

27th February, 1947

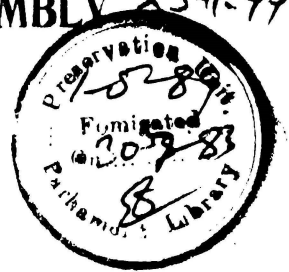
THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

---

Volume II, 1947

(20th February, 1947 to 5th March, 1947)

THIRD SESSION  
OF THE  
SIXTH LEGISLATIVE ASSEMBLY 23-11-94  
1947



LEGISLATIVE ASSEMBLY

*President :*

The Honourable Mr. G. V. MAVALANKAR.

*Deputy President :*

Khan MOHAMMAD YAMIN KHAN, M.L.A.

*Panel of Chairmen :*

Syed GHULAM BEIK NAIRANG, M.L.A.

Mr. P. J. GRIFFITHS, M.L.A.

Sardar MANGAL SINGH, M.L.A.

Shrimati AMMU SWAMINADHAN, M.L.A.

*Secretary :*

Mr. M. N. KAUL, Barister-at-Law.

*Assistants of the Secretary :*

Mr. A. J. M. ATKINSON.

Mr. HASAN MOHAMMAD KHAN.

Mr. N. C. NANDI.

*Marshal :*

Captain Haji Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

*Committee on Petitions :*

Khan MOHAMMAD YAMIN KHAN, M.L.A. (*Chairman*).

Syed GHULAM BEIK NAIRANG, M.L.A.

Shri SRI PRAKASA, M.L.A.

Mr. C. P. LAWSON, M.L.A.

Sardar MANGAL SINGH, M.L.A.

# CONTENTS

Volume II—20th February, 1947 to 5th March, 1947

## THURSDAY 20TH FEBRUARY, 1947—

Members Sworn . . . . .	909
Starred Questions and Answers . . . . .	809—32
Railway Budget—General Discussion . . . . .	832—79

## FRIDAY, 21st FEBRUARY 1947—

Member Sworn . . . . .	881
Starred Questions and Answers . . . . .	881—917
Unstarred Question and Answer . . . . .	917
Short Notice Question and Answer . . . . .	918—19
Motion for Adjournment <i>re</i> Use of Troops by the Punjab Government—Ruled out of order . . . . .	919—20
Election of Members to the Committee on Public Accounts . . . . .	920
Election of a Member to the Standing Committee for the Department of Labour . . . . .	921
Delhi Sikh Gurdwaras and Religious Endowments Bill—Message from the Council of State <i>re</i> Nomination of Members on the Joint Committee . . . . .	921
Trading with the Enemy (Continuance of Emergency Powers) Bill—Introduced . . . . .	921
Industrial Disputes Bill—Passed as amended . . . . .	921—58

## SATURDAY, 22ND FEBRUARY, 1947—

Member Sworn . . . . .	959
Starred Questions and Answers . . . . .	959—83
Unstarred Question and Answer . . . . .	982
Railway Budget—List of Demands . . . . .	983—1018
Demand No. 1.—Railway Board . . . . .	948—1014
Revisional Policy of Rates and Freights . . . . .	984—98
Reorganisation of Railway Administration including Indianisation of Railway Board . . . . .	998—1011
Demand No. 4.—Working Expenses—Administration . . . . .	1011—12
Economy in Railway Administration and Maintenance . . . . .	1011—18

## MONDAY, 24TH FEBRUARY, 1947—

Starred Questions and Answers . . . . .	1019—50
Railway Budget—List of Demands— <i>contd.</i> . . . . .	1050—87
Demand No. 15—Construction of New lines . . . . .	1050—86
Opening of New Lines and Restoration of Dismantled Lines . . . . .	1050—86
Demand No. 16.—Open Line Works—Additions . . . . .	1066—87
Manufacture of Locomotives, Wagons and Coaches . . . . .	1066—81
Policy of Rail-Road Coordination . . . . .	1081—87

## TUESDAY, 25TH FEBRUARY, 1947—

Starred Questions and Answers . . . . .	1089—1146
Unstarred Questions and Answers . . . . .	1146—149
Statements laid on the Table . . . . .	1150—53
Message from the Council of State . . . . .	1154
Railway Budget—List of Demands— <i>contd.</i> . . . . .	1154—90
Demand No. 1.—Railway Board— <i>contd.</i> . . . . .	1154—90
Amenities for Passengers . . . . .	1154—78
Shortage of Wagons . . . . .	1178—83
Disbursement of Salary through Private Agency on Payment of Commission . . . . .	1183—87
Greater Utilisation of Electricity for Running Railways . . . . .	1187—90

## WEDNESDAY, 26TH FEBRUARY, 1947—

Starred Questions and Answers . . . . .	1191—99
Short Notice Question and Answer . . . . .	1199—1201
Message from the Council of State . . . . .	1201—02
Indian Trade Unions (Amendment) Bill—Presentation of the Report of Select Committee . . . . .	1202
Railway Budget—List of Demands— <i>contd.</i> . . . . .	1202—38
Demand No. 1.—Railway Board.— <i>contd.</i> . . . . .	1 202—19, 1228—36

Capacity of Indian Railways to meet Transport needs of the Country . . . . .	1202—19
Increase of Railway Fares below Re. 1 . . . . .	1228—29
Failure of the Railway Board to implement the Interim Settlement with the All-India Railwaymen's Federation . . . . .	1229—36
Demand No. 11.—Working Expenses—Appropriation to Depreciation Fund . . . . .	1219—27
Depreciation Fund in Relation to the whole question of Railway Reserves and the Railway Separation Convention . . . . .	1220—27
Demands Nos. 2, 3, 5—10, 12—18 . . . . .	1236—38
<b>THURSDAY 27TH FEBRUARY 1947—</b>	
Starred Questions and Answers . . . . .	1239—58
Unstarred Questions and Answers . . . . .	1258—60
Short Notice Question and Answer . . . . .	1260
Notifications under the Central Excises and Salt Act—Laid on the Table . . . . .	1260—61
Declarations of Exemption under the Registration of Foreigners Act—Laid on the Table . . . . .	1261—63
Demands for Supplementary Grants for 1946-47—Railways . . . . .	1263—65
Explosives (Temporary Provisions) Bill—Passed as amended . . . . .	1266—72
Delhi and Ajmer-Merwara Rent Control Bill—Referred to Select Committee . . . . .	1282—83
Imports and Exports (Control) Bill—Referred to Select Committee . . . . .	1273—82
Reserve Bank of India (Amendment) Bill—Passed . . . . .	1296—1306
Railways (Transport of Goods) Bill—Passed as amended . . . . .	1306—08
Trading with the Enemy (Continuance of Emergency Provisions) Bill—Consi- deration of Clauses not concluded . . . . .	1309—10 1311—14
<b>FRIDAY, 28TH FEBRUARY, 1947—</b>	
Presentation of the General Budget for 1947-48 . . . . .	1315—37
Indian Finance Bill—Introduced . . . . .	1337
Income-Tax and Excess Profits Tax (Amendment) Bill—Introduced . . . . .	1337
Business Profits Tax Bill—Introduced . . . . .	1337
Taxation on Income (Investigation Commission) Bill—Introduced . . . . .	1338
<b>MONDAY, 3RD MARCH, 1947—</b>	
Member Sworn . . . . .	1339
Starred Questions and Answers . . . . .	1339—82
Unstarred Questions and Answers . . . . .	1383—87
Short Notice Questions and Answers . . . . .	1387—89
General Budget—General Discussion— <i>not concluded</i> . . . . .	1389—1435
<b>TUESDAY, 4TH MARCH, 1947—</b>	
Member Sworn . . . . .	1437
Starred Questions and Answers . . . . .	1437—63
General Budget—General Discussion— . . . . .	1463—77
. . . . .	1478—1508
Suspension of Question Hour . . . . .	1477—78
<b>WEDNESDAY, 5TH MARCH, 1947,—</b>	
Members Sworn . . . . .	1509
Starred Questions and Answers . . . . .	1509—33
Unstarred Question and Answer . . . . .	1533—36
Short Notice Question and Answer . . . . .	1537
Message from the Council of State . . . . .	1538
Delhi and Ajmer-Merwara Rent Control Bill—Date for Presentation of Report of Select Committee extended . . . . .	1538
Insurance (Second Amendment) Bill—Presentation of the Report of Select Committee . . . . .	1538
Publicity by certain Newspapers of the Recommendations of the Select Committee on Insurance (Second Amendment) Bill before the Presentation of the Report . . . . .	1538—39
Business Profits Tax Bill—Referred to Select Committee . . . . .	1539—41
Income-Tax and Excess Profits Tax (Amendment) Bill—Referred to Select Committee . . . . .	1541—42
Taxation on Income (Investigation Commission) Bill—Referred to Select Committee . . . . .	1542—43
Trading with the Enemy (Continuance of Emergency Provisions) Bill—Passed as amended . . . . .	1544—57
Armed Forces (Emergency Duties) Bill—Passed as amended . . . . .	1557—77



# LEGISLATIVE ASSEMBLY

Thursday, 27th February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### SERAI PURANI IDGAH SCHEME PART I, WARD NO. 14, DELHI

†621. \*Sirdar Jogendra Singh: Will the Secretary of the Health Department be pleased to state:

(a) whether it is a fact that Serai Purani Idgah Scheme, Part I, Ward No. 14, Delhi, has been completed;

(b) the boundary of the scheme;

(c) by what date the residents coming under the scheme will be required to vacate their houses actually;

(d) whether the following Mohallas form a part of the Serai Purani Idgah Scheme Part I, Ward No. 14, Delhi: (i) Gali Mondhewalan, Delhi, (ii) Basti Pipalwali, Sadar Bazar, Delhi, (iii) Tanda, Sadar Bazar, Delhi, (iv) Gali Bagichi Ragonath, Sadar Bazar, Delhi, and (v) Basti Julahan, Delhi; and

(e) if the reply to (d) above be in the affirmative, whether Government propose to name the locality or localities where the inhabitants of these Mohallas will be located;

(f) do Government propose: (i) to consider the desirability of locating the inhabitants of the above Mohallas together in one locality, and (ii) to take steps so that the place of the location for the inhabitants of the above Mohallas will be close to the place of the scheme; if not, why not?

Mr. S. H. Y. Oulnam: (a) No. Acquisition of land required for the execution of the scheme has not yet commenced.

(b) A plan showing the area included in the scheme is being placed in the library of the House.

(c) It is not possible at present to state when the residents of the locality will be required to vacate their houses as it depends upon the progress of acquisition proceedings.

(d) Yes.

(e) The matter is under the consideration of the Delhi Improvement Trust and no final decision has yet been reached.

(f) It is not practicable to locate all inhabitants of these Mohallas at one place, but every endeavour will be made by the Trust to ensure that the residents are put to the minimum dislocation.

#### RE-HOUSING SCHEME OF DELHI IMPROVEMENT TRUST

622. \*Sjt. Seth Damodar Swroop: Will the Secretary of the Health Department be pleased to state:

(a) whether the tenants who will come under the Rehousing Scheme of the Delhi Improvement Trust are likely to become owners of these houses after a period of 20 years; and

(b) whether the tenants can pay the amount in a lump sum in order to have the property rights over the leased houses?

---

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

**Mr. S. H. Y. Oulsnam:** (a) So far as houses already constructed by the Delhi Improvement Trust under the state-aided re-housing scheme are concerned, persons who elected the lease purchase system in preference to ordinary tenancy will become owners of the houses they are occupying after 20 years. The Trust has, now decided to build double storeyed houses instead of the previous single storeyed design, and persons occupying these houses will do so as tenants only.

(b) No.

**Sjt. Seth Damodar Swaroop:** Will the Honourable Member give an assurance that the land requisitioned by the Delhi Improvement Trust will be sold to the owners of the requisitioned house or land?

**Mr. S. H. Y. Oulsnam:** It is not possible to give any assurance of that nature. When an area is cleared and re-developed the land cannot remain in the hands of the previous owners.

#### DESIGN OF HOUSES FOR SERAI PURANI IDGAH SCHEME

**623. \*Shri D. P. Karmarkar:** Will the Secretary of the Health Department be pleased to state:

(a) the shape and design of the houses which are going to be provided to the inhabitants of Serai Purani Idgah Scheme Part I, Delhi;

(b) the locality or localities in which these houses are likely to be constructed;

(c) whether the construction has been taken in hand;

(d) the arrangements made for the tenants of the scheme; and

(e) the system of distribution of these houses?

**Mr. S. H. Y. Oulsnam:** (a) A copy of a plan showing the design of houses to be built under the state-aided re-housing scheme is being placed in the library of the House.

(b) The matter is under the consideration of the Delhi Improvement Trust and no final decision has yet been reached.

(c) No.

(d) and (e). The Delhi Improvement Trust will offer alternative accommodation to those persons who are entitled to the benefits of the state-aided re-housing scheme irrespective of whether such persons are owners of property or ordinary tenants. All persons whose monthly income does not exceed Rs. 50, who wish to be re-housed, and who are willing to pay a monthly rent fixed by the Trust will be eligible for the benefits of the state-aided re-housing scheme.

#### ACCOMMODATION FOR INDIAN STUDENTS IN ENGLAND

**624. \*Haji Abdus Sattar Haji Ishaq Seth** (on behalf of **Mr. Ahmed E. H. Jaffer**): (a) Will the Honourable Member for Education please state whether Government have received representations from their High Commissioner in London in recent weeks expressing grave anxiety in regard to the welfare of Indian students in London?

(b) Have Government received grave complaints in the matter of accommodation and of the way in which 200 Indian students who recently arrived had to be accommodated in tents in Croyden—a suburb in London?

(c) Is it a fact that in the matter of accommodation, English families have expressed their unwillingness to accommodate Indian students as guests?

(d) Will Government lay on the table of the House a statement for information of Members?

آنہیل مولانا ابوالکلام آزاد : ( اے ) اور ( بی ) یونائیٹڈ کلڈم میں

ہندوستانی طالب علم آپ کو جس کٹھن صورت حالات میں پارے ہیں اُس سے یہ  
تیارملت بے خہر نہیں ہے - اُس بارے میں تپتی ہائی کمشنر نے جو آج کل

ہندوستان میں ہر ایک رپورٹ بھجی تھی۔ سوال کے حصہ (ب) میں جو واقعہ کا حوالہ دیا گیا ہے یعنی طالب علموں کو خیموں میں رہنا پڑا۔ اس کا تعلق صرف دو موقعوں سے ہے جو دو برس کے اندر پیش آئے۔ ان دنوں موقعوں میں طالب علموں کی بہت بڑی تعداد یونائیٹڈ کنگڈم میں اچانک اسی طرح پہنچ گئی تھی یا تو ان کے پہنچنے کی خبر وہاں نہیں تھی یا خبر ملی بھی تھی تو کافی مہلت نہیں دی گئی تھی۔ مجبوراً ان کے ٹہرنے کے لئے انٹر نیشنل لنگویج کلب کرائڈن میں جگہ نکالی پڑی اور خیموں کے سوا اور کوئی انتظام نہ ہو سکا۔ لیکن ان دنوں موقعوں میں یہ عارضی انتظام زیادہ سے زیادہ تین دن کے لئے رہا تھا۔ اس کے بعد مناسب انتظام ان کے دھلے سہلے کا کر دیا گیا۔ اس میں شبہ نہیں کہ اس کی وجہ سے ان طالب علموں کو بڑی حد تک تکلیف پہنچتی ہوگی۔

(سی) گورنمنٹ کو معلوم ہے کہ یونائیٹڈ کنگڈم میں دھلے والے انگلش خاندان ایسا نہیں کر سکتے کہ ان تمام طالب علموں کو اپنے یہاں بطور مہمان کے ٹہرائیں جو اس طرح کا انتظام چاہتے ہوں۔ لیکن ساتھ ہی گورنمنٹ یہ بھی ضرور کہہ سکتی ہے کہ اس کے علم میں کوئی واقعہ اس طرح کا نہیں آیا ہے جسے ریشہل قس کری مہیشن کا نتیجہ سمجھا جائے۔ دراصل مکانوں اور نوکریوں کی سخت کمی آج کل وہاں کی اصلی مشکل ہے۔

(قی) اس بارے میں ایک بیان میں ہاؤس کے ٹیبل پر رکھ رہا ہوں جس سے اس بارے میں پوری تفصیل معلوم ہو جائے گی۔ میں آئیہل مسٹر کی اس بات پر بھی توجہ دلاؤں گا کہ ابھی تھوڑے دن ہوئے اس معاملہ کی نسبت سوال نمبر ۲۵ کے جواب میں صورت حال بیان کی جا چکی ہے اور سوال ۶۳۷ بھی اسی سلسلہ میں کیا گیا ہے۔

**The Honourable Maulana Abul Kalam Azad:** (a) and (b). Government have received a report from the Deputy High Commissioner in London, who is at present in India, regarding the admittedly difficult position in which Indian students in the United Kingdom at present find themselves in regard to accommodation. The incident referred to in part (b) of the question about Indian students having to live in tents has reference to two occasions only during the last two years, when large numbers of Indian students arriving in the United Kingdom at short notice or without any notice altogether had to be accommodated in the International Language Club, Croyden, for a maximum period of three days before proper accommodation could be arranged for them. This undoubtedly resulted in considerable discomfort to the students concerned.

(c) Government understand that English families are unable to accept as guests all those who require such accommodation but no facts have come to their knowledge which would suggest that there has been any discrimination against Indian students on account of any colour or racial prejudice. Shortage of houses and servants appears to be the real difficulty.

(d) A statement is placed on the table. The Honourable Member's attention is also drawn to my replies to Questions Nos. 25 and 637 on the same subject earlier during the present session of House.

#### *Statement*

Conditions with regard both to admission and accommodation in the United Kingdom have been extremely difficult since the end of war and are likely to remain so for a considerable time. Due to the unprecedented rush of ex-servicemen to British Universities and the reservation of 90 per cent. of all available places for them it has been extremely difficult to secure admission for the very large number of Government-sponsored and private students now going to the United Kingdom. There is no doubt also that Indian students have had to suffer discomfort in regard to accommodation. It should be remembered, however, that living conditions in the United Kingdom continue to be extremely difficult and that there is an acute shortage for everybody. In spite of the effort of the Office of the High Commissioner, some of the difficulties facing Indian students have not been removed.

Government have made every effort to warn Indian students intending to go to the United Kingdom of the great difficulties existing at present in that country and to advise them not to go there without first having made suitable arrangements for their admission and accommodation. The High Commissioner has been giving such help as he can in these respects when he has received sufficient notice from students. It has been ascertained that the total number of interviews granted to Indian students by officers of the India House, not including those granted by the High Commissioner and the Deputy High Commissioner, was eight thousand during 1945-46 and 2,300 during the last three months ending 31st December, 1946. Between October 1945 and January 1947 the High Commissioner's Office arranged accommodation for about 1,200 students. Apart from the hostels which have been established for Indian students in London and Edinburgh during the last year, the High Commissioner's Office maintains an up-to-date list of suitable lodging houses, including 125 private houses in London alone where Indian students are placed whenever possible.

Recently a proposal was made by the Indian students in London asking for a room to be set apart in India House for their use as a central meeting place. Under instructions from the Honourable Pandit Jawaharlal Nehru, when he was last in London, this suggestion was carefully examined by the High Commissioner but it was found that owing to lack of accommodation for the existing staff it was not possible to find a suitable room in India House for this purpose. The High Commissioner was however, trying his best to engage a suitable room in the vicinity of the India House which the students could use. The matter is being pursued and it is hoped that satisfactory arrangements will be made soon.

To cope with the difficult problems of admission and accommodation for Indian students in the United Kingdom it is proposed to strengthen and re-organize the High Commissioner's office. It is proposed particularly to strengthen the Education Department of the High Commissioner's office and to set up a separate section in that Department to look after the general welfare of Indian students. The Government have already set up at considerable expense two hostels for Indian students, one in London and the other at Edinburgh and it is now proposed to establish another hostel in London to serve as a Reception and Transit Camp.

While it is hoped that after these and other measures have been taken the conditions are likely to improve, it is very necessary that Indian students going to the United Kingdom for studies must have a clear idea of the difficulties and hardships which are inherent in the existing conditions in that country and should be prepared to live in conditions of great stringency like the nationals of the land.

#### INDIAN TROOPS IN INDONESIA

625. \*Haji Abdus Sattar Haji Ishaq Seth (on behalf of Mr. Ahmed E. H. Jaffer): (a) Will the Secretary of the Defence Department be pleased to state if a message of thanks has been received from the Premier of the New Republic of Indonesia expressing the Indonesian Republic's warm gratitude for the presence of Indian troops in Indonesia during the recent disturbances and for the manner in which Indian troops conducted themselves?

(b) Do Government propose to have such messages, if any, distributed as official orders of the day to all troops throughout India?

Mr. G. S. Bhalja: (a) A congratulatory message of thanks was given by Dr. Shahriar at a farewell party to British and Indian officers in Batavia. This message was covered by *Reuters News Service* and was published, in part, in India by the *Statesman* and the *Dawn* on the 25th November 1946.

(b) The message was published in full in the *Fouji Akhbar*, dated the 7th December 1946, and it was therefore not considered necessary to issue it as an order of the day.

#### INSTRUCTIONS TO TROOPS FIRING ON RIOTOUS CROWDS

**626. \*Haji Abdus Sattar Haji Ishaq Seth** (on behalf of **Mr. Ahmed E. H. Jaffer**): (a) Will the Secretary, Defence Department, be pleased to state whether instructions have been given to the armed forces to shoot to kill or shoot to disperse only when firing on riotous crowds?

(b) Have any bombs been dropped at any time on riotous mobs?

**Mr. G. S. Bhalja**: (a) The orders issued to the troops for dealing with a riotous crowd authorise the use of only the minimum force necessary to disperse the crowd. It is in the discretion of the Commander on the spot to decide how much force is essential to achieve this object.

(b) No, Sir.

**Haji Abdus Sattar Haji Ishaq Seth**: Arising out of the reply to part (a) of the question the Honourable Member has not made it clear as to what the orders issued are, whether the orders are to shoot to disperse or to shoot to kill, because there is a difference between the two.

**Mr. G. S. Bhalja**: I can explain the position to the Honourable Member. When an officer is required by a Magistrate or himself determines, under the Criminal Procedure Code, to disperse a crowd, he will make a disposition of his detachment in a certain way. His instructions are that care must be taken not to fire on persons separated from the crowd who do not appear to be acting with it or inciting it, or over the heads of the latter. The firing must be carried out with steadiness and be stopped the moment it becomes unnecessary. Firing with blank is forbidden. The fire, if fire is necessary, must be effective. And it is laid down that the firing must be aimed low (that is at the legs). The intention obviously is not to kill but to immobilise.

#### EXCHANGE OF POPULATION FROM ONE PROVINCE TO ANOTHER

**627. \*Haji Abdus Sattar Haji Ishaq Seth** (on behalf of **Mr. Ahmed E. H. Jaffer**): Will the Honourable the Home Member be pleased to state whether Government propose to consider the appointment of a Committee to consider and make recommendations as regards the exchange of population from one province to another?

**The Honourable Sardar Vallabhbhai Patel**: No.

#### REHABILITATION AND COMPENSATION TO VICTIMS OF COMMUNAL RIOTS

**628. \*Haji Abdus Sattar Haji Ishaq Seth** (on behalf of **Mr. Ahmed E. H. Jaffer**): Will the Honourable the Home Member be pleased to state whether Government have been in communication with the Provincial Governments concerned regarding the question of rehabilitation and compensation of victims of communal riots?

**The Honourable Sardar Vallabhbhai Patel**: No.

#### PROGRESS OF THE SERAI PURANI IDGAH SCHEME, DELHI

**629. \*Mr. B. B. Varma**: (a) Will the Secretary of the Health Department be pleased to lay on the table of the House a detailed statement on the Serai Purani Idgah Scheme Part I, Ward No. 14, Delhi, as sponsored by the Delhi Improvement Trust?

(b) What progress has been made in respect of this scheme?

(c) What is the underlying idea of this scheme?

**Mr. S. H. Y. Oulsnam**: (a) A note describing the salient features of the scheme is laid on the table of the House and a copy of the lay out plan is being placed in the library of the House.

(b) Information is being collected by the Trust preparatory to the institution of acquisition proceedings.

(c) The principal objects of the scheme are slum clearance, opening up of a congested area and provision of essential services which are now for the most part lacking.

*A note on the Serai Purani Idgah slum clearance and Development scheme.*

1. *Object.*—The scheme aims at the opening up and development of an area of 15.6 acres, bounded as under :—

North—Sadar Bazar.

East—Idgah proper ; Gali Pan Mandi and Gali Giarah.

South—Idgah Road.

West—Mondhewalan Road.

