSSING GOVERNMENT'S MONETARY POLICY.

**Mr. President** (The Honourable Sir Abdur Rahim): The next adjournment motion is in the name of Dr. Sir Zia Uddin Ahmad. He wishes to discuss "the refusal of the Government of India to allot a day for discussing the monetary policy of the Government of India which is the root-cause of the present economic troubles of the people of India".

This monetary policy has been in existence for some time. I am not sure that any Member is entitled to ask for a day to discuss it by an adjournment motion.

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): The monetary policy, no doubt, is always there, but I wanted to draw attention to the refusal of the Government to discuss war time policy.

**Mr. President** (The Honourable Sir Abdur Rahim): That is not a good ground for adjourning the business of the Assembly. I hold the motion as being out of order.

POLICY OF THE RAILWAY BOARD IN GIVING DEARNESS ALLOWANCE NOT BY INCREASING SALARIES.

**Mr. President** (The Honourable Sir Abdur Rahim): The next notice is by the same Honourable Member. He wishes to discuss "the policy of the Railway Board in giving dearness allowance not by increasing salaries, but by purchasing large stock of wheat at high prices and exporting it to places by back door methods for the use of their own employees which resulted in raising the price level of wheat on one hand and introducing corruption due to mal-administration on the other hand".

That, again, is a question which can be discussed when the motion regarding the food situation is taken up.

**Dr. Sir Zia Uddin Ahmad**: This is a somewhat different question. There are three points which are involved.....

**Mr. President** (The Honourable Sir Abdur Rahim): I have read them out. But all those three points can be very well covered in that discussion.

FORFEITURE OF SECURITY OF *The Hindustan*.

**Mr. President** (The Honourable Sir Abdur Rahim): The next notice is in the name of Sardar Sant Singh. He wishes to discuss "a definite matter of urgent public importance, namely, the forfeiture of security of *The Hindustan*, a Hindi daily newspaper of Delhi, for writing an editorial 'Britain and the British Empire' in its issue of 3rd July, 1943".

I understand that the Editor or the Manager has a right of appeal to the High Court.

**The Honourable Sir Reginald Maxwell** (Home Member): Yes, that is a fact.

**Mr. President** (The Honourable Sir Abdur Rahim): If that is so, the matter will have to take the ordinary course of law. I am sure the Honourable Member can himself argue the case before the Court as well as here.

FAILURE TO CONSULT NON-OFFICIAL OPINION ON THE INTERNATIONAL CLEARING UNION SCHEME.

**Mr. President** (The Honourable Sir Abdur Rahim): The next notice is in the name of Mr. Jamnadas M. Mehta. He wishes to discuss "the failure of the Government of India to take non-official opinion in the Assembly into confidence in face of the serious menace to the economic and financial interests of this country involved in the provisions of paragraphs 23, 24 and 25 of the proposed scheme of an 'International Clearing Union' published under the authority of His Majesty's Government which is calculated in the name of international co-operation to perpetuate the subordination of India to Great Britain in so vital a matter as Currency and Exchange".

Did this International Clearing Union come into existence after the last Session?.....

**Mr. Jamnadas M. Mehta** (Bombay Central Division, Non-Muhammadan Rural): Yes, Sir, The report was published on the 1st July.

**Mr. President** (The Honourable Sir Abdur Rahim): All right.

**The Honourable Sir Jeremy Raisman** (Finance Member): The position is, Sir, that there are now three proposals which have no official sanction, which have been put out for discussion in all countries regarding a possible international monetary system.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that there is no official sanction for these proposals?

**The Honourable Sir Jeremy Raisman**: No. At this stage no Government has accepted responsibility for them. There are plans which have been worked out by experts and which have been put, so to speak, on the international table for anybody to discuss or modify or make any counter suggestions.

**Mr. President** (The Honourable Sir Abdur Rahim): No scheme has been put forward by the British Government?

**The Honourable Sir Jeremy Raisman**: No. It has not got the authority of the British Government. It is a scheme the authorship of which belongs to Lord Keynes, but no responsibility for it has been accepted by His Majesty's Government. They have merely taken the step of allowing it to be put forward without any commitment whatsoever.

**Mr. President** (The Honourable Sir Abdur Rahim): Has any communication been received by the Government of India with regard to that?

**The Honourable Sir Jeremy Raisman**: The Government of India have merely received copies of these schemes, and the Government of India have, as soon as they received these copies and were able to print them, sent them to all Members of this House and to various other bodies which might be interested to formulate their proposals. I also stated in the course of the last Session that I hoped to be in a position to give an opportunity to this House to discuss these schemes on a suitable occasion. I submit, therefore, that no question arises of any failure to consult non-official opinion regarding any particular feature of one of these schemes.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Will you give an opportunity for discussion?

**Mr. Jamnadas M. Mehta**: May I submit that the statement of facts is not correctly set out. The publication "International Clearing Union" was issued under the full authority of His Majesty's Government. The Government of India were consulted long before this pamphlet was issued. In England it is a Government which is responsible to public opinion, but here it is a Government which has not got that honour. Therefore, the Government of India has the greater obligation that they should take the public into confidence.

**Mr. President** (The Honourable Sir Abdur Rahim): As a matter of fact, copies have been sent to all Members of this House, and, I suppose, to other interested bodies?

**Mr. Jamnadas M. Mehta:** May I say that there are three very dangerous proposals in this publication?"

**Mr. President** (The Honourable Sir Abdur Rahim): But the Honourable the Finance Member has said that the House will be given an opportunity to discuss it.

**Mr. Jamnadas M. Mehta:** When? Already the scheme is being implemented.

**The Honourable Sir Jeremy Raisman:** That is a gross misstatement of fact.

**Mr. Jamnadas M. Mehta:** It is an absolute correct statement of fact. It is being implemented in Canada. Either the Honourable Member pretends not to know or he wants to cover his ignorance.

**The Honourable Sir Jeremy Raisman:** I repeat it is entirely wrong.

**Mr. President** (The Honourable Sir Abdur Rahim): I accept the statement of fact as given by the Honourable the Finance Member.

**Mr. Jamnadas M. Mehta:** If you accept that, I am very sorry, but it is not a correct statement. Let me say in particular that his denial about Canada is not correct.

**Mr. President** (The Honourable Sir Abdur Rahim): This is a question whether there has been any official statement of policy on the part of the British Government or any official commitment on the part of the British Government which would in any way affect the Government of India; and having regard to the statement made by the Honourable the Finance Member, I must hold that there has been no such commitment.

**Mr. Jamnadas M. Mehta:** What is the statement?

**Mr. President** (The Honourable Sir Abdur Rahim): I rule the motion as being out of order.

**The Honourable Sir Jeremy Raisman:** To settle the matter, may I read.

**Mr. Jamnadas M. Mehta:** When will he give an opportunity to the House, after everything has been implemented?

**The Honourable Sir Jeremy Raisman:** May I read one sentence from the introduction to the official copy of these proposals?

"The Government (*that is*, His Majesty's Government) is not committed to the principles or details of the scheme. Any proposals for a satisfactory international monetary mechanism after the war can only be framed after full consideration of all aspects of the very difficult problem. It is hoped that these proposals will afford a basis for discussion, criticism and constructive amendment together with similar plans having similar objectives which may be prepared by experts of other Governments."

**Mr. Jamnadas M. Mehta:** When will this opportunity be given to experts of other Governments? There is no knowing. That is the main point of my motion.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable the Finance Member says that opportunity will be given.

**Mr. Jamnadas M. Mehta:** When will it be given?

**Dr. P. N. Banerjee:** During this Session?

**The Honourable Sir Jeremy Raisman:** I do not think a useful debate can take place during this Session. These proposals have only been before the country for two or three weeks. There are matters which require considerable study. I hope that interests concerned, Chambers of Commerce, the Federation of Indian Chambers and other similar bodies, would remit them to a competent Sub-Committee to study them, formulate their considered opinions on them and in due course forward them to the Government, and when the country has had time to formulate its views this House might then have a useful debate.

**Dr. P. N. Banerjee:** Next Session?

**Mr. Hooseinbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): May we know within what period you will call a meeting to consider? Can you give some idea?

**The Honourable Sir Jeremy Raisman:** I think it is quite possible that by the next Session a useful debate might be held.

**Mr. Jamnadas M. Mehta:** Why are commercial interests only invited? Have the rest of the people no interest in the matter?

JUDICIAL CONDEMNATION OF THE BOMBAY GOVERNMENT'S METHOD OF DEALING WITH THE SABOTAGE MOVEMENT AT NANDURBAR.

**Mr. President** (The Honourable Sir Abdur Rahim): The next motion is also in the name of Mr. Jamnadas Mehta. He wishes to discuss "a definite matter of urgent public importance, namely, the judicial condemnation by the law courts in the province of Bombay of the methods of dealing with the sabotage movement by the Government of Bombay at Nandurbar, where boys and girls who were returning from school were indiscriminately shot last year resulting in the deaths of some of them and in serious injury to a much larger number".

This surely can be discussed in the Legislative Assembly of Bombay. You cannot discuss it here.

**Mr. Jamnadas M. Mehta:** There is no Legislature in Bombay.

**Mr. President** (The Honourable Sir Abdur Rahim): The High Court has passed an order in this case and it is for the public to take up the matter. The motion is ruled out of order.

EXCESSIVE INFLATION OF THE PAPER CURRENCY.

**Mr. President** (The Honourable Sir Abdur Rahim): There is another motion of which notice has been given by Mr. Jamnadas Mehta. He wishes to discuss "a definite matter of urgent public importance, namely, the unparalleled figure of nearly 750 crores of rupees to which the Government of India have inflated the volume of paper currency in this country regardless of the fact that it has destroyed the security of livelihood of nearly 400 millions of its people and introduced the economic chaos which now threatens to engulf India as a result thereof".

**The Honourable Sir Jeremy Raisman:** The point at issue is the monetary policy of the Government which, I believe, is to come under discussion on a Resolution in this Session but in any case the underlying matter is one which was discussed at considerable length during the last Session. The situation is in no way different from what it was then. I clearly indicated then in the course of my Budget speech and in subsequent discussion what were the points at issue and I submit that there is no difference in essence between the matter which my Honourable friend has brought forward and the position which was discussed during the last Session.

**Mr. President** (The Honourable Sir Abdur Rahim): A definite figure of 750 crores is mentioned here.

**The Honourable Sir Jeremy Raisman:** In the course of the Budget speech, I referred not only to the situation as it existed at that moment but the situation as it would exist thereafter. It was quite clear that further expansion of currency might occur and indeed has occurred, although in other respects the situation has greatly improved since that time. It never was any part of the Government's case that the volume of the currency would remain static for all time.

**Mr. Jamnadas M. Mehta:** There is no substance in the opposition of the Government. The figure at which the currency now stands is so unparalleled. It is 50 per cent in excess of what the figure was when the discussion took place and every single rupee of currency that is now added in the paper currency is a danger.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable the Finance Member says that there is a Resolution dealing with this matter, which will come up for discussion.

**The Honourable Sir Jeremy Raisman:** I understand that the Resolution referred to has secured a place in the ballot. It may come on today or failing that on the 6th August.

**Mr. President** (The Honourable Sir Abdur Rahim): What is that Resolution?

**Mr. Jannadas M. Mehta:** That Resolution is not at all relevant. It is Resolution No. 3 in the name of Mr. Umar Aly Shah. It is substantially different from my motion. I am not concerned with the rate of interest or anything of the kind.

**The Honourable Sir Jeremy Raisman:** The question of monetary policy is one organic thing.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can discuss this very question in connection with that Resolution.

**Mr. Jannadas M. Mehta:** Where is the guarantee that it will be reached?

**Mr. President** (The Honourable Sir Abdur Rahim): In all likelihood, it will be reached. This is enough as has been repeatedly laid down. On the ground that there is a Resolution which is likely to be reached this Session, standing in the name of Mr. Umar Aly Shah, raising a question which would cover the very point sought to be discussed in this adjournment motion, I rule it out of order.

#### NOMINATION OF THE PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the House that under sub-rule (1) of rule 3 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Mr. K. C. Neogy, Mr. Hooseinbhoj A. Laljee and Sir Henry Richardson on the Panel of Chairmen for the current Session.

#### RESOLUTION RE TREATMENT OF POLITICAL PRISONERS AND DETENUS—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed with the further discussion of the Resolution moved by Mr. T. T. Krishnamachari on the 25th March, 1943.

**Sardar Mangal Singh** (East Punjab: Sikh): Before I deal with the points raised by the Honourable the Home Member in his speech when he spoke on this Resolution last time, I wish to make a short personal statement before the House, which incidentally concerns every elected member of this House. I mention this personal matter because I think it is connected with the fundamental rights and privileges of the Members of this House. When I was released in November last year on medical grounds, I was given a notice by the Punjab Government under which I was required not to join  
12 Noon in a meeting or assembly of five or more than five persons. I will read only a few lines from the notice which are relevant to the issue. This was the order:

"Whereas the Governor of the Punjab is satisfied with respect to the person known as Mangal Singh, M.L.A. . . . with a view to preventing him from acting in any manner prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of the war it is necessary to make an order . . ."

This is the order:

Now, therefore, in exercise of the powers conferred by Rule 26 of the Defence of India Rules, the Governor of the Punjab is pleased to direct that the said Mangal Singh shall not, (i) without the permission previously obtained in writing from the District Magistrate, Ludhiana, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting. . . ."

**Mr. President** (The Honourable Sir Abdur Rahim): Why does the Honourable Member think that it applies to this Assembly?

**Sardar Mangal Singh:** I am coming to that point shortly. Now, whenever I wanted to attend any meeting of the Board of Directors of a business concern, I always took the permission of the Deputy Commissioner. But when I wanted to come here to attend this House, I thought that it was not necessary to take the permission of the Deputy Commissioner. But I referred the matter to him just to know his re-actions.

**Mr. President** (The Honourable Sir Abdur Rahim): I do not know why the Honourable Member should have referred the matter to anybody at all.



The Honourable Member is a Member of this House and he has every right to speak here.

**Sardar Mangal Singh:** In reply to my letter the District Magistrate said that I could not attend this House unless I took previous permission from him in writing. I crave the indulgence of the Chair as well as of the House to read this short letter which is quite germane to the issue. He said:

"I am in receipt of your letter dated the 21st January, 1943, wherein you have raised the question whether in view of the gagging order No. 17575-B.D.S.B., dated the 18th November, 1942, served on you by the Punjab Government under Rule 26 of the Defence of India Rules you can attend the meetings of the Central Assembly or those of the Committees at Delhi, without the permission of the District Magistrate, Ludhiana. I answer that question in the negative in so far as the order enjoins in clause (i) that you 'shall not without the permission previously obtained in writing from the District Magistrate, Ludhiana, join or take part in any procession or meeting of five or more persons other than a purely religious procession or meeting'. The Central Assembly comprises of more than five members and probably the same remark holds true in respect of most of its Committees also. Rule 26 of the Defence of India Rules was framed under the Defence of India Act No. XXXV of 1939, which lays down in section 1(2) (a) that the Act extends to the whole of British India and it applies also to British subjects and servants of the Crown in any part of India. So the gagging order in your case holds good not only in the Punjab province but in the whole of India including Delhi and other Provinces and native States."