At present it consists mostly of insanitary ill-ventilated and low roofed dwellings, and is ill-serviced and highly congested. It is proposed to provide metalled roads, with proper footpaths, an underground sewerage system, storm water drains, water supply and electricity.

2. *Area details.*—(1) The gross area of 15.60 acres (75,267 sq. yds.) includes the following :—

	Sq. yds.
(a) Private land scheduled for acquisition . . . . .	13,443
(b) Nazul lands on long term lease . . . . .	16,000
(c) Nazul lands on monthly lease . . . . .	17,739
(d) Under perpetual lease of Hira Lal Jain High School . . . . .	768
(e) Nazul land in the possession of Delhi Municipal Committee for a dispensary . . . . .	1,312
(f) Nazul land under the lease of the Delhi Municipal Committee for a meat market . . . . .	299
(g) Privately owned land in respect of which betterment fee is to be charged . . . . .	1,251
(h) Nazul plots on Mondhewala Road already sold freehold . . . . .	5,027
(i) Area under religious buildings . . . . .	1,093
(j) Area under existing roads and lanes . . . . .	18,330
	<hr/>
	75,267

(2) The distribution of the gross area after the execution of the scheme will be as follows :—

	Sq. yds.
(a) Area available for sale . . . . .	28,335
(b) Area in respect of which betterment fee is to be charged . . . . .	1,695
(c) Nazul land in possession of the Delhi Municipal Committee for dispensary . . . . .	1,312
(d) Nazul land in the possession of the Delhi Municipal Committee for meat market . . . . .	299
(e) Nazul plots on Mondhewala Road already sold . . . . .	5,027
(f) Land under the Hira Lal Jain High School . . . . .	768
(g) Area of proposed roads and lanes . . . . .	22,557
(h) Area of existing roads and lanes left over . . . . .	2,892
(i) Area under religious buildings . . . . .	1,093
(j) Area of open spaces . . . . .	10,309
(k) Area for sweepers quarters and latrines . . . . .	600
	<hr/>
	75,267

3. *Population capacity.*—On the basis of 200 persons per acre of built up area, the scheme is expected to provide accommodation for about 1,448 persons in an area of 35,057 square yards (7.24 acres) available for building.

4. *Acquisition.*—All private land and all outstanding interests of the lessees in the Nazul lands under their leases, with the exception of those mentioned against items (d), (e), (f), (h) and (i) in para. 2(1) above and those scheduled for betterment (see below) will be acquired for the execution of the scheme. An average rate of Rs. 20 per square yard has been adopted for acquisition of land. A separate allowance of 15 per cent. has been made for compulsory acquisition. Compensation for buildings has been based on the rates prevalent in 1940 when the scheme was notified, an increase of 50 per cent., being provided for in consideration of the higher rates of building materials now prevailing.

5. *Betterment.*—An area of 1,695 sq. yds. as per details below, is scheduled for betterment :—

Plot No.	Area (Square Yards.)
(According to the Shajra of Sadar Bazar South Nazul Estate).	
34	60
35	50
36	162
37	86
38	81
39	70
40	70
41	89
42	233
43	65
44	84
45	154
109	57
(According to the Shajra of Qadam Sharif Nazul Estate)	
171/4	223
172/4/1	111
170/4/2	111

6. *Expenditure.*—An expenditure of Rs. 8,00,227 is proposed on the scheme according to the following details :—

(a) *Acquisition*—

	Rs.
(i) Compensation for 13,448 sq. yds. of land at Rs. 20 per sq. yd.	2,68,960
(ii) Add 15% for compulsory acquisition . . . . .	40,344
(iii) Compensation for structures . . . . .	} 1,71,443
(iv) Add 15% for compulsory acquisition . . . . .	
<b>Total for acquisition and compensation</b>	<b>4,80,747</b>

(b) Works	Works outlay	Departmental Charges	Total
1. Roads	1,19,732	14,967	1,34,699
2. Sewers	36,764	4,596	41,360
3. S. W. drains	11,965	1,496	13,461
4. F. W. Supply	14,841	1,855	16,696
5. Street lighting	20,000	2,500	22,500
6. Levelling	56,280	7,035	63,315
7. Public latrines and sweepers quarters	14,600	1,825	16,425
8. Open spaces	1,651	206	1,857
9. Maintenance during construction	6,280	778	7,058
10. Preliminary survey	1,874	234	2,108
Total	2,83,987	35,492	3,19,479 or 3,19,480

## 7. Income—

	Rs.
(a) From sale of 28,335 sq. yds. freehold at Rs. 30 per sq. yd. average	8,50,050
(b) From betterment fee on 1,695 sq. yds at Rs. 5 per sq. yd.	8,475
Total	8,58,525

8. *Financial Aspect.*—Taking the figures as above and allowing for interest charges at Rs. 4½ p. a., as also for maintenance for one year after construction, the scheme is anticipated to result in a deficit of Rs. 0.01 lakh as shown below :—

	Rs.	Rs.
Estimated capital income	..	8.59 lakhs
Estimated works expenditure	8.00 lakhs	..
„ interest charges	0.56 „	..
„ expenditure on maintenance after construction	0.04 „	..
		8.60 „
	Net deficit	0.01 lakh

Further, the loss in ground rent to the Trust from the Nazul lands under lease will be Rs. 4,049-2-3 p. a. and its capitalised value on 20 years purchase is Rs. 80,982-13-0.

9. *Details of Engineering Works.*—(1) *Roads, lanes and footpaths.*—Main roads, i.e., those 60' and 30' wide will be cement concreted. There will be 7" soling, 3" wearing coat of 1½" metal and 5" cement concrete 1:2:4. Other roads will be painted and will have 3" soling and 2" wearing coats of 4½" each. All the roads which have no kerbing will have brick edging at the ends. The existing lanes which are in a dilapidated condition will be scarified and given an additional wearing coat of 3" of 1½" metal and 2 coats of painting.

(2) *Sewerage and Storm Water Drains.*—A combined system of sewerage and storm water drains has been adopted. The entire sewerage will be connected with the existing sewers on the Idgah Road and Pan Mandi and Qutab Road. The sizes of the sewers range from 12" to 6". These sewers have been designed to carry storm water at the rate of ¼" per hour including a discharge of 30 gallons per hour to flow in 4 hours taking a population of 200 persons per acre. Gully gratings at suitable intervals along the road will be provided to intercept storm water and discharge it into the underground sewers.



(3) *Filtered water supply.*—The supply has been taken from the existing mains, 10" on Idgah Road, 6" on Mondhewala Road and 6" on Sadar Bazar Road and 6" on Pan Mandi Road. The sizes range from 9" to 3". Necessary sluice valves and 17 fire hydrants have been provided to sewer the whole area.

(4) *Street lighting.*—The wires will be overhead with poles at 100'—150' apart depending upon the situation.

(5) *Open spaces.*—Open spaces will be levelled and  $\frac{1}{4}$ " rod bajri will be spread over.

(6) *Public latrines.*—Two blocks of latrines, six seated each, with a bath, a urinal and a sweeper's quarter attached to each, are provided in the estimate.

**Pandit Sri Krishna Dutt Paliwal:** May I know if adequate arrangements are being made for bathroom, electricity and lavatory, etc.?

**Mr. S. H. Y. Oulsnam:** Yes. With the rehousing scheme each house will be provided with a separate water tap and a separate flush latrine and electricity.

**Mr. B. B. Varma:** Before acquiring these houses, will the people be provided with accommodation?

**Mr. S. H. Y. Oulsnam:** All persons whose income does not exceed Rs. 50 a month will be entitled to re-housing.

**Mr. B. B. Varma:** When will the scheme be put into force?

**Mr. S. H. Y. Oulsnam:** As soon as the necessary arrangements can be made.

**Shri Mohan Lal Saksena:** Before these houses are acquired, will they be provided with accommodation?

**Mr. S. H. Y. Oulsnam:** Before the persons are evicted, arrangements will be made for their accommodation.

**Mr. B. B. Varma:** Will the owners of these houses be granted compensation and what will be the form of payment?

**Mr. S. H. Y. Oulsnam:** Acquisition proceedings have not yet started. When they start compensation will be granted.

#### REPRESENTATIONS AGAINST SERAI PURANI IDGAH SCHEME, DELHI

**630. \*Mr. B. B. Varma:** (a) Will the Secretary of the Health Department please state whether Government have received any representation from the inhabitants of Ward No. 14, Delhi, during the month of October, 1946 against the Serai Purani Idgah Scheme Part I?

(b) If the reply to part (a) above be in the affirmative, do Government propose to take steps to redress their grievances? If not, why not?

(c) In view of the fact that housing problem in Delhi is very acute, do Government propose to withdraw the scheme in the interest of the people who will otherwise be adversely affected? If not, why not?

**Mr. S. H. Y. Oulsnam:** (a) Yes.

(b) and (c). Information regarding the persons affected is being collected. The scheme will not be proceeded with unless Government are satisfied that no serious hardship will be caused.

#### NON-INDIANS AS ASSISTANT CONTROLLERS IN SALVAGE ORGANISATION

**631. \*Pandit Sri Krishna Dutt Paliwal:** (a) Will the Secretary of the Defence Department be pleased to state the reason or reasons for having non-Indians in all the three posts of Assistant Controllers in the Salvage Organisation?

(b) Do Government propose to appoint Indians to these posts? If so, when?

**Mr. G. S. Bhalja:** (a) Indian officers possessing the requisite experience and of suitable rank have not been available for this type of employment.

(b) As soon as Indian officers possessing the requisite experience and of suitable rank can be spared from more active military duties the question of appointing Indians will be immediately taken up.

**Haji Abdus Sattar Haji Ishaq Seth:** Are Indians being trained for this salvage operations work?

**Mr. G. S. Bhalja:** No special training is necessary. Although no special qualifications are laid down for the appointment of Assistant Controllers of Salvage, selection for these posts are made from officers of high integrity who display initiative and drive, who have experience of organisational administration and who have technical knowledge of defence services equipment and stores.

**Khan Abdul Ghani Khan:** Does the Defence Secretary imply that he cannot find a single Indian with drive etc.?

**Mr. G. S. Bhalja:** As soon as men can be spared from more active military duties, they will be appointed to these posts.

**Shri Mohan Lal Saksena:** What steps are being taken to get Indians for such appointments?

**Mr. G. S. Bhalja:** The House is aware that the Nationalization Committee is going into the whole question of fixing suitable dates for nationalization of all branches of the Services.

**Mr. Vadilal Lalubhai:** Within what time does the Government think they will be able to get the right type of Indian personnel?

**Mr. G. S. Bhalja:** The whole question is being examined by the Nationalization Committee and Government will await the report of that Committee before they can make any announcement on the subject.

**Sardar Mangal Singh:** In view of the fact that the Prime Minister of England has declared that after June 1948 the defence of India will be the concern of the Indian people, may I know whether the Government of India have given further instructions to the Nationalization Committee to fulfil the requirements created by this statement?

**Mr. G. S. Bhalja:** No further instructions have yet been issued.

**Sardar Mangal Singh:** May I know if it is a fact that for the course at the Staff College, Quetta, there are fewer Indians this year than last year?

**Mr. G. S. Bhalja:** May I suggest that this does not arise out of the subject matter of the question.

**Shri Mohan Lal Saksena:** Apart from the question of the recommendations of the Nationalization Committee, the Honourable Member has just said that as soon as Indians could be spared they will be taken up. I say, what steps are being taken to relieve them of those duties?

**Mr. G. S. Bhalja:** Obviously the Government must consider the necessities of the various branches in the service and decide as to where available men can be more aptly utilised for more active military duties or for duties of this kind.

**Sardar Mangal Singh:** I request the Government of India, particularly now that the Honourable the Defence Minister is here, to issue fresh instructions to the Nationalization Committee to speed up the pace of Indianization in view of the statement made by the Prime Minister of England.

**Mr. G. S. Bhalja:** The terms of reference of the Nationalization Committee definitely lay down that they should make recommendations to Government as to the shortest time possible within which the whole service can be nationalised.

**GRIEVANCES OF THE HINDI SPEAKING PUBLIC re LANGUAGE POLICY OF ALL INDIA RADIO**

**632. \*Pandit Sri Krishna Dutt Paliwal:** Will the Honourable Member for Information and Broadcasting please state the steps Government have taken up till now to remove the grievances of the Hindi-speaking public as regards the language policy of the All-India Radio?

**The Honourable Sardar Vallabhbhai Patel:** The language policy of All India Radio is under consideration of Government and an announcement will be made shortly.

**LIABILITY OF INDIA FOR PURPOSES OF ALLOCATION OF DEFENCE EXPENDITURE BETWEEN INDIA AND U. K.**

**†633. \*Seth Govind Das:** Will the Honourable the Finance Member be pleased to state:

(a) the basis on which the normal liability of India has been fixed for purposes of allocation of Defence Expenditure between His Majesty's Government and India;

(b) whether Government are aware that the adoption of the Normal Numbers, fixed in the beginning of the war years, for purposes of adjustment of Defence Expenditure over a period of six years has involved considerable financial loss to this country; and

(c) whether Government propose to consider the advisability of revising the annual financial adjustments of Defence Expenditure effected upto now?

**The Honourable Mr. Liaquat Ali Khan:** (a) The amount of the defence budget for 1939-40.

(b) No.

(c) Does not arise.

**FINANCIAL AID ARRANGEMENTS BETWEEN UNITED STATES GOVERNMENT AND INDIA UNDER LEASE/LEND AGREEMENT**

**†634. \*Seth Govind Das:** Will the Honourable the Finance Member be pleased to state:

(a) the total financial aid rendered to India by the United States Government under the terms of the Lease/Lend Agreement, and the total financial aid rendered by India to the United States forces under the terms of the Reciprocal Aid Agreement; and

(b) whether it is a fact that India, on the whole, has suffered financial loss on account of these agreements?

**The Honourable Mr. Liaquat Ali Khan:** (a) I would refer the Honourable Member to the Press Communique issued by the Government of India on the 31st May 1946, for the desired information and an explanation of the Lease/Lend and Reciprocal Aid settlement.

(b) No, Sir.

**EXPENDITURE ON INDIAN TROOPS IN JAPAN.**

**†635. \*Seth Govind Das:** Will the Secretary of the Defence Department be pleased to state:

(a) whether any agreement has been reached with His Majesty's Government regarding the allocation of the expenditure on Indian troops stationed in Japan as a part of the British and Indian Occupation Forces:

---

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

- (b) if so, the share of India in the expenditure;
- (c) the number of British Officers and personnel that are at present in Japan as a part of the Indian Occupation Forces; and
- (d) whether it is a fact that the same differences in pay, conditions of service and amenities, as are obtaining in India with respect to a British member and an Indian member of the Armed Forces of India continue to exist in the occupation forces also?

**Mr. G. S. Bhalja:** (a) Yes, Sir.

(b) India bears the cost of initial equipment, transportation charges, and such portion of the pay charges of her troops as is not drawn in Yen currency. The rest of the maintenance charges of all the Commonwealth contingents, in so far as they are not borne by the Japanese Government, are pooled and shared among the Governments concerned according to the fighting strength of their respective contingents. India's present share of the pooled expenses under this arrangement is 24 per cent.

(c) There were 881 British Officers and personnel forming part of the Indian Occupation Forces in Japan on 1st January 1947.

(d) No, Sir, Indian and British officers of the Indian Army draw the same rates of pay when serving overseas with the occupation forces. The pay of Indian Troops is, no doubt, different from that of British Troops, but as the former get certain extra emoluments like expatriation allowance when out of India, the difference between the pay of Indian and British Troops becomes smaller. In the matter of amenities Indian and British Troops of the Indian Contingent are treated alike.

#### WITHDRAWAL OF INDIAN TROOPS FROM ABROAD

†636. \***Seth Govind Das:** Will the Secretary of the Defence Department be pleased to state:

(a) if Government are aware of the assurance given to this House during the last Session that all Indian troops abroad will be withdrawn by the end of November; and

(b) if the above assurance has been implemented?

**Mr. G. S. Bhalja:** (a) and (b). The assurance related to Indian troops in Indonesia, all of whom were withdrawn by the end of November.

#### DIFFICULTIES EXPERIENCED BY INDIAN STUDENTS IN ENGLAND

637.\***Sri R. Venkatasubba Reddiar:** Will the Honourable Member for Education be pleased to state:

(a) whether Government are aware of the difficulties experienced by Indian students in England and their representation to the India House;

(b) whether it is a fact that students sent from this country find it difficult to get admission into efficient institutions and also accommodation;

(c) if the answer to part (b) is in the affirmative, the steps Government propose to take to secure admission and accommodation for these students; and

(d) the steps that are proposed to be taken to prevent such difficulties arising in future?

آنریبل مولانا ابوالکلام آزاد : ( اے ) ہاں

( بی ) ہاں جلاب - ہندوستانی طالب علموں کے دھلے سہلے کا اور یونیورسٹیوں میں جگہ پانے کا معاملہ بہت کٹھن ہو رہا ہے - برٹش یونیورسٹیوں میں آس سے آسوں سے بھری ہوتی ہیں اور جتنی ان میں سہانی ہوتی ہے اس سے کہیں زیادہ آسید واروں کی بھڑھوتی ہے - بڑا سبب اس کا یہ ہے

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

کہ لوٹائی کے بعد جو لوگ نوکریوں سے الگ کئے گئے ہیں - اب اچانک ان کے لئے جگہیں نکالی جا رہی ہیں - یونیورسٹیوں میں ۹۰ فیصدی جگہیں ان کے لئے خاص کر دی گئی ہیں اور بہت تھوڑی جگہیں ایسی رہ گئی ہیں جو دوسرے امدادواروں کو مل سکتی ہیں - ایسی صورت حالات کا لازمی نتیجہ یہ ہے کہ جو پرائیویٹ اور گورنمنٹ اسکالرز وہاں جاتے ہیں ان میں سے سب کو موقع نہیں ملتا کہ اچھے درجے کے انسٹی ٹیوشن میں جگہ پا سکیں -

اسی طرح جہاں تک رھلے سہلے کا تعلق ہے وہاں عام طور پر جگہ کی سطح کم ہے اور سرکاری دفتر پوری کوشش کرنے پر بھی ایسا نہیں کر سکتا کہ ہر طالب علم کے لئے اچھے درجہ کا انتظام ہو جائے - خاص طور پر ایسے طالب علموں کے لئے جو بغیر نوٹس دئے وہاں پہنچ جاتے ہیں یا نوٹس دیتے بھی ہیں تو بہت کم وقت کی -

(سی) اور (ئی) - لندن کے ایجوکیشن ڈیپارٹمنٹ میں جو ہائی کمشنر لندن آفس سے تعلق رکھتا ہے - اسکا پورا انتظام موجود ہے کہ ہندوستانی طالب علموں کو رھلے سہلے اور یونیورسٹیوں میں جگہیں پانے کے لئے ہر طرح کی مدد دیکھائے لیکن گورنمنٹ نے معاملہ اسی پر نہیں چھوڑ دیا بلکہ وہ کوشش کر رہی ہے کہ اس آرگنائزیشن کو اور زیادہ مضبوط کر کے اور ایک نئی ویلنجر برانچ اس فرض سے کھول دی جائے -

**The Honourable Maulana Abul Kalam Asad:** (a) Yes.

(b) Yes. The position with regard to the admission and accommodation of Indian students in the United Kingdom is very difficult. British Universities have been and are likely to be for some time extremely overcrowded on account of rush of demobilised personnel to educational institutions. As 90 per cent. of the available seats have been reserved for British ex-servicemen and women, very few seats are left in the British Universities and Institutions for other students. It is therefore, inevitable that out of the very large number of Indian students, both private and Government Scholars, now going to the United Kingdom for studies, some do not succeed in obtaining admission to the best institutions.

Similarly with regard to accommodation there is a general shortage in the United Kingdom and the authorities concerned, in spite of their best efforts, are unable in all cases to make satisfactory arrangements, particularly for those students who reach the country without notice or at very short notice.

(c) and (d). Arrangements already exist in the Education Department of the High Commissioner's Office in London for helping students to secure admission and accommodation. It is now proposed to strengthen the organization and to set up a separate Welfare Branch to deal with the problem of accommodation. Last year one hostel for Indian students in London and another in Edinburgh were purchased and the proposal to set up a Reception and Transit Camp in London is now under consideration.

**Sri R. Venkatasubba Reddhar:** Sir, I have not understood the Hindustani reply to my question.

**Mr. President:** A translation of the reply will be supplied to the Honourable Member later on.

**Sri R. Venkatasubba Reddhar:** I want to put supplementary questions.

**Shri D. P. Karmarkar:** With regard to part (d) of the question may I know whether Government are taking steps to create more and more facilities in India itself for tuition in faculties for which people are sent abroad?

آرٹریبل مولانا ابوالکلام آزاد : ہاں اسکی پوری کوشش کیجا رہی ہے۔ نئی کمیٹی

بیتھی ہے جو اس معاملہ میں نئے سرے سے فور کریگی۔

**The Honourable Maulana Abul Kalam Azad:** Yes, every effort is being made in this respect. The new Committee will consider this question *de novo*.

**Mr. Tamiruddin Khan:** Will the Honourable Member please state whether Government scholars also find it difficult to secure admission in any British Universities after going to the United Kingdom?

آرٹریبل مولانا ابوالکلام آزاد : ہاں یہ مشکل بیھی آ رہی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes, this difficulty is being encountered.

**Mr. Tamiruddin Khan:** Will the Honourable Member please state why the admission of Government scholars is not previously arranged before they go to the United Kingdom?

آرٹریبل مولانا ابوالکلام آزاد : لوائی کی وجہ سے اس طرح کا انتظام نہیں ہو سکتا

تھا لیکن جہاں تک مجھے معلوم ہوا ہے کہ جن لوگوں کو بھیجا گیا ہے انکو پوری طرح وارنڈک دیدی گئی تھی کہ وہاں کے حالات ایسے ہیں اور انکو مشکلات بیھی آئیں گی۔

**The Honourable Maulana Abul Kalam Azad:** Owing to War, this sort of arrangement could not be made; but, so far as my information goes, scholars, who were sent abroad, were fully warned of the conditions in these countries and of the difficulties that they would have to face there.

**Sri B. Venkatasubba Reddhar:** Will the Government consider the desirability of discontinuing the awarding of scholarships till sufficient accommodation is secured for the scholars in the United Kingdom?

آرٹریبل مولانا ابوالکلام آزاد : جیسا کہ میں نے ابھی آرٹریبل ممبر کی توجہ دلائی

ہے کہ نئی کمیٹی بہتھائی گئی ہے جو کہ اس معاملہ میں نئے سرے سے فور کریگی۔

**The Honourable Maulana Abul Kalam Azad:** As I have already brought it to the notice of the Honourable Member a new Committee has been set up who will consider this question afresh,

مسٹر محمد نعمان : میں یہ جاننا چاہتا ہوں کہ اس وقت جو اسٹوڈنٹس وہاں

جاتے ہیں انکی خوراک وغیرہ کے انتظام کے لئے کچھ روپیہ زیادہ کر دیا گیا ہے یا وہی دیت ہے جو ان سے پہلے لیا جاتا تھا۔

**Mr. Muhammad Nauman:** I want to know if arrangements have been made to increase the stipends of the scholars who are at present proceeding abroad or they are being paid at the old rate?

آرٹریبل مولانا ابوالکلام آزاد : اس کے اٹنے نوٹس ملنا چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** I want notice to answer this question.

شری موہن لال سکسینہ : کیا میں یہ جان سکتا ہوں کہ اس کمیٹی کے کتنے

ممبر ہیں۔

**Shri Mohan Lal Saksena:** May I know the number of the members of this Committee.

آئرہیل مولانا ابوالکلام آزاد : بہت جلد اسکا اعلان ہو گا۔

**The Honourable Maulana Abul Kalam Azad:** It will be announced very soon.

#### HIGH COST OF LAND SOLD BY DELHI IMPROVEMENT TRUST

**638. \*Sardar Mangal Singh:** Will the Secretary of the Health Department please state:

(a) whether it is a fact that the Improvement Trust, Delhi, sells land by auction at high rates which are beyond the means of poor and middle class people;

(b) whether it is a fact that the Improvement Trust was created with a view to provide better houses to the poor and middle class people by giving land to such people at reasonable rates and if so, why there is a departure from this; and

(c) if replies to parts (a) and (b) above are in the affirmative, whether Government propose to consider the question of issuing instructions with a view to providing land to middle class people for building purposes at reasonable cost?

**Mr. S. H. Y. Oulsnam:** (a) The Improvement Trust ordinarily sells land by auction or tender. It is a fact that the prices received by the Trust for land sold since the war are high.

(b) The Trust was created to ensure planned town development and to enable existing urban areas to be improved.

(c) The question is under consideration.