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has read out a very interesting opinion, but the Honourable Member knows himself quite well that anyone who is a Member of this House and who wishes to speak and catches the eye of the Chair is entitled to speak. The Honourable Member can now go on to deal with the Resolution.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): But, Sir, there is one point for the Chair to decide. If the Honourable Member had come to this House without obtaining the permission of the District Magistrate what protection would the Chair afford to him?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member surely knows very well that once he is in this Assembly and he catches the eye of the President, he is entitled to speak. That is sufficient protection for him and he had no business to consult anybody regarding that.

**Sardar Mangal Singh:** But I submit, Sir, that I am likely to be prosecuted by the Punjab Government when I go there. But I have come to this House today to assert my rights as an elected Member of this House. I think that except yourself, Sir, nobody can suspend me. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Certainly. The Honourable Member has every right to speak at the meetings of this House.

**Sardar Mangal Singh:** This, in a way, gives some idea as to how the Defence of India Rules are being worked out and this was the point which I wanted to submit to the Honourable the Home Member.

**The Honourable Sir Reginald Maxwell** (Home Member): On a point of order, Sir. The object of this Resolution is not to discuss the general working of Rule 26 but to discuss the conditions of detention of prisoners.

**Mr. Hoosainbhoj A. Lalljee** (Bombay Central Division: Muhammadan Rural): On a point of order, Sir. I submit that a Member who attends here to speak on a certain Resolution has a right to make it clear under what circumstances he is attending and as to what his position is in the House.

**Mr. President** (The Honourable Sir Abdur Rahim): He must speak to the terms of the Resolution.

**Sardar Mangal Singh:** Certainly. Why I decided to come here today, Sir, is due to the fact that when I read the speech of the Honourable the Home Member, I found there were certain inaccuracies in it. Probably he was not correctly informed.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member refers to the treatment of prisoners?

**Sardar Mangal Singh:** He was not correctly informed particularly about the detenus confined in my province. I have not gone to the Library to prepare my speech. But I am speaking from my personal knowledge. I have gone through this Mill and I have been in the police lock-up and in the jails before the 9th August and after the 9th August. On this point I wish to submit to

[Sardar Mangal Singh.]

the Honourable the Home Member whether he is prepared to go back to the position which was laid down by himself after the Deoli hunger-strike? It is clear from his speech that he is conscious of the weakness of his case. Sometimes he says that it is the responsibility of the responsible Ministries in the provinces. By this time, the country knows what is the hoax of this provincial responsibility and how the responsible Ministers and Ministries are functioning in the provinces. Sometimes he takes cover behind some of the Centrally Administered Areas. I will ask the Honourable the Home Member how he is treating the political prisoners from Delhi itself? When they were in the jail of Delhi they were given a different treatment and since the time they have been sent to the Punjab jails, all those privileges have been taken away and they are being treated like other prisoners in that province.

In his speech the Home Member says that these detenus are not ordinary detenus; they are rebels and they are the enemies of the Government. I make a present to the Honourable the Home Member and ask how he is treating his own enemies? How are the Germans and Italians being treated in the Camps in this country? If you want to treat those detenus as your enemies, by all means treat them as such and give them the same treatment as you are giving to Germans and Italians in this country. If you want to treat them as friends, then treat them as friends and give them the same treatment as you were giving to other detenus before the 9th August. On the 9th August when we went into jail, new rules were circulated to all the jails and a new class of prisoners was created called the civil disobedience prisoners, 1942, and we knew what that meant. Before the 9th August every detenu, irrespective of his social position and status, was given 12 annas in the jail; he was given Rs. 17/8 as clothing allowance; he was allowed to supplement his food up to Rs. 10 per mensem and he was allowed interviews. He was given papers and books and was also given *charpais*. He was provided with other facilities, including games.

Now, what happened after the 9th August. A new class of prisoners was created—the civil disobedience prisoners, 1942, a new brand, a new model of 1942, was created. How were they treated? No newspapers or books were allowed to them. Although the Honourable the Home Member said that books were allowed, yet speaking from personal knowledge and speaking with responsibility, I can say that books are not allowed even today in the Punjab jails. Is the Honourable the Home Member prepared to contradict that statement, that no interviews have been allowed today in the Punjab jails with the relations, even if the prisoner is ill or his relations are dying. On this point the Honourable the Home Member says that while they allowed interviews in certain Provinces, there were cases of sabotage and all that. I say that is entirely incorrect. The first Province which permitted interviews was Sind. I do not think there has been any case of sabotage in Sind. In the only Province where the Congress leaders were not arrested some of them are still outside, I mean N.-W. F. P., there is not a single case of sabotage, because the Congress leaders exercise their influence. It is only in those Provinces where the Congress leaders were suddenly removed and when there was no one to guide them in this matter that these cases occurred. So that, the statement that these cases occurred because interviews were granted is entirely wrong. How were these people treated? We were given six annas a day. Before the 9th August, a prisoner was given twelve annas a day, and Rs. 17-8-0 and you can supplement your food upto Rs. 10 a month, you can accept some eatables from your friends at the time of interview. All these were stopped. We were only given six annas a day, no *charpais* were allowed. All prominent Congress Workers were thrown in Shahpur jail where there was no structural accommodation, only *chholdaris* were pitched and the place was wet. There was not even sufficient provision even according to the rules, there were no medical arrangements, the people suffered from malaria for a long time even without getting proper medical attention. I submit that the Government of India should not hesitate to accept this Resolution as amended by my Honourable friend, Mr. Joshi. His amendment is very important. I appeal to the Honourable the Mover to accept

this amendment and I submit the amended Resolution should be accepted by the House and the Government also should have no hesitation in accepting it. It only asks the Government to revise their policy in respect of the treatment of prisoners. It does not go any further. Does the Honourable the Home Member require another hunger-strike to effect a revision of the Government policy? I hope the House will accept the Resolution as amended and I hope the Government also will implement it. Sir, I support.

**Mr. N. M. Joshi** (Nominated: Non-Official): Sir, my Honourable friend Sardar Mangal Singh, by narrating his personal experiences, has made my work somewhat very easy. The Resolution is intended to secure humane treatment, a treatment consistent with human freedom, for the security and other political prisoners at present detained in jails in India. Sir, I have moved an amendment to that Resolution. My amendment is not in opposition to the Resolution at all. It is only intended to clarify the issues and put the question also in some greater detail. I am suggesting by my amendment that the Government of India, in consultation with the Provincial Governments and in consultation with the Committee of this Legislature, should revise the policy underlying the treatment of political prisoners in this country. I have suggested that the conditions at present prevailing in Indian jails should be revised so as to be consistent with the principles of humanity and as I said, consistent with the principles of human freedom.

Sir, the Honourable the Home Member in the speech which he made during the last Session said, in the first place that it is difficult for the Government of India to lay down the policy in this matter, as the policy is in the hands of the Provincial Governments. In this matter, Sir, I would like to point out to the Honourable the Home Member that in the case of a large number of political prisoners who are detained in Indian jails, the policy was laid down by the Government of India, they were detained in accordance with the policy formulated by the Government of India. Therefore, if they were detained in accordance with the policy formulated by the Government of India, the Government of India should take upon themselves the responsibility of laying down the principles according to which these people should be detained in the jails in all the Provinces. Then, Sir, the Honourable the Home Member in his speech pointed out the difficulties which he feels in securing improvements in the conditions at present meted out in Indian jails. I would first state the last point mentioned in my amendment. I have suggested there that in India when people are detained without trial, there should be at least some method of reviewing the cases. For instance, in Great Britain, when people are detained in the jails without trial, the Government have provided for an Advisory Committee. Any person detained without trial can approach that Advisory Committee. He is told what the charges are against him. He is also given an opportunity to disprove the charges against him. Sir, in India, the Government of India have made no such provision, neither have the Provincial Governments made any provision. I therefore suggest by my amendment that the Government should take immediate steps to appoint an Advisory Committee or appoint Advisory Committees in all the Provinces which will review the cases in the same manner in which these cases are reviewed or considered or examined in Great Britain. The Honourable the Home Member in his speech made last Session had agreed that in the case of some political prisoners, some kind of review was desirable, that is, those prisoners who were detained for their own activities. But, Sir, the method of reviewing followed by the Government of India and by the Provincial Governments was thoroughly unsatisfactory. The detenues were not told what exactly were the charges against them, and they had not full opportunities of disproving the charges against them. The Honourable the Home Member then says that in the case of those people who are detained on account of Congress movement, that kind of review was not practicable or desirable, I do not exactly remember now what he said. But even in the case of those people who are detained on account of the Congress movement, in the first place there may be a number

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of people, who were detained not because they had done anything, but because they belonged to the Congress. It is true that in the case of those people who are detained only for belonging to the Congress, the review is not likely to be of much use, but will be of much use or some use at least as affecting the policy of the Government of India. In his speech, the Honourable the Home Member has said that the Congress movement, when he made that speech, was going on actively in the Provinces. I do not know whether the statement made by him at that time was correct or not. But today it is not correct. Today the Congress movement has practically died out, at least that part of the movement which included violence and sabotage. Therefore it is time now for the Government of India as well as the Provincial Governments to review their policy, not the cases of individuals, but review their whole policy and release all the political prisoners either detained after trial or without trial. I therefore feel that the time has come for reviewing not the individual cases of political prisoners but reviewing the policy of detaining these people without trial or even after trial. I hope, Sir, that the Government of India and the Provincial Governments will review this policy and release the political prisoners in all provinces as the movement on account of which they were detained does not now exist in a form of violence and sabotage.

Then, Sir, I would like to bring before the Legislature the cases of persons who are transferred from one province to another. A large number of security prisoners have been transferred from Madras to Amraoti, and in order that the Provincial Government should be able to square the account I am told that an equal number of political prisoners from the C. P. have been transferred to Madras. Sir, I have heard a large number of complaints about the prisoners at present detained in Amraoti. These people come from Madras and they are accustomed to a certain climate and food and certain other conditions; and in the Amraoti jail they are not only very uncomfortable on account of the extreme heat but a large number of them suffered in health. My friend, Mr. Giri, who was a Member of this Assembly has suffered in health; he now gets rheumatic and other pains in his leg. The case of Mr. Satyamurti is well known. Another gentleman, Mr. C. N. Muthuranga Mudaliar, was recently released on account of illness. But there are other persons in Amraoti jail who are not keeping good health either on account of the climate of the place or on account of the conditions in that jail. I suggest to the Government of India to recommend to the Madras and also the C. P. Government to transfer these detenus to their original provinces.

Then, Sir as regards conditions in jails I do not wish to speak in detail on this occasion, but I should like to point out to the Government of India that in certain jails people have suffered on account of bad conditions. For instance, in Bombay in a prison at Belgaum people suffered on account of an epidemic disease like cholera. I do not suggest that Government took no steps after the epidemic arose; they did take steps to prevent the evil of that epidemic. But I should like the Government of India and the Provincial Governments to maintain such conditions in these jails that people will not suffer. Not only were conditions bad in Belgaum when the people suffered but the curious thing is that it was found afterwards that the epidemic was due to bad *bajree* supplied in that jail. Some of the detenus wanted food to be ordered from outside but they were told not to do so although the real disease was due to bad food supplied in the jail itself.

Moreover, I would like to say a word about the facilities given to the detenus as regards communications with outside, specially as regards interviews allowed to them with their friends and relatives. The Honourable the Home Member in his speech made last Session said that it was not desirable to allow the detenus to have contact with their relatives or friends. In this connection I will draw attention to the fact that all interviews take place in the presence of the jail authorities and there is hardly any opportunity for either the detenu or his relatives to maintain secret communication with each other.

He has mentioned some case where a detenu tried to smuggle some information through his relative. But he knows that the fact was made known. Therefore there is no possibility of the detenus and their relatives maintaining secret contact with each other if the facility for interviews is given to these detenus. I, therefore, feel that the Government of India should accept the suggestion which I have made. In the first place they should appoint a committee of this House to consider the whole question regarding the treatment given to the detenus in all provinces. I agree that improvement in the treatment of the detenus cannot be secured without the co-operation of the Provincial Governments. I have, therefore, suggested in my amendment that the Government of India should secure the co-operation of the Provincial Governments in this matter. If a committee of this House is appointed I have no doubt that the Government of India will place before this Committee the views and proposals of the Provincial Governments. These Governments can then appoint their representatives to co-operate with the committee of this Legislature. But I feel that the policy governing the treatment of the detenus in this country should be co-ordinated by the Government of India, whether the administration of the policy be left to the Provincial Governments or not. The Provincial Governments certainly may have a certain freedom but the policy underlying the treatment should be a policy formulated and approved by the Government of India and this Legislature in co-operation with the Provincial Governments. There must be co-ordination between the various provinces in this matter.

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

**Mr. N. M. Joshi**: I shall not proceed very much further but say this that in putting people in jail Government of India formulated the policy themselves, may be in consultation with the Provincial Governments. Therefore they should also take the responsibility of forming a co-ordinated policy in fixing the principles underlying the treatment given to the detenus and political prisoners in Indian jails.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): Sir, at the outset I am reminded today of one name which was mentioned more than any other on the last occasion during the debate on this Resolution. It was the name of the late Mr. Satyamurti. He was my friend and colleague and we worked together as Secretary of the Congress Party for several years. But he is now no more; the hand of death has intervened between him and us and his case has practically lost all importance so far as these mundane affairs are concerned.

Coming to my amendment, I must express my thankfulness to the Honourable the Home Member for taking the earliest opportunity to reply to the Resolution as well as the amendments. I have, therefore, got the advantage of the reaction of Government to the Resolution as well as to my amendment; but I must say I am disappointed. I expected a statesmanlike reply with some imagination of an administrator, especially in these bad times. But I am sorry to say that I find a trace of the same superannuated woodenness in his reply. What does he say? He puts forward the same plea that the Central Government or, for the matter of that, the Central Legislature can have nothing to do with provincial matters, be the province under the autocratic rule of a Governor or under a popular ministry. I was not prepared to hear such a reply. It is always said in this House that the Central Government can have nothing to do with matters concerning the provinces and this legal opinion of the Government of India I might have taken as true—for I am myself a layman—had it not been for the fact that very recently some of the legal decisions of the Government of India have been reversed by various Courts in the country. I think when the British Parliament was enacting the Government of India Act, 1935, specially Section 102, it had before it the report of the committee on Australian Constitution, which said that during the last war on account of judicial decisions the Federal Government of Australia had become practically a unitary Government, and under this provision, after the promulgation by the Governor General of a state of emergency in the

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country, I take it that this Government has turned into practically a unitary Government and, therefore, the Central Government and this House can control all the affairs in the country, either in the provinces or at the Centre. I am a layman and I do not know; there might still be some technical difficulties and legal obstacles, but I am sure it will not be difficult for the Government of India, especially the Legislative Department, to overcome such difficulties. I take this opportunity to extend my cordial welcome to my Honourable friend, Sir Asoka Kumar Roy, to this House as the Law Member. He is now the head of the Law Department and if there is any defect in the organization of the Department or if he wants any more assistance he will doubtless reorganize it, secure all the necessary assistance he requires, and I am sure he will repeat his legal victories in the provincial sphere at the Centre, and we shall never hear in future—especially in these bad times when the administration is under proclamation of emergency—that the Central Government and the Central Legislature are not competent to interfere in provincial matters, or even to advise them effectively.