**Lala Deshbandhu Gupta:** Is it a fact that during the last four years the Improvement Trust has been charging four hundred to five hundred per cent. more price on lands than was charged before?

**Mr. S. H. Y. Oulsnam:** The Trust disposes of land by tender or by auction and takes.....

**Lala Deshbandhu Gupta:** I want to know whether the increase in price has been to the extent mentioned by me?

**Mr. S. H. Y. Oulsnam:** I should have notice of that question.

**Lala Deshbandhu Gupta:** Will the Honourable Member please state whether the Trust has prepared any development schemes for the areas which were advertised some ten years ago under the Town Expansion scheme?

**Mr. S. H. Y. Oulsnam:** I do not know what particular areas the Honourable Member is referring to but if he will put down a question I shall answer it.

**Sardar Mangal Singh:** Is it not a fact that the Improvement Trust have been acquiring land at Government price and selling the same at market prices?

**Mr. S. H. Y. Oulsnam:** The Improvement Trust buys undeveloped land and then it provides the services, roads, water and sewerage, and sells it as building plots. Naturally the price which the Trust receives for developed land is a higher price than what it pays for undeveloped land.

**Lala Deshbandhu Gupta:** Is it not a fact that the Improvement Trust has by the sale of land so far realised about one crore of rupees?

**Mr. S. H. Y. Oulsnam:** I cannot give the figures off hand but it certainly has made a profit on certain schemes. The intention is that those profits shall be used to offset the losses on slum clearance.

#### EMPLOYMENT FOR STUDENTS WHO NON-COOPERATED FROM EDUCATIONAL INSTITUTIONS

**†639. \*Shri Sri Prakasa:** Will the Honourable Home Member be pleased to state:

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

(a) whether Government are aware that in the course of political movements during the last twenty-five years, students were asked to non-co-operate from schools, colleges and universities by political leaders;

(b) whether Government are aware that a large number of students did so non-co-operate;

(c) whether it is a fact that for employment Government only recognise degrees of official educational institutions; and

(d) whether Government propose to consider the desirability of making such amendments in the existing rules and conventions so as to enable persons who had non-cooperated from educational institutions in the earlier years, to obtain employment under the present Government?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes, in connection with the first non-cooperation movement.

(b) Yes.

(c) No.

(d) No.

#### REVISED FORMS TO ASSESSEES OF INCOME-TAX

†640. \***Shri Sri Prakasa:** Will the Honourable the Finance Member be pleased to state:

(a) whether the attention of Government has been drawn to the correspondence between his predecessor Sir Archibald Rowlands and myself regarding the language used on certain forms sent to the assesseees of income-tax by income-tax officers; and

(b) whether Government are aware that Sir Archibald had promised to get the language changed; and if so, why are the revised forms not used?

**The Honourable Mr. Liaquat Ali Khan:** (a) I have seen the correspondence referred to.

(b) Yes, Sir Archibald agreed that the form of Notice under section 23(2) of the Income-tax Act should be revised. The new form has since been printed and will be available for use in Income-tax offices when the new stock of forms is supplied to them for the year 1947-48.

#### SHORT SUPPLY OF SALT.

†641. \***Shri Sri Prakasa:** Will the Honourable the Finance Member be pleased to state:

(a) whether Government are aware that there has been a shortage of salt supply to various centres;

(b) whether Government are aware that salt has been sold in Benares for as much as eight annas a seer; and

(c) the steps, if any, that Government have taken for adequate supply of salt to all centres?

**The Honourable Mr. Liaquat Ali Khan:** (a) Yes, Sir; in the United Provinces and some districts of Bihar.

(b) Yes, in rare cases.

(c) The railway authorities have taken steps to speed up the movement of salt from Rajasthan to the United Provinces and Bihar to repair the shortage, which was occasioned by shortage of wagons and locomotive power. A special quota of salt from the Salt Mines at Khewra also has been allotted for supply to the deficit areas in the United Provinces. The position since the end of January has undergone considerable improvement.

---

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



## MUSLIMS IN CENTRAL ORDNANCE DEPOT, CHHEOKI

**642. \*Mr. Muhammad Rahmat Ullah:** Will the Secretary of the Defence Department please state:

(a) the total number of Extra Temporary Employees working in the Central Ordnance Depot, Chheoki;

(b) the total number of Muslim Extra Temporary Employees working in that Depot; and

(c) the percentage of Muslim employees in the above establishment?

**Mr. G. S. Bhalja:** (a) 12,233.

(b) 2,019.

(c) 16.5 per cent.

**Mr. Muhammad Nauman:** With reference to part (c) of the question the Honourable Member's reply was 16.5 per cent., whereas it should have been 25 per cent. according to the recruitment rules of 1934 and these appointments were made after the passing of that resolution.

**Mr. G. S. Bhalja:** Sir, I have said more than once on the floor of this House that in the armed forces there is no fixation of communal quotas for any branch of the services. Communal quotas, however, applied to civilian personnel, but they were suspended during the war.

**Mr. Vadilal Lalubhai:** May I know how long these people have been on temporary employment?

**Mr. G. S. Bhalja:** I must ask for notice of that question.

**Mr. Vadilal Lalubhai:** If there are more people employed than necessary, will the Honourable Member have them retrenched?

**Mr. G. S. Bhalja:** Yes, Sir. We cannot have more persons than are required merely to slow down the progress of retrenchment.

**Mr. Vadilal Lalubhai:** Is the Honourable Member aware that in some offices there is very little work and still people are kept on?

**Mr. G. S. Bhalja:** I am not aware of the position. If the Honourable Member brings to my notice any particular instance I shall certainly look into it.

**Sardar Mangal Singh:** Is it a fact that some of the people remain temporary all their lives?

**Mr. G. S. Bhalja:** I do not know how it arises out of this question.

## RETRENCHMENT OF EXTRA TEMPORARY EMPLOYEES IN CENTRAL ORDNANCE DEPOT, CHHEOKI

**643. \*Mr. Muhammad Rahmat Ullah:** Will the Secretary of the Defence Department please state:

(a) whether it is a fact that a general retrenchment of the Extra Temporary employees will begin in the month of March, 1947, in the Central Ordnance Depot, Chheoki;

(b) whether Government propose to adhere to the D.C.P. Routine Order No. 497 of 1946 allotting 25 per cent. quota of the total services to the Muslims when the proposed retrenchment takes place in that Depot; and

(c) whether Government have any scheme under consideration for re-absorbing the persons affected by the proposed retrenchment in that Depot?

**Mr. G. S. Bhalja:** (a) 1,500 will be retrenched during April 1947 after being given the normal period of notice.

(b) Yes, Sir. There is no change in the policy so far.

(c) Resettlement of discharged personnel is the responsibility of the Labour Department who have set up labour exchanges to assist in finding re-employment for retrenched personnel.

**Mr. Muhammad Nauman:** Will the Honourable Member please state the reason why the quota of 25 per cent. is being observed in retrenchment whereas it is not being so observed in the matter of recruitment?

**Mr. G. S. Bhalja:** The reason for that is that so far as civilian departments are concerned, before the war certain communal proportions were laid down and the Government of India issued instructions that when retrenchment is made, in the process of retrenchment deficiencies in the communal proportions should be made good.

#### REPORT OF NAVAL ENQUIRY COMMITTEE

**644. \*Shri Mohan Lal Saksena:** With reference to the answer to starred question No. 192 asked on 11th February 1947 regarding the report of the Naval Enquiry Commission, will the Secretary of the Defence Department be pleased to state:

(a) the ranks and emoluments of Commander King and Admiral Godfrey before the Royal Indian Navy Mutiny, as well as their ranks and emoluments at present; and

(b) whether Government propose to re-consider their cases and get them at least transferred from the Indian Navy?

**Mr. G. S. Bhalja:** (a) (i) Commander King.—

Rank held before the mutiny—Commander.

Rank held at present—Commander.

Emoluments before the mutiny—Rs. 1,968/- P.M.

Present emoluments—Rs. 1,938/-.

(ii) Admiral Godfrey.—

Rank held before the mutiny—Vice-Admiral.

Emoluments before the mutiny—Rs. 3,300/-.

Admiral Godfrey relinquished Command of the Royal Indian Navy on the 28th of March 1946, and returned to the United Kingdom where he retired from the Royal Navy.

(b) (i) Commander King.—No, Sir. This officer has already been tried by court-martial and under the Indian Navy Discipline Act, the Central Government can suspend, commute or remit a sentence *but cannot enhance it*. Also, it would be illegal to bring to trial or to punish a person twice for one and the same offence and on the same charge.

(ii) Admiral Godfrey.—Admiral Godfrey is no longer on loan to the R. I. N., as he relinquished his Command on the 28th March, 1946.

#### STAFF OF THE CENTRAL CYPHER BUREAU

**645. \*Sardar Mangal Singh:** Will the Honourable the Home Member be pleased to state:

(a) the strength of the staff of the Central Cypher Bureau, temporary and permanent;

(b) the number of Indians and non-Indians employed there;

(c) the academic qualifications required for a Cypher Assistant;

(d) the academic qualifications of the present Indian and non-Indian staff of the Central Cypher Bureau;

(e) the number of demobilized (Women Auxiliary Corps) ladies recruited as Cypher Assistants, their nationality and qualifications;

(f) how the communal roster is maintained for Central Cypher Bureau posts and whether the Home Department communal roster has been adhered to; and

(g) what steps Government propose to take to check further recruitment of non-Indians to Central Cypher Bureau until such time as the communal roster is in order?

**The Honourable Sardar Vallabhbhai Patel:** The questions (Nos. 645 and 646) should have been addressed to the Honourable Member for External Affairs. They have accordingly been transferred to the List of Questions for the 4th March 1947.

#### ANGLO-INDIANS IN CENTRAL CYPHER BUREAU

†646. \***Sardar Mangal Singh:** Will the Honourable the Home Member please state if it is a fact that the Type Section of the Central Cypher Bureau is composed of Anglo-Indian ladies only; if so, why are Indian male typists not recruited?

#### BAN AGAINST "1942 Ki Kiranti"

647. \***Babu Ram Narayan Singh:** Will the Honourable the Home Member please state:

(a) how many books are still proscribed in Delhi Province;

(b) whether "1942 Ki Kiranti", edited by Shri Sri Ram is still proscribed in Delhi Province; and

(c) whether any representation to lift the ban against "1942 Ki Kiranti", has been made; if so, when and with what result?

**The Honourable Sardar Vallabhbhai Patel:** (a) Four.

(b) Yes.

(c) A representation for the lifting of the ban on '1942 Ki Kiranti' was received by Government on the 24th September 1946. It is under consideration and the Chief Commissioner has been asked to send a copy of the book for examination by Government.

**Babu Ram Narayan Singh:** So far as I remember and know, the representation was made about six months ago. As such may I know how long the Government will take to consider this matter?

**The Honourable Sardar Vallabhbhai Patel:** Many books had been proscribed before we took charge and many books had to be examined. There are only four books left now and they are being examined. This one is also under examination. After examination it is sent by the Chief Commissioner with his remarks to Government and Government examine it in the Home Department.

**Babu Ram Narayan Singh:** Is the Honourable Member aware that barring Delhi, in all the Provinces the book is available, sold and read?

**The Honourable Sardar Vallabhbhai Patel:** My Honourable friend has then no genuine grievance because it is freely sold outside.

**Babu Ram Narayan Singh:** When the book has not been proscribed outside Delhi why is it proscribed only in Delhi?

**Mr. President:** The Honourable Member is arguing.

**Lala Deshbandhu Gupta:** Will the Government consider the desirability of publishing the names of such books which had been proscribed before the Honourable Member took charge and which are no longer proscribed?

**The Honourable Sardar Vallabhbhai Patel:** All these bans that are lifted are always advertised.

**Lala Deshbandhu Gupta:** Should I take it, Sir, that no book which was proscribed before is at the moment proscribed?

**The Honourable Sardar Vallabhbhai Patel:** There are only four books which are under proscription which are being examined.

†For answer to this question, see answer to question No. 645.

**Babu Ram Narayan Singh:** How long will this consideration of the Government take place, may I know, Sir?

**The Honourable Sardar Vallabhbhai Patel:** If it is confined to Delhi, only the Honourable Member has not much grievance if it is available everywhere else and we can take it up leisurely.

**Sardar Mangal Singh:** What is the machinery of examination by which the Government is looking into this matter?

**The Honourable Sardar Vallabhbhai Patel:** It is not examined by any machinery but by individuals.

**Sardar Mangal Singh:** I want to know whether a special officer or a committee has been appointed for this purpose.

**The Honourable Sardar Vallabhbhai Patel:** There are officers in the Home Department who examine them.

### UNSTARRED QUESTIONS AND ANSWERS

#### PROVISION OF CHEAP HOUSES FOR THE POOR AND THE DELHI IMPROVEMENT TRUST SERAI PURANI IDGAH SCHEME

**64. Sjt. Seth Damodar Swroop:** Will the Secretary of the Health Department please lay on the table of the House:

(a) a copy of the revised conditions under which poor men will be provided with Government houses;

(b) a list of buildings which have not been acquired by the Delhi Improvement Trust in Serai Purani Idgah Scheme Part I, Delhi; and

(c) a list of the families getting benefit of the scheme?

**Mr. S. H. Y. Oulnam:** (a) I would refer the Honourable Member to the reply to Sri N. Narayanamurthi's unstarred question No. 32, on the 4th November, 1946.

(b) It is reported that acquisition proceedings in the Serai Purani Idgah Scheme have not so far commenced. A statement giving the numbers of the properties which have been exempted from acquisition is laid on the table of the House.

(c) The Trust is taking a census of the persons who are likely to be affected by the execution of the scheme, and the number of families which will be entitled to the benefits of the state-aided re-housing scheme will be known on completion of the census.

#### Statement giving the numbers of the properties which have been exempted from Acquisition.

Plot No.	Area (sq. yds.)	Plot No.	Area (sq. yds.)
(according to the Shajra of Sadar Bazar South Nasul Estate)		(according to the Shajra of Sadar Bazar South Nasul Estate).	
34	60	171/4	222
35	50		
36	162	172/4/1	111
37	86		
38	81	170/4/2	112
39	70		
40	70		
41	89		
42	233		
43	65		
44	84		
45	154		
109	57		

**IMPORT OF BRITISH ENGINEERS FOR EMPLOYMENT IN MILITARY ENGINEERING SERVICE.**

**65. Sardar Mangal Singh:** Will the Secretary of the Defence Department please state:

(a) whether Government are aware that about ninety young British Engineers have been imported in the country towards the end of last year and are employed in Military Engineering Service;

(b) if the answer to part (a) above be in the affirmative, the reasons for such action at the time when the Armed Services are being Indianized;

(c) whether Government are aware that Engineer Officers Cadre of the Military Engineering Services of the Defence Department is being civilianized;

(d) if the answer to part (c) above be in the affirmative, what the scope of civilianization is and over what period it is spread;

(e) whether this period of civilianisation cannot be reduced in view of the nationalisation of the Armed Forces by putting into senior posts selected Indian Civilian Engineers, already working in the Department in the Grades recently sanctioned by the Government of India for Contract Officers;

(f) whether Government are aware that the Head of the Engineering Branch has issued instructions to the Chief Engineers to recommend all existing Indian Civilian Engineers for a fresh contract in the scale of Rs. 750—80—1,050, and that he has not asked for any recommendations for posts in the grade of Rs. 1,400—50—1,900, although both the grades have been very recently sanctioned for Indians; and

(g) if the answer to part (f) above be in the affirmative, whether it is a fact that there is no Indian Civilian Engineer already in the Department who is fit for the newly sanctioned posts in the higher grade of Rs. 1,400—50—1,900?

**Mr. G. S. Bhalja:** (a) As part of the normal procedure a draft of 90 Royal Engineer Officers reached India towards the end of 1946.

(b) These 90 officers were a normal replacement draft. Steps are now, however, being taken to post them to the Occupation Forces in Burma and Malaya to replace MES officers who will thereby be released for return to India.

(c) Yes, Sir.

(d) The proposal is to civilianize two-thirds of the MES cadre in all categories and grades and to do so as soon as practicable.

(e) It is the intention to appoint selected Indian Civilian Engineers wherever officers of suitable qualifications and experience are available, to fill senior posts.

(f) This is not correct. Recommendations in respect of both categories have been called for.

(g) Does not arise.

**CIVILIAN ENGINEERS IN MILITARY ENGINEERING SERVICE**

**66. Sardar Mangal Singh:** Will the Secretary of the Defence Department please state:

(a) what academic qualifications and practical experience have been prescribed by Government for selection Grade referred to in the preceding question and for its equivalent grade in the Central Public Works Department;

(b) whether Government are aware that there are a few Civilian Engineers—Indians and non-Indians—on Contracts already working in the Military Engineering Service for several years;

(c) if so, the number of Indians and non-Indians working as such;

(d) whether Government are aware that a retired British Brigadier is being appointed on Contract as a Civilian Engineer; if so, whether there is no Indian suitable for that post;

(e) whether Government are aware that Barrack Service is being introduced in the Military Engineering Service to absorb the present British Departmental Officers; and

(f) whether Government are aware that the British Officers who have recently arrived in India are replacing Indian Officers in the Eastern Command; if so, why and what is the number of Indian Officers who have thus been reverted?

**Mr. G. S. Bhalja:** (a) It is the intention that this grade, which corresponds to that of Superintending Engineer, C. P. W. D., should be filled by officers of equivalent qualifications and experience.

(b) Yes, Sir.

(c) Indians 54, Non-Indians 8.

(d) No such appointment has been made.

(e) A Barrack Service is being introduced but will be staffed entirely by Indians, as far as possible by existing F. and S. personnel already serving in the M. E. S.

(f) Two Sub-Divisional Officers who were officiating as Assistant Engineers in the interval between the departure of British officers and the arrival of new officers were reverted to S. D. Os., the officers replacing them holding higher qualifications. As already stated steps are being taken to post all 90 British officers when trained, forward to Burma and Malaya.

### SHORT NOTICE QUESTION AND ANSWER

#### H. M. G.'s SURPLUS WAR STORES

**Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable Member for Industries and Supplies please state if Government propose to give this House an idea of the size of the surplus (His Majesty's Government war stores), which is the subject of negotiations at the moment?

**The Honourable Sri C. Rajagopalachari:** The representatives of the Ministry of Supply were in India to see how the work of disposals was going on and not to conduct any negotiations. The question appears to have been asked under a misapprehension.

**Diwan Chaman Lal:** May I ask my Honourable friend, if it is a fact that in the recent negotiations of a preliminary nature in regard to the settlement of the sterling balances, this particular matter did not come up.

**The Honourable Sri C. Rajagopalachari:** The Finance Member will deal with what is necessary on that subject tomorrow.

**Diwan Chaman Lal:** Is it a fact that a demand has been made by the British Government for a very large sum of money arising out of the disposal of these surplus stores?

**The Honourable Sri C. Rajagopalachari:** I am not able to give information on that subject today.

### NOTIFICATION UNDER THE CENTRAL EXCISES AND SALT ACT, 1944—LAID ON THE TABLE

**The Honourable Mr. Liaquat Ali Khan** (Finance Member): Sir, I lay on the table a copy of Notification No. 11, dated the 23rd November, 1946, in accordance with section 38 of the Central Excises and Salt Act, 1944.

## NOTIFICATION

### CENTRAL EXCISES

No. 11.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely :

A. In rules 197, 200 and 202 of the said Rules, before the word "saltpetre" the words "composition for match-heads", shall be inserted;

B. In Appendix I to the said Rules, in Form R.G. 2

(1) for the words 'splints, veneers and composition for match-heads', wherever they occur, the words 'splints and veneers' shall be substituted;

(2) for the words 'Timber/Composition for match-heads' the word 'Timber' shall be substituted.

W. A. ROSE,

*Under Secretary to the Government of India.*

## DECLARATION OF EXEMPTION UNDER THE REGISTRATION OF FOREIGNERS ACT—LAID ON THE TABLE

**The Honourable Sardar Vallabhbhai Patel** (Home Member): Sir, I lay on the table a copy each of the following Declarations of Exemption issued under the Registration of Foreigners Act, 1939:—

- (i) No. 1/19/46-Poll. (E), dated the 29th November, 1946;
- (ii) No. 1/20/46-Poll. (E), dated the 6th December, 1946;
- (iii) No. 1/20/46-Poll. (E), dated the 6th December, 1946;
- (iv) No. 1/20/46-Poll. (E), dated the 6th December, 1946;
- (v) No. 1/20/46-Poll. (E), dated the 6th December, 1946;
- (vi) No. 1/20/46-Poll. (E), dated the 6th December, 1946;
- (vii) No. 1/21/46-Poll. (E), dated the 7th December, 1946;
- (viii) No. 1/23/46-Poll. (E), dated the 12th December, 1946;
- (ix) No. 1/7/47-Poll. (E), dated the 3rd February, 1947.

1/19/46-POLL. (E).

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi, the 29th November, 1946.*

### DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to FRANK J. PIPICH for so long as he remains in India as a member of the staff of the American Consulate, Karachi.

F. SINGH,

*Assistant Secretary to the Government of India.*

1/20/46-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi-3, the 6th December, 1946*

### DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to or in relation to Miss CAROLYN C. JACOBS, for so long as she remains in India as a member of the staff of the American Embassy, New Delhi.

F. SINGH,

*Assistant Secretary to the Government of India.*

1/20/46-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi-3, the 6th December, 1946.***DECLARATION OF EXEMPTION**

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners shall not apply to, or in relation to Miss Eva Antonia Karpischek for so long as she remains in India as a member of the staff of the American Embassy, New Delhi.

**F. SINGH,***Assistant Secretary to the Government of India.*

1/20/46-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi-3, the 6th December, 1946***DECLARATION OF EXEMPTION**

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to or in relation to Miss Evelyn Campbell for so long as she remains in India as a member of the staff of the American Embassy, New Delhi.

**F. SINGH,***Assistant Secretary to the Government of India.*

1/20/46-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi-3, the 6th December, 1946***DECLARATION OF EXEMPTION**

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to Miss Shirley Ida Mullins, for so long as she remains in India as a member of the staff of the American Embassy, New Delhi.

**F. SINGH,***Assistant Secretary to the Government of India.*

1/20/46-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi-3, the 6th December, 1946***DECLARATION OF EXEMPTION**

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to Miss Abby Dilts for so long as she remains in India as a member of the staff of the American Embassy, New Delhi.

**F. SINGH,***Assistant Secretary to the Government of India.*



1/21/46-POLL. (E).

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi, the 7th December, 1946.*

## DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to Miss Dorothy Edythe Lawton for so long as she is employed in the Office of the United States Military Liaison Officer at New Delhi.

F. SINGH,

*Assistant Secretary to the Government of India.*

1/23/46-POLL. (E).

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi, the 12th December, 1946.*

## DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to Mr. Wayne M. Hertwell for so long as he is employed in the American Consulate-General, Bombay.

F. SINGH,

*Assistant Secretary to the Government of India.*

1/27/47-POLL. (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

*New Delhi, the 3rd February 1947.*

## DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to Mr. J. L. Savage, an United States national, for so long as he is working for the Central Waterways, Irrigation, Navigation Commission in connection with the Kosi and Mahanadi Dams.

F. SINGH,

*Assistant Secretary to the Government of India.*

## DEMANDS FOR SUPPLEMENTARY GRANTS 1946-47

## DEMAND No. 1—RAILWAY BOARD

**The Honourable Dr. John Matthai** (Member for Railways and Transport):  
I beg to move:

"That a further supplementary sum not exceeding Rs. 1,42,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Railway Board'."

**Mr. President:** The question is:

"That a further supplementary sum not exceeding Rs. 1,42,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Railway Board'."

The motion was adopted.

---

**DEMAND NO. 5—PAYMENTS TO INDIAN STATES AND COMPANIES**

**The Honourable Dr. John Matthai:** I beg to move:

"That a supplementary sum not exceeding Rs. 11,55,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Payments to Indian States and Companies'."

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 11,55,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

---

**DEMAND NO. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON LOCOMOTIVE POWER**

**The Honourable Dr. John Matthai:** I beg to move:

"That a further supplementary sum not exceeding Rs. 2,74,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

**Mr. President:** The question is:

"That a further supplementary sum not exceeding Rs. 2,74,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

---

**DEMAND NO. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK**

**The Honourable Dr. John Matthai:** I beg to move:

"That a further supplementary sum not exceeding Rs. 1,19,73,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

**Mr. President:** The question is:

"That a further supplementary sum not exceeding Rs. 1,19,73,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

---

**DEMAND NO. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS**

**The Honourable Dr. John Matthai:** I beg to move:

"That a further supplementary sum not exceeding Rs. 22,36,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Expenses of General Departments'."

**Mr. President:** The question is:

"That a further supplementary sum not exceeding Rs. 22,36,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

---

DEMAND No. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES

**The Honourable Dr. John Matthai:** I beg to move:

"That a further supplementary sum not exceeding Rs. 3,40,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Miscellaneous Expenses'."