The Honourable the Home Member has told us that Members of the Central Legislature have no status to advise the Provincial Governments. I know that perfectly well. Whoever ever claimed that status, I did not claim it in my amendment. What I demand is that some members of the Legislature or public men in the country should, by arrangement of the Central Government, interview the detenus and political prisoners in the provinces in order to ascertain whether they have changed their views and are prepared to co-operate in the war measures, and if they are satisfied they should recommend their release. There is no question of status or anything of the sort. The Government of India ought to be able to select some of their non-official friends to help and co-operate with them in this matter in the way in which such co-operation should be offered and accepted.

Again, the Honourable Member asks what guarantee is there that those prisoners should be taken to have changed their views. I am simply sorry that he has uttered this counsel of despair. What is the policy behind this detention and imprisonment? I think the Government should always try with determination to rally round all opinions in the country for co-operation, and I am glad he has plainly said that these are precautionary measures and not measures of revenge, and I wish that he would look for all sorts of ways and means to see that those prisoners are released and are utilized in the improvement of the present situation.

I may here refer to the demand of the Mover of the Resolution as well as the other amendments. Before doing that I may tell my Honourable friend the Home Member—though the matter is very delicate—that, as far as I know, the circumstances in my province are such that if I go and interview the prisoners in jails I can ascertain their views and can recommend their release if they have changed their mind. I am quite sure that there will be many other Members in the House, as well as members of the public outside this House in this vast land of India to do the same thing as effectively or even more than effectively. Besides, the war situation has now changed and the policy of the Government should change accordingly. Mussolini has abdicated. He is now under arrest, and the Allies are at the gates of the Italian mainland. Germany on the Russian front is also in a tight corner. In the Far East Japan is shaky. I am appealing for those patriots who are in jail. I know many of them, and I know that probably 99 per cent. of them will be useful to you in present circumstances. They will help us; they will help the Government; they will help in the affairs of the war and in the business of the nation.

So now let me say one word to my friends, the Mover of the Resolution and the movers of the other amendments. They want release of these prisoners in a covert way: I want it openly. I prescribe and propose a practical method for their release. I never believe that my friends will be satisfied with these crumbs of concessions, as they have put it—a candle here, a letter there, or eight annas more a day to supplement food and things of this kind.

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

**Pandit Nilakantha Das**: What they say in a covert way, I say openly that methods and means should be devised to release them and that these patriots should be used for the betterment of the present situation in the country.

**Mr. B. R. Gupta** (Cities of the United Provinces: Non-Muhammadan Urban): I stand to support the amendments which were moved by my friend, Mr. Neogy, and myself. Sir, I come from the Province which is characterised as the most notorious province in the matter of dealing with the political prisoners, a province which has in no small measure contributed towards the political suffering in the country. I will be failing in my duty if I do not let the Government know what is going on in the United Provinces behind the prison bars under the name of law and order.

Sir, there are several concentration camps in several Central jails, but I will confine my observations only with regard to one or two of these jails. There is a Fatehgarh Central Jail in the United Provinces, in which political detenues are confined. From 9th August all the privileges and rights were withdrawn from that jail also as from other jails. Neither letters, nor interviews nor even petitions to Government were allowed to the prisoners. Then, Sir, one more class of prisoners was added, namely, that class which was ordered to be kept aloof from all other prisoners who were concentrated there. Sir, that class was meant for such prisoners who were bad characters or goondas. In spite of the understanding of the Central Government with those detenues who were transferred back from Deoli, after the Deoli hunger-strike, as a result of the efforts of Sardar Mangal Singh, that there will be no differential classification of detenues, the classification system was again introduced after 9th August, even against those detenues. Then, Sir, the United Provinces Government itself framed rules for the prisoners who were in detention that they will not be punished by handcuffs and bar fetters, but that punishment has been awarded to the prisoners, among whom are included M. L. As. of the United Provinces.

As regards the health of the prisoners, one man from Cawnpore, who is perhaps still there, weighs only 91 lbs. The same person, Sir, I have come to know from an unimpeachable authority, was given the work in the mill inside the jail. While he was doing that work one day he fainted and after that he was produced before the jailor. The jailor awarded him the punishment of beating. He was beaten. During that punishment he vomited blood and he was transferred to hospital. When he returned back from hospital, again he was awarded the same labour. Again he could not do that work. Again he was produced before the jailor. Again he was awarded the punishment of beating and again he vomited blood, and now he is in hospital again.

To give you another story. Two men were awarded the punishment of beating. In protest they went on hunger-strike. They fasted for 40 days. Afterwards they were tried before a Magistrate for breach of jail discipline. During the course of their examination they narrated the story of their beating and they also pointed out that they vomited blood. That blood has been sent to the Lucknow Hospital for examination.

Then there is the third case of one Mr. Chandra Bhal Johri, who was a Member of this Honourable House. He was arrested in Benares while he was on his sick bed. He was kept in Benares jail for a long time, in spite of his protests and his requests that this jail did not suit his health. After a long time he was transferred to the Lucknow Jail. Previously also when he had been interned his health was not good and he was kept in hospital. He was not removed from that jail to hospital till he was so bad that the authorities could not keep him any longer inside the jail. Then he was sent to Balrampur Hospital. There he was lying ill. No intimation was given to his family members, nor were they allowed any interview with him. One day when he was in an unconscious condition his wife was intimated by telephone, "Now you can come and see your husband". She went there and found him unconscious. Immediately she ran up to the Secretary of Home Department of the United Provinces. Of course, it was a little late. The Secretary, first of all, refused

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an interview with her. But when she explained the position of her husband, she was told, "All right. I will verify from the doctors, and if they will say that the condition of the man is such that he cannot survive, then I will order his release." On this condition he telephoned the jail authorities and when he was assured that the man would not survive, his release was ordered. The gentleman was brought out of the hospital, he was lying unconscious for 4, 5 or 6 days and then he died. The other story is a story relating to the Bareilly Central Jail. In that jail many of those Congress members who were responsible for running the much heralded Congress Government of the United Provinces are imprisoned. The position in that jail is still worse. Very recently, perhaps on the 23rd July a statement was published in a local paper here, which shows that people are taken out in batches and beaten in the same batch by ex-convicts. Some of them vomited blood during the process of that beating and many of them were men who were highly placed in society in this country. Reports go to show that neither non-official nor official visitors have visited the jail for a long time with the result that prisoners are left at the mercy of the same over-zealous jail authorities who are always trying to gain notoriety because they think that it is by that notoriety that they will gain promotion and better appreciation from the Government. I wrote a letter to the Adviser of His Excellency pointing out these misbehaviours and requested "If you permit me to visit the jail, I will give an assurance and my word of honour that not a word will be revealed, I will report the same in private to you, I will not publish it to the press". But that opportunity also has been denied to me. It was only after my public appeal in the month of April that one letter in one month has been allowed to political prisoners in the United Provinces. Even that letter has to pass through so many censors that it seldom takes two or three months before it reaches its destination. I assure you, Sir, I am a friend of your Government, but I feel that in your name a great mistake is committed by these over-zealous officers, and I have, therefore, thought it my duty to bring all these facts to your notice. After all, these prisoners who are confined in jails will come out one day. I do not suppose you think that every one of them will be killed inside; some of them will survive and they will come out. When they come out they will have to narrate these stories to the civilised world. When these stories are heard by other countries, what will they say? They will say that a Government which is supposedly fighting for democracy and humanity is practising the same methods inside jails which the Germans are practising in the concentration camps. I am sure that is not going to help in your war effort. Therefore, I appeal to your generosity—please consider these questions, not on any other ground, but purely on political as well as humanitarian grounds.

There is one more consideration. Many persons who have been arrested during that time were arrested purely on the report of the local police. They had never taken part in the movement and they could not expect that they were going to be arrested. They might have had several matters of importance, however small these might be in other peoples' eyes, but for them they will be very important. They could not make any arrangements for attending to them. Now they have been sent to jail and have been cut off entirely from the outside world. They are not allowed any sort of communication from their nearest and dearest. Many of them might have got civil suits, income-tax cases, etc. Neither could they attend to them nor could they advise anybody else on their behalf. You can understand what an irrational agony they must be passing through, and that you can avoid by granting them a few interviews and better facilities for communication. I do not think the Government are going to lose anything by granting these facilities. After all, so far as the sabotage movement is concerned, that has been crushed and finished. You are gaining victories after victories every day. If at all, I am sure the contact of these prisoners with the outside world will go to create a feeling of security and peace and reduce the anxiety of the people. Secondly,



if at all it will result in reducing the brutality of those persons who are charged with the authority of managing the jail administration and who are behaving in that manner, perhaps not according to your instructions, but of their own over-zealousness. Therefore, I hope my appeal will not go in vain.

**Mr. Abdur Rasheed Choudhury** (Assam: Muhammadan): This Resolution has got two parts. One is a recommendation that there should be drastic changes in the policy of the Government in regard to the treatment of political prisoners and detenues, and the other recommendation is that Members of the Central Legislature should be allowed to visit the jails in which these detenues are imprisoned and bring to the notice of proper authorities the inconveniences, if any, that the detenues are suffering from . . . .

**An Honourable Member:** Kindly speak up.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): The Honourable Member is ill. Can he come a little nearer?

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

(The Honourable Member then came nearer and occupied a seat in the second row.)

**Mr. Abdur Rasheed Choudhury:** The speakers who have preceded me have given examples of personal tortures, personal sufferings and personal inconveniences that were the lot of detenues and political prisoners. Any civilised Government would take note of these things. For political differences one should not be tortured bodily and physically. I think that is the rule in the entire civilised world. After all, political differences are only temporary. I understand that the number of detenues is very large and that it is not possible to give equal treatment to all the detenues. But if the officers who are entrusted with these detenues do their duty, nobody has got anything to say. There are officers who are very dutiful. Nobody has got any complaint about them but there are zealous officers and over-zealous officers from whom

**I P.M.** the danger of ill-treatment comes in and the worst of it is that if any complaint is made against these over-zealous officers, the higher authorities do not pay any heed. It cannot be said that the eleven thousand and odd detenues are all enemies of the Government. Far from it. Political differences are only temporary. Today one may be holding extremist views. Tomorrow he may be holding a moderate view. Today one may be a dear friend of the Government. Tomorrow he may not be so and *vice versa*. We have seen politicians changing their political views so often and even today one of them holding very radical views is now adorning the Treasury Bench. What I mean to say is that on account of political views, tortures should not be given to any political detenue. The man whom you consider to be your enemy today may be your friend tomorrow. George Washington was an enemy of England and who thought that the Americans would be friends of Britain. Today you see America is something like a guiding angel to Britain and with their help Britain is winning this war. Who knows that the people who today hold independent views will come to the help of Britain in the same way in future.

Now, Sir, instances of ill-treatment of detenues have been given by my predecessors. I need not multiply them. Only I have got to speak about a particular case. I am speaking of a gentleman who was in prison before. As soon as he was released, he was again arrested and taken as a security prisoner. About him one weekly paper, *Medina*, brought out certain insinuations and this is the case I should like to bring to the notice of the authorities. For the information of the House, I shall read out only one or two lines from the issue of the 17th June 1943:

"*Khosusan jab se ap Moradabad se Naini Jail men muntaqil kiye gae hain "A" class ke bajae "B" class men rakhe gae hain aur is men bhi nehayat sakht tuklifon men apko muhtala kar deya gaya maslan rat ko ek aisi jagah men band kiya jata hai jahan is shadeed garmi ke zamane men intohai saaabut ku samna karna parta hai.*"

You see the gentleman holds a very high position in society. He is a man of vast learning and education, a born leader and any country would have been proud of such a man. If he had been born in England, who knows he would

[Mr. Abdur Rasheed Choudhury.]

not be a rival of the Right Honourable Winston Churchill. If he had been born in Russia, he would have been a rival of Stalin. If he had been born in the United States he would have been a rival of President Roosevelt. He is such a man. As a speaker, he is second to none in this country and other countries too. Such a man has been ill-treated. He has been changed from a class prisoner into B class prisoner and at night he is confined in a room which is not only unhealthy but ill-ventilated and in this hot weather one can easily understand what physical suffering he has got to undergo every night when he is confined in his room. When this was published in the paper, some of my friends came to me with the paper and asked me to preside over a meeting of theirs in this connection. I dissuaded them and told them that this is not the time for agitation as it is war time but I promised them that I would bring the matter to the notice of the authorities so that, if true, the gentleman might get some relief. I wrote a letter to the gentleman in charge (Home Member) here describing the suffering and requesting him personally that he should intervene if the complaints are true. I have been in this Assembly for the last seven years. I am a pretty senior man in this Assembly and I thought that as a matter of common courtesy a reply could come but unfortunately our executive authorities have not the honour of belonging to a responsible Government. They have not the honour of belonging even to a responsible Government. They are therefore not only irresponsible but also irresponsible to all complaints. I then put a number of questions in this House, after waiting for 15 days, because I did not get a reply. So, I thought of heaving a sigh of relief by bringing the matter to the notice of the House and getting a reply from the authoritative quarters. That is the reason why I have been compelled to speak on this Resolution. Otherwise, I had no intention of speaking. This is what is happening to a man of such eminence. Silence in these matters is a very dangerous thing. Many interpretations can be given to this sort of silence. It may be interpreted that the gentleman in question is not living. All sorts of conjectures are being made as no reply was given to me. Then again if the allegations published in the paper are not true, then it is doing a great harm to the jail authorities and the authorities who are in charge. So, it would have been right if a reply were forthcoming to my letter. It is not the correct way to deal with things in this fashion and the time has come, as the Resolution puts it, when drastic changes in the policy of the Government should be made to revise the treatment meted out to the political detenus and security prisoners. From this single example the House may come to the conclusion that everything is not going well with the detenus and even a most eminent man like the gentleman I have referred to, Maulana Husain Ahmad Madani, is not free from ill-treatment. So, the time has come when the Government should change their policy and make a drastic change in the treatment of their detenus. Sir, I support the Resolution.

**Mr. Kailash Bihari Lall** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I thank you for giving me an opportunity to speak on this Resolution today. Like my friend, Sardar Mangal Singh, I have also had some personal experience because I am also fresh from the jail from the province of Bihar. Before I narrate what the treatment of prisoners there is, which is the subject-matter of this Resolution, I wish to begin with some personal story which is surely in connection with the point raised by the Home Member himself. While going through his speech I found that he said that the smallness of the number shows that persons were selected for detention with due discrimination and there was no policy of indiscriminate arrests. It is with regard to this statement that I respectfully beg to point out how indiscriminate arrests were also made. In my own case, it is a matter of public knowledge that I had left the Congress because of my differences with them on several matters and it was long before the last movement was even started. I had attended even the Budget Session of 1942 and apparently the disturbance began in August of that year. So, there cannot be any reason for my arrest

and I have repeatedly asked the Government of my province and the district officials if they have got anything to show against me and whether they had any apprehension so far as I was concerned. They turned a deaf ear to all my requests. Having committed one wrong, they wanted to save their face by continuing the wrong by keeping me under detention. And whenever the question was raised with the Central Government, the usual plea was that provincial autonomy is a subject that cannot now be touched by the Central Government.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Provincial autonomy under section 93.

**Mr. Kailash Bihari Lall:** It was left to the Provincial Governments. However, I must be thankful to His Excellency the Governor of Bihar for his intervention. When he visited the jail, I narrated my story to him. He took my case into consideration and I was then released. But the question of saving the prestige of the Government again came up and I was asked to sign the so-called undertaking. Though His Excellency had intervened, the District Magistrate brought one day a typed draft of that undertaking to me which purported to have said that I have dissociated from the Congress subversive movement and that I solemnly undertake not to hold any communication with my brother Rash Behari Lall and other absconders . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. Kailash Bihari Lall:** Sir, I was saying before lunch that the draft of the undertaking purported to have said that I have dissociated from the Congress subversive movement and that I solemnly undertook not to hold any communication with my brother Rash Behari Lall and other absconders. Both these proposals were so absurd on the very face of them that I pointed out to the District Magistrate, who was very courteous and kind, and he made a note of it and he said that he would inform the Government. I pointed out to him that there was no proof that I associated myself with subversive movements and, therefore, there was no ground for me to say that I have dissociated now. As regards holding communication with my brother, he was living with me in the same jail, in the same room for the last three months. I pointed out the absurdity of asking me to say that my brother is absconding and that I will not hold any communication with him. He made note of this discrepancy and said he would inform the Government. But the beauty of the thing was that I read in the newspaper of 23rd April morning in the jail that His Excellency the Governor of Bihar has been pleased to release Babu Kailash Bihari Lall as he gave an undertaking that he dissociated himself from the Congress subversive movement and that he would not hold communication with his brother and other absconders. In the evening I was released. So such absurd things are done. I do not know with what object.

Now, Sir, with this background, I will give you a picture of how I was huddled in the jail. On 9th September when I was just preparing to start for attending the Assembly, early morning two Sub-Inspectors came in a sedan car to escort me to jail. I thought it was a mistake on the part of the police officers. Under that impression, I at once wrote out a petition to the Divisional Commissioner and sent a telegram to His Excellency the Viceroy and the Honourable Mr. Aney that when I was proceeding to attend the Assembly, I was detained and requesting them to be kind to intervene. So far as my information goes, these telegrams were suppressed. Subsequently my letter to the Honourable Mr. Aney and to Dr. Sachidananda Sinha were also suppressed. They were not forwarded. In December, I was offered a release. Seeing that those letters of mine had no effect, I thought that after all the police was the final authority

[Mr. Kailash Bihari Lall.]

to decide the course of action. I was under the misapprehension that the District Magistrate had a hand in it, but later on I found that the District Magistrate had no hand in it, but the police officers were playing all this havoc. When the Government found that I was unnecessarily detained, they told me that I would be released provided I gave an undertaking. I protested and pleaded that I have told the authorities that I had nothing to do with any subversive movement, that I was not in the Congress organisation, but that still if the Government insisted on my giving an undertaking, it can only be with a view to humiliate me in the eyes of the public, as an undertaking sounds so much heinous and it seems they demand such an undertaking for that reason. The Superintendent of the Jail told me that if I was not prepared to give such an undertaking, he would make a report to that effect. Then it was I remained rotting in jail till the Governor came and then I was released on 23rd April. There was no justification for my arrest. The Government simply to save their face got the undertaking from me that I would not join the Congress subversive movement and that I would not hold communication with my brother and other absconders, while as a matter of fact my brother was in the same room in the same jail with me. Even under the guise of saving their face, there was no justification to ask such absurd things.

So far as the treatment in the jail was concerned, I may say that I happen to be a non-official visitor for the Central Jail also. I find in the speech of the Honourable the Home Member when he was asked "what would happen when non-official visitors are themselves put in jail", he replied "Then, they are there all the time". I was a non-official visitor of the Bhagalpur Central jail and I was there all the time. This being my position, I can very well make a suggestion according to the wording of the Resolution which says: "to allow members of the Central Legislature to visit prisons and interview political prisoners so that the attention of the Central and the respective Provincial Governments may be drawn to such restrictions and other inconveniences imposed on the prisoners with a view to the elimination of such restrictions".

So, Sir, under this very Resolution, perhaps my Honourable friend did not know that there were already two Members of the Central Legislature all the time in the jail and who therefore could make a report about the conditions prevailing in jails. Thus those two Members would fulfil the conditions laid down in the Resolution. Even from that point of view, I fulfil the condition.

Now, Sir, what is the position in jails? I will only mention one or two points. The trouble in the jail was with regard to the quality of food, the quantity of cloth, interviews, letters, accommodation, lock-up, and so on. Over all these points my Honourable friend has already said. At the rate of six annas per meal, twelve annas fire being given. It can be easily imagined, how in these days, the prisoners in jail would fare with such low rations and no wonder there is such a hue and cry over that. Then with regard to the quantity of cloth the upper class prisoners can get clothing from home but third division prisoners were in difficulty and they were living practically in a naked condition. The state of things about letters has been described by previous speakers and conditions remain the same. In my own case for two months I was not allowed any interview or a letter, and no District Magistrate or any other official visitor ever visited the jail during four months of my stay there. My mental condition can easily be imagined and it was a torture to me not to have an interview with anyone. Then about lock-up, in the case of third division prisoners I heard even recently when I came out of jail that there was some beating of the prisoners, although it was not a *lathi* charge. I once had occasion to see a *lathi* charge. Some political prisoners were caged in the centre of the jail and other political prisoners cried "*Bande Mātaram*", and for this offence an indiscriminate *lathi* charge was made and hundreds of prisoners were injured. Such things really happen but they can be avoided by sympathetic handling. The worst part of it is that whatever happens in jail, attempts are always made not to allow information to leak out.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

**Mr. Kailash Bihari Lall:** Then there are pin-pricks and even ex-Parliamentary Secretaries get such treatment from ordinary warders that they feel humiliated. Such things too can surely be avoided.

Then as regards allowances, in my province I read somewhere in the papers that even men of the position of a High Court Advocate were given Rs. 30 a month whereas people of lesser social standing were given Rs. 50 a month. I do not mean to object to the payment of Rs. 50 but some principle should be followed in giving these allowances and the status of a man should be taken into consideration without the element of punishment being introduced into it. In the matter of classification also, it should not be on the ground of punishment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member should bring his remarks to a close now.

**Mr. Kailash Bihari Lall:** Sir, I support the Resolution.

**Mr. Govind V. Deshmukh:** Sir, before I speak on the Resolution and the amendments I propose to move an amendment of which I have given notice.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): When was the notice given and to whom?

**Mr. Govind V. Deshmukh:** I gave notice at about 2 o'clock today but it makes no difference.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): At this late stage I should not be justified in admitting any amendment without the consent of the House, but let us know what the amendment is.

**Mr. Govind V. Deshmukh:** My amendment is that in lines 2 and 3 the following words be deleted: "in general and those convicted for political offences since August 1942, in particular".

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Is there any objection to this amendment being moved?

**The Honourable Sir Reginald Maxwell:** Sir, it does not seem to be a very material amendment and I have no objection.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member may move it.

**Mr. Govind V. Deshmukh:** Sir, I move:

"That in lines 2 and 3 of the Resolution the following be deleted: 'in general and those convicted for political offences since August 1942, in particular'."

The question about political prisoners and detenues has two aspects. One is the statesmanlike aspect which you will find has been taken in a meeting of the Liberals in London which demanded the release of political prisoners in India. These Liberals were looking at this question from a broader aspect of bringing about a fresh outlook on the present political situation in the country. They never had the fears raised here by the Home Member who has been referred by the Mover of the Resolution not as a die-hard but as an honest die-hard. These bogeys were not before them. But here we urge the humanitarian point of view with regard to these detenues and political prisoners; and the Resolution asks that the present rules may be revised so that they may be given humane treatment, the sort of treatment which existed and which should have been improved upon before the movement of 1942 started. I have read and those who have listened to the speech of the Honourable the Home Member would be surprised to find that there is nothing which has been said against the amendment of Mr. Joshi which stood on a sounder basis, and there again nothing has been said against that particular amendment except reviewing the cases. We were told, Sir, that the Members of the Central Legislature have got no powers. We knew it, of course, otherwise we would not have come before this House; we would have exercised our rights. The very fact that we come here and ask that there should be consultations between the Members of this Legislature, the Provincial Governments and the prisoners shows that we have got no powers; we desire that such consultations should take place which would be a very desirable thing for those who wish to bring about a better state of affairs in so far as the treatment of political prisoners is concerned.

[Mr. Govind V. Deshmukh.]

I would like to refer to one or two remarks made by the Honourable the Home Member in his speech. In regard to the question of destitution of the families of some of the detenus, he said that no instance had come to his notice either from the persons who were detained under the orders of the Central Government or from those who were detained under the orders of the Provincial Governments. I can cite a very pathetic case which was reported in some of the newspapers, and I hope the Honourable the Home Member will do something in this case if nothing has been done up till now. It is a case from Lahore; One Abenash Chandar, a boy of 11, has made an appeal to the public. His brother is a detenu. His other brother, who was earning about Rs. 21 and was maintaining his mother and was looking after the education of this boy, is affected by tuberculosis. His mother is ill. This lad has appealed to the public in general. Why? Because it is a case of destitution. The boy does not know how to maintain the members of his family, to keep their bodies and souls together. Sir, it will be observed from other instances which have been narrated in this House from the personal experience of speakers regarding the sort of treatment about their food, their clothing and allowance, that these are pathetic instances. I do not want to add to that list, but I should like to mention certain cases from my province: There are two ladies in Jubbulpur Central Jail. None of them was an active member of the Congress, none of them had done any propaganda work, or anything of the kind. One of them happens to be the daughter-in-law of a person who was very much associated with the Congress—the late Jammal Bajaj. The crime of this lady appears to be that she is the daughter-in-law of this gentleman; because so far as my knowledge goes she never associated herself with any Congress Propaganda or had taken any active part in this organization. She is ill. That such ladies, who have taken no part in the Congress movement and whose antecedents can be gathered, should be put in the jail simply because they happen to be related to some persons who took part in the Congress movement seems to be a queer logic and a queer justification for Government's action. Another lady, Prabhavati Jakatdar, who is detained, was a nominal President of the Provincial Congress Committee. She did not take any prominent part in the movement; she was a president just for a short time. It can be verified by the Provincial Government or anybody else that this lady did not take prominent part and she did not commit such acts to which the Government could have any objection. The fact that she was the President of the Provincial Congress Committee for a short time by itself is no justification, from my point of view, to condemn this lady to jail. She is suffering from several ailments. When one comes across such cases in which there cannot be the slightest justification for punishment, one is really thunderstruck at the policy which the Government is following.

Now I come to the question about interviews. One of the grounds put before this House was that the relatives of detenus cannot be allowed to have interviews with them because the Members are reminded of what was going to happen in the case of Jai Prakash Narain whose wife was allowed to have an interview with him. He said that it was good for the country that the Government stepped in and prevented the mischief. To put forward one solitary instance as a ground for preventing interviews of other persons with these detenus, persons who are closely related to them, can be hardly justified. And if things were to proceed on these lines that one instance justifies a particular line of action, then I wish the Railway Member would learn a lesson from the Honourable the Home Member. What I mean is that if there is one major accident on one section of the Railways he should conclude that there would be a major accident with every train and he should take all necessary precautions. There is a kind of bird called swallow which migrates about the summer time from England.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Your time is up.

**Mr. Govind V. Deshmukh:** Just a few words more. If this swallow runs away from England it does not mean that the summer has come. One swallow does not make a summer. Therefore to put forward this one particular instance

about Jai Parkash Narain's wife is a very lame excuse to prevent interviews in future between the detenus and their wives. Sir, I support the Resolution with this present amendment and my amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Amendment moved:

"That in lines 2 and 3 of the Resolution the following be deleted:  
"in general and those convicted for political offences since August 1942, in particular."

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): The Resolution will appear to the whole House to be very reasonable and a very humane one.

3 P.M. It asks that better treatment should be given to the detenus and the political prisoners. When we know who these prisoners are, we cannot, but say that it is very necessary that better and more humane treatment should be given to them. From time to time since 1942, and even before that, there have been complaints that instead of the treatment getting better it has become worse. Today this House has been informed of actual instances to show how that treatment is being meted out to them, and I am very glad that each Province has given some instances. When I have put questions on this matter, the Honourable the Home Member has always said: 'Give us individual cases and I will enquire into them'. Well, Sir, here today we are giving you individual cases of a nature in which your interference is very necessary.

Now the Resolution itself asked that better treatment should be given to these prisoners, or that they should be released. In the second part the methods by which the better treatment may be given to them is that the Members of the Legislature should be allowed to visit these prisoners and find out their condition and then do something. But I feel that there is some defect in the Resolution dealing with the method that is called for. Whenever we come before this House and say that we personally know that the treatment is not good, the other side either contradicts it or puts us to proof. Now, if we go and visit the jails, find out those difficulties and present them to the House, on the other side the Home Member will get up and say that he has received reports from his own officers to the contrary. Therefore, I submit that the method asked for in the Resolution is not adequate. I would prefer the Resolution of Mr. Joshi, which has also been supported by my friend, Mr. Deshmukh. It asks that a Committee of the Legislature should be appointed in co-operation with the Local Government to find out their condition and to meet with their requirements, and I submit that I would like to support that amendment.

Before I put up the case of prisoners in my own Province with respect to the treatment they are receiving and the amenities they are not getting, I cannot but say that the information that we have got today from the Honourable Sardar Mangal Singh has simply startled us. Sardar Mangal Singh has told us that a District Magistrate called upon him and asked him not to attend the Assembly, because the order was that he should not go from such and such a place. Now I say that this conduct of the Magistrate appears to me to be most impertinent and disgraceful. Under whose orders was Sardar Mangal Singh attending the Assembly? He was attending under a summons from the Viceroy. And is this Magistrate over and above him? This Magistrate takes upon himself to override the directions of the Viceroy. A question was put by the Chair asking why he indulged in such writing with the Magistrate and so forth. What can he do? I have always thought that the policeman and the Magistrate on the spot have more powers than the King and the Viceroy themselves. As soon as something is done they arrest the person concerned. They do not wait for the orders of the Viceroy or the Honourable the Home Member. Therefore, if he had not taken this precaution he would have been arrested there and then and this news would not have reached us here. This is not a simple matter. The House should take this matter up and get it vindicated, and that in future there should be no such act done by any Magistrate. I will go, Sir, on your behalf to say that I would wish that the Government on behalf of that Magistrate should offer an apology to the Honourable Member of this House.

[Mr. Lalchand Navalrai.]

Then I come to the Resolution itself. I will tell you what are the indignities and difficulties with regard to the prisoners, detenus as well as political prisoners, in Sind. The first and foremost thing that I would bring to the notice of the House is this; our Government in Sind is not working under Section 93 and yet we find difficulties for these prisoners with regard to their transfer from one jail to another. That is a great difficulty in Sind. Those who know the climate of Sind, especially of Upper Sind, would themselves feel that it is inhuman that people living in Karachi should be locked up in Upper Sind where there is so much excessive heat in these days, instead of being transferred to a Karachi jail where the climate and the place would agree with them. There was some agitation on this point but there was very slow response on the part of the Cabinet.