**Mr. President:** The question is:

"That a further supplementary sum not exceeding Rs. 3,40,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

---

DEMAND No. 10-A—WITHDRAWAL FROM RESERVE

**The Honourable Dr. John Matthai:** I beg to move:

"That a supplementary sum not exceeding Rs. 2,90,71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Withdrawal from Reserve'."

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 2,90,71,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'withdrawal from Reserve'."

The motion was adopted.

---

DEMAND No. 12-A—CAPITAL OUTLAY ON VIZAGAPATAM PORT

**The Honourable Dr. John Matthai:** I beg to move:

"That a supplementary sum not exceeding Rs. 6,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Capital Outlay on Vizagapatam Port'."

**Mr. President:** The question is:

"That a supplementary sum not exceeding Rs. 6,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1947, in respect of 'Capital Outlay on Vizagapatam Port'."

The motion was adopted.

---

EXPLOSIVES (TEMPORARY PROVISIONS) BILL

**Mr. B. K. Gokhale** (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations, be taken into consideration."

[Mr. B. K. Gokhale]

This is a very simple safety measure which I might say is free from any controversy. But I might briefly explain the reasons why this Bill had to be introduced in this House. The Indian Explosives Act of 1884 naturally contemplated conditions as existed at that time. Explosives had not become so formidable and devastating at that stage; and, apart from the quality of explosives, the quantities involved in those early days were comparatively small. Similar considerations governed the normal port rules, which means the rules made by the authorities in charge of Port Trusts to regulate transport and handling of explosives at the docks. I am not quite clear what happened in the first world war, but presumably no special exceptions were necessary because the quantities involved even then were not so very large. But, in the second world war, it was very soon discovered that the normal explosive and port rules were too restrictive and could not possibly cope with the situation. In 1940, therefore, Government issued orders under the Defence of India Act by which the naval or military officers in charge could, in circumstances of grave urgency, relax all the provisions of the normal port rules and the explosive rules and allow explosives to be handled at the quay side. Ordinarily, of course, large explosives are not allowed to be handled at the docks. They have to be handled in the stream or at certain special places, but this was not possible in war times and these relaxations were, therefore, allowed. The only two conditions imposed were, firstly, that the naval or military officer had to certify that the conditions were of grave urgency and, secondly, he had to send copies of any orders which he issued to the Chief Inspector of Explosives and to the authorities of the port concerned. Now, these orders issued in 1940 under the Defence of India Rules, worked fairly well. But there was no provision for consultation between the various authorities concerned. For instance, there was no provision for consultation with the police authorities or with the authorities in charge of fire precautions, snooking in the docks and things of that kind. Therefore, unfortunately, things were not quite on a sound footing and we had the terrible disaster which occurred in Bombay in April 1944. As a result of that explosion in the Bombay docks, Government appointed a special Committee, which was called the Dangerous Cargoes Committee, under the chairmanship of Major General Russell. This Committee went exhaustively into the whole question and they decided that certain safety precautions were necessary in order that these explosives could be safely handled at the docks. Government took prompt action and about the middle of 1944 they issued two notifications, the net result of which was that the military officers ceased to have anything to do with this affair and everything was left to the naval officer in charge of the port concerned; and, secondly, the naval officer in charge of the port concerned could not allow explosives to be handled in contravention of the normal rules unless he was satisfied that all the safety precautions which the Committee considers necessary were enforced before any such explosives were handled at any port. Now, these orders have worked extremely well and not only there has been no accident since then but there have been no complaints of any kind either from the port authorities or from any other persons concerned. I think I might ask the Honourable Members of this House to take it that these orders were so comprehensive that they need have no hesitation in agreeing to further continuance of the same precautions which we have been observing for the last 2½ years for a short period of another two years for which we are asking this House to accept this Bill.

Now, Sir, I will explain why it is necessary that these special arrangements should continue for another two years. The war is over and it might well be argued that all these precautions might as well be discontinued. The first reason why it is necessary to continue these orders is that the Defence of India Rules ceased to operate in September, and although under the Ordinance these particular dangerous cargo regulations were continued in force until the 25th March 1947, if no legislation is introduced and if nothing further is done, there will be

no facility after the 25th March 1947 for handling these dangerous explosives. At the same time, there is a very large quantity of surplus ammunition lying in various places in India. I believe that the quantity involved is something like 150,000 tons and it is essential that this dangerous cargo should be got rid of as soon as possible. It might be asked why we cannot utilise these explosives for constructive purposes? Why can't we take out the shells, the metal and the chemicals involved and utilise them for constructive purposes? The matter has been very carefully gone into and it has been found that the cost of converting these explosives for peaceful purposes would be quite out of proportion to the value of the explosives: and, secondly, apart from the expenditure, the risk involved is tremendous. Storage of these explosives—and they have been stored for a long time—automatically involves deterioration and any handling of these explosives now is a highly dangerous operation. The experts are quite satisfied that the simplest and the safest way of dealing with these explosives is to drown them at sea. I might say that this is what is being done throughout the world by all countries which have got such explosives which are surplus to their requirements. It is not that we in India are going to follow any different policy. The submerging of surplus explosives at sea is a well-recognised method and that is exactly what we want to follow.

I have made careful inquiries to see whether this is going to mean any damage to fish and other life in the sea. I am told that there is absolutely no risk. As soon as these explosives are submerged into the sea, they gradually begin to deteriorate and they do not produce any harmful results. The second point is that so long as these explosives are submerged at a depth of over 250 fathoms there is no possibility of their being washed ashore and being a danger to life and property. The House may rest assured that what is being done is not anything new. It is just in line with the practice all over the world and it is the only thing which can possibly be done.

The Defence Department originally thought that they would be able to complete this programme of submerging these explosives at sea by 25th March 1947, but unfortunately owing to shortage of shipping throughout the world, it was not possible to get a big vessel to undertake these operations. It was only recently that one big vessel became available and according to their calculations, it will take at least another 18 months or two years before we can get rid of these highly dangerous cargoes.

There is just one more point I would like to mention. During the war, these precautions—measures of handling the explosives were taken at all major ports. After the termination of the war, it was found that it was quite unnecessary to carry on these operations at ports like Bombay, Calcutta and Madras and Government restricted the operations to two ports, Karachi and Vizagapatam. Unlike other ports, I understand that the ports of Karachi and Vizagapatam are not so near densely inhabited places. Then there are also other considerations like distance to the nearest place in the sea where you can get 250 fathom depth of water where these explosives can be safely submerged.

As I have said, Sir, this is really a safety measure. If we have this Bill it will ensure that all the safety precautions which were recommended by the Dangerous Cargoes Ports Committee under the chairmanship of Major General Russel will continue for another two years, while we are submerging these explosives. I understand there is also another reason that although the war is over, there are certain programmes of import and export which are still under consideration of the Defence Department and this Bill will help them to complete their programme of export and import of explosives without any difficulty and in the best possible manner. The Bill is a very simple one, it merely continues the existing practice for a term of two years. As I have already said, no complaints have been received from any quarters. I hope Honourable Members who have given notice of circulation or otherwise will kindly agree. In fact they

[Mr. B. K. Gokhale]

should have no hesitation, in accepting this Bill. The time is very short and unless this Bill is passed by 25th March 1947, these operations for submergence will have to be discontinued and the consequent risk with the explosives will be greatly increased. I hope, Sir, I have explained the provisions of this Bill sufficiently clearly. I shall not take up the time of the House any longer. I move that the Bill be taken into consideration.

**Mr. President:** Motion moved:

"That the Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations, be taken into consideration."

**Haji Abdus Sattar Haji Ishaq Seth** (West Coast and Nilgris: Muhammadan): Sir, in the stress of legislative business before this House and the urgency of some of these measures having to be passed before 31st March 1947, I am afraid many of these measures do not receive the careful attention to details that they require. This Bill is one which must receive the careful attention of Members of this House, if for no other reason than the terrible explosion that we had in Bombay due to the relaxation of these rules, which relaxation this Bill wants to continue for another two years. The rules for the safety in regard to these matters have been drawn up after carefully examining the long experience. They were relaxed may be with justification during the war. The experience of that relaxation was terrible so far as India is concerned, so far as Bombay is concerned. When my Honourable friend comes to this House asking for sanction to continue that relaxation for another two years, surely, we cannot be blamed if we want to spend some time over it to find out what exactly the position is, how much of these dangerous explosives still remain to be destroyed. He wants to dump them into the sea at Karachi and Vizagapatam. But how far from Karachi? Of course it is for the experts to tell us what is the distance from a port which is considered dangerous for these explosives to be submerged. Apart from the report of experts on this point, there are other considerations also. He said the docks in Karachi are sufficiently far from populated parts of the City. But what about the danger to the docks themselves? What happened to Bombay? What happened in Bombay should certainly make us very careful about these things. Is it not possible to select some uninhabited place on the vast coast line of India and then submerge these explosives there? I do not know what is the difficulty. Then, Sir, there is also danger to fishing industry. In the face of food scarcity through which this country is passing now, fish is an essential commodity for our needs and this aspect also requires consideration. Whether this step is going to affect the fishing industry in the country is also to be looked into. I wish the Honourable Member had moved for referring this Bill to the Select Committee so that all these questions could be carefully examined. My Honourable friend no doubt tried his best to give us as much information as possible, but I cannot let this measure pass without expressing my disquiet about it and the disquiet of the House. He pleads urgency and I understand there is urgency, but it is unfortunate these measures could not have been brought before this House a little earlier or in the last session. Of course my Honourable friend is not to blame for this. The political conditions were such that it was very difficult. I cannot give my wholeheartedly support to this motion without the House getting a chance to examine in detail the provisions thereof and without considering the expert report which he was mentioning. I do not know if he can still think of having a committee. If that is possible, I should request him to make room for a Select Committee, but if that is not possible, I, for one, cannot give my consent to his Motion without complete assurance.

**Mr. Tamizuddin Khan** (Dacca cum Mymensingh: Muhammadan Rural): Sir, I do not like to say anything about the general considerations which have been placed before the House by the previous speaker. These are serious, questions

which deserve to be considered by the Honourable Member in charge of this Bill very carefully. What I want to say is that one thing does not seem to be clear. This is a short Bill with six clauses. Clause 2 has three sub-clauses. In sub-clause (1) of Clause 2, Government assume certain powers. In accordance with these powers, Government can declare that certain restrictions shall not apply under certain circumstances. Clause 2 is more or less a consequential clause. But what I do not understand is sub-clause (3) under which the Chief Inspector of Explosives is given very wide powers. He can, whenever he thinks expedient or necessary, "authorise in special cases by order in writing the relaxation or modification of any restrictions imposed by or under any law for the time being in force on the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances." Why is it necessary that he should be given these wide powers? Then, if he is given such wide powers that should be sufficient; what is the need for the other two sub-clauses? This is a matter which does not appear to me to be very clear and I hope the Honourable Member will explain this in his reply.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I will not take long over this Bill but the explanation given by the Honourable Member has not convinced us that all sides of the question have been examined duly. My Honourable friend Mr. Ishaq Seth has already dealt with implications of this Bill. We on this side always blamed the previous Governments for rushing legislation through this House without giving time for consideration; and if that practice is continued by this new Government it will be very disappointing to the House and to the country. We feel that this Bill is very important and cannot be rushed through in the manner proposed by the Honourable Member. He has said that it must be passed before the 25th March and so there is not much time left. But supposing these rules are applied as they have been applied till now and are extended by an Ordinance till the Select Committee reports, what difference would it make? Besides, if it is so urgent as that, the Select Committee can surely do its work in time for the Bill to be passed before the 25th March. That aspect should be considered by the Honourable Mover and if he moves for a Select Committee to report at an early date, we would be willing to support the motion. Otherwise we feel great difficulty in rushing this Bill through without realising fully its implications.

**Mr. G. S. Bhalja** (Government of India: Nominated Official): Sir, a complaint has been made that we have not taken the necessary precautions to avoid the work of an explosion of the type which occurred in Bombay during the war. I can assure Honourable Members of this House that nobody has been more anxious than Government to see and to ensure that all the precautions which were recommended by the special committee referred to by my Honourable friend the Secretary of Works, Mines and Power Department are given effect to in carrying out these operations. There need therefore be no hesitation on the part of this House to pass this measure as every conceivable precaution has been taken and will be taken in carrying out these dangerous operations. Sir, I should like to point out that it is very necessary to dispose of these dangerous explosives, ammunition, etc. which we have accumulated during the war, as expeditiously as possible. They cannot be disposed of on land because there are very grave dangers involved. In the first place there is a difficulty of obtaining suitable sites for carrying out demolitions on a large enough scale to render the operations worth while. A safety distance of at least two miles from the nearest inhabited locality would be essential, and five miles would be preferable. Even then it cannot be guaranteed that damage would not be caused to buildings, etc., situated in the neighbourhood. A case in point occurred recently where we had to restrict the quantity demo-

[Mr. G. S. Bhalja]

lished at one time because the explosions were likely to damage an important building in the Central Provinces and Berar, although situated 22 miles from the spot where the operation was being carried out.

Then, Sir, apart from the ordinary hazards to which the operations are exposed during the course of demolition work there is also the factor of residual hazard which also affects the inhabitants of the area in which the demolition ground would be situated. No matter what care is taken it is rarely possible to guarantee that complete detonation will take place; and it is often the case that unexploded projectiles are thrown out by the force of the explosion sometimes to considerable distances and come to earth in a dangerous condition. Extensive searches have to be carried out after the demolition in order to locate such debris, but these are not always 100 p.c. successful and many accidents have occurred in various parts of the country through ignorant persons tampering with such missiles. My Honourable friends who come from Bengal are aware that at Kanchrapara there was an American depot of ammunition which the Americans did their best to blow up *in situ* before they left this country. Although this was successful to a degree very large amounts of dangerous residues were left behind. Our disposal units which have spent at least six months unearthing and destroying these residues have been necessarily so employed in order to render the area safe for future civilian occupation and to ensure that all debris which can be made use of by unscrupulous persons are eliminated. What I want to emphasise before this House is the extreme urgency of disposing of these dangerous explosives and the only safe method of doing so is to drown them in sea.

One Honourable Member complained that we are rushing this measure through. That is not correct; what Government are really doing is to substitute a Bill for an Ordinance which has been in force for a good part of the war and which has been found in practice to be quite suitable. The present Bill was introduced in the House in the beginning of the month and has now been before the country for over three weeks; and no criticism of any kind has been levelled against it. I therefore submit that there is no case for its reference to a Select Committee.

**Mr. M. A. F. Hirtzel** (Bengal European): We on this side of the House are inclined to share the feeling which has been expressed that this Bill might have been referred to a Select Committee. The Honourable the Defence Secretary has just spoken but he has not answered the point that was made by my Honourable friend, Mr. Tamizuddin Khan. No one doubts the danger or the magnitude or the urgency of this problem; I do not think any one has made those points on the floor of this House. This House in any case is not competent to judge specifically on those points, and I notice that the Honourable the Defence Secretary himself has not delivered his speech *ex-tempore* on this subject but had to read technical notes prepared by one of his advisers. This House is concerned not with the drowning of explosives but with the manufacture of legislation and when a Member asks a specific point on what appears to be bad draftsmanship we naturally expect that the Government spokesman would be in a position to answer.

Now, Sir, his answer was not clear. May we ask what actually is the meaning? According to our ideas it would be unsatisfactory if the Chief Inspector of Explosives gave a certain ruling under sub-clause (8) of Clause 2 and subsequently the Central Government by notification in the official Gazette under sub-clause (1) of Clause 2 issued a contrary order. That we think is the type of thing which might seriously add to the dangers which have been emphasized on this side of the House. That I understand was the point which was put by my Honourable friend, Mr. Tamizuddin Khan, and I would



appeal through you to the Government Members to give us an explanation of that point.

**Mr. President:** I believe the Honourable Member refers to concurrent jurisdiction given to two bodies. The Honourable Member Mr. Gokhale may answer this point.

**Babu Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan): I wish to say a word on this subject.

**Mr. President:** The Honourable Member from the Government side is not replying. He is only giving information on a specific point.

**Mr. B. K. Gokhale:** Sub-clause (3) of clause 2 of this Bill is a *verbatim* reproduction of sub-rule (3) of Rule 88 of the Defence of India Rules. It is merely a copy; in fact the whole of this clause 2 copies Rule 88 of the Defence of India Rules which have been in force all these years. The object of this, I may explain, is that there may be certain emergencies caused by a strike or by some other unforeseen circumstance at any of these Ports which might make it necessary or obligatory that certain things which are prescribed under the Dangerous Cargo Regulations either cannot be complied with and some substitute has been found on the spot to try and get over some sudden difficulty. There is also another contingency which might arise: Not only the cargo has to be handled at the Port but it has to be handled by train and possibly there may be certain difficulties which might arise in the process of transport by train from where the cargo is lying to the port concerned, and if each particular case has to be referred to the Central Government for specific orders it might take such a long time that by the time the orders are issued they will be infructuous. That is why the Defence of India Rules and, following the Defence of India Rules, this Bill proposes to give special powers to the Chief Inspector of Explosives to deal with these emergent conditions on the spot. I might also explain, Sir, that it is very very seldom that the Chief Inspector of Explosives has ever had occasion to use these powers. As the Chief Inspector of Explosives is under the control of the Central Government the House may take it that he will rarely use these powers and if he uses these powers he will promptly report to the Government, and there will be no question of conflict of jurisdiction.

**Mr. President:** I am not trying to interfere in the debate, but I believe the difficulty is not yet completely solved. . . .

**Mr. M. A. F. Hirtzel:** No, it is not. . . .

**Mr. President:** . . . by saying that it is a repetition of certain rules. The point raised as it appears to me is that while Government are called upon to make a declaration before they can exercise certain powers and that they are also authorized to depute certain authority for the exercise of those powers, the powers vested in the Chief Inspector of Explosives are absolute. That seems to me to be the best point and it is on that point that the explanation is needed. What is it thought necessary to give him such powers? Of course emergency may arise, but the Government of India are authorized in case of emergency to make a declaration and to appoint any person as an authority as they like. That is the difficulty I believe.

**Mr. B. K. Gokhale:** I quite see the point, and it is possible that it could be done under sub-clause (1).

**Mr. Tamizuddin Khan:** Why not omit sub-clause (3) altogether.

**Mr. President:** If the Honourable Member feels any real doubt on this question, we may put off the matter just for the present. It may be considered after recess. The only point which may appear doubtful to him may be that the process of having a declaration will take time, while the Chief Inspector of Explosives may immediately act without the formality of declaration, but on his own admission such occasions are going to be rare. That is

[Mr. President]

the only point that he has to consider and then the matter can be taken up. It is only a suggestion; he is not bound to accept it. I am not very keen that it should be postponed, but I am merely suggesting a way.

**Mr. B. K. Gokhale:** We are in your hands, Sir, and I take it that if this is accepted there will be no question of referring the Bill to a Select Committee.

**Mr. President:** It is up to the Honourable Member to decide.

**Mr. B. K. Gokhale:** I accept your suggestion, Sir, and I would request you to take up this matter after lunch.

**Mr. President:** Yes, in the meanwhile the Honourable Member will consult his own legal advisers and also the Members who have doubts.

**Babu Ram Narayan Singh:** Whenever we go in the mofussil to shops which are authorized to sell cartridges and other things of common use, we find that mostly they are not available, and when they are available, they are very very costly. Here, Sir, powers are sought to drown a large amount of ammunition. I want to know whether any portion of that ammunition can be converted into articles of common use.

**Mr. President:** That has already been explained by the Honourable Member in his speech. Perhaps the Honourable Member was not attentive then.

**Babu Ram Narayan Singh:** Then, Sir, I want to know what is the approximate cost of the stock to be drowned, and whether the stock belongs to the British Government or to the Government of India.

**Mr. President:** Indian Government, I presume. He has given the quantity—150,000 tons—but he has not given the estimated cost.

**Mr. B. K. Gokhale:** I have not got the estimate of cost.

**Mr. President:** He will give the information, if available, at 2-30.

**Sri T. V. Satakopachari (Tanjore cum Trichinopoly: Non-Muhammadian Rural):** I would like to make one suggestion: Will the Honourable Member consider whether it would not be advisable to drop the words 'or intended to be done' in clause 6. I can understand action taken when taken in good faith, being protected, but when it is "intended to be done" in good faith, the scope is rather very large. I mean you cannot prove "intention". "The devil himself knows not the heart of man" as a learned Lord Justice said: 'It is better if it is omitted'.

**Mr. President:** That follows the usual line in all legislations of this type. It is an ordinary clause of indemnity.

**Sri T. V. Satakopachari:** It is not in all statutes "intended to be". It is all right if it is "done in good faith".

**Mr. President:** In almost all indemnifying clauses, it is there. But that may be considered by the Honourable Member.

**Sri S. T. Adityan (Madras and Ramnad cum Tinnevely: Non-Muhammadian Rural):** "Good faith" is accepted but not "intention of good faith".

**Mr. President:** I think that is usual in all legislation. The Honourable Member might just see that point and let the House know what he has to say.

**Mr. B. K. Gokhale:** It follows section 17 of the Defence of India Act. It is a *verbatim* reproduction of that section.

**Mr. President:** The Honourable Member might find it even in ordinary legislation and not in exceptional legislation like the Defence of India Act.

## DELHI AND AJMER-MERWARA RENT CONTROL BILL

Mr. B. K. Gokhale (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara be referred to a Select Committee consisting of Mr. C. P. Lawson, Dr. J. C. Chatterjee, Sardar Mangal Singh, Khan Mohammad Yamin Khan, Mr. Haiz M. Ghazanfarulla, Mr. Shah Nazar Hasan, Paudit Mukat Bihari Lal Bhargava, Shri Mohan Lal Saksena, Shri Satya Narayan Sinha, Lala Deshbandhu Gupta, Seth Sukhdev, Mr. Manu Subedar, Miss Maniben Kara and the Mover, with instructions to report on or before the 10th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in common with the shortage of food and clothing as a result of the last war, there is acute shortage of housing. It is not merely a question of shortage of housing in Delhi and Ajmer-Merwara, it is a shortage of housing throughout India, or rather throughout the world. House building material was primarily used up in war time for essential war purposes and private building activities almost came to a standstill. Meanwhile, the normal increase in population continued; and in places like Delhi there was abnormal increase in population owing to the activities of Government which expanded perhaps fourfold in war time. The population of Delhi, I understand has also increased two or three times during the last seven years. Now the obvious solution for this difficulty is private building operations on a very large scale. Before the war, the supply of houses was perhaps commensurate with the demand. But now it is hopelessly inadequate and it is quite obvious that the only solution of the difficulty lies in private house building activities on a very large scale. Now, that is a question which is very actively under the consideration of the Health Department of Government which is in charge of housing. But the chief bottle-neck is the availability of building material. Now that is a question under the control of the Industries and Supply Department. A Resources Budget which has been recently published by Government shows that the scarcity of building material like iron, steel, cement and coal for burning bricks is likely to continue at least for the next few years. So long as that shortage of house building material continues, it is not possible to expect that the number of houses, whether put up by Government or by private parties will come up to the demand. It has been said that another difficulty is the availability of sites for building purposes. Well that again is a question which is very actively under the consideration of Government. But I might say that, to my knowledge, there are at least 3,000 to 4,000 sites in Delhi which are at present with private people for house building purposes but they are unable to put up houses owing to the shortage of material. I am just explaining these things as background to this Bill. So long as this shortage of houses continues, for the interim period, there is no alternative but rent control, and I hope that the House will agree with me that some measure of rent control is absolutely necessary in Delhi and also in Ajmer-Merwara for the next few years.

Now the present position is that the New Delhi House Rent Control Order which was issued in 1939 under the Defence of India Rules and was continued in force under an Ordinance will finally expire on the 25th March 1947; and if this Bill is not passed, or if some other measure is not undertaken in order to continue house rent control, the position will become impossible. There will be no control over house rent and tenants will be entirely at the mercy of the landlords. In Old Delhi and other areas which are not covered by the New Delhi House Rent Control Ordinance, there is a Delhi Rent Control Ordinance. That is not a temporary measure. It is a permanent measure. But various complaints have been received about the provisions of the Delhi Rent Control Ordinance and Government consider that it is now desirable to bring the two areas together and have a consolidated Bill to deal with house rents in Delhi

[Mr. B. K. Gokhale]

Province as a whole. A third complication was introduced at a later stage. Only a short time ago we were told that rent control was necessary to continue in Ajmer-Merwara and we should have a third measure to that effect. Now it would have unnecessarily wasted the time of the Honourable Members and the valuable time of this House if we had contemplated three different rent control measures for these three small areas. It is quite clear that the Bill which is now before us is not going to affect the rest of India. It only concerns Delhi Province and Ajmer-Merwara. So Government decided that the best thing was to have one composite measure and bring all the different recommendations made by the Chief Commissioners and try and hammer out a sort of compromise solution which would cover the whole thing, so that the valuable time of this House should not be wasted by three different measures. Now by the time the Chief Commissioners sent up their recommendations—and they were asked particularly to consult landlords and tenants before they made their recommendations and I think they did so—and those recommendations reached Government, there was very little time for mature consideration of their proposals. What Government were very anxious about was to ensure that the Rent Control Bill should be introduced in this House at the very first opportunity, and the Bill was therefore hurriedly got together, some sort of compromise solution was got together, with a view to introducing it on the 20th January. Actually the House did not meet on the 20th January and the Bill was introduced on the 3rd February. The whole object of doing this in a hurry was that there was hardly any time for circulation of this Bill and Government thought that they ought to introduce this Bill on the 3rd February, though it may not be absolutely perfect and leave it to people to express their views, so that by the time the matter was referred to Select Committee, the Committee would have the opportunity of having the views of all concerned. This Bill which was introduced on the 3rd February has actually received very wide publicity by this time. In fact I might say that the last Bill which related to explosives was not quite so explosive as the Bill which is now under discussion.

**Shri Mohan Lal Sakrena** (Lucknow Division: Non-Muhammadan Rural):  
It came as a bombshell!

**Mr. B. K. Gokhale:** Whether it came as a bombshell or not, I think the House will agree with me that some enactment is absolutely essential if house rent control is not just to go to the walls and tenants are not to be left to the mercy of the landlords on the 25th March, 1947. I am explaining all this because there is some misconception that Government are committed to all the provisions of the Bill and that they have certain fixed ideas about it. I want to make it perfectly clear that all that the Government are committed to is the principle of rent control and they will be perfectly happy if the House agrees that rent control in some form or other must continue after the 25th March for four or five years or for such period as the House may consider necessary. On other matters, Government would be perfectly willing to be guided by the views of the Assembly and they hope that the Select Committee which will go into the question will thoroughly thrash out all the various provisions and achieve some sort of compromise between the conflicting claims on various sides, which would be generally acceptable to this House, keeping in view, at the same time, the overriding necessity of not discouraging private house building. That is the crux of the problem. Whatever we do must result in every encouragement to private and public house building, because that alone will ultimately solve this problem of congestion and difficulty of housing. That is the question on which Government feel that whatever is done should not affect or discourage private house building but should on the other hand encourage private house building and should result in this measure of wartime control, which is at present unfortunately inevitable, being given up as quickly as possible.

I have already dealt with the question of circulation and I hope that the various motions which have been tabled for circulation will not be pressed. Time is very short. If the Select Committee is appointed today with instructions to report by the 10th of March, it will leave very little time for the Bill to go to the Upper House and be enacted by the 25th of March.

Then we have already received many opinions which have been printed and will be made available to the Select Committee. Over and above that, this is not a measure which is really highly technical. I should say that almost all the **Members of this Honourable House are themselves experts in this line, whether as tenants or as landlords or as both.** They know all the difficulties and I am quite sure that the whole question is within their own knowledge and experience and we do not need any outside experts or outside advice to decide what sort of rent control is necessary and how it should be enforced.

Also this is not the first measure of its kind. There have been rent control measures in all provinces and this Bill only affects a very small microscopic area—Delhi and Ajmer-Merwara—and there is no reason why there should be any difficulty about it.

Now with your permission, Sir, I would like to refer to a few salient features of this Bill.

First comes this vexed question of increase in rent. Here the conflict is very wide. On behalf of the tenants, it is argued that the landlords have already gained a lot by the large increase in capital value of their buildings. Buildings which were constructed for Rs. 50,000 are now worth 2 lakhs and the landlords have been amply recompensed on that account and do not deserve any increase in rent. It is said that, at best, if an increase is to be given, it might be limited to 6 per cent, which will cover the extra cost of maintenance and repairs.

On the other side, we have landlords who say that nothing under 100 per cent will satisfy them. They say the cost of living has gone up, the cost of education of children has gone up and when everybody else has made profits, why should landlords alone be penalised and asked to accept rents at old rates. There is thus a wide measure of divergence of opinion and though Government have put down some tentative proposals, I would like to make it perfectly clear that it is only as a starting point for discussion and they are not committed to any particular figures.

The next question is about eviction of tenants. Here again there are wide differences of opinion: tenants claiming that they should not be evicted at all so long as they are willing to pay the rent and landlords wanting eviction on various grounds. I do not wish to enter into all the complicated issues involved. There are so many factors involved on both sides. There are many cogent arguments why eviction should be allowed and why it should not be allowed and this is a matter which will have to be thrashed out in Select Committee.

Third point is about sub-tenants and sub-leases. There is a very strong volume of opinion that anybody who leases a house or a portion of a house to a sub-tenant should be immediately evicted. There the difficulty of course will be that even if you do punish the tenant, are you also going to evict the sub-tenant and if we evict all sub-tenants, are we going to reduce the population of Delhi by several lakhs, because as soon as they are evicted, I suppose they will have no option but to leave Delhi. That again is a very difficult question on which I should not like to express any views. It is for the Select Committee to consider.

The fourth point that I would like to mention is about industrial housing. A number of industrialists have constructed tenements, or hutments or *chawls* (whatever you call them) for their industrial labour and the position at present is that a man who was actually in employment and was allowed to live in these tenements is no longer in employment but refuses to vacate the building. That

[Mr. B. K. Gokhale]

is a point on which it was felt that it is manifestly unfair that accommodation constructed for employees of industrialists should be allowed to be occupied by other people and a provision has been introduced to make it quite clear that, under those circumstances, people who ceased to be in employment can be evicted.

The fifth point that I would like to mention is about facilitating building on vacant lands. There are certain bungalows with very large compounds and although we do not want that the tenants should be evicted from the houses, we would like to see that where the compound is so big that it is possible to construct another building within the same compound, provided of course the municipal laws allow (it is not suggested that we should allow slums and overcrowding) but if the municipal laws allow it we want to facilitate buildings being constructed in big compounds which are capable of accommodating more buildings than the one actually existing on it.

Then I come to this vexed question of *pugree* or profiteering by landlords and tenants. Here again both sides are accused of profiteering and some measure of control is necessary. Whether it should be a mere fine or imprisonment and how far we can possibly stop this evil of profiteering and blackmarketing is a matter for consideration. The only other point I would like to mention is about the question of Government taking over vacant buildings. We have put down the clause that where a tenant vacates a building and the house becomes vacant, the landlord must give notice to Government, and if Government want it for their own purposes or for other things, they can take it on lease. The idea behind is that we are expecting a number of foreign Embassies and Consulates to be established in Delhi during the next twelve months. I am told that as many as fifteen Embassies and Consulates are likely to be established in Delhi. The question is how we are to find accommodation for all those people, or are we merely to tell them that they should not come here and establish their Embassies and Consulates simply because we have got no housing that we can offer them? That was the concrete difficulty in connection with these Embassies and Consulates. The second consideration was the question of derequisitioning. At present 371 buildings in Delhi are under Government requisition and they are continuing under requisition. Government are only too anxious that they should be derequisitioned provided the officers occupying these buildings can get alternative accommodation on lease, that is that instead of the buildings being on requisition, they should be on lease. Government are perfectly willing to pay the rent and there is no question of rent. The only thing to be avoided is that each government servant should not be thrown at the mercy of the landlords and have to face demands for *pugree*. When a government servant vacates a private house, his successor has to start all over again trying to get a house. That is the whole idea behind this particular provision.

Sir, I won't go into any more details. I hope I have explained the salient features. As it is proposed to refer the Bill to Select Committee, I do hope that my Honourable friends who have given notice of amendments for circulation will kindly not move their amendments.

Mr. President: Motion moved:

"That the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara be referred to a Select Committee consisting of Mr. C. P. Lawson, Dr. J. C. Chatterjee, Sardar Mangal Singh, Khan Mohammad Yamin Khan, Mr. Hafiz M. Ghazanfarulla, Mr. Shah Nazar Hasan, Pandit Mukat Bihari Lal Bhargava, Shri Mohan Lal Saksena, Shri Satya Narayan Sinha, Lala Deshbandhu Gupta, Seth Sukhdev, Mr. Manu Subedar, Miss Maniben Kara and the Mover, with instructions to report on or before the 10th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Lala Deshbhandhu Gupta** (Delhi: General) (The Honourable Member spoke in Hindustani. For Hindustani text, see Appendix to the Debates for the 27th February, 1947. English translation given below.—Ed. of D.): Sir, I support the Bill introduced by my learned friend, Mr. Gokhale. Before, however, I give expression to my opinion on it. I desire to thank you for giving me permission for the use of our own language instead of the language of the rulers. In this connection, Sir, I also thank our revered leader Maulana Azad who by his example encouraged me to make this sort of request.

*Ruling re. Vernacular Speeches by English speaking Members in the Assembly.*

**Sir Owasjee Jehangir** (Nominated Non-Official): Sir, I rise to a point of order. The Honourable Member can speak English fluently and he has done so in the House before.

**Shri Mohanlal Saksena:** He has not done so.

**Mr. President:** Let there be no conversation between two Honourable Members?

**Sir Owasjee Jehangir:** Sir, I want a ruling whether the Honourable Member, although he can speak in English, can speak in any vernacular which is not intelligible to a large number of Indian Members of this House.

**Mr. President:** The rule as it stands is: "The business of the Indian Legislature shall be transacted in English provided that the President may permit any member unacquainted with English to address the Council in a vernacular". (An Honourable Member: "Mr. Deshbhandhu Gupta is a B.A., LL.B.") I do not know whether he is a B.A., LL.B., or an M.A., LL.B., or what particular degree he holds. Further the point is irrelevant in view of what I am going to say.

There were, as Honourable Members are aware, some questions in this House about the relaxation of this particular rule. At that time, a substantial majority of the Members seemed to be agreed that the time has now come to change this rule which was framed in 1921, because, if not for other things, at least national self-respect demands that the proceedings of the House should be conducted in a language which is Indian. At the same time, it was not forgotten that this is a multi-lingual House, if I might use that expression. Therefore, Government said, with practically the approval, as I say, of a substantially large portion of the House, that they will consider the amendment of this rule. At that time I was under the impression that this rule has certain limitations on account of the statute under which the rule was framed. Under the Government of India Act, 1935 . . . (An Honourable Member: "The Government of India Act, 1935 is under suspension"). The Honourable Member will please await what I am going to say. Under the Government of India Act, 1935, there is a regular section which prescribes that the language of the Legislature shall be English provided that if a member is not sufficiently acquainted or is not acquainted with that language, he may address the Legislature in the Indian language that he knows. But under the old Act of 1919 there is no such legislative provision. Therefore, the statutory difficulty which is felt in the Provinces about making any rule inconsistent with the statute does not arise in the present case. The view which I have taken therefore is this, that if for other considerations the members wish to resort to any other language and if it is competent for this House to change this particular rule, there is no reason why this rule should not be liberally interpreted by me in the spirit in which the House would like me to interpret it, instead of waiting till this rule is formally amended. An objection is likely to be raised here that these are the rules which are to be made by the Governor General in Council with the sanction of the Secretary of State. Therefore I might, be taken to have perhaps overstated the case when I said that it is competent for this House to amend the rule. But the practice has been that the Secretary of State always accepts the recommendations of this House for amendment of rules. In substance, therefore, it comes within the powers of this

[Mr. President]

House, to amend the rules. It is in these circumstances that I thought that I should not await for the formal amendment. I believe the position is clear so far.

In liberally interpreting this rule, what is the meaning of the word 'un-acquainted'? A man might be knowing a few words like 'Good morning' and 'How do you do'? He is acquainted with the English language, by a few words. Yet he may not be able to express himself properly on certain occasions or with reference to certain subjects. Therefore, I would leave it to the individual member to judge for himself about his knowledge of the language instead of sitting in judgment myself and would leave it to the Honourable Member to judge for himself whether he feels that he is acquainted or unacquainted with the English language when he wishes to speak in this House in any Indian language.

Of course there are difficulties in connection with this desire to have a common Indian language for all but I need not go into those difficulties. I believe Honourable Members need not be very much afraid of the proceedings being always in high flown Urdu or high flown Hindi, so that the other members cannot understand the thing. An Honourable Member who wishes to address this House does care to convey his own ideas and views to other Honourable Members and his very desire that his points should be understood by all Honourable Members as far as possible will be an incentive to him to use such a simple language as can be understood by the whole House, as far as possible. As for others who do not know Hindi, or Urdu or Hindustani, I think they also have agreed to have a common national language and this will give them an opportunity to pick up the language slowly and slowly. These are however different considerations. But I would earnestly appeal to all Members who wish to speak in Indian languages that they should speak in a language which should be, as far as possible, understood by all sections, who are not so very conversant either with Persianised Urdu or Sanskritised Hindi; and if they resort to such a simple language as that, I think it should not be objected to by other Honourable Members.

**Sir Cowasjee Jehangir:** Am I entitled to speak in Gujerati and can my friend Mr. Gadgil speak in Mahratti?

**Mr. President:** If the Honourable Member so wishes, I shall permit him but I wish to point out that these are all theoretical questions; and if the question of a common national language is to be seriously considered, as a matter of national self-respect, objections of this type, which are more theoretical and more by way of exceptions should really not be raised. Raising such objections brings down, to a state of ridicule, our desire to assert national self-respect by resorting to an Indian language.

**Mr. Tamisuddin Khan** (Dacca cum Mymensingh: Muhammanadan Rural): May I know whether, in future, an Honourable Member, if he wants to speak in a language other than English, will have to take your permission previously or can he just stand up and speak in any language he likes?

**Mr. President:** I would reserve to myself the right to give that permission, not in the House but outside the House.

**Mr. Tamisuddin Khan:** What about the recording of the proceedings?

**Mr. President:** That is another difficulty. We have not yet got such perfect arrangements for the reporting of speeches other than in English as we have in English. We have at our service four Hindustani reporters but they cannot carry on the work the whole time, if speeches are made in a language other than English. Previous intimation is therefore necessary, so that the Hindi reporters may be called upon to be present in the House at the time any Honourable Member is going to speak in Hindustani. I would invite the co-operation of all members of this House in our forward march, during this transition, to our own national language



**Sardar Sampuran Singh** (West Punjab: Sikh): You have said that each Honourable Member would be the judge to decide whether he was acquainted or not acquainted with the English language. Will he have to make announcement of his decision before he speaks? Anyhow, we should get such a decision from him before allowing him to speak in a vernacular language.

**Mr. President:** I should not like to have a declaration which may be something not quite true. The very moment an Honourable Member begins to speak, it means a declaration in action. He need not have a separate declaration in words; and, as I said, if Honourable Members are anxious that what they speak is not intended merely for the purpose of publishing what they spoke but also for the purpose of conveying it to other members of the House, then certainly it may be expected that they should talk in a very easy language. Unfortunately today we are not yet masters of Hindustani to the extent one would like.

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Kural): May I point out the practice in the past? If any member spoke in any language other than English, he was expected to give a summary of his speech towards the evening in English?

**Mr. President:** That also might be done but there is some difficulty about that, because the summary may not represent the actual speech. It may be something else. That is possible. Now, we have got arrangements for having Urdu, Hindi and Hindustani speeches reported. If there be any speech in any language other than these, we shall see what happens. Convention may grow.

**Dr. J. C. Chatterjee** (Nominated Non-Official): May I ask whether the word 'vernacular' is Parliamentary? In actual usage, it has got a derogatory significance. In the Central Provinces they have forbidden the use of the word. My Honourable friend Sir Cowasjee Jehangir referred to my Honourable friend speaking in the 'vernacular' and the word has also been used in the *Manual of Business*. May I suggest that the word may be expunged from the *Manual* and its use forbidden?

**Mr. President:** That is a difficult thing to decide. Words are changing their meaning. The primary meanings are abandoned in many cases and secondary meanings are attached to them. I may mention the word 'cunning' by way of example. It only referred to a man with some knowledge. Later on it acquired a different meaning. The word 'vernacular' had a quite different meaning from the etymological meaning. Now, it is coming back to its original meaning. It was once Parliamentary. It is getting un-Parliamentary and we shall get rid of that word as soon as possible.

**Lala Deshbandhu Gupta:** Sir, I am glad inasmuch as my request has resulted in not only affording me an opportunity to speak in my own language but your ruling has opened the way for other members also to speak in Hindustani.

Sir, in fact the worst aspect of this cycle of slavery is the fact that many of us have not only forgotten our language but we have begun thinking also in the language of the foreigners. I hope that as a result of your ruling those of our brethren, who have not forgotten their language will take advantage of it; and help the Hindustani language to attain to the position which it ought to have enjoyed after the Interim Government's coming into power. Sir, no Indian member should consider it below his dignity to say that he can speak better in his own language than in the language of others. As it is but natural, at least I feel no shame in admitting it and I am sure none of my friends will feel shy of it.

Sir, regarding the Bill I agree with my learned friend, Mr. Gokhale, that the bill was already widely known and that there was no necessity of giving it further publicity. The fact is that more than enough public opinion has

[Lala Deshbandhu Gupta]

already been expressed about it. Being a member for Delhi scarcely a day has passed in the last three weeks when one or the other party had not expressed its opinion or a deputation had not waited upon the members. I therefore feel no hesitation in asserting that there is no further necessity to make this Bill known. Sir, there can be no two opinion so far as its basic principle is concerned that a Rent Control Act is needed. If the law which is in force in the form of an ordinance in our City and province is not replaced with another law on its termination on the 24th March 1947 there will certainly be such a disorder and such a black-marketing in houses as will have no peer anywhere. So far as the basic provision of the Bill is concerned there is no room for opposition. Everybody feels that there ought to be some law. By admitting himself that the Bill which has been introduced is not a measure brought in at the instance of the Government my learned friend has made it easy for me. In the light of this admission it will be absolutely wrong to say that Government has made out a landlords' Bill or that the Government is against the tenants or that the Government do not sympathetically take into consideration the feelings of the tenants.

But, Sir, there is another provision in this Bill which has been cursorily referred to by our friend, Mr. Gokhale. It lays down that the Government will have a prior right to requisition the buildings which may occasionally fall vacant that is to say the Government will occupy for the use of the Government servants all these houses which now and then fall vacant. To my mind this provision is frightful. The principle underlying section 11 is a principle which ought to have no sympathy from us. Sir, I admit the Interim Government came into power only a few months ago, but this House has the right to ask the people who have held the reins of Government in their hands year after year why did they not learn any lesson from the last war. How the World solved the housing problem after the last War was never considered by them. The results are the present manifold difficulties. We cannot say with certainty whether normal conditions in housing would be obtainable five years after the termination of the War. The solution that has been suggested to the House is, in my opinion, not the real solution. The right way of solving this problem is that the Government should start a building programme on a vast scale. We should solve the housing problem as it has been solved in other countries. We should not confine our efforts to making a law for the landlords and the tenants defining their mutual rights and relations but we should launch a powerful scheme which would end the struggle between the landlord and the tenant. Tenants who are now at the mercy of the landlords may themselves become owners. We may start a scheme of building small dwellings according to the needs of the people and build them in such abundance that after some time the tenant will become the owner of the dwelling in which he lives so that the struggle now existing between the landlords and the tenants may end once for all.

Sir, it is a pity that the Government has given no thought to this aspect of the question nor has our learned friend given any assurance today to this House that such a plan is being considered by the Government. I do not oppose the provision of the Bill in which a favoured treatment is recommended for the Government especially in view of the fact that today the Government benches are not occupied by members who were there six months ago. Today the Government chairs are occupied by our revered leaders and we are as much responsible for carrying on the affairs of the Government as they are. The reason why I have mentioned it is that the Health Department whose duty it is to introduce such legislation as would solve this problem has done nothing in this respect.

Sir, the Post-War Reconstruction Plan for Delhi although it is still a secret and its details have not yet come before the House. I however had the occasion to see a copy of it and I found that it contained no special provision for building houses.

Sir, if we compare our country with other countries just to find out how those countries have solved their housing problem we will find that by introducing this legislation we are simply playing with this matter of the highest importance. To tell the House how England, America and Russia and other countries solved this problem will take a long time and I do not want to go into their details; but Sir, with your permission I desire to say a little about the United Kingdom, who provides us with so many highly paid I.C.S. officers who receive inspiration from England and conduct the affairs of this country. I want to tell the House how that country has solved this problem. I have in my hand the 'Statesman' of the 30th January 1947, which contains the United Kingdom's housing programme. It is written in it:

"Britain's housing programme of 300,000 new houses for 1947, was announced on Tuesday by the Minister of Health, Mr. Bevan. The estimated number of new houses required is 750,000. Towards this total, the Minister hopes to see 240,000 permanent and 60,000 temporary houses completed during the year, and 200,000 more under construction by December."

Sir, it shows that 7½ lakhs of houses were estimated to be required for the whole country and the Ministry there made provisions for building 5 lakhs of houses by the end of December 1947. Contrary to this, our friends here who are in charge of the Government, have done nothing even for their own population which according to their own statement has grown fourfold. In the past the Government had to make arrangements for the housing of 8,000 persons while now they have to do it for 47,000 Government servants and other people. They have neither carried out a building programme in the past nor have we heard of any such programme for the future.

Sir, if allowance is given to the Government to requisition private property it will give no relief and no housing scheme will be forthcoming. I therefore oppose the provisions of section 11 and say that no allowance should be given to the Government. Health Department who have been negligent in this respect for a long time will not be so in future. Sir, I have a pamphlet issued by the Ministry of Information of England. I was surprised to read in it that from 1919 to 1939 England passed 19 Housing Acts. The Government of England gave occasionally as much concession to the landlords as was possible. Housing Acts of 1923, 1924, 1930 and 1938 are noteworthy in this connection. I now read to you what provisions they made in them:

"Up to the end of 1938, total Capital expenditure on subsidized housing since 1919 was approximately £795,000,000 of which it was estimated that £538,000,000 had been in respect of building by local authorities and £257 million by private enterprise. The annual commitment of the Exchequer in the year ending March 31, 1939 was stated in the Annual Report of the Ministry of Health 1938/39 to be £15,360,000, and the corresponding annual commitments of local authorities about £3,800,000, so that the total annual contribution towards housing the population from public funds was, on the outbreak of war, just over £19,000,000."

Not only this that the Government spent such a large sum to provide houses but it also arranged under the provisions of the 1930 Act that local bodies and private persons who helped to promote the building programme, may receive a grant of £3 per person for re-housing a de-housed individual.

"The Housing Act 1930 provided for increased financial assistance on a new basis. This took the form of the payment of a fixed annual grant to local authorities per person re-housed. The total sum payable was ascertained by multiplying the sum of £2 5s. (in certain special cases e.g., for tenement building on expansion site, the grant could be up to £3 10s.) by the number of persons displaced from unhealthy areas and individual dwellings for whom new accommodation had been rendered available"

## [Lala Deshbandhu Gupta]

Sir, this extract shows that in England local bodies and building societies were given Rs. 40 as grant for providing a house to a house-less person.

Our Government, however, who claim to be a national Government have not even considered this question. They don't consider it a matter worthy of their attention. Sir, in addition to this there are 5000 building societies in England who are bound down not to charge excessive interest. They chalk out a 20-year programme and they build such houses that make the tenant the owner of the house at the end of the 20 years. To private builders 90 per cent. of the money is loaned by these societies and local bodies.

Sir, I want to draw the special attention of the Health Secretary, who is present here, that he should study the pamphlet and see how this problem has been solved in his country.

"Advances made by Building Societies between 1919 and 1929 amounted to 21 576 million—annual advances in the immediate pre-war years being in the neighbourhood of £130 millions."

**Mr. President:** The Honourable Member need not go in such great detail into the English plan of housing scheme. It is sufficient if he refers to them in passing.

The House will now adjourn for 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. President (the Honourable Mr. G. V. Mavalankar) in the Chair.

## EXPLOSIVES (TEMPORARY PROVISIONS) BILL—contd.

**Mr. President:** We will first take up the Explosives Bill on which I understand there has been an agreement. I will put the consideration motion to the House.

**Babu Ram Narayan Singh:** They have to make a statement about the cost of the stock.

**Mr. G. S. Bhalja:** Sir, on a point of explanation, this ammunition belongs to His Majesty's Government. Its present value is less than nil. If it had any value we would not be destroying it.

**Mr. President:** As regards the other point raised by Mr. Satakopachari, I referred to various pieces of legislation. For instance, in the "Cantonments Act of 1924," the words are, "for anything done in good faith or intended to be done". The same words occur also in the Provident Funds Act of 1925. The Factories Act, The Income-Tax Act, also may be referred to; so I do not think that point remains.

The question is:

"That the Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations, be taken into consideration."