Now as instances, I will say that there are very respectable men who have been members of the Sind Assembly. They are Sri Jairamdas Daulatram, Professor H. H. Malkani and Professor Gunsham. They are still in Sukkur Jail, even though there have been so many representations on their behalf.

I would therefore submit that in these days they should be transferred to Karachi where the climate is better. Situated as they are in jail in Upper Sind they have not any amenities to face the heat over here, since they cannot come out in open nor can they live like in their own houses. They are locked up in those cells and they have hardly any open space to sleep. What I would submit is that so far as the Upper Sind prisoners are concerned they should be transferred to Karachi. But if they could not be so transferred, then I would suggest that electric fans should be provided for them in the jail. I am not making this request without precedent.

**Dr. P. N. Banerjee:** European prisoners are always supplied.

**Mr. Lalchand Navalrai:** In the Punjab when people were imprisoned under the civil disobedience movement, electric fans were given to them, and I do not know—it may be that even now some do get fans. If so, why should not the same be done in Sind? At least those in Upper Sind must have fans. I would submit that those prisoners who now remain in jail for over a year should be released. The movement is not so very severe or stern now, and therefore these gentlemen should be released. There is one thing which I want specifically to bring to the notice of the Honourable the Home Member with regard to release. Most of the names I have given are those of the members of the Sind Assembly. It is not in the interests of the Sind Government to let them out. As soon as they are out, there will be a tussle again about the ministry. The Sind Government will, therefore, never agree to release them. It is the Central Government that should take the necessary steps to let these gentlemen out.

Another point I wish to refer to is about the difficulty of these prisoners with regard to business transactions. These men were put in jail when they had done certain businesses. They were half done, certain cheques had to be issued, certain other things had to be done. But they are not allowed to do all this from jail. They are refused permission to sign papers and send them out. The third thing I would point out is with regard to the allowances to the detenus. There are some detenus whose families are not being allowed any maintenance. I have brought one case to the notice of the Honourable the Home Member. He was kind enough to communicate with the Sind Government and that related to Professor Alum Gidwani's wife. She applied for maintenance and I had spoken to the Home Member about it last time. Up till the time I was there nothing had been done, but subsequently I am told that some allowance has been sanctioned. I understand there is some difficulty there also. I hope the Honourable the Home Member will make an enquiry into it.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member's time is up.

**Mr. Lalchand Navalrai:** Is no time today running very fast, especially this afternoon. I want only a few minutes more and I shall finish. Therefore I submit that that case should be enquired into, and if she has got no allowance



she must be given one. She has got no other provision, I can assure the Honourable the Home Member about it. I am told that she is being given allowance from today, and not from the day from which her husband is in jail.

Let me come to ailing detenues. There are so many respectable prisoners in jail who are suffering from some illness or other and they are not being released, nor is any sufficient help given. One is Miss Sarala Jagunath, a Cambridge University Graduate, another is Miss Jethi Sipahimalani, Deputy Speaker of Sind Assembly, again Mr. Vishindas J. Shivdasani, who is a Doctor of Literature. There is also Mr. H. D. Morriwala who is reported to be suffering from fever. Only one word more. I will refer to the case of one . . .

**Mr. Jamnadas M. Mehta** (Bombay Central Division: Non-Muhammadan Rural): Why not put the clock back for the Honourable Member's sake?

**Mr. Lalchand Navalrai:** Why don't you do it? If the House so wishes, it will be done. One minute more.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Your one minute seems to be too long.

**Mr. Lalchand Navalrai:** Mr. M. S. Sharma is reported to be suffering from goitre which is a serious malady. Its cure lies in an operation of thyroid gland. He has not been released, though the Civil Surgeon gave a certificate. (Interruption.) If he has been released I shall be very glad, but if not, I hope the Honourable the Home Member will look into that case also. Regarding the classification of prisoners, something should be done because there is a difficulty with regard to it. Releases on parole are very slow. In one word I may say that the Provincial Government is not generous in this respect; it is not giving the prisoners what they reasonably require. As my time is over I will sit down; otherwise I have much to say.

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadan Rural): There are certain obvious disadvantages in having to resume a debate after a lapse of four months; unless one is endowed with a stupendous memory, one is apt to make mistakes as to what was exactly said on the previous occasion. And it seems to me that the Honourable the Home Member, in spite of all the extraordinary qualities he is endowed with, has not got a very dependable memory. When he was getting rather restive because of the reference made by my Honourable friend, Sardar Mangal Singh, to the operation of the Defence of India Rule 26, I looked up the Debates and found that a reference to this particular point was entirely relevant because of the reference which the Honourable the Home Member had made at page 1474 of the Debates on the last occasion. What do I find there? He mentioned this Rule by its specific number and went on to defend the policy on the ground that the Government had been very considerate, that they were not indiscriminate and so on and so forth. He gave statistics to show that the Government had been very discriminating in using the powers under that Rule.

**The Honourable Sir Reginald Maxwell:** On a point of order, Sir. What the Honourable Member is now saying is a reflection on the ruling given by the President this morning. The President ruled a certain discussion as being out of order and it is not for the Honourable Member to comment subsequently on the decision so given.

**Mr. K. O. Neogy:** I make no reflection at all. If the Honourable President had been told that a reference was made specifically by the Honourable the Home Member himself to this particular point, the ruling might have been otherwise.

**The Honourable Sir Reginald Maxwell:** The Honourable Member is still arguing against the President's ruling.

**Mr. K. O. Neogy:** That apart, reference was allowed to be made to this particular point when my Honourable friend, Mr. Kailash Behari Lall, was speaking; as far as I could gather, a large portion of his speech dealt with this particular point.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): A general reference to the operation of Rule 26 is probably not in order, especially in view of the ruling of the Honourable the President but I should think that the Honourable

[Mr. Deputy President.]

Member has a right to criticise the speech of the Honourable the Home Member on this Resolution.

**Mr. K. C. Neogy:** Apart from that, I should like to point out that the amendment moved by my Honourable friend, Mr. Joshi, asks for a review of these cases. What does that mean? It asks this House to agree to a recommendation that the merits of each case should be gone into, and that indirectly leads to the question of the administration of the Defence of India Rule 26.

Now, Sir, I should not like to dwell any longer on this point; and I should like to come to the other points made by the Honourable the Home Member. Lest I do him any injustice, I should like to follow the reported speech. In one part of his speech, the Honourable Member said that, so far as detenus who had been detained without trial before August 1942, were concerned, their treatment, since their release from Deoli, as prescribed in the revised rules of the Government of India, was humane and liberal; and then he went on to say that security prisoners detained in connection with the movement of August 1942, are governed by the same rules but there are certain modifications which have been based on the reasons and objects of the detention and these modifications must be regarded not as penal but as precautionary. Now, Sir, if, according to him, the previous set of detenus were treated in a humane and liberal manner, and if there has been any departure from those rules in the case of those detenus who have been detained for their alleged participation in the movement of August 1942, it can be argued that their treatment is not humane and liberal. The Honourable Member's opinion that the modifications must be regarded not as penal but as precautionary will not pass muster, although my Honourable friend, Pandit Nilakantha Das, seems to be quite satisfied with this assurance. (Interruption by Pandit Nilakantha Das.) He accepted the assurance that the treatment was not penal but precautionary and he was glad to be assured on that point.

Now, Sir, in what respects do the new rules constitute a departure from the old ones. The Honourable the Home Member says that the modification, in the first instance, is that they are treated as belonging to a class intermediate between class 1 and class 2 of the previous set of rules, and that their scales of diet are also intermediate between these two classes. Then, again, certain privileges in regard to interviews, writing letters, etc. are also much more restricted. Take the question of food. Does the Honourable Member consider that the reduction in the standard, if not the quantity of food, which he has brought about by this modified instruction, is of a precautionary nature and not penal? Does the Honourable Member hope that this House will be convinced by this sort of argument? And how was this instruction interpreted in the Provinces? I shall have occasion to go into the case of the Punjab very shortly. In the Punjab, men like leaders of the Opposition in the legislature of the Punjab, and other prominent men, were put on a diet costing six annas a day, not six annas per meal, but six annas a day. That was the prescribed cost of the diet for the Leader of the Opposition and other members of the Punjab Legislature, not to mention other prominent non-officials who had been detained. My Honourable friend says it is precautionary and not penal! That six annas was intended to cover not merely food but also fuel, and everything else. They were not permitted to supplement this magnificent sum with any contribution from any of their friends, and this was definitely a precautionary measure, not penal! He says that these people are even more dangerous than those who have been convicted on definite counts for participation in the movement of August 1942. I have an impression, it is for the Honourable Member to verify what I am stating, that of late, due to the right of appeal having been granted in cases that were tried under the Special Courts Ordinance, a number of people have filed appeals. I am not going to the Provinces. I am taking up the cases that are happening here in Delhi. In the case of a number of people who were actually convicted, it has been judicially found that there was no iota of evidence against them and they are being released by the Judge of Delhi. Will the

Honourable Member make an inquiry into this matter. It is very convenient for him to assume that those who have not been put on their trial are rebels, and that they do not deserve any considerate treatment.

Now, Sir, time is running. I had very many points to deal with. Instances after instances of cruel and barbarous treatment meted out to the detenues in the different provinces have been brought to notice. I have a long list of such cases compiled out of newspaper files. Moreover, I had occasion to look up the proceedings of the Punjab Legislative Assembly—those that are available in the Library—and tried to summarise the grievances which were put forward in the course of debates and questions on several occasions in October and November last; and these grievances, as summarised by me, run to 8 typed foolscap pages. They constitute most sickening reading. All kinds of allegations were made, and not a single one has been refuted. A parrot sort of reply was given in every case. I will just read out one for the information of the House. It was said that it is not in the public interest to give a reply to these questions on the floor of the House but if the Honourable Member so desires, a reply could be sent for his private information. (*An Honourable Member*: "Who gave the reply?") I think the Parliamentary Secretary. The questions insinuated all sorts of atrocities, ill-treatment of prominent men, members of the Legislature being confined in prisons reserved for tuberculosis patients, prisons which had been condemned and recommended for abolition; women being beaten; and when we come to references about the Lahore Fort, we have a statement made by the late lamented Sir Sikander Hyat Khan. He said that some detenues were transferred to the Lahore Fort by the Government of India and they did not stay there for more than 20 days. Naturally, he did not want to take any responsibility for this particular type of persons. Will the Honourable Member explain the partiality of the Home Department for these old Mughal Forts and their subterranean vaults? I had occasion to write to him as early as January about certain reports that reached my ears as to the use to which certain subterranean vaults in the Red Fort at Delhi were being put. I had no intention of raising this issue on the floor of the House as I had addressed him on this point. Since then a question was asked by an Honourable Member.

**The Honourable Sir Reginald Maxwell**: Will the Honourable Member quote my reply?

**Mr. K. Q. Neogy**: I am sorry I have not got the reply with me; but the Honourable Member said that he was satisfied that the allegations were untrue. But the fact remains that in a very recent article a prominent daily newspaper has given details of the allegations. Reference was also made to this particular fact by my Honourable friend the Mover; and here in this newspaper we have a reference to this underground prison in the Red Fort at Delhi where prisoners are detained without trial. Names are given and also the period spent by each. The information, they say, is received from communications from released persons who have sojourned in it. Here are certain very serious allegations; though I have not myself had the opportunity of verifying the truth or otherwise of these allegations. The Honourable Member says that Members of this Legislature have no particular status with reference to the Provincial Governments, but certainly they may have something to do with the areas directly under the control of the Government of India. Delhi is one of those areas. I make a sporting suggestion to the Honourable Member. Will he make an informal inquiry into this matter, not by constituting a formal Committee? Will he allow my Honourable friends Syed Ghulam Bhik Nairang, Maulana Zafar Ali Khan, Dr. Banerjee, Sir Henry Richardson (whom I find fast asleep), Sir Cowasjee Jehangir, Pandit Nilakantha Das, Sardar Sant Singh, Sir Abdul Halim Ghuznavi and Mr. Joshi to get down to the underground cells referred to in this article and in the debates of this House, and let them satisfy themselves as to their fitness for detention of persons of this type, and let them also talk to those people who have any experience to relate of their brief sojourn either there or in the Lahore Fort? Will the Honourable Member accept the suggestion? I do not suggest any formal inquiry. Let these gentlemen, or any of them

[Mr. K. C. Neogy.]

who might like to be associated with this inquiry, be taken down to the Delhi Fort in the first instance, just to have a view of the place, and if they felt like summoning those detenus who were there for some time, only then they might ask them to be produced, not otherwise. This is an offer which the Honourable Member should accept, if he really cares for his reputation.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I will not take much time of the House. I intervene in this debate only because I want to say a few words in regard to what I have been saying about the Defence of India Rules and the way in which they have been working and the reasons why statesmen take a different view of those who are detained under those Rules and the treatment that is being meted out to the detenus. The House will remember that on the day when the Defence of India Rules were under discussion in this House I cried hoarse and said that having the experience of the old Defence of India Realm Act, I knew that they were likely to be abused. I pressed the Government to hold out an assurance to this House as was held out in the House of Commons that the Rules will be worked with humanity and with consideration taking into account the fact that the detention is not after trial and conviction but it is an act of the Executive Government. There were some gentlemen who did not see eye to eye with me on this question, but a strange thing happened to one of them. An Honourable Member of the Council of State on a certain occasion learnt that his own relation was arrested under the Defence of India Rules. He rushed up to Gujranwala and there met the Superintendent of Police and told him that he was one of those who had supported that Act. He said that he was not Sant Singh who opposed it but then he found that he was wrong and I was right. So, after a good deal of trouble the man was released. This is an attitude of mind which shows that even those, who were the supporters of the Government at the time when the Defence of India Rules were under discussion in this House and the Upper House have come to realise that it is a weapon of tyranny and not a weapon intended for the purpose of the defence of the country.

The second point which I want to make out is this. In section 2 of the Act it is given that for three purposes the Defence of India Rules will be used. Firstly, to stop all those activities which go to hamper the war effort, secondly to maintain public tranquillity and, thirdly, to maintain law and order. Now, we were assured on the floor of the House that beyond that the Defence of India Rules will not be used. But today, looking at the number of the Ordinances and the Rules that have been issued during the last three years, we find that all the legislative powers of the Legislatures have been overruled and the Defence of India Rules have been brought into action to provide for those contingencies which were never contemplated when the Defence of India Act was promulgated. I appreciate the position, I am not ignoring the position that in the extraordinary times through which the country is passing on account of the war there is a justification for arming the Executive with some power. But what I demand is that that power should be used in a manner which should substantially be a procedure of the court of law, if not actually the procedure of the court of law. Here what I find is this that when a man is first arrested under Rule 29 he is kept in the police lock-up for a couple of months, which this rule permits. They say that he is kept for a couple of months in the police lock-up for the purpose of interrogation. I do not find in the Criminal Procedure Code any provision by which an accused person can be interrogated. However, leave this question aside. He is interrogated and interrogated for such a long period as two months. If the interrogations of a person are placed before this House, we will be able to understand what those interrogations are that go on for such a long period as two months. When these two months are over, the Government passes an order under Rule 26 in order to detain him. Then, further on, there are cases in which the person detained under Rule 26 is being prosecuted in a court of law. If the Government detained a person to prosecute him on the allegations on which he is being detained, the detention order is not justified. The detention order is meant where the charge cannot be brought publicly

and the man is not to be tried in an open court. But if the Executive Government decides to prosecute him, then it clearly means that the Executive is prepared to lay a charge openly in public and justify their action in a court of law. These two things cannot go on simultaneously. In one case which I am defending myself, these two things are going on. Somebody asked me why in this case I should not ask for the discharge of the accused, because there was no evidence against him. I told him that I did not want to do so, that I did not want to ask for the discharge because the accused got better treatment when he came to court than he would if he were in jail. We go on prolonging the case now because the accused will get better treatment outside the jail. Things are happening like that.