The motion was adopted.

**Haji Abdus Sattar Haji Ishaq Seth:** Sir, I move:

"That sub-clause (3) of clause 2 be omitted."

**Mr. President:** The question is:

"That sub-clause (3) of clause 2 be omitted."

The motion was adopted.

**Mr. President:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clauses 3 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. B. K. Gokhale:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. President:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DELHI AND AJMER-MERWARA RENT CONTROL BILL—*contd.*

**Mr. President:** The House will now resume consideration of the Rent Control Bill.

**Lala Deshbandhu Gupta:** Sir, I do not want to take up the time of the House in giving facts and figures to show the progress of housing in England but I want to read one or two quotations for the information of the Member in charge of the Bill.

"During the twenty years between 1919—1939 over four million new houses were built—approximately, three millions by private enterprise and one million by local authorities."

In addition, Sir, my learned friend, Mr. Gokhale has told us that building material was difficult to be had and probably for 5 years we may not make any arrangement to have enough houses for the town. In this connection I submit that if our Government desired building material could be collected. No one can deny that there are many physical difficulties in the way, but it will be admitted at the same time that our Government do not even know how much imagination is required for it. I want to draw the attention of the House to another passage in this connection to show how this problem has been solved in England.

"The necessity of speed, economy and conservation of labour in war time building has led to the adoption of a greater degree of standardisation in certain important items of construction. By March, 1943, for instance, the number of door types produced had been reduced from 40 to 4; the number of glass substitutes from 300 to 36 proprietary types, the number of window types, from 300 to 30, and the number of standard type bricks from 17 to 2. This process has since been extended to cover such interior equipment as baths, wash basins, surks, kitchen dressers, broom, cup boards, food storage with electric socket outlets and taps."

Not only this, Sir, if they could not get wood they joined together plywood boards with rosin and made wood for their purpose. If the Government possesses imagination, and pays heed to it there is no reason why housing difficulties should not be removed. Unfortunately our great national leaders who hold the reins of Government in their hands have no leisure and their attention is not drawn to this question.

Sir, the condition of Delhi is pitiable. Its population has increased by 6 lakhs during the last few years while there has been no increase in the number of houses during the period. The Delhi Improvement Trust was established in 1938. A great many hopes and expectations were bound with it.

**Mr. President:** I think the Honourable Member is unnecessarily going into a side issue in details. Whatever the failures of the Government might have been upto now in not taking up the housing programme, he has sufficiently invited the attention of the Government to the necessity of that. The object of the present Bill—the necessity of having some sort of control—is admitted on all hands, and as the Bill is going to the Select Committee, I do not think he need say anything more on the necessity of having a housing programme. That matter is indirectly relevant if at all, and he has sufficiently spoken on that. Will the Honourable Member now say what he wants to say on the merits of the Bill?

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): And also tell the House how is it necessary for people from outside Delhi to come to Delhi at all in such large numbers!

**Lala Doshbandhu Gupta:** In deference to your wishes, Sir, I will not take much time of the House in this connection but with your permission I will say that so far as the Delhi Improvement Trust is concerned it requires the immediate attention of our Ministers. The Trust has realized one crore twenty lakhs of rupees from the sale of lands but it has not offered any building programme as yet. Instead of fixing the tenor of the Bill for 4 or 5 years I think its need will end in 2 or 3 years. As to the provisions of the Bill I have to say that it has created an impression on the public that the Government has introduced a landlord's Bill. It is really not proper to say this. Conditions similar to Delhi are found more or less in other parts of the country also that is landlords and tenants cannot be kept in one category today. It is a very complicated question. While there are thousands of landlords whose financial status is much below their tenants, the number of such landlords is very large whose status with regard to income is much higher than their tenants. There is a large number of tenants who cannot afford to bear even one rupee increase in their rents. In addition, there are sub-tenants. (As pointed out by me during the course of a question in this House) who are sub-tenants to the tenants of the Government. The number of these sub-tenants in Delhi and New Delhi is counted in thousands, we can call these people neither landlords nor tenants. There should be a provision for people also in this Bill. I desire to impress on the House and the Select Committee that they should bear in mind the distinction that exists between Delhi and New Delhi. They should also bear in mind that no large increase is made in the rent of the tenants. It will be an act of injustice to them. While thinking of the tenants they should also think of the petty landlords who are thousands in number. In the end, Sir, I strongly suggest that tenants who hold the residence from the Government on a rental of Rs. 17 per month and who have sub-let it for Rs. 100 per month should be treated harshly. Neither such tenants nor such landlords who have realized thousands of rupees as *pugges*, deserve any compassion. In Connaught Place ten thousand of rupees are paid as black-money to rent a house or a shop. I want that all these things should be borne in mind. There are many plots of the Improvement Trust on which buildings can be erected. The Improvement Trust have sold out more than 8000 plots but no houses have yet been built on them. I think the Select Committee will reach proper conclusions only if it bears in mind all these things and we shall be in a position to pass a Bill which will be acceptable to all the sections of the House.

In conclusion I offer my brothers from the South who feel difficulty in understanding the Hindustani language that if they give me one or two hours a day for a week I will see that their difficulties in understanding the Hindustani language are solved within one or two months.

**Sardar Mangal Singh** (East Punjab: Sikh): Sir, I welcome this Bill. . . .

**Mr. Tamisruddin Khan:** Speak in Hindi.

**Sardar Mangal Singh:** Transition from English to Hindustani should be peaceful and gradual.

Sir, I welcome this Bill not because it has increased the rents but because the Government feels the necessity of proper rent control. I also welcome the statement of the Honourable the Mover of the Bill that Government has come to this House with an open mind.

This Bill raises very controversial issues. On one side there are house-owners and poor landlords like my Honourable friend on my left and then there are tenants. However, the provisions of this Bill either affect the

landlords or the tenants, and this House has to give its careful and dispassionate consideration to the claims of both sides and has got to come to a fair decision.

I have to offer a few remarks on some important points. It is laid down that this Bill shall remain in force for a period of two years. Now, Sir, the difficulties which have been pointed out by my Honourable friend, Mr. Gokhale, about the provision of building materials and so on, and also taking into consideration the general economic condition of the country, I do not think that normal conditions will return after two years. I therefore submit that this period of two years should be increased to four years, so that the tenants and the landlords may know where they are for the next four years. There are three points in the Bill which are controversial. One is the standard rent and its definition. Secondly, there is the percentage of rent increase and thirdly the question of eviction. These to my mind, Sir, are the principle and highly controversial clauses of the Bill. As regards the standard rent, it had been laid down in the Bill that the rent which was given on the 1st November 1946, plus land tax if any, house tax and plus 33.1/3 per cent. that will be the standard rent. In all previous legislations and the Ordinances issued by the Government of India and other Provincial Governments in this respect, the date has been taken somewhere in 1939 when abnormal conditions began. I am really surprised how the Government of India has arrived at this particular date, the 1st November 1946. Such a date line must denote a certain change in the economic condition of the country. In our calculations we are generally taking into consideration the 1939 year. That is the standard year for calculations and the Economic Adviser to the Government of India takes that year as the standard year and then calculates his index number on that year. I am not divulging any secret when I say that the Central Pay Commission has also taken that year as the standard year. I am really surprised and I would like to know whether the rents of those buildings built in 1944-45 were fixed at a higher rate, taking into consideration war conditions. Now, I wish to ask the Honourable the Mover of the Bill whether there will be the same percentage of increase on that rent which is already a higher rent. If you do that you hit the tenant twice, which I hope is not the intention of the Government. I suggest, Sir, that the standard rent should be taken as that amount of rent which was being paid at the beginning of the war, that is in 1939. And about those buildings which have been built later on, or about those buildings about which we do not know anything, or they were not let on hire at that time, those houses whose rent cannot be determined by anyone of those methods, we can consult the municipal records. The house-owners pay house tax on their houses and for the purpose of assessment of the house tax in the municipal records, their rental value is maintained. It is easy for the Government to consult those records and find out what the standard rent should be. Then again, what should be the percentage of increase? Sir, this point requires very careful consideration. Since 1939 on the commercial houses 12½ per cent. increase has already taken place and this Bill proposes first 33.1/3 per cent. on the original rent plus 12½ per cent., and then on this whole amount another 25 per cent. If we carefully calculate the figures, the increase will go as high as 100 per cent. This, I submit, is rather excessive. I do appreciate and recognise the difficulties of the house-owners. They have complained that their houses have been sub-let or they are not getting a fair return on their property. That point will have to be taken into consideration. But, Sir, we have also to take into consideration what amount the property is fetching now. After all, this house rent is an unearned income. And what are the other properties yielding in the way of unearned income? For instance the Government securities? What income are these securities yielding? And then what about the bank rate. All these things we will have to take into consideration. I may

[Sardar Mangal Singh]

be reminded that the landlords have to undertake repairs and the cost of repairs has gone up three or four times. We have to make provision for this although the landlords very seldom undertake repairs. The complaint is that they do not undertake any repairs but in order to encourage them that they should undertake repairs some provision should be made for the increase of rent. In this respect I would remind the Honourable House the step which the Bombay Government has taken. They have brought forward a similar legislation and they propose to increase ten per cent. of the rent to encourage the landlords to undertake repairs. This is what they say in their objects and reasons. The provision is made for landlords of premises let at intervals which did not take the present high cost of maintenance and repairs into account to make an increase in rent in the existing ten per cent. with the object of encouraging landlords to keep the premises in proper repair. That is the object of the Bombay legislation. I would commend this point of view to this Honourable House.

Now as regards the increases, residential houses will get 88-1/8 per cent. on the rent which is paid on the 1st November 1946. If the object of the Government is to increase the rent which was prevailing before the war by a certain percentage, then this provision will carry very far. This will hit the tenants to a very great extent and may amount to actual hardship. This point should be taken into serious consideration.

Another point which requires careful consideration is the provision of punishment. Whether it is a landlord or a tenant in this matter let us meet out even handed justice or fair justice and whether it is the landlord or the tenant who is guilty, give him deterrant punishment. This Bill

3 P.M. provides a fine of Rs. 1,000 only. My Honourable friend Lala Deshbandhu Gupta just now said that if any shop is going to fall vacant in Connaught Place large amounts of money are offered as *pugri*, amounting to as much Rs. 10,000 to 15,000 and if you fine a man Rs. 11,000 only, he can easily add to this 1,000 to the *pugri* and take it from the tenant. In this case as in the case of unauthorised sub-letting on the part of the tenant I would submit that a punishment of imprisonment only should be provided. No option should be given to the courts to impose a fine instead of imprisonment. If these unsocial elements amongst the tenants and the landlords behave like this I feel the legislature would be justified in providing imprisonment in such cases. If these people who are in the habit of going to clubs every night know that they have to go to jails, I think they will think twice before demanding *pugri* from those unfortunate people who have to offer it. I would therefore urge upon the Government to provide imprisonment only and no other form of punishment in the case of those who are guilty under this Bill.

**Miss Maniben Kara:** Also *chakki*.

**Sardar Mangal Singh:** Imprisonment includes *chakki*.

I do not want to take the time of the Honourable House as we want to finish the consideration of this Bill by 5 O'clock. My last point is about the eviction of tenants. On this point we have received opinions from both sides. Some of the landlords are really hit hard. For instance, if a Government servant who is serving in Bombay retires on pension and he wants to go back to Delhi and settle down there, surely if he has got a house in Delhi he is perfectly entitled to occupy that house. If he is after retirement thrown out of his house in Bombay and then when he comes to Delhi he is on the road, his case requires sympathetic consideration. But the clauses as they are now before us provide ample room for litigation. There has been much abuse of the provisions already in the Ordinance—abuse both on the part of the tenant and on the part of the landlords. Flimsy excuses are brought forward to evict the tenants and also the tenants on equally flimsy grounds have



refused to vacate. In this matter we have to hold the balance even and provide for real cases of hardship. While on this point, care should be taken to resist the temptation on the part of the landlords to get their houses vacated, so that they might get a good amount by way of *Pugri* or may also increase the amount of rent. The clause as it stands at present will give ample scope to those people to start litigation. The clause reads:

"that the landlord requires the premises for use as a residence for himself or his dependants or any person for whose benefit the premises are held by him and that he is unable to secure other suitable accommodation."

This is very elastic. The word 'dependants' is not defined in the Bill. Any near or distant relation can be a dependant. In our social system, in our joint family system there are all classes of dependants. The position is made further vague by saying "by any person for whose benefit these premises are held". This gives room for long and extensive litigation. I am prepared to make room to accommodate the landlord himself if he is in real difficulty. Beyond that we should not go. If we do that we may give a convenient handle to landlords to harass the tenants, and to start unnecessary litigation.

While on this point even in the case of the landlord I want to insert a provision that the landlords should not be allowed to file a suit without the permission of the district magistrate or the rent controller of the place. At present there are certain unscrupulous landlords—I do not blame all—and there are also certain landlords who are quite honest and they suffer the most. But there are landlords who in order to harass the tenant to have an increase in rent or to have a house vacated file suits and engage a lawyer, and worry the tenant. Some busy people try to satisfy the landlords. Therefore provision should be made that if there is a *prima facie* case only then the landlord should be allowed to file a suit. Otherwise that suit should not lie until he has obtained the permission of either the district magistrate or the rent controller of the place.

One point more, Sir, and I am done. I feel that the increase of rent is uniform. This law of percentages acts very harshly in the case of low-paid people, while it gives some relief to the higher class people. I would like a provision to be made in this Bill exempting those tenants who are paying say up to Rs. 25 or Rs. 30. The poorer classes of tenants should not be forced to undergo this increase. There are classes of government servants whose salaries have not been increased very much and in their cases it will be a real hardship. In the case of a man who is paying Rs. 4, you are putting Rs. 2 more. That will be a case of real hardship. In the case of small tenants some limit may be fixed. I have put down tentatively Rs. 25 or 30. There is no case of Government losing any money. We are making provisions for the benefit of larger numbers. This Bill is a highly controversial measure and I gave notice of an amendment that it should be circulated. But now that it had been before the public for over three weeks and opinions have been expressed I did not press it. The most eloquent expression of opinion was on last Monday, the 24th when almost all the shops were closed. There was a complete *hartal*. Government should take note of this fact that public protest was strong and unanimous. I do not want the Government to be influenced by this *hartal* so much that they may forget the case of the landlords, but at the same time we cannot ignore the fact that on this matter all classes of people are united. It was a heartening sight to see in the public meetings Hindus, Muslims and Sikhs and all sorts of people joining together to protest against this Bill. It was rather a good thing from the communal point of view.

**Shri Mohan Lal Saksena:** Communal or national point of view?

**Sardar Mangal Singh:** I mean the same thing. This Bill has improved the communal relations. I do not want to be misunderstood, but I wish to point out to the Government, now that the Honourable the Leader of the House is

[Sardar Mangal Singh]

here, the point of view of the ordinary man in the street. Invariably the question is put "Is the National Government coming forward at the first session to increase the rent of the houses?". Whether it is right or wrong it is being talked of freely that this is a Landlords Bill and that the present Government wishes to help the rich people. This Bill supports their point of view. Personally I think the Government probably had no time to think on these points. As the Honourable Mover had said there was no time and therefore the Bill has been hastily drafted and therefore the Government comes here with an open mind. What does that mean? It means the Government had no time to give to these important points. I am glad from one point of view, namely that they have left the decision to the House. But at the same time it shows that the Government was not able to give that amount of time and consideration which this matter deserved. I do not wish to tire the House by reading out the opinions which have come from many newspapers and public bodies, but the impression has gone out that this Government is in favour of the landlords and against the poor people. I wish that this unfortunate impression should be removed by the action of the Government. The man in the street, the common people have put this Government in power. If they are disappointed and feel that this Government is not really protecting their interests but is more favourable to the vested interests, I submit, Sir, that the prestige of this Government will go down. I am anxious that our people should not be disappointed. We should in this House adopt measures for the welfare of the people. Of course we cannot please all people. The vested interests cannot be pleased, and the greed of the bigger landlords cannot be satisfied. We should therefore take a bold and straightforward course. We have to improve the condition of the poor people. That was our stand when we were fighting the British Government. I am sure every Congressman stands for that ideal. We should demonstrate that and we should not give an impression of any other kind which may be exploited by our opponents that the Congress Government is now helping the capitalist, that it has let down the poor people who by their sufferings, by their wholehearted support and by their votes have put us in power. This may be considered a small measure, but this gives an inkling to the mind of those who are ruling the destinies of our country at present. I submit that the increase which this Bill provides is really excessive. There should be some increase, I admit. We might as well follow the Bombay legislation. It is only 10 per cent. increase on the 1939 standard rent. That is also meant to encourage the landlords to carry out repairs in their buildings. I hope that the Select Committee will take all these points into consideration and so amend the Bill that it will meet with the approval of the general public outside. Sir, I support the Bill.

**Pandit Mukut Bihari Lal Bhargava** (Ajmer-Merwara: General): Sir, I rise to support the motion for reference of this Bill to the Select Committee. The principle underlying this Bill cannot properly be defended because any measure or enactment of this kind makes serious interference with the rights of private property, and no Government will feel pleased to take the course of adopting such sort of emergency legislation which seriously interferes with the rights of private property. But unfortunately we are living in exceptional times, and the legacy of the war and the abnormalities created by the war still exist. That is the justification for this measure. It has been argued outside the House and also on the floor of this House that this Bill is sponsored to encourage vested interests. But I respectfully submit that the very fact that this emergency measure aims at interference with the rights of private property shows that it is not in the interests of landlords but it is for the protection of the larger body of the tenants that the state is taking into consideration the abnormal conditions existing at present and has chosen to take this extraordinary measure of interfering in the domain of the relationship of landlord and tenant which

usually and in ordinary circumstances must be determined by economic factors only. Therefore, Sir, this argument that this is a measure for the protection of the landlord is absolutely wrong. In fact, it is for the protection of the tenants that this legislation has been sponsored and rightly in the abnormal circumstances in which we are living. This measure, as has been pointed out, deters the solution of the problem of acute housing. It does not pretend to give a solution for it and therefore it is certainly of a temporary character and for a temporary period. It is first for two years and its life is to be extended for another two years, if the conditions do not improve. Therefore, Sir, as has been pointed out by my Honourable friend Mr. Gupta, this problem must be tackled by the Government on a permanent scale so as to obviate the necessity of a measure of this type which is intended to meet an emergency. The fact is that so far as Delhi and New Delhi are concerned, the previous government cannot escape the responsibility for accentuating this problem. This indiscriminate shifting of offices from Simla to Delhi has certainly aggravated the problem and further we find that even in these exceptional times there are big bungalows occupied by officers which in ordinary course are capable of accommodating more than one family and still we find that big palatial buildings are being occupied by officers and in many cases, as has been pointed out, this leniency on the part of the Government has been abused so much so that tenants have sub-let at fabulously high prices. No action is being taken against them. Similarly there are open plots of land particularly in my province of Ajmer-Merwara—in Ajmer, Beawar and Nasirabad to which the provisions of this Bill apply, large tracts of land which are *nazul* property are under the trust and management of the local boards and municipalities. They have no funds at their disposal to invest in construction of buildings and the Government should come to their aid and should advance sufficient funds in order that they may be able to construct buildings and thus the housing problem which is getting more and more acute in Ajmer and other urban areas may be eased. If the Government advance sufficient funds to these local bodies, either by way of grant or even as loan, then so far as my province is concerned, the housing problem can very easily be tackled.

Coming to the main provisions of this Bill, I will make certain observations for the consideration of the Select Committee. Firstly, there is absolutely no reason why under clause (2) where Government happens to be a tenant or the Government has requisitioned the property and is in possession by means of requisitioning it should be treated on a different and better footing than the ordinary tenants. The provisions of the Bill should be applied to the Government when it holds the position of a tenant, as it is applied in the case of private men.

Then the next point is as regards the rent. It has been pointed out and rightly on what criteria the Government has fixed 1st November 1946 as the basic period on which the standard rate is to be calculated. In the Statement of Objects and Reasons no reason has been given why the 1st November 1946 should have been selected by the author of the Bill. In fact, in the Rent Control Order that applies to Ajmer-Merwara as also in Ordinance XXV of 1944 which applies to Delhi, 1st January 1939 has been taken to be the basic period. Instead of January 1939, it can be taken to be 1st September 1939, that is just preceding the war but there is absolutely no justification for taking 1st November 1946 as the basic period and if the wording is kept as it is in the Bill it will open the door to litigation because it will not be possible by a court of law to determine without oral evidence and oral evidence, as everybody knows, opens the door for perjured evidence and therefore the safest course is that provided by the Bombay legislation. That is the assessment value of the property as it has been made by a municipal board or in cases where there is no such assessment the rent that was being paid on the 30th September 1939 plus such enhancement as may be laid down in the Bill.

[Pandit Mukut Bihari Lal Bhargava]

Then I think the greatest defect in this Bill is that it applies a uniform and flat rate in respect of all classes of tenants, in respect of the tenants living in different areas. That is the greatest defect of the Bill because the conditions even in New Delhi and Old Delhi are absolutely different. Similarly conditions are different in Ajmer, Beawar and Nasirabad which are smaller places, where conditions are absolutely different from those in Delhi and New Delhi. It has been argued by the Member in charge of the Bill that the Government did not like to waste the valuable time of this legislature by bringing in three Bills in respect of the three areas but I ask why should not a separate provision have been made in the four corners of the Bill in respect to the areas which are absolutely different from each other and where the local conditions are diametrically opposite and irreconcilable. Therefore the first duty of the Select Committee will be to lay down different standard rents in respect of different areas and also in respect to the different classes of tenants. The Ajmer Rent Control Order, Section 3, gives a progressive rate of rent in respect of the different classes of tenants. In the case of those paying rent below Rs. 25, it is only 8 and one-third per cent. In respect of tenants paying rent up to 50, it is 12½ per cent and in respect of tenants paying rent above Rs. 50 it is 25 per cent. Difference has also been made there in respect of the residential buildings as also commercial buildings and in case of commercial buildings the progressive rate prescribed in the case of those buildings paying rent upto Rs. 25 is 25 per cent. and in respect of other buildings it is 50 per cent. Therefore I submit that the Select Committee will be better advised if some sort of progressive rate is provided in respect of the different classes of tenants, as also in respect of different areas.

Then coming to the next controversial clause in the Bill, about the enhancement of rent in respect of the residential buildings by 88 and 1/8 per cent. and in respect of the non-residential buildings 88 and 1/8 plus 25 per cent., I submit it is exorbitant and it certainly goes to the detriment of the tenants. There is absolutely no justification for this particularly when the basic year provided is November 1946. Therefore, this clause, in respect of rent, requires to be drastically modified and recast both in respect of the standard year and also in respect of the standard of enhancement that is provided for there.

Then, Sir, the next controversial clause is about the ejection of tenants. The clause as it stands will create very bad times for the tenants and it will encourage litigation. Therefore, as is the case in the Ordinance of 1944, which is applicable in Delhi, provision should be made that if at any time a tenant shows that he is ready and willing to pay the rent, then the rent should be paid by the tenant to the landlord and he should not be ejected from the building. In the present Bill it has been provided that if within one month of the notice of payment he does not pay the rent, then it is a ground for ejection. Here also in a court of law it will be a question of dispute as to whether any payment was made or not and it will be easy for the landlords to evade accepting the rent for a considerable period and then to go to the court of law and say that because the rent has not been paid, the tenant is liable to be ejected. Consequently, the better clause is the one that exists in Ordinance XXV of 1944 which is to the effect that as soon as the tenant shows his readiness and willingness to pay the rent, it should be accepted. The next point of dispute in this clause is about the contingency when it will be possible for the landlord to take the building for his own use. Here also the words of the clause are very vague and very indefinite and are liable to lead to litigation. In fact, in the Ordinance of 1944 no such clause exists and if any such provision is to be made, it must be provided in the Bill, that it is only for the *bona fide* use of the house-owner that the house may be vacated and not for his dependents. The word 'dependent', as has been pointed out, is a very wide term and it should be deleted from the provisions of the Bill.

Then, Sir, the greatest defect in the Bill is clause 11. I was surprised to find why an exceptional clause of this nature should have been incorporated in this Bill, because neither in the Ajmer Rent Control Order nor in the Ordinances of 1944 were similar powers reserved by the Government that it will be the duty of the house-owner to notify to the Collector within 7 days of the vacation that the House has been vacated. The clause further provides that in the next 7 days the Collector will have absolute and arbitrary powers to put any officer of the Government in occupation of the building. I respectfully submit that no such drastic powers vested in the Government either under the Defence of India Rules or under Ordinance XXV of 1944 and where is the justification for a measure of this nature in these peace times? It has been contested by the Member in charge that certain Embassies are coming from foreign lands to Delhi and buildings are necessary for their accommodation and that is the justification for this clause in the Bill. I respectfully submit that this clause is a dangerous clause and no civilised Government can, merely on the plea that certain Embassies will have to be accommodated, have these extraordinary powers, which means almost the negation of the elementary rights of private ownership. Therefore, I contest that clause 11 should be deleted altogether from the provisions of this Bill.