There are many illustrations which I can give, there are so many cases which I can before the Honourable the Home Member. I am not asking that he should kindly look into those cases, if I want, I shall certainly write to him about any particular case which requires such scrutiny. Here on the floor of the House, I want to discuss the question of the policy, and what sort of treatment should be accorded to such prisoners. May I ask the Honourable the Home Member whether it is fair to look at every case from the policeman's point of view. The policeman's point of view has been described by eminent jurists as regarding a man as guilty until he has proved his innocence in a court of law. Are the Home Department and those who are in charge of administering the Defence of India Rules going to say in this manner that every Indian is guilty, that every Indian is against war effort unless he proves his innocence? Then, Sir, such a state of affairs is awfully bad. You have to rely from the very nature of the thing on the report of certain officers who are in the police. Human institutions are such that we ought to depend upon them, but there should be some scrutiny. If Great Britain and the Parliament can appoint an Advisory Committee to scrutinise such actions of the police where the police is reported to be more honest and more straightforward, surely in India it requires that some such Advisory Committee should be constituted to look into the reports that come and see whether they are justified or not. The other day, I brought to the notice of the Home Department the case of Sardar Dewan Singh of *Riyasat* who is crying hoarse behind prison bars. He informed the authorities that he has never been associated with any political activity, he has never been a member of any political party, he had the misfortune to have a big fight with the local police officials. Then when he was convicted of having forged notes, or something like that, he went on appeal to the High Court. There he pressed his case that that was all due to the enmity with police officials. The High Court exonerated him, no doubt for the purpose of that case. As soon as he was acquitted, the very police whom he maligned in his arguments before the High Court reported against him and he is now detained. He has sent representations. I had the benefit of reading that representation, he is crying hoarse over it, that he had nothing to do with any subversive movement. Similar is the case with Sardar Sardul Singh Caveeshar who was detained in Lahore Fort for a very long time. I do not remember exactly the period, probably six months. He was detained.

**Mr. K. O. Neogy:** Under the orders of the Government of India as pointed out by the late Sir Sikandar Hayat Khan.

**Sardar Saant Singh:** In the Punjab Assembly, it was said that no person was detained for more than 15 days. When it was ventilated in the Punjab Assembly, the reply was that it was not in the public interest to discuss about it. Surely this state of affairs cannot be gratifying to anybody in India. The Government of India can take shelter behind the fact that it is an act of the Provincial Government. But I submit the Government of India are morally responsible. They are not merely legally responsible, but also morally. When an Act is passed by the Legislature, it is the legal responsibility of the Government of India to see that the Act is administered in a humane manner.

There are so many other instances which I do not want to touch upon. One thing which I noticed by reading the newspapers from time to time is

[Sardar Sant Singh.]

that persons are released on account of ill-health and they soon die when they come out. There are so many instances. Will not the Honourable the Home Member take proper precaution to see that people are released at the proper time at any rate when they can be given proper medical treatment and when there is still a chance of recovery? This is a state of affairs which no man can look with satisfaction in this country. Now, especially when the war situation has improved, when the country is more tranquil than at this time last year, may I ask him that he should appoint some Members of the Legislature and give them an opportunity to look into the treatment that is actually being meted out to the detenus in the various jails? He should see that some amenities are provided for them. After all they are not members of the criminal tribes, they are not revolutionaries, they are not guilty of any violent crime. It is a precautionary detention brought about by circumstances over which we have no control. If it is a precautionary detention, they may be treated like men and not like brutes. Therefore, I submit that some action is urgently called for by the Government of India. I ask them that in their own interest, in the name of good administration of the country, they should accept the principle underlying the amendment of Mr. Joshi. He has moderately put the whole position and wants some moderate action to be taken, or in the alternative the Government by their own action should appoint an Advisory Committee to look into the case of several persons so that they may not entirely rely on the police reports, but that the police should feel that there is somebody to look into those reports and find out whether there are indiscriminate arrests and unnecessary hardships caused. Therefore I support the Resolution with the amendment of Mr. Joshi.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, the Resolution before the House has been under discussion since the last Session of the Assembly. My excuse in taking part in the discussion at this late stage is that we wanted to know and be in possession of all the facts and arguments that could be advanced either in support or against this Resolution before the Muslim League Party as such could express its views on it. Sir, I have very carefully studied the speeches of the Honourable the Mover of this Resolution and the Honourable the Home Member. I have listened to all the speeches that have been made today on the floor of the House with great attention. Let me at the very outset say that as far as the demand for better treatment, for humane treatment, for decent treatment to detenus and political prisoners is concerned, you have our fullest sympathy and we will give our fullest support. It is a well-admitted fact that a man who is detained without trial is regarded as innocent in the eyes of the law and in the eyes of all honest and decent people. But there are occasions when a Government may in the larger interests of a country take some action which in its judgment is necessary to preserve peace. But that is no reason why such persons should not be treated as decent human beings but like criminals who have been proved guilty of heinous offences. The Resolution demands better treatment for two classes of prisoners, i.e., those who are detenus and political prisoners, and others who have been convicted since August, 1942. I am rather surprised that the Honourable the Mover of the Resolution, as was pointed out by the Honourable the Home Member, did not say anything regarding those who were convicted after August, 1942; and I cannot help feeling,—and I hope my Honourable friend will forgive me,—that the inclusion of that class of prisoners was only meant as a pat on the back for those who were guilty of having created a very serious situation in the country.

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, on a point of information I should like to correct my Honourable friend. I did specifically mention those people who have been convicted under the Defence of India Act and Rules and special Ordinances. If the Honourable the Home Member made a mistake I am not responsible. It is there in the proceedings.

**Nawabzada Muhammad Liaquat Ali Khan:** I have studied the speech; however I will not enter into that argument. But since then an amendment has been moved by my Honourable friend, Mr. Deshmukh, wherein he desires to delete the cases of those who were convicted for offences committed after August, 1942; and as far as we are concerned, we will support this amendment because we cannot possibly by any action, implicit or explicit, give our support to the movement which has been responsible for great loss of life and property and for creating a situation in the country the like of which is not to be found since 1857. Therefore, as I said, we have the fullest sympathy and we will give our fullest support to this Resolution, so far as it concerns the demand for better and humane treatment of all these detenues and security prisoners who are detained by Government without being put on trial before a court of law.

The Honourable the Home Member in his speech while opposing the Resolution tried to justify the action that Government have taken so far in this respect. We have today heard speeches and cases have been stated not on hearsay evidence but on the testimony of those who have themselves suffered under the orders of detention passed by this Government. The Home Member may say that the allegations are not true. I am not prepared to doubt statements made so vehemently by Honourable Members of this House who have had personal experience of these matters. There could not have been this feeling if there had not been something wrong somewhere. There must be something rotten in the state of Denmark. Otherwise I do not think these Honourable Members would have come forward and occupied the time of this House by narrating their own experiences without any justification. And after all what is it that the Resolution demands? And before I deal with that I should like to make another point clear. We have studied all the amendments and we have come to the decision that we will support the amendment which was moved by Mr. Joshi. With regard to Mr. Deshmukh's amendment I have already stated our position. Let us examine the position if this amendment of Mr. Joshi were passed. It only wants that the policy in regard to the treatment of detenues and political prisoners should be revised in cooperation with Provincial Governments and in consultation with a committee of this House so as to provide for better living conditions in jails, better communication with outside, adequate provision for their families and an impartial review of their cases at an early date. To my mind there is nothing in it to which any Member of this House, at least an elected Member, can take exception. It does not ignore the Provincial Governments; they are to be consulted as also a committee of this House. I shall deal in a few minutes with the question of whether a committee of this House is to be consulted or not in such matters. But there is nothing in it that we need object to. Do we not want that these people who are as innocent in the eyes of the law as we are here should be given a treatment which every decent human being deserves? Is it not incumbent upon Government who are responsible for detaining these people and for depriving a family of its breadwinner to provide for the maintenance of these people? If they have any evidence in their possession and conclusive proof that these people are guilty of some heinous offences, the only right course open to them is to go before a court of law and get its decision. But as long as they do not take that step it is surely the duty of any decent Government to treat these people as decent human beings.

The Honourable the Home Member objected to taking into confidence and to consulting a committee of this House. I have got his speech before me. He stated while objecting to the amendment of Mr. Joshi:

"I do not think that it would be appropriate for the Government formally to associate with themselves a committee of the legislature to deal with matters which on the face of them require executive decision and action."

I am afraid, Mr. Deputy President, I do not see the logic of it. If you want to carry the goodwill of the people with you, you have got to take the representatives of the people into confidence and consultation, and let me say that

[Nawabzada Muhammad Liaquat Ali Khan.]

specially in the case of a Government like the present one, whose policy and whose control is foreign though the composition may be *swadeshi*, it is necessary for a Government of this type not to ignore and not to treat with contempt the opinion and the feelings of the people of this country. Had it been a Government of the people then the Honourable the Home Member might have had some justification for bringing forward such an argument, and I can assure him that if it had been a Government of the people he would have never made such a statement on the floor of this House. Therefore, Sir, in the interest of the Government themselves, in the cause of satisfying the people of the country that the treatment of the Government is that of any civilized Government, they should have no objection to accepting this proposal.

Sir, my Honourable friend, Sardar Mangal Singh, paid a compliment to the Governments of Sind and North-West Frontier Province and said that because of their policy there the sabotage movement did not exist, because of the policy that the Congress were treated in a different manner there the sabotage movement did not get root in those provinces. With due deference to his opinion, I submit that the sabotage movement could not and did not succeed in those provinces because these are the provinces where the Mussalmans are in an overwhelming majority; these are the provinces where the Mussalmans, as a community, had kept completely aloof from this movement. That is the reason, Mr. Deputy President, and not the reason which is stated by Sardar Mangal Singh. But, Sir, I again request the Honourable the Home Member to consider the proposal that is being placed before him and that has been placed before the House. As I have stated, my Party has decided to support the Resolution and the amendments of Mr. Deshmukh and Mr. Joshi. Before I sit down, Mr. Deputy President—and I feel from your attitude that my time is probably up—I would only say that I do appeal not only to all the non-official Members of this Honourable House, but to Government themselves that they should accept this Resolution as amended by these amendments which I have supported, and they should not sit satisfied that everything is all right but they should make an effort to find out and improve the lot of those who have been deprived of their liberty and freedom by your executive action.

**Dr. P. N. Banerjee:** The Resolution is a very modest one and its scope is extremely limited. If I had been the framer of the Resolution, I would certainly have given it a wider scope. But something is better than nothing, and it is on this principle that I support the Resolution as amended by the amendments of Mr. Joshi and Mr. Deshmukh.

Now, Sir, what is the demand made in the Resolution and in the two amendments? The demand is for an enquiry, and after enquiry for giving humane treatment to detenus and political prisoners. Is that an unreasonable demand? It may be said, and it has been said by the Honourable the Home Member, that humane treatment has already been meted out to the detenus and political prisoners. I say that that is a wrong statement.

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

I have received numerous complaints from different parts of the country and I have personal knowledge of cases where detenus and political prisoners have been very badly treated. And if we read the files of newspapers, what do we find? We find cases of the most inhumane treatment being meted out. We all know certain instances. Two members of this House—the late Mr. Satyamurti and the late Mr. Bhalchandra Johri—lost their physical health during detention in jails and they were let out of the jails only when it became known that they were about to die. Now, can this be called humane treatment? Two other Members of this House related this morning their own personal experiences as they pointed out to this House how inconsiderate is the attitude of the Provincial Governments. They pointed out that without a shred of evidence against them they were detained. My Honourable friend Mr. Kailash Bihari Lal.—I have pointed out to this House several times before,—was not



a member of the Congress organization; he was a member and an office-bearer of the Nationalist Party. He had not joined the sabotage movement at all and still he was detained in jail. And, further on,—look at the fun of the whole thing,—he was asked to give an undertaking to the effect that he would not help his brother who was described as an absconder—but who really was living in the same jail with him. This is a funny story that he has related and I know personally that the facts related by him are absolutely correct. My Honourable friend, Sardar Mangal Singh, said that the Provincial Government of the Punjab wanted to have jurisdiction over the Central Assembly and gave a gagging order so that he might not attend this Assembly and take part in its proceedings. Would the Home Member justify such action? Whenever we put cases before him, he says it is for the Provincial Government to decide, but are such acts on the part of the Provincial Governments to be justified? In the case of the Punjab you may say that it is a province which enjoys an autonomous Government, but what about Bihar? Bihar is governed under Section 93 of the Government of India Act and the Central Government has full control over the administration of that province. But in that province things have occurred which are disgrace to the administration of India.

Now, Sir, our friends have narrated all the stories that have come to their knowledge. I personally know of many other things. But I am not going to detain this House with a narration of them. What I want is to draw the prominent attention of the Honourable the Home Member to what is demanded in the course of the Resolution and the two amendments. What is demanded is an enquiry. Is not that a reasonable thing to demand? He may say that this enquiry is to be made by Members of the Legislature. But that is not exactly what is wanted. The enquiry is to be made by the Government, but with the Government should be associated Members of the Legislature,—not members belonging to one particular party. Would such a body do anything which would be harmful to the interests of the country? Would such a body do a thing which would prove harmful to the maintenance of law and order in India? I fail to understand why the Honourable the Home Member should object to such an enquiry being made.

Then, again, what is wanted after the enquiry? It is that humane treatment should be given. That is to say, adequate food, adequate clothing, and adequate family allowances should be given; they should be allowed to communicate with their friends, and those who require medical treatment should be afforded such treatment, and detenues and prisoners should be accommodated in places where the conditions are sanitary. These are all the things that are wanted. No Member of this House has demanded anything else. Mr. Joshi has further demanded that a review of these cases should be made and that if it is found that these persons are not guilty or have suffered in health or are about to die, they should be released. Is that an unreasonable demand?

I appeal to the Honourable the Home Member to take these facts into consideration and not to be guided by a policy of false prestige but to do the right thing at least once on this present occasion.

I support the original Resolution, together with the amendments of Mr. Joshi and Mr. Deshmukh, and I hope that this amended Resolution will be accepted, not only by the elected Members of this House but also by the Government.

**Sir Muhammad Yamin Khan:** The question be now put.

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

"That the question be now put."

The motion was adopted.

**Mr. T. T. Krishnamachari:** I thought the Government was going to say something about the Resolution at this stage, because the Honourable the Home Member promised on the last occasion that he would make another speech.

**The Honourable Sir Reginald Maxwell:** I think, I can speak after the Mover.

**Mr. President** (The Honourable Sir Abdur Rahim): I will allow the Home Member.

**Mr. T. T. Krishnamachari:** May I speak after the Home Member?

**Mr. President** (The Honourable Sir Abdur Rahim): Will, the Honourable Member go on with his reply?

**Mr. T. T. Krishnamachari:** I am very grateful, Sir, to the elected Members of this House and to the Honourable Mr. N. M. Joshi for the support they gave to my Resolution. I would like to state at this stage that I am willing to accept the amendment moved by my friend, Mr. Deshmukh, viz., the elimination of one sentence in my Resolution, and also the amendment moved by my friend, Mr. Joshi. I hope, Sir, that the other amendment moved by my friend, Mr. Neogy, will not be pressed as the Resolution as amended by Mr. Joshi will be quite complete in itself. I am unable to accept the amendment of my Honourable friend, Pandit Nilakantha Das. As I stated at the outset, it is not my object to ask for the release of these people who are in prison. The purpose of my Resolution was definite. It was to ask for better treatment of political prisoners and detenus, and I do not wish to accept any amendment that takes it out of the modest scope of my original intention. Sir, I would like to correct a mistake made by my Honourable friend, the Home Member, which unfortunately was repeated by the Honourable the Deputy Leader of the Muslim League Party. I did, Sir, specifically state at the outset that I contemplated three classes of prisoners to come within the scope of my Resolution. One happens to be those detained for a temporary period under rule 129 of the Defence of India Rules; secondly, those detained under rule 26; and thirdly those classes of prisoners convicted and sentenced to a term of imprisonment under the Defence of India Rules. So I maintain that my Resolution covers the whole lot of people who have been convicted for political offences or dealt with in any other manner for political reasons under Rule 26 or are detained temporarily at the pleasure of the police and the magistrate. Sir, I hope my Honourable friend, the Deputy Leader of the Muslim League Party has not been misled in this matter. But I do say that I have no objection at all to eliminating any specific reference to any particular class of prisoners. The greater comprises the less. Political prisoners and detenus comprise all people whether convicted after August, 1942, or before, and I am quite content to accept the unqualified support to the amended Resolution, the resolution as amended by Mr. Deshmukh and Mr. Joshi that has been given by the Honourable the Deputy Leader of the Muslim League Party.

I would like to touch on one or two matters mentioned by the Honourable the Home Member on the last occasion. There is no justification, I maintain, for the creation of a new class of detenus. It is not penal, he said. I agree. It was not, however, necessary for precautionary purposes to harass people in detention. The second point of which much was made by the Honourable the Home Member was this. He reiterated that the Central Government, placed as it is today, cannot interfere in matters that are purely provincial. Leave alone the constitutional aspect, which has been shown times without number as being merely a sort of smoke-screen, as the Central Government has interfered in provincial matters times out of number, let me take the constitutional aspect out of this argument altogether. Let me put it to Government, you create a weapon and put it into the hands of the Provincial Governments, are you not morally bound to see that that weapon is properly used? If the Provincial Governments rebel and you have no statutory powers to bring them to heel, withdraw the powers that you have delegated to them. Sir, let me ask, can the Members of this House really feel that Sir George Boag is the autonomous Madras Government, or that Sir Tennant Sloan is the autonomous United Provinces Government, or Mr. X the autonomous Bombay Government, or Mr. Y the autonomous Bihar Government, or Mr. Z the autonomous Central Provinces Government? They are just part of the bureaucracy which carries on government. Are you not bound to see that those laws which you have asked them to handle are properly and humanely carried out? Sir, one can put it on other grounds as well. Was there not a Congo Commission? Was not an international Commission set up to enquire into the atrocities in Belgian Congo?

Why don't you do the same? I want you to create such a commission; if not, at least accept the amendment which Mr. Joshi has moved and which the Honourable the Deputy Leader of the Muslim League Party has supported. Create a committee of the Legislature. Let them with your help and through you bring moral pressure to bear on the Provincial Governments. That is all I ask; I do not ask for anything more.

The second fact that I wanted to draw the attention of the House to is this. The Honourable the Home Member mentioned that generally speaking, a security prisoner whose health is such that he can no longer take any active part in the movement is released by the Provincial Governments and he has heard of a considerable number of such cases? True; if the Provincial Governments do not release him, he gets released completely from the purview of your Acts and Rules. He goes to where he belongs ultimately, and that is the very reason why we in this House are asking for better treatment for those detained in prisons. Take the number of deaths that have occurred in my own province. Recently there have been four deaths in prison—deaths from typhoid, from cholera, and so on. Who is responsible? Can you not see that your prison food arrangement is responsible for bringing on cholera? Can you not see that your prison sanitation is responsible for bringing on typhoid? Do you really mean to say that you will only release people who have come to such a physical condition as my late lamented friend, Mr. Satyamurti, was in, so that, there after it might not be possible for them to do any mischief? Is that your idea? If that is your idea, let me tell you here and now that from the interviews I have had with those persons who have been released, I learn that 30 to 40 per cent of people who are now in prison today will be in the condition of absolute physical wrecks when they come out in a year or thereafter. If that is the idea of the Government, why all this pretence of being sympathetic, why all this pretence of being afraid of interfering with constitutional proprieties? In the case of the detenues you won't bring them to trial, and they must suffer silently because you will keep quiet. In the case of those convicted under the Defence of India Rules there is provincial autonomy functioning and the Central Government cannot do anything. I would like to draw the attention of the House to another fact. Why do we want this Resolution? It is because the Government's conscience must be roused, and people must know what is happening. Here in this House Mr. Kailash Bihari Lal said "I had my brother who was supposed to be absconding and whom I was supposed to be aiding in the same cell for three months but I could not tell people that I have not committed any offence." There is a black out on what is happening in prisons because no interviews are permitted. If it happens that something leaks out, if it happens that those people who come out speak of it, what they say cannot be given publicity. If newspapers publish it—and only one newspaper the *Hindustan Times* had the guts to publish these reports. What is it characterised as? I have heard it said that a Government official in Delhi is terribly annoyed about it all. "There is one newspaper which has got the gumption to publish reports of these atrocities. It is characterised as atrocity-mongering". A new addition to the bureaucratic vocabulary: If you tell the truth, you are atrocity-mongering! You ought not to tell the truth so publicly that people die in jails. Perhaps you will be permitted to tell it privately in the ears of Sir Reginald Maxwell and he will then ask that they be let out to die outside the jail instead of dying inside. You are crying aloud all the time that you are fighting, you are shedding the blood of your youngsters in thousands and you who are sending them in bombers to die and never to return, all for humanity's sake, I am not asking you to release these people who are in prison. You might review those cases if you like, but first and foremost, let me be assured that those who are in prison, who are convicted or detained, are treated as human beings, treated as you treat the Italian or the Japanese prisoner whom, as the Honourable the Defence Member very correctly pointed out the other day, you cannot really ill-treat because of the hundreds and thousands of our own people in Japanese hands. If newspapers tell us this, is that atrocity-mongering! I would like to refer to one instance where the Central Government has got to take action.

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That is the case of Mr. Rameshchandra Arya, a Hindi journalist who died in Aligarh. The Provincial Government had issued a communiqué that he committed suicide. It appears, he felt dizzy, and wanted to join other prisoners but was not allowed to do so and so he fell into a well and died. Let me ask the Honourable the Home Member if at least for information's sake he had asked the Provincial Government if they had conducted a *postmortem* examination. The magistrate held an enquiry and was satisfied. But was any *post-mortem* examination conducted? Did the doctor find that there were contusions on his body. If that is the humanity for the sake of which this country has been revolutionised into a war economy under which every one has got to suffer, how can you expect us to really sympathise with you and throw ourselves heart and soul into the struggle?

I would mention one other fact and it is this. The other day I spoke, about Pandit Jawaharlal Nehru's daughter. Let me now refer to the case of his brother-in-law, Mr. R. S. Pandit. He has had a heart attack, he has been ill for a long time. He was taken to Balrampur Hospital from Bareilly Hospital I presume. But how was he taken? He was taken in a crowded third class compartment. Is that human treatment? Is that being very humane? What do we ask? Why transfer people from one place to another in such a manner, if you cannot do it properly, why don't you release the men if you cannot give them proper medical treatment? One of the persons belonging to my province who is now being kept in Amraoti prison is one Mr. Kuppusami Mudaliar has developed pus somewhere in the region of the sinus. It was being tapped every week and pus was taken out by the civil surgeon of Nagpur. But the civil surgeon who is capable of making the operation has left and nobody else is able to do this difficult operation in this region, and the man smells horribly. His fellow prisoners say, please remove him at least for the sake of sanitation in the jail. But he has not been released. I do not think it is possible for me to rouse the conscience of Sir George Boag in my own province, nor will the Central Government interfere. Mr. Deshmukh mentioned about women prisoners in the C. P.

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

**Mr. T. T. Krishnamachari:** Half a minute, Sir, and I will finish. The case of women prisoners everywhere is bad. I was told that in Ambala prison there have been instances of women having been locked-up for 24 hours at a stretch. Feeling sure as I do of the support of the majority of the elected Members—I request the Government to accept this modest Resolution, not only accept it but carry out its modest demands in the name of humanity. You do not know how much it is going to help to make the lives of those people who are in prison easier, the hope that there is going to be some better treatment for them. This is a modest Resolution which I think ought to be accepted and I appeal to the Government to accept it. If they would not, well, humanity will judge them.

**The Honourable Sir Reginald Maxwell:** I should much have liked to be able to meet the wishes of at least some section of this House in dealing with this Resolution and I could almost have accepted the Resolution as proposed to be amended by Mr. Joshi and Mr. Deshmukh, but the words I could not accept on behalf of the Government are these, "in consultation with a Committee of the Legislature specially appointed for the purpose". These are the words over which I find difficulty. Apart from that, Government could, to all intents and purposes, accept the principle of the Resolution so amended.

**Dr. P. N. Banerjee:** What would be the harm?

**The Honourable Sir Reginald Maxwell:** That is the whole difficulty. I am afraid Honourable Members do not quite understand where this Central Legislature stands in relation to such a matter. The whole of the discussion on this Resolution has, to a large extent, been on entirely nebulous ground. We cannot, for a moment, attempt to convert the Central Legislature into a sort of

Provincial Legislature or, more especially, to give it power to supersede the Provincial Legislatures of provinces where popular Ministries are functioning. One of the principal instances quoted by my Honourable friend, Mr. Neogy, was a series of complaints made in the Punjab. There is a province in which a popular Legislature has been functioning ever since the beginning of the present Constitution. It has a Ministry which is in office by the will of the electors and the Punjab Legislature is the proper place in which complaints should be made. If those complaints are not listened to and if there is a general body of opinion among the elected members of the Legislature who put that Ministry in power which does not approve of the action of the Ministry, they can turn it out and put in another Ministry which is prepared to carry out their will, but that situation cannot transform the Central Legislature into a body which can take the matter out of the hands of the Provincial Legislatures. (*An Honourable Member*: "What about the U. P. and Bihar?") The fact that ministries do not exist in some provinces does not give the Central Legislature any additional status in those provinces, no additional status whatsoever. We may not like the present Constitution but that is neither here nor there. We have to abide by it and I cannot have the Central Government put into a false position, as it would be if it accepted the Resolution as it is proposed to be amended by Mr. Joshi.

Now, I want to explain to the House what the correct procedure is. We have actually been following it. The Central Government cannot step in and supersede the Provincial Governments on matters within the Provincial field but we can do and have been doing a great deal by way of suggestion, advice, inquiry and so forth, to see that the Provincial Governments generally in dealing with this matter conform to certain standards which we regard as necessary and that there is a reasonable degree of uniformity among them. We have not been idle since the last debate in this House. The first thing we did after the last debate was to raise certain questions with provinces as regards their plans for reducing the number of security prisoners. We also took up the point which emerged from the judgment of the Federal Court in regard to the delegation of powers under Rule 26 to officers subordinate to the Provincial Governments. As a result of that consultation, Provincial Governments have been reviewing the cases of persons detained and since this question was last debated in this House, I am informed that a total number of 4,623 persons detained have been released by the Provincial Governments themselves. But apart from that, in the light of the last debate, we wrote a letter to the Provincial Governments enclosing a copy of the debate which, of course, then included only the Honourable the Mover's initial speech. We drew the attention of the provinces to a number of matters in which we thought this House was interested. We asked for further information about them and expressed certain views. In particular, we asked for their opinion on the subject of non-official visitors and for more information as regards the principles on which non-official visitors were appointed.

Now, if there was time, I could give the House a good deal of details of interest regarding the facts so elicited. We have found in the course of this correspondence that there was certain divergence of practice in the provinces and in matters which we regarded as essential we are trying now to level up the standards generally. We have, after scrutinising their replies, addressed a further letter to the provinces, only a short time ago, in which we expressed our general views on a number of matters, such as the classification of Congress security prisoners, the scale of diet, correspondence, interviews, the supply of newspapers and books, funds from outside, family allowances and non-official visitors. On all these matters we have been in correspondence with the provinces. One thing which this correspondence does reveal is that security prisoners, whether the old style security prisoners or those detained in connection with the recent movement, do obtain in all provinces substantially better treatment than convicted persons and that is my answer to one remark that fell from my Honourable friend, Nawab Liaquat Ali Khan, when he said that these

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persons ought not to be treated as criminals. The rules prescribing the conditions of detention in all cases give them a very considerable advantage over convicted criminals. For instance, the allowance of correspondence is much more. The classification for purposes of diet allowance is again equal to the A class of convicted persons in provinces where the classification is still retained and in provinces where there is only one class, the diet is superior to the lower class, that is to say, no security prisoner may have a diet which is as low as that of a C class convicted prisoner.

In regard to non-official visitors, which is a matter in which the House expressed considerable interest before, non-official visitors are permitted to see security prisoners of all kinds, including Congress security prisoners in all provinces, and provinces generally did not think that it would be useful to appoint members of the Central Legislature as such to be non-official visitors. But some of them have expressed no objection to considering them for such appointment and in several provinces members of the Provincial Legislatures are already being appointed as visitors, either by nomination or *ex-officio*. We must, I think, apply the proper perspective in any survey of jail conditions in India. It must be remembered that in ministerial provinces, they represent what the popular Governments of those provinces consider suitable for all classes of prisoners. If conditions in jails are really so unsuitable to the standards of life in this country, why are not complaints made in the legislatures of those provinces which are responsible for them? And in non-ministerial provinces the conditions existing now are substantially those which resulted from a long period of office of the Congress ministries. It is strange that Congress men should now say that these conditions are unsuitable for human beings. Security prisoners even now get better treatment than the corresponding class of convicted persons and they are allowed many luxuries and privileges, and we could not do much more without upsetting the whole standard of jail administration. I was rather intrigued lately to read an article re-printed in the *Hindustan Times* from the *Spectator* of England dealing with the treatment of security prisoners in the United Kingdom. I had on the basis of that article, although I cannot vouch for all the information it gave, a comparative statement drawn up showing the differences in the various regulations applying to such prisoners in the United Kingdom compared with those in force in this country. I find that the comparison is by no means unfavourable to us. In the matter of interviews, they have interviews once a week. Under the Central Government Security Prisoners Order interviews are allowed once a fortnight. There is not very much difference there. In regard to letters, in the United Kingdom in practice they appear to receive two letters a week. Under the Central Government Security Prisoners Order they are allowed 4 outward and 8 inward letters. They can write 4 and receive 8 letters.