Taen, Sir, in the end I would like to mention that a measure of this nature can not be given a prolonged life by repeated doses of legislation after every two or three years. The remedy lies in tackling the problem on a permanent basis and no Government in these modern and civilised times can refuse the facilities of housing. Just as food and water are necessary for a civilised existence, similarly housing shelter is necessary and it is the primary duty of a civilised Government to provide accommodation for every person. This can only be done with such a housing programme the picture of which has been given by my Honourable friend Lala Deshbandhu Gupta. With these remarks I support the motion.

**Mr. President:** I find so many Honourable Members anxious to speak on this Bill and I do not wish to curtail the debate at all. But there is just one point which I would like to mention. After all, the Bill is going to the Select Committee and I want to point out one difficulty. Unless we put this motion through today, the only other official day will be the 5th March and then the House adjourns on that day to re-assemble on the 10th. The other days are holidays. The motion suggests that the Select Committee should report by the 10th March. Unless, therefore, we sit with a determination to put through this motion today, the possibility of the Select Committee reporting by the 10th will prove infructuous, because the House will have no time. I would, therefore, request all Honourable Members who wish to speak not to repeat the same arguments over and over again nor to go into the various clauses in detail but just to touch salient points to which they wish to invite the attention of the Select Committee.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I quite appreciate the point of view that the Chair has placed before the House and I do not propose to discuss any clauses of the Bill. On the whole, I think the Bill is useful and necessary. The only point that I want to bring to the notice of the House is that we have got to look into the question of the availability of the house more than the consideration to be given to the landlord. From the opinions that have been expressed in various newspapers and the propaganda that has been carried out the point has been made by the landlords that they should be allowed to have a bigger share in the increase because it costs them much more now for repairs and also they feel that the construction of a new building now costs much more than before. The question of the construction of new buildings is not at all being discussed on the floor of the House and the landlords have to satisfy themselves with just as much income

[Mr. Muhammad Nauman]

as was available to them in 1939. That is not the case of the landlords in Delhi only, but in Bihar and Orissa due to the permanent settlement the landlords have to be satisfied with the rental which was fixed somewhere in the year 1867 by Lord Cornwallis. The rents which were applicable to them at that time, namely Rs. 3 or Rs. 5 per acre are still prevalent now. No Government has ever taken notice of the fact that because of the changing conditions the landlords should be given any particular advantage or permission to increase their rents. That condition not being there, I do not suppose the landlords have any case for any increment. I would suggest that efforts should be made more to save the tenants rather than give any advantage to the landlords. The landlords are the capitalist section of the society. In view of the present wave of democracy that is prevalent in the country, I think this House should take interest more in the tenants than in the landlords. I do not want to discuss the question of eviction or increase or anything like that. I only want that the Members of the Select Committee should bear this in mind that there should be no increase in rents on the basis of 1946 rents. The landlords should not be permitted to do that. With these remarks, I resume my seat.

**Sardar Sampuran Singh:** Sir, I welcome this Bill. It is really beneficial both to the house-owners and the tenants. A good deal of criticism has been levelled on the clause about eviction. I find this is mainly on account of not really understanding what exactly is meant by the clause relating to eviction of tenants. For example clause 9(c) has a provision that if the landlord requires the premises for use as a residence for himself or his dependants he can get them vacated. I think the word 'dependant' is clear enough. If necessary it can be further defined. It means people who live on the income of the owner i.e., his children, wife and such other persons. The question of joint family does not arise, because if it were a joint family property, then all the joint owners will be considered owners. If the owner of the property is a single person then of course it depends upon him only and his dependants to get it vacated. If there are several owners, naturally all their dependants will come under that definition. Moreover some Honourable Members have said that it should not have been provided that the house could be vacated for "any person for whose benefit the premises are held by him". This would be most ridiculous. If the house is in trust with a person for the benefit of a third person, then the real house-owner is that person for whose benefit he is holding that house and under such circumstances there should be greater reason that the House should be vacated for the use of the beneficiary. It is quite correct that increase in rent should be allowed on account of the rise in cost of repairs and cost of management. These things are more or less for calculation. We are not bound by any figures. If 33 per cent. is very high, I think it could be reduced to some reasonable figure. On the whole the Bill is a very useful measure. With these remarks, I support the Bill.

**Shri Mohan Lal Saxena:** Sir, I move:

"That the name of Pundit Thakurdas Bhargava be added to the names of members of the Select Committee."

With your permission I should like to make a few observations. Let me tell you frankly, Sir, that I cannot compliment the Works, Mines and Power Department on the draft of the Bill which has been introduced. True, in his haste to introduce the Bill on the first day of the opening of the Session the Honourable Member wanted to have some sort of Bill. I may tell my Honourable friend that in doing so he has done a great deal of mischief. He has created a wrong impression and he has brought a lot of odium on the present Interim Government. He has told us that he will try to undo the mischief partly by making a statement that he is just incorporating the recommendations made by the Chief Commissioners and tried to introduce it in the form of one Bill. He has also told

us that the representatives of both landlords and tenants were consulted. From what I have personally learnt in Delhi, I can say that the representatives of tenants in Delhi were not consulted by the Chief Commissioner and some of the provisions in the Bill as drafted are such as to give the impression, which has gone abroad that it was drafted with the approval or at the instance or suggestion of the house-owners and landlords.

**Sardar Mangal Singh:** Or at the instigation of landlords.

**Shri Mohan Lal Saksena:** The first question that the Select Committee will have to consider, as has been pointed out by my Honourable friend Pandit Mukut Bihari Lal Bhargava, is whether the provisions of the Bill should apply to all areas provided for. Up till now three Ordinances were issued. This shows that the provisions of these three Ordinances are quite different from one another. Therefore the Select Committee will have to consider whether different provisions should not be framed for Ajmer-Merwara, for Delhi and for New Delhi. We know that Shahdara comes in the Bill, but the conditions in Shahdara are quite different from the conditions prevailing in New Delhi. There is another point to which I should like to draw the attention of the Select Committee, and that is that we should introduce such provisions in the Bill as would increase litigation. In fact the Select Committee should devise ways and means by which litigation could be minimised. As a matter of fact there should be some machinery provided by which there should be speedier and summary settlement of disputes arising between landlords and tenants. With these remarks, I support the Motion for referring the Bill to the Select Committee.

**Mr. President:** Amendment moved:

"That the name of Pundit Thakurdas Bhargava be added to the names of Members of the Select Committee."

**Miss Maniben Kara:** Sir, I welcome the main idea of the Bill, *vis.*, to control rents. But the Bill as it stands does not show that the purpose is to control existing rents. For the last 15 days or so I have been watching with great interest the measures brought before this House. I want to judge every issue on its own merits. I am indeed greatly disappointed that in these last few days a number of Bills have been introduced which to my mind are against the interests of the poor and common people of this country. I am all the same happy to hear the statement made by the Honourable Mover that on this particular Bill he is going to keep an open mind and the issues involved will be seriously considered and if necessary overhauled in the Select Committee. As a number of speakers have already spoken on the Bill clause by clause it is not my intention at this stage to repeat the same arguments, because I am greatly interested to see that this Bill goes to the Select Committee and comes back to this House before the expiry of the Ordinance. I only wish to point out a few facts which to my mind have not been brought out by the previous speakers. I am of opinion that there is no justification whatsoever for any increment in rent, for the simple reason that in non-residential premises increment has already been effected in 1946. In all other provinces wherever any slight increase has taken place it is done on the basis of rent in 1939. Here again, Sir, the basic rent, peculiarly enough in this province, is not only the rent which the tenant pays to the landlord but also the ground rent and house tax which is paid by the tenant. I do not think the municipal laws allow this; but somehow or other the practice has been that a tenant not only pays rent but he has to pay the house tax as well as ground rent. So the 88 per cent. increment proposed in this Bill is an increment not only on the rent but also on the house tax and the ground rent.

**Mr. President:** What does the Honourable Member mean by ground rent?

**Sardar Mangal Singh:** That is lease rent.

**Mr. President:** Does the tenant have to pay that?

**Miss Maniben Kara:** It is prevalent in many of the houses in New Delhi,— I definitely know.

**Mr. President:** I do not know the conditions in Delhi but I know that in Ahmedabad and other places wherever a tenant puts up his own hut on a particular ground he is liable to pay ground rent. The structure belongs then to the tenant. But if the structure belongs to the landlord, of course the ground rent does not come into the picture. But that is a matter for the Honourable Member's information. I was surprised when she was talking of ground rent; perhaps she is confused about the ownership of the structure. In one case it belongs to the landlord; in the other case to the tenant.

**Miss Maniben Kara:** My information is based on the memorandum submitted to most of the Members by the Tenants' Association; if I am wrong I shall be very happy to be corrected. These matters may be discussed in the Select Committee. But the clause as it stands says that the increment will have to be paid not only on the rent but even on the house tax. I personally think that this is most unjust on the face of it. The Bill as it stands will mean, in the case of a residential area, an increase not of 33 p. c. but 40 p. c. I base my argument on the basis that if the rent is Rs. 100 the house tax which the tenant today has to pay is Rs. 6/4, and according to my information he has to pay Rs. 10 as ground rent. That comes to Rs. 116/4. Sir, the proposed increment of 33 p. c. is based not on Rs. 100 but on Rs. 116/4; and that comes to somewhere near 40 p. c. increase in the residential area. I consider this to be a very serious matter to which the Select Committee must give serious consideration.

In case of the business areas if we assume the standard rent as that of 1939, for which almost all the speakers have made out a case, the proposed increase actually comes to 37 p. c. My Honourable friend Sardar Mangal Singh very ably made out a case in favour of the tenants when he said that there is absolutely no justification whatever at this stage to have any increment. It is not a matter of compromise; it is because we have made it a compromise that we are not asking for the reduction of rent. There was no justification for increment of rent in 1946; but since that was done today there is absolutely no justification for any increment of rent.

Lastly, taking into account the increased population and the scarcity of houses it is the primary duty of Government to see that the people are housed. At this stage to come out with a Bill giving more powers to the landlords and making it more difficult for the tenants is something which is not expected of the present Government. I therefore hope that in the Select Committee this Bill will be completely overhauled.

**Mr. B. K. Gokhale:** Sir, I am greatly obliged to the Honourable Members who have taken part in the debate for the large number of helpful and valuable suggestions that have been made. I am quite sure that these suggestions will be very useful when the Bill is considered in the Select Committee. A certain number of suggestions have been made and criticism offered on the general policy of housing; and my Honourable friend Lala Deshbandhu Gupta told us how in the United Kingdom they have had as many as 15 Housing Acts in the last 15 years and spent large sums of money on encouraging private housing. I can assure the House that the question of encouraging private housing is being actively pursued by Government. Whatever has been said on the floor of the House today, I shall convey to the departments concerned; that is, to the Health Department which is in charge of housing, and the Department of Industries and Supplies which controls building materials and can make more building materials available in Delhi province.

I do not wish to take up the time of the House by dealing with all the various points of criticism which have been offered. They will no doubt be considered in



the Select Committee. But I must emphatically assert that there is no question of this being a landlords' Bill. If this Bill is dropped and if the House decides not to proceed with it, I am quite sure that the landlords will be only too pleased; they will be delighted. Nothing will please them more than that this Bill should be dropped and not proceeded with any further. It is definitely a tenants' Bill. It is only because Government feel that rents must continue to be controlled for the next few years until the housing position improves and the law of supply and demand again operates, that this Bill has been introduced.

As regards the various provisions of the Bill, I made it perfectly clear when I moved for reference to the Select Committee that Government were keeping an open mind, that they were not committed to any particular provisions and would be perfectly prepared to consider any reasonable suggestions or any reasonable solution which might be evolved in the Select Committee. The speeches which have been made today show the complexity of the problems involved. It is not a very easy problem to deal with and to make provisions in a hurry to meet so many varying situations.

As regards the point made by the Honourable Member from Ajmer-Merwara, I can assure him that there will be no difficulty at all in making special provisions for special areas or for special classes of tenants and things like that, in the Select Committee. If the Select Committee decides that Ajmer-Merwara rents should be treated on a different footing, it will be quite easy to make suitable provisions to that effect. Similarly if the Select Committee feels that rents below Rs. 30 should not be enhanced, that again can be provided for: and so on and so forth.

[At this stage Mr. President vacated the Chair, which was then occupied by Mr. Deputy President (Khan Mohammad Yamin Khan).]

Just one more point. A good deal of criticism has been offered on clause 11 and it has been said that no such provision exists anywhere else. I may just explain for the information of the Honourable Members that clause 11 is drafted on the lines of a similar provision in the Madras Rent Control Act which has been passed by the Legislature in Madras. I am also given to understand—though I have not myself verified the statement—that a similar provision is contemplated in the Rent Control Bill which has been introduced in the United Provinces. So it is not something which we have evolved on our own. The difficulty is there: If the powers of requisitioning are no longer available to Government, indirect requisitioning in this form might help Government, to tide over the difficulty of housing their own government servants and the foreign Embassies, Legations and others which I have mentioned. I would like to make it clear that although I mentioned foreign Embassies and Legations as an example, I would not say that that is the real object of the clause or that that is the sole or the main reason. I have only mentioned it by way of illustration.

I may also add that I have been very carefully watching the opinions expressed by landlords on this clause, and I find that hardly any landlord has taken objection to it. After all it is the landlords who might have taken objection to this clause, and hardly any landlords association has taken objection. All that they have suggested is certain amendments. However in respect of this clause also, Government keep an open mind, and I am not asking the House at this stage to commit itself either to clause 11 or to any of the other provisions of this Bill. All that I am asking the House is to accept the principle of rent control for the next few years, the exact date to be determined by this House and by the Select Committee; and on that main principle, which is entirely in the interest of the tenants, I find that there is complete unanimity in this House. So with these few words, Sir, I commend my motion to the House.

**Mr. Deputy President:** The question is:

"That the name of Pundit Thakurdas Bhargava be added to the names of Members of the Select Committee."

The motion was adopted.

**Mr. Deputy President:** The question is:

"That the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara be referred to a Select Committee consisting of Mr. C. P. Lawson, Dr. J. C. Chatterjee, Sardar Mangal Singh, Khan Mohammad Yamin Khan, Mr. Hafiz M. Ghazanfarulla, Mr. Shah Nazar Hasan, Pandit Mukat Bihari Lal Bhargava, Shri Mohan Lal Saksena, Shri Satya Narayan Sinha, Lala Deshbandhu Gupta, Seth Sukhdev, Mr. Manu Subedar, Miss Maniben Kara, Pundit Thakur Das Bhargava, and the Mover, with instructions to report on or before the 10th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### IMPORTS AND EXPORTS (CONTROL) BILL.

**The Honourable Mr. I. I. Ohundrigar** (Commerce Member): Sir, I move:

"That the Bill to continue for a limited period powers to prohibit or control imports and exports, be taken into consideration."

This is a short Bill of about half a dozen clauses. As the Honourable Members of this House are aware, certain powers were taken by Government during the war under the Defence of India Act and Rules and when these powers lapsed on the 30th of September 1946 they were continued by the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946). The powers under this Ordinance will also not be available to Government after the 24th of March 1947 when they will come to an end, and at this stage it appears necessary to have those powers in order to avoid any disturbance to the economy of the country.

To mention very briefly the necessity for having legislation of this character, I may say that there is a shortage of dollars and other difficult currencies and unless we have powers to regulate imports from hard currency countries the available exchange may be used up in the import of articles which may not be so very necessary here from the point of view of the economy of the country as a whole. There is also the question of shortage of shipping space, though the position in this respect is improving daily. It is, however, necessary to have these powers in order that we may be able to make the best possible use of the shipping space which is available for bringing to this country articles which we want more urgently than others. Thirdly, we have to safeguard to a reasonable extent the interests of certain indigenous industries in order that there may not be dumping from other countries such as may kill the local industries. For this purpose also it is necessary that Government should have powers to regulate imports. Lastly, there is the question of the liquidation of certain war surpluses. We should not allow import of goods of which large surpluses exist with Government and so create accumulation of stocks not required in the country. On the export side, the necessity of some legislation of this character is even greater as there are many things which are in short supply in India itself, and if there are no restrictions on exports, these commodities may be exported in such large quantities that we may find it difficult to meet our own internal requirements. To give you an illustration. Thus there is an acute shortage of cloth, oils and oilseeds and some other commodities. Unless we have powers to restrict or prevent exports of these commodities we will not be able to satisfy the internal demand. This however would not mean that in all cases Government is going to exercise its powers drastically. Each case will be dealt with on merits, and, wherever it is possible, steps will be taken to liberalise imports and exports consistently with the essential requirements of the country.

This in brief are the objects with which this Bill has been brought before the House and I do not consider it necessary to go into the question in great detail at this stage because an amendment has been proposed that the Bill may be referred to a Select Committee. If the House is desirous of referring the Bill to a Select Committee, I would accept the proposal, provided the Select Committee reports to the House at an early date and it is possible for the Bill to be passed before 24th March.

There is a motion also for circulation of the Bill. I am sorry that motion cannot be accepted as these powers must be vested in Government before the 24th March, because unless this is done, the whole of the present control on imports and exports will be disorganized. Sir, I move.

**Mr. Deputy President:** Motion moved:

"That the Bill to continue for a limited period powers to prohibit or control imports and exports, be taken into consideration."

**Mr. O. P. Lawson** (Bengal: European): Sir, I move:

"That the Bill be referred to a Select Committee consisting of Sri R. Venkatasubba Reddiar, Mr. B. P. Jhunjhunwala, Shri D. P. Karmarkar, Sjt. N. V. Gadgil, Rai Bahadur D. M. Bhattacharya, Mr. Hafiz M. Ghaznafarulla, Mr. Muhammad Nauman, Mr. Mohammad M. Killedar, Mr. Leslie Gwilt and the Mover, with instructions to report by the 15th March 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I propose to be as quick as possible in giving the reasons which have prompted us on this side to move for reference to a Select Committee. The reasons which I will explain as briefly as possible, consist of three reasons of detail and two reasons of principle. Perhaps it will facilitate proceedings if I deal with the points of detail first.

The first point is in connection with the duration of the Bill. Doubtless there is good reason in the mind of the Honourable the Commerce Member for indicating a period of three years but his objects and reasons as stated in this Bill do not particularly support this specific period. The objects and reasons say:

"The question of continuance of import and export control beyond the 24th March 1947 has been examined and it is considered that though the actual administration of these measures calls for gradual simplification as conditions permit, the measures themselves should be retained for sometime longer in order to avoid any disturbance to the economy of the country during the transition from war time to peace time conditions."

The war has now been over for a considerable time and I suggest that a period of three further years in order to provide for the transfer from war time to peace-time conditions could obviously not be justified.

The second point of detail that I have to mention is contained in clause 3, sub-clause 2 of the Bill, and here I would like the Commerce Member's attention for a moment if he can possibly give it to me.

Clause 3 sub-clause 2 reads:

"All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word "shall" therein the word "may" were substituted."

I do not know what the intention of the Commerce Member here is. Does he, for instance, imply by this that the penalty implied by section 183 of the Sea Customs Act is by this clause made permissive instead of obligatory? Is he in fact by this clause hoping to make things easier for the importer? Well, Sir, whatever his intention is, the clause will not have that effect. By making this clause permissive instead of obligatory an extra burden is placed on the importer. In other words, whereas hitherto an importer had the option of either

[Mr. C. P. Lawson]

accepting a fine or accepting the confiscation of his goods, this clause removes that option and makes it discretionary upon the customs authorities to decide whether the importer should suffer confiscation or fine. In fact, the mischief of this clause is heavier upon the importer than the previous clause. I do not know whether that is the Commerce Member's intention.

The third point deals with clause 3, sub-clause 3, which deals with the question of transshipment. Here again I am not certain what the Commerce Member's intention is. He retains here the right to forbid the transshipment at any port in India and while I can quite understand that under war conditions that provision was necessary, I cannot see why the provision is necessary in peace time. If in peace time there is no room in a port for transshipment, the steamer will have to remain in the port, meeting the port dues while it is waiting for a berth and surely the intention should be to encourage transshipment at Indian ports as far as possible, so that the port should get advantage of all port dues. There may be some reason, which I have not seen, for including that provision.

I shall now deal very briefly with the two points of principle. In the first place I notice a regrettable tendency in legislation that is coming before this House, for the House to avoid the necessity for detailed legislation by handing over to the executive a blanket power to deal with the subject as the executive thinks fit. What, in fact, the House in such cases is saying is "A certain matter must be dealt with in a certain way. We do not want to say in what particular way you must deal with that particular matter. We leave it entirely to the executive to deal with the matter in the manner in which they think fit." Now, Sir, it is perfectly open to this House, to any legislature, to do that. In fact the Third Reich did very much the same thing. But if you hand over powers to the executive in that manner, please do not call it democracy, because it is not democracy.

I must also point out that a law that is made in this legislature is not merely interpreted by the Cabinet, by the executive of this legislature. That law is interpreted by hundreds of officials in every part of the country and their interpretation may be very different. I therefore suggest that this habit of handing over blanket powers to an executive, however nationalistic you may feel, and however much easier it may be than producing good legislation, is not, in fact, legislation but laziness. The duty of a democratic legislature is to lay down what a law should be to the best of its ability, so that the interpretation of that law shall not vary all over the country. In this particular Bill a blanket power is being handed to the executive to deal with imports and exports exactly as they think fit. I submit that it is necessary and, in fact, the duty of this House, to consider to what extent this blanket power can be circumscribed, what in fact do they wish the Commerce Member to do. Do they wish him to prohibit imports or prohibit exports for a specific purpose? If so, it should be laid down in the Bill what that specific purpose is.

Let me pass on to the more particular point of principle arising from that. For what purpose does the Commerce Member require these powers? He has explained to us that he wants to conserve dollar or hard currency. We on this side entirely agree that it is necessary that hard currency should be conserved and it is therefore necessary that expenditure on imports should be limited. Then, Sir, the Commerce Member has mentioned other reasons—dumping and the like. Do we wish him to exercise these powers of control to prevent dumping?

Now, what are the methods of controlling the imports into a country? The normal method is the method of tariffs. The tariff wall can be made high enough to make it quite unprofitable for an importer to import goods from abroad. There is no limit to the tariff which a country can impose. It can

put, if it wishes to put 200 or 300 per cent. on an article to be imported. I say that a country can impose a tariff duty of this great size. But equally so it is necessary for the Commerce Member to consider whether an article which requires such a very high tariff is worth protecting? My point for the moment is this. The Commerce Member has mentioned dumping. Could he not stop dumping by a very high tariff? Surely there must be a tariff figure which would make it entirely impossible for certain goods to be imported. Now I work up to this point, whether it is wise or not to use the weapon of total prohibition or tariff protection of indigenous industries in the country. Is there anything that total prohibition would do which a good tariff policy could not do? There may be certain exceptional circumstances: that I understand. But we are legislating for three years ahead and it seems to me that we require a very clear indication as to what the policy of prohibition would be. We are facing a period in which it is not so much a question of deciding what we shall take from foreign countries as what foreign countries will be able to supply to us and I must say that I am a little afraid of the utilisation of this policy of prohibition without a due understanding of how the weapon is to be used. It is certainly salutary that indigenous manufactures in this country shall have some competition to contend with. Otherwise there is not much incentive to improve the quality of an article manufactured indigenously. There comes in fact a time in which an article is just not purchased if it does not reach a certain standard. Then, Sir, all that happens as a result of prohibition is that you lose your customs duty, you lose the consumer goods or the capital goods that might arrive by import and the country profits in no single way. Also, Sir, I think it is very necessary to consider into what hands you place these very large powers. The Commerce Member spoke about these powers and made it clear that in producing this legislation he is doing no more than continuing a piece of war-time emergency legislation. That is perfectly true. The war-time legislation was introduced for a certain purpose. It was introduced at that time so that war materials might be produced and, if necessary, nothing else. Now, Sir, in continuing those provisions it is very necessary to consider into whose hands the power will go. It is no use pretending that the powers under the Ordinance are not already used for the purpose of protecting indigenous industry. It is a fact that they are already being used for that purpose, whatever the intention was when the war-time legislation was introduced. But in this use by departments of Government and, if I may say so, by people technically unqualified to use these powers, some very considerable mistakes have been made. We have already a machinery by which the normal process of tariff control is put into operation. That machinery is by means of the Tariff Board. The Tariff Board is a collection of experts. They know what they are doing; they take evidence and they consider every aspect of the protection and the limitations which they are going to put in force. But, Sir, when a single department of Government says "Look here, we want to keep in this country all the country's production of so and so" and arranges that that is done without any consideration of how it is liable to affect other departments and what repercussions the action is going to have on the general economy of the country, then I suggest the process goes astray.