**Sir Cowasjee Jehangir** (Bombay City Non-Muhammadan Urban): In what period of time?

**The Honourable Sir Reginald Maxwell:** In a week. Then, again, take exercise. I find that only one hour's exercise a day is prescribed for security prisoners in the United Kingdom. I think that prisoners here have considerably more liberty. Again, I find from the same article that certain tasks are assigned to such persons as are detained in England. They are required to do four hours associated labour per day and those who refuse to work remain in their cells locked up. I would like to know what would happen if we tried to give Congress security prisoners labour for four hours a day in this country. As regards recreation and association, no facilities are provided in England, but persons detained are allowed to use their own apparatus, if any, for indoor games. In most jails in this country, as the House knows, such facilities are freely provided even to the extent of playing grounds. Finally, as regards the lock-up. The persons in the United Kingdom are locked in their cells from 4-30 P.M. until 7 A.M. every day. I should like to know what sort of a howl there

will be if we attempted to lock up our Congress security prisoners from 4-30 P.M. in this country.

**Nawabzada Muhammad Liaquat Ali Khan:** With a temperature of 118.

**The Honourable Sir Reginald Maxwell:** Now, there is one point which was mentioned several times and that concerns the inter-provincial exchanges of prisoners which have taken place between Madras and the Central Provinces. We have again been in correspondence with both these provinces on the subject although we recognise that they are free to take their own line for their own prisoners. They both wrote that these exchanges had been necessary in the interests of discipline and prevention of unauthorised communication. But we have drawn their attention to the fact that if any province sends its prisoners to another province where the climate or the diet are liable to be unfamiliar, both provinces incur a very special responsibility for looking after the health of their prisoners so transferred and seeing that their health does not suffer from unfamiliar conditions. That principle we have enunciated for guidance and I am sure they will follow it because they have themselves recognised that prisoners whose health is bad should be returned to their own provinces.

Some reference has also been made to the case of our late lamented friend, Mr. Satyamurti. On that question, I took great care to get all the information I could from both the Central Provinces and the Madras Governments. The Government of the Central Provinces has been good enough to supply me with copies of all the reports, applications and communications which took place and with full particulars of the whole case. From a careful study of these documents I have come to the clear conclusion that the Central Provinces Government and their officers had no reason to suppose that Mr. Satyamurti's condition was in any way precarious so long as he was in their care. He was looked after by the Civil Surgeon, Amraoti, Major Scott, who visited him almost daily and there was also a very careful examination and report by Dr. Abraham, the Medical Staff Officer to the Inspector General of Civil Hospitals, who said that his condition as a whole was far from alarming.

**Dr. P. N. Banerjee:** Was his health good?

**The Honourable Sir Reginald Maxwell:** No. He was under treatment the whole time, as I have said. Finally, I have here a copy of a letter from Mr. Satyamurti himself. This was dated 9th November, that is to say, two months after he had gone to the Central Provinces. In this letter he stated that he had no desire now to be transferred to Madras partly because he was too weak to travel and partly because he felt that the treatment in the hospital, that is, the Irwin Hospital, Amraoti, was doing him good. I have a copy of his actual letter here. His words are: "I, therefore, request that you will be so good as to sanction my stay in this hospital for treatment as long as the Civil Surgeon finds it necessary for the restoration of my complete health and strength." I may remind the House that it was not until nearly three months after his re-transfer to Madras that he unfortunately died and he had been released by the Madras Government nearly two months before that event occurred. He died as a free man.

Well, Sir I have little more that I could say about this Resolution now without going into many matters of detail for which the House would not at present have time. I will only remind them once again that on the principle—what I regard as the substantial principle—of the Resolution as amended by Mr. Joshi, the Central Government are taking a great deal of interest in the conditions of detention of security prisoners and are having a great deal of correspondence with the provinces with a view to securing uniformity of standards in matters which we regard as important and which this House regards as important, and I anticipate that as a result of that correspondence there will be considerable improvement in certain provinces in matters of freedom of correspondence and possibly in the matter of interviews. But I might make one remark in conclusion and that is that whenever a Congress movement has proved a failure, we always meet with these harrowing stories of jail treatment and accounts of the pitiable state or health of the prisoners. These are the almost

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invariable sequel to a failed Congress movement. I regard this as the preliminary bombardment designed to soften the position, in modern parlance. The next demand will be for the release of all these prisoners on the ground that they are repentant and will not resume the movement if they are released. I will not now go on to discuss that point because the Honourable the Mover himself has said that the object of the Resolution is not to press for the release of these prisoners. But I could say a good deal more on that subject.

In conclusion, I would only ask the House to take an entirely realistic view of what the Members of the Central Legislature can do or undertake in a matter of this kind which is almost wholly within the provincial field and I can only assure them that the Central Government is itself on their behalf taking all the steps that are possible or necessary in this matter.

**Mr. K. C. Neogy:** What about the Commissioner's Provinces? What about Delhi?

**Mr. President** (The Honourable Sir Abdur Rahim): I shall now put the amendments.

**Mr. K. C. Neogy:** Sir, I beg leave of the House to withdraw my amendments. The amendments, were by leave of the Assembly, withdrawn.

**Mr. E. L. O. Gwilt** (Bombay: European): I want with your permission, Sir, to move one amendment. It relates to the words which the Honourable the Home Member suggested should be taken out.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to make a speech now, I cannot allow it.

**Sir Muhammad Yamin Khan:** The Honourable Member simply wants to take out certain words which the Honourable the Home Member objected to, namely, "in consultation with a committee of the legislature".

**Mr. President** (The Honourable Sir Abdur Rahim): But he has not got any such amendment in his name. I cannot allow him to move any such amendment at this stage.

**Mr. N. M. Joshi:** Sir, I cannot accept the constitutional position enunciated by the Honourable the Home Member that this House has really no constitutional right in this matter. The Honourable the Home Member knows that we have been discussing this subject and I submit, therefore, that a Committee of this House is quite competent to deal with this subject. I do not know why there should be any constitutional difficulty in accepting the amendment.

**Mr. K. C. Neogy:** May I submit that it is a reflection on the Chair to suggest that the discussion we have had this morning and this afternoon is unconstitutional because it involves a criticism of the Provinces. If the House can discuss these provincial matters, surely, a committee of the House can also discuss them.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. There is one amendment of Mr. Deshmukh which I will put first. The question is:

"That in lines 2 and 3 of the Resolution the following be deleted:  
'in general and those convicted for political offences since August, 1942, in particular.'  
The motion was adopted.

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

"That for all the words occurring after the words 'in particular' the following be substituted:

'be revised in such a way, in co-operation with the Provincial Governments and in consultation with a Committee of the legislature specially appointed for the purpose, so as to provide to them better living conditions in the jails and prisons and better means of communications with the outside world and adequate provision for the maintenance of the families of those who may need it and to provide for an impartial review of their cases at an early date.'



The Assembly divided:

AYES—39.

Abdul Ghani, Maulvi Muhammad.	Joshi, Mr. N. M.
Abdullah, Mr. H. M.	Kailash Bihari Lall, Mr.
Azhar Ali, Mr. Muhammad.	Krishnamachari, Mr. T. T.
Banerjee, Dr. P. N.	Lalchand Navalrai, Mr.
Bhutto, Mr. Nabi Baksh Illahi Baksh.	Liaquat Ali Khan, Nawabzada Muhammad.
Chattopadhyaya, Mr. Amarendra Nath.	Maitra, Pandit Lakshmi Kanta.
Chetty, Mr. Sami Vencatachelam.	Mehta, Mr. Jammadas M.
Choudhury, Mr. Abdur Rasheed.	Murtuza Sahib Bahadur, Maulvi Syed.
Choudhury, Mr. Muhammad Hussain.	Nairang, Syed Ghulam Bhik.
Dam, Mr. Ananga Mohan.	Nauman, Mr. Muhammad.
Das, Pandit Nilakantha.	Neogy, Mr. K. C.
Datta, Mr. Akhil Chandra.	Raza Ali, Sir Syed.
Deshmukh, Mr. Govind V.	Sant Singh, Sardar.
Essak Sait, Mr. H. A. Sathar H.	Siddique Ali Khan, Nawab.
Ghiasuddin, Mr. M.	Siva Raj, Rao Bahadur N.
Ghuznavi, Sir Abdul Halim.	Umar Aly Shah, Mr.
Gupta, Mr. R. R.	Yamin Khan, Sir Muhammad.
Habibar Rahman, Dr.	Yusuf Abdoola Haroon, Seth.
Ismail Khan, Hajee Chowdhury Muham-	Zafar Ali Khan, Maulana.
mad.	Zia Uddin Ahmad, Dr. Sir.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.	Khare, The Honourable Dr. N. B.
Ambedkar, The Honourable Dr. B. R.	Lawson, Mr. C. P.
Azizul Huque, The Honourable Sir	Mackeown, Mr. J. A.
Muhammad.	Maxwell, The Honourable Sir Reginald.
Bentham, The Honourable Sir Edward.	Miller, Mr. C. C.
Bewoor, Sir Gurunath.	Muazzam Sahib Bahadur, Mr. Muhammad.
Bhagchand Soni, Rai Bahadur Seth.	Noon, The Honourable Malik Sir Feroz
Chapman-Mortimer, Mr. T.	Khan.
Chatterjee, Mr. S. C.	Raisman, The Honourable Sir Jeremy.
Daga, Seth Sunder Lall.	Ray, Rai Bahadur N. C.
Dalai, Dr. Sir Ratanji Dinshaw.	Richardson, Sir Henry.
Dalpat Singh, Sardar Bahadur Captain.	Roy, The Honourable Sir Asoka Kumar.
Gray, Mr. B. L.	Shahban, Khan Bahadur Mian Ghulam
Gwillt, Mr. E. L. C.	Kadir Muhammad.
Habibul-Rahman, Khan Bahadur Sheikh.	Spear, Dr. T. G. F.
Haidar, Khan Bahadur Shamsuddin.	Spence, Sir George.
Imam, Mr. Saiyid Haidar.	Sultan Ahmed, The Honourable Sir.
Ismail Alikhan, Kunwar Hajee.	Thakur Singh, Major.
Jawahar Singh, Sardar Bahadur Sardar	Trivedi, Mr. C. M.
Sir.	Tyson, Mr. J. D.
Joshi, Mr. D. S.	Zaman, Mr. S. R.
Kamaluddin Ahmad, Shamsul-Ulema.	

**Mr. President** (The Honourable Sir Abdur Rahim): In these circumstances I have to give my vote to enable the House to come to a decision. In accordance with the well-known practice in this respect, I give my vote in support of the NOES to maintain the *status quo*.

The motion was negatived.

**Pandit Nilakantha Das**: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That this Assembly recommends to the Governor General in Council that their policy in regard to the treatment of political prisoners and detenues needs drastic revision, and it further recommends that in that process the Governor General in Council do instruct the Provincial Governments to allow Members of the Central Legislature to visit prisons and interview political prisoners so that the attention of the Central and the respective Provincial Governments may be drawn to such restrictions and other inconveniences imposed on these prisoners with a view to the elimination of such restrictions."

The Assembly divided:

AYES—38.

Abdul Ghani, Maulvi Muhammad.	Chetty, Mr. Sami Vencatachelam.
Abdullah, Mr. H. M.	Choudhury, Mr. Abdur Rasheed.
Azhar Ali, Mr. Muhammad.	Choudhury, Mr. Muhammad Hussain.
Banerjee, Dr. P. N.	Dam, Mr. Ananga Mohan.
Bhutto, Mr. Nabi Baksh Illahi Baksh.	Das, Pandit Nilakantha.
Chattopadhyaya, Mr. Amarendra Nath.	Datta, Mr. Akhil Chandra.

Deshmukh, Mr. Govind V.  
 Essak Sait, Mr. H. A. Sathar H.  
 Ghuznavi, Sir Abdul Halim.  
 Gupta, Mr. R. R.  
 Habibar Rahman, Dr.  
 Ismail Khan, Hujee Chowdhury Muham-  
 mad.  
 Joshi, Mr. N. M.  
 Kailash Bihari Lall, Mr.  
 Krishnamachari, Mr. T. T.  
 Lalchand Navalrai, Mr.  
 Liaquat Ali Khan, Nawabzada Muhammad.  
 Maitra, Pandit Lakshmi Kanta.

Mehta, Mr. Jammadas M.  
 Murtuza, Sahib Bahadur, Maulvi Syed.  
 Nairang, Syed Ghulam Bhik.  
 Nauman, Mr. Muhammad.  
 Neogy, Mr. K. C.  
 Raza Ali, Sir Syed.  
 Sant Singh, Sardar.  
 Siddique Ali Khan, Nawab.  
 Siva Raj, Rao Bahadur N.  
 Umar Aly Shah, Mr.  
 Yamin Khan, Sir Muhammad.  
 Yusuf Abdoola Haroon, Seth.  
 Zafar Ali Khan, Maulana.  
 Zia Uddin Ahmad, Dr. Sir.

## NOES—41.

Ahmad Nawaz Khan, Major Nawab Sir.  
 Ambedkar, The Honourable Dr. B. R.  
 Azizul Huque, The Honourable Sir  
 Muhammad.  
 Benthall, The Honourable Sir Edward.  
 Bewoor, Sir Gurunath.  
 Bhagchand Soni, Rai Bahadur Seth.  
 Chapman-Mortimer, Mr. T.  
 Chatterji, Mr. S. C.  
 Daga, Seth Sunder Lall.  
 Dalal, Dr. Sir Ratanji Dinshaw.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Gray, Mr. B. L.  
 Griffiths, Mr. P. J.  
 Gwillt, Mr. E. L. C.  
 Habibur-Rahman, Khan Bahadur Sheikh.  
 Haidar, Khan Bahadur Shamsuddin.  
 Imam, Mr. Saiyid Haidar.  
 Ismaiel Alikhan, Kunwar Hajee.  
 James, Sir F. E.  
 Jawahar Singh, Sardar Bahadur Sardar  
 Sir.  
 Joshi, Mr. D. S.

Kamaluddin Ahmad, Shamsul-Ulema.  
 Khare, The Honourable Dr. N. B.  
 Lawson, Mr. C. P.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Sir Reginald.  
 Miller, Mr. C. C.  
 Muazzam Sahib Bahadur, Mr. Muhammad.  
 Noon, The Honourable Malik Sir Feroz  
 Khan.  
 Raisman, The Honourable Sir Jeremy.  
 Ray, Rai Bahadur N. C.  
 Richardson, Sir Henry.  
 Roy, The Honourable Sir Asoka Kumar  
 Shahban, Khan Bahadur Mian Ghulam  
 Kadir Muhammad.  
 Spear, Dr. T. G. P.  
 Spence, Sir George.  
 Sultan Ahmed, The Honourable Sir.  
 Thakur Singh, Major.  
 Trivedi, Mr. C. M.  
 Tyson, Mr. J. D.  
 Zaman, Mr. S. R.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the  
 28th July, 1948.