Now, Sir, I do not want to go long on what is no more than a motion to refer this Bill to Select Committee. But I feel that the House should know the reasons that have made us on this side to move the motion and also to have some idea of the amendments that we will finally suggest should be made to the Bill. For instance, if the weapon of prohibition is to be used as the Commerce Member suggested for the purpose of protecting indigenous industry—perhaps the Commerce Member will be able to define how that weapon is to be used—is he going to use it broadly in every sense to protect any indigenous industry, or is he going to use that weapon merely as a stopgap while the Tariff Board is considering what level of tariff will be sufficient to protect the indigenous industry in question? All these things, Sir, can be put into a

[Mr. C. P. Lawson].

Bill. I very much doubt whether in the short time that is left it will be possible to shape this Bill just as the House should want this Bill to be shaped. This is a matter which should have been under consideration last September when the emergency legislation ceased. We have already had one example today of a Bill placed before this House for consideration and passing which manifestly contained a mistake in drafting. The mistake was put right rather quickly. Honourable Members of this House had no chance to consider the implications of the changes made, and the Bill has now passed through this Honourable House. I am afraid, Sir, that in the short time that remains between now and the 15th March the Select Committee will need to put on all their thinking caps and to give this matter very urgent consideration if they are going to put on the statute book a Bill which is worthy of being a statute. I hope, Sir, that the Commerce Member will not take my remarks in this connection amiss, but it is extremely necessary that in giving wide blanket powers of this nature to the administration, powers which will need to be interpreted by a mass of officials from the top to the bottom, which will need to be interpreted by various departments consisting only, as is the custom of Government, of the water-tight compartments of their own departmental work—in all those circumstances, Sir, I do suggest that a measure of this sort should have received very much more consideration. I would in fact have been very much more comfortable in my mind if a Select Committee motion had come from the Government side and had come, not within a fortnight or so of the expiry of the emergency legislation, but something like six months beforehand.

Sir, I move.

**Mr. Deputy President:** Amendment moved:

"That the Bill be referred to a Select Committee consisting of Sri R. Venkatasubba Reddiar, Mr. B. P. Jhunjhunwala, Shri D. P. Karmarkar, Sjt. N. V. Gadgil, Rai Bahadur D. M. Bhattacharya, Mr. Hafiz M. Ghaznafarulla, Mr. Muhammad Nauman, Mr. Mohammad M. Killedar, Mr. Leslie Gwilt and the Mover, with instructions to report by the 15th March 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): Although this Bill seems to be a very small Bill, as I listened to the speech of my Honourable friend Mr. Lawson, I immediately understood its extreme importance. Mr. Lawson was rather displeased with the fact that this Bill leaves power with the executive practically to control the foreign trade of this country. When an Englishman in India becomes nervous of power being granted to the executive, the Indian must look into that question more deeply than would have been otherwise the case. I consider that this Bill is essential. Assume for the sake of argument that if this Bill is not passed into an enactment the position would be approximately that this country will be on the footing of free trade. Now, what will be the consequences of such a situation. During the course of the last six years—I do not take into consideration for the time being the period prior to that—many new industries have come into existence and many old industries have found their feet. Many others have expanded. All that had enured to the benefit of this country and if we are not to take advantage of this, no method is better calculated to do this than not to have any Bill of this character. I know the dangers of investing the executive with powers but not powers of this character. Especially when we have a Government with a completely national outlook, I must expect that Government to look not only merely to the consumers' interest of the day but to the larger interest of the country from the point of view of industrial expansion. I know that a few weeks hence there is going to be an international trade conference but I have not the slightest doubt that whatever may be the position of our country there, it is not going to be prejudiced in

any the least but on the other hand I think and I am assured by the Honourable the Commerce Member that the passing of this Bill will strengthen the hands of our delegates at that international trade conference. During the last six years, foreign trade has practically been under 100 per cent. control. Now, if that control is to be removed on the assumption that we want to revert back to the old economy, even then it has got to be removed gradually but if we want to consider whether our own country should not revert to the old policy in the matter of foreign trade but in view of the experience gained during these six long years of war and the additional 18 months thereafter, if we are convinced after mature consideration that if not in all, at least in the case of some commodities the foreign trade must be a State monopoly, I think it is a question which deserves consideration at the hands of members of the Select Committee. The period that is contemplated by this Bill is a period of three years. I have no doubt that these three years will ultimately lay the foundations of India's foreign trade and knowing this important aspect of the whole question only a Commerce Member who is in Bedlam will alone venture to remove all control and allow free economy to work itself probably to the disaster of this country. I am even willing to concede that those who have been in charge of this business during the last six or seven years have not done very well. They may not be qualified, as was suggested by my friend Mr. Lawson but that is no argument to show that the machinery as has been visualised in this Bill is not good enough and not in the best interests of this country. I just try to think out what will be its effect so far as the internal trade and economy of this country are concerned and what will be the effect of this Bill on the foreign trade.

Now, coming to the first point, I think that it must have been extremely difficult for those who have worked the control scheme to allot export or import licenses and I have heard innumerable complaints, some of them I have passed on to the Honourable the Commerce Member and he must have also received quite a large number. All is not well in the control department. But that does not mean that we must remove it because we know the consequences of a wholesale removal. I will therefore suggest in view of the experience gained so far whether it would not be better for the Government to have a monopoly of the foreign trade. I know that in the political context today this may be considered, I should say, a very bold suggestion but at any rate I claim that it deserves to be studied and given further consideration. Just imagine the problems that arise so far as the internal trade is concerned. Why is that that those who happened to be in the trade before a particular date should continue to get the license and not others. In this democratic age, we are all against vested interests, whether inherited or acquired but here we are allowing them to function with the sanction of law. Would it not be better that either the whole thing should go or in the alternative, in the interest of efficient administration, in the interest of honest administration and in the interest of justice also, the whole foreign trade should become a state monopoly. If we are out for a big programme of industrialisation and if today we do not plan and visualise what will be our requirements and if we allow, by removing all sorts of control, the import of consumers goods, the industries which have just come into existence on account of the war or those which have just found their feet will be adversely affected. I know this question is also related to another big question, namely, whether we shall have free trade or protection. And it is because I know that this question is involved that I am very anxious that the members of the Select Committee ought to go into this question more carefully. If other countries in the west have built up their industries behind the shell of protection and behind high tariff walls, what is wrong if India has followed or continues to follow that policy? In fact, there is greater reason why India should follow it more rigorously than it did before because it has been stated in the proceedings of the Preliminary Conference that the object of the international trade must be to raise the standard of living and to find

[S<sup>r</sup>. N. V. Gadgil]

full employment and thereby secure world peace. If the object is so great and so laudable, I want to understand how in India the policy of full employment is going to succeed unless India enters on a big scale on a policy of industrialisation. If industrialisation is to be achieved, it cannot be achieved unless there is a sort of protection whereby the Indian industries, the national industries, will be protected. Now, what will actually be the measure of protection and what industries should be started in India? Whether we should follow a policy of autarchy and economic self-sufficiency or whether we should follow a policy with some modification *viz.* the policy of having industries on the basis of comparative cost, is a matter on which I am not dogmatic, but it is certainly a matter on which every one of us should concentrate and think out what is in the best interests of this country. But that will certainly take time. If that is so, will it be prudent to give up the power that the present Government has and allow things to go on with the result that a situation may come in which it will practically become impossible for Indian industries to start or even to expand? It is not a question now to prejudice any other bigger question, but certainly, I think, this Bill is brought with the intention that there must be enough time for this country, at least a period of three years, during which a well thought-out plan of industrialisation can be worked out and can be put into practice. If that is done, I do not see why any Member should object to it.

**Mr. C. P. Lawson:** May I interrupt the Honourable Member for a minute? I think he may have misunderstood me. I have not argued against tariff protection. In fact, I have done quite the reverse. I have said that tariff protection is the correct and the right way of protecting indigenous industries. All that I have suggested to the Commerce Member is that he should consider whether protection by prohibition is a correct method.

**Sjt. N. V. Gadgil:** I am glad that my Honourable friend Mr. Lawson also stands for protection. But what I am making out is this. Even for that protection, you must give Government some time to think out, and if the Bill is not passed, there will be no time and, as I said, a situation may develop in which the prospects of Indian industries will be greatly prejudiced. It is with that point of view that I support the reference to the Select Committee.

**Shri D. P. Karmarkar** (Bombay Southern Division: Non-Muhammadan Rural): Sir, if I rise at this stage in the discussion of the motion as it stands before the House, it is with the idea of inviting attention of the House to one or two factors which, to my mind, appear to be important in the consideration of the Bill. Now, the Bill is a very short one and it is a very innocent looking one, but like a sharp-edged sword, in its administration it can be used either well or ill. In so far as I was able to follow the discussion that has proceeded till now, one of the ways in which this weapon could be used is to afford protection to nascent Indian industries. Now, Sir, as it strikes me at the present moment, we are passing through a very abnormal situation, the abnormality having arisen on account of the very serious after-effects of war. The export and import restrictions that were imposed during the time of the war were, I think, imposed with a view to the assistance of the war effort. Now, if we ultimately consent to a measure like this being placed on the Statute book, it will be with the idea of strengthening the economic measures that may be necessary for readjustment of national economics in view of the abnormal conditions that now exist. And one of the abnormalities is the rising spiral of higher prices. Now, it occurs to me that, judged from one point of view, an unnecessary imposition of a control on imports might, at first sight, seem as if it is a protection to Indian industries. At the same time, I feel that if this import control were to be exercised in a manner not very proper, it might protect the Indian industries without helping the price situation in any manner. I might take an illustration or two just to make myself clearer. Take, for instance, paper. If we set down our foot on the import of larger quantities of paper, it might well



help the internal paper industry. But with very great pain I happen to know that, taking advantage of the abnormal situation created on account of the war, some of those who are responsible for the production of the paper industry have largely exploited the situation at the cost of the consumers. I also have reason to believe and on the authority of a very distinguished public worker, especially in the field of labour, Mr. Khandubhai Desai of Ahmedabad, that producers of cloth in this country have greatly exploited the situation by taking to methods which have resulted in a very great exploitation of the consumer population of this country. Now, Sir, when we consider a situation of that kind, one is tempted to feel whether, even at the cost of a little loss to our internal industries, it would not be really worth while to encourage imports of commodities which are produced in our country in order to ease the situation of the price levels in the country? Then, again on other grounds in order to ease the price levels in different directions,—take commodities like colour—we should consider whether it would not a very wise thing to give a large margin for the import of colour, a commodity which, for the time being, is not yet a great success in our country. Now considered as a whole it all depends upon as to how you exercise import control. It depends upon the wisdom or unwisdom of exercising control in respect of correcting the price level as it is at present.

One of the things that disturbed me while listening to the observations of the Honourable Member in charge of the Bill was when he gave in support of this Bill a reason that certain number of war surpluses have to be liquidated and if we allow a little of relaxation in importing such articles as we have on hand, then it might, I fancy, according to his logic result in losses 5 P.M. to Government. I would not worry at all under the present circumstances of anything incurring loss to Government. We are not merchants, we are not hoarding our stock. If on account of greater imports, we suffer a little loss, let us make it up by legitimate taxation, by putting taxation on shoulders that can bear it. Let us not encourage any measure that will strengthen the already dangerous inflationary tendency in prices. Let us treat ourselves as on a level with all others that we see in the market, and let us not for one moment think of giving artificial price to the goods that we are holding with a view to preventing any loss. In my humble opinion that would not be a very sound way either from the point of view of principle or from the point of view of expediency.

Then again my definite suggestion would be that it would be well to have a double safeguard in respect of imposition of these controls. One of them would be that in all matters connected with the initial supply of goods, we should liberalise our policy of importing as many goods of that kind of which we have no adequate supply in the country even though such a relaxation in our import control may perhaps mean that our own people will not amass that much of fortune which they might otherwise amass. That would be one point. Secondly in the manner of administering the control, one has to be very careful to see that we are supporting Indian interests and no other interests at the sacrifice of our interests. I am told, I am speaking subject to correction that very recently an American firm which does the work of importing films from America—it is the case of one of those "(India) Limited" concerns which have come into this country,—this American film importing agency has been given preference over the heads of persons who have been doing such sort of business in this country at very great risk even from times before the war. This American firm has been given preference to import films from America. I would cite that as an instance. I strongly urge that in granting import licences, this fact ought to be borne in mind that whatever advantage is to be given should be given to indigenous industry. We should not go on creating new sources of exploitation at the hands of outsiders. With these observations I content myself at the present moment.

[Shri D. P. Karmarkar]

If the Honourable Member who moved the amendment for referring the Bill to the Select Committee would agree to it, I should like to suggest the addition of the name of one of the Honourable Members of the House connected with trade, and who in my opinion has devoted some good attention to this question, I refer to my Honourable friend to my left, Mr. Vadilal Lallubhai, not because he is most proximate to me, but because I think his presence would be an advantage to the interest which is served by this Bill. With these observations, I support the Motion for reference of the Bill to the Select Committee and move:

"That the name of Mr. Vadilal Lallubhai be added to the Select Committee."

**Mr. Deputy President:** Amendment moved:

"That the name of Mr. Vadilal Lallubhai be added to the Select Committee."

The motion was adopted.

**Shri Satya Narayan Sinha** (Darbhanga cum Saran: Non-Muhammadan): I move:

"That the question be now put."

**Mr. Deputy President:** The question is:

"That the question be now put."

The motion was adopted.

**The Honourable Mr. I. I. Ohundrigar:** Sir, as the Bill is going to the Select Committee, I shall make only a few observations. One of the points raised by Mr. Lawson was that in section 188 of the Sea Customs Act of 1878, the Bill proposes to substitute the word 'may' for 'shall'. He wanted to be assured as to what would be the effect of that amendment. I think the effect of that amendment is perfectly plain. The effect is that it is for the officer ordering confiscation of the goods to decide whether he should give the owner of the goods the option to pay in lieu of confiscation such fine as the officer thinks fit. The option was, I may say, already there in an indirect form. If the officer wanted that the goods should not be returned to the person concerned, he could impose a fine considerably in excess of the price of the goods confiscated. He could then still give the person concerned, the option to have the goods confiscated or to pay a heavy fine, and keep the goods. The power was already there in this indirect form. The Government now desires to put it in a clear form. They say naturally that everything should depend on the merits of the case. If the offence committed is of a serious character, the officer who adjudges the case might decide to confiscate the goods and not to give option to pay a fine. On the other hand, if the case is of a less serious character, the officer may give the importer the option to pay a fine. The other thing which the Honourable Member wanted to be cleared up was about sub-section 8. Sub-section 3 gives power to the Central Government, by order published in the official Gazette, to prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported into British India. Now, Sir, Mr. Lawson tried to make out that this provision was introduced during war because there was only limited storage accommodation available, and stores intended for shipment could not be easily stored at the ports. You know very well that the shortage of storage accommodation is still there. We desire that the storage accommodation we have should be available for goods meant for this country and that is why it is necessary to continue the powers under sub-section (3).

Another point which was made by Mr. Lawson was that the Bill proposes to give what might be called blanket powers to the executive to pass any orders which they like regarding restrictions on imports and exports. I never heard of a legislation of this character putting down everything in the statute book and not giving authority to the executive to pass such orders as may be required from time to time.

Probably Honourable Members may be aware that there are thousands of items on the import and export side, and no one would expect Government to come to this House every time they want to remove restrictions on the import or export of a particular article with an amending Bill. If that is not to be done, the only way is to give powers to the executive to decide from time to time what changes are to be made, how far in view of changed conditions the restrictions on imports and exports could be modified and how that is to be done. Therefore so far as powers for the executive are concerned, I think this is particularly a piece of legislation which cannot be useful without these powers being given. I may also remind the Honourable Member that in his own country these powers are vested in the executive and we do not find the British Cabinet going to the House of Commons and the House of Lords to have every amendment passed. That would make the Act entirely unworkable.

The next point raised by him was that powers for controlling imports are being used indirectly—if I may say so—for protection of industry. Now before a tariff inquiry is complete and before the Tariff Board makes a recommendation for the measure of protection to be given to a particular industry, certain orders may be passed under this Act prohibiting or restricting imports. I want the House to realise what the position would be. Supposing there is an industry in the country and it is found to have been a useful industry during the war and was even encouraged by Government, and that industry makes an application to Government for protection. The inquiry for protection would naturally take some time, and pending the inquiry there may be a threat of dumping from foreign countries which would completely paralyse this industry. Is it the intention of the House that Government should have no powers in the interval to restrict imports until the report of the Tariff Board is complete, for the purpose of protecting this industry in the meanwhile? Therefore, as I say, occasions do arise when such powers have to be exercised, though I would agree with Mr. Lawson that such powers should not be exercised every now and then without fully considering the effect of the restrictions on imports and without carefully considering the requirements of the consumers in the country and also of the industry to withstand competition. But if after a full inquiry Government are satisfied that it is necessary to utilise these powers for the interim period I think it may be necessary to do so.

Then Mr. Lawson mentioned that now there is such a great shortage of goods all over the world that it is not a question of our country exercising the option as to what we are going to buy; we have got to take what they can offer. I think he must be aware that there are certain commodities which have actually been imported into India in very large quantities. As an illustration I will mention the case of fountain-pens and of art silk. Complaints have been received that when Government removed the restrictions on import of these articles, imports in excess of the country's requirements have taken place. The question will arise whether the exchange which we are going to utilise for importing these commodities, which are no longer in short supply here—should not be utilised for importing other articles which may be more necessary from the point of view of Indian economy. And that also is an aspect which will have to be considered by Government in dealing with this matter.

That in brief is my reply to the points raised by Mr. Lawson. There is only one point raised by my Honourable friend Mr. Karmarkar to which I shall give a short reply. He took objection to my mention of the liquidation of war surpluses. I want to remind him that I never mentioned—either directly or indirectly—the question of loss which Government may have to suffer by realising a lower price. But supposing you find that you have large surplus of a particular commodity, should you utilise your exchange for the purpose of importing the same commodity? It would be merely for the purpose of avoiding unwanted goods coming into the country that these powers would be exercised.

Sir, as the Bill is going to a Select Committee all these points will be fully considered there when it is under discussion.

**Mr. Deputy President:** The original motion was—

“That the Bill to continue for a limited period powers to prohibit or control imports and exports be taken into consideration.”

To this an amendment has been moved—

“That the Bill be referred to a Select Committee considering of Sri Venkatasubba Reddiar, Mr. Jhunjhunwala, Shri D. P. Karmarkar, Sjt. N. V. Gadgil, Rai Bahadur D. M. Bhattacharya, Hafiz Ghazanfarullah, Mr. Nauman, Mr. Killedar, Mr. Leslie Gwilt, Mr. Vadilal Lallubhai and the Moyer, with instructions to report before the 15th March 1947 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**The Honourable Mr. I. I. Chundrigar:** Sir, as I said, I would be prepared to accept reference to Select Committee if the date was sufficiently short. If the Mover accepts the 5th March for submission of the report I will accept the motion.

**Mr. C. P. Lawson:** I am quite prepared to accept that if Government think they can get through the work of the Select Committee in that very short period. I have already pointed out that the work of the Committee on this Bill will be or should be very considerable. The Honourable Member may consider whether it is not better to leave the date as the 15th March because the report is to be submitted before that date; and I am quite certain that the report will be ready before that time.

**The Honourable Mr. I. I. Chundrigar:** Sir, I am prepared to leave it at the 15th.

**Mr. Deputy President:** The question is:

“That the Bill be referred to a Select Committee consisting of Sri Venkatasubba Reddiar, Mr. B. P. Jhunjhunwala, Shri D. P. Karmarkar, Sjt. N. V. Gadgil, Rai Bahadur D. M. Bhattacharya, Mr. Hafiz M. Ghazanfarullah, Mr. Muhammad Nauman, Mr. Mohammad M. Killedar, Mr. Leslie Gwilt, Mr. Vadilal Lallubhai and the Mover, with instructions to report before the 15th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

### RESERVE BANK OF INDIA (AMENDMENT) BILL.

**The Honourable Mr. Liaquat Ali Khan (Finance Member):** Sir, I beg to move:

“That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration.”

This is a very simple Bill of which the purpose has been clearly stated in the Statement of Objects and Reasons. When the Reserve Bank of India Act was passed in 1934 Burma was a part of India; and in the constitution of the Bank due provision was made for a Burma share register and representation of the Burma share-holders in the Central Board of the Bank. When Burma was separated in 1937 it was considered desirable that the Reserve Bank of India for a period of three years should continue to do the work of currency and coinage of both India and Burma. Unfortunately the war intervened between then and 1940, when the three years expired, and therefore that arrangement continued. Now the Burma Government have given notice that they want to have their own arrangement for currency and coinage from the 1st of April 1947, and consequently it has become necessary for us to make necessary amendments in the Reserve Bank of India Act.

There is only just one thing which I might mention. Though originally there was a Burma Register provided in the Act for the shareholders in that country, now what is proposed is that that should be closed and the post of

one Director that was allotted to Burma should be given to Madras which has only one Director on the Board of the Reserve Bank of India today, it is really a consequential amendment which we have to make in our law because of the decision that the Burma Government have taken to have a Board of their own for the purpose of currency and coinage. But in view, however, of Burma's decision to use over-printed India notes and India coins till such time as that country is in a position to introduce her own, no financial adjustment of budgetary nature is necessary. Later on we will have to make some adjustment between India and Burma with regard to this matter. It is rather a complicated affair and when the time comes necessary adjustments will be made. Sir, I move:

**Mr. Deputy President:** Motion moved:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): I should like, if I may, the Finance Member to tell us if it is possible to adjourn consideration of this particular matter for some time. The historical relations between Burma and India have been of a complicated nature.....

**Mr. Deputy President:** The Honourable Member has said that the Burma Government want to have their own currency from the 1st of April 1947.

**Shri Sri Prakasa:** ...as well as of an intimate nature. I am thinking of June 1948, when we expect the liquidation of the British Empire, and then I should like to know how Burma would like to stand in the scheme of things. We all know, Sir, that when Burma was forcibly annexed by the British in the eighties there were loud protests; and if I am not mistaken the Indian National Congress which met that year resolved solemnly against this move on the part of Britain. Then again when Burma was forcibly separated, we in India felt that that was a wrong move, because during this half a century close relations had been established between Burma and India. But the British Government has always had their own way: first in annexing that unfortunate country as a province of India, and then in separating it. Now I feel that instead of acting under the Government of India 1935, which will disappear *ipso facto*, I take it, in June 1948, we ought to wait, and ask the Burmese Government not to precipitate matters, but to keep on those links with India at least that still exist, because I envisage a great deal of complication and even danger in the situation as it is bound to arise after June 1948.

India will need the support, the co-operation and the friendship of many countries, and particularly countries that adjoin our borders. I think that it may be possible then to influence Burmese opinion that they may keep up their relations with us, and the relation of money is an important relation. Though I am no lover of the Reserve Bank of India and though I would very much like it to cease its operations in India itself as it is seeking to cease its operations in Burma, and though I think that the establishment of the Reserve Bank of India has been a source of unmitigated disaster to us, still, as things are, I cannot help feeling that our Finance Member need not hurry up matters at all. If the Burmese Government want to do something it is not incumbent upon us to follow in their wake and oblige them. I do think that regard being had to the situation as it may develop in the immediate future, the Government of India should go slow and see to it that things do not become worse than they already are. In any case we need not actively ourselves help other countries which can be connected with us to separate from us. When there is such a vital necessity for most of us in the East to hold together.....

**Mr. Muhammad Nauman** (Patna and Chota Nagpur cum Orissa: Muhammadian): They do not want to hold together.

**Shri Sri Prakasa:** I do not know what authority my Honourable friend has to say that Burma does not want to be with us. I am not quite sure that the plebiscite that was taken in Burma was an honest one.

**Mr. Muhammad Nauman:** Burmese riot against Indians.

**Shri Sri Prakasa:** We know how things were manipulated at that time. In any case if Burma does not want to be with us, Burma can go out. Why need we say: 'you go out'. If they want to use their own currency, let them use it; nobody can force them to import our currency. They do not use our stamps for instance; they have their own stamps. They have for all intents and purposes become a foreign country so far as postage rates are concerned. In the matter of currency also they can go their own way.

Sir, I do not pretend to understand the intricacies of finance and I am almost amazed at the celerity with which our Finance Member has started understanding all these complicated financial problems. But I do think that he need not be in a hurry at all to separate Burma from himself; and if he can keep Burma united with our country with the help of his position as our Finance Member, I think he should.

**The Honourable Mr. Liaquat Ali Khan:** Sir, I have full sympathy with my Honourable friend. But I would just like to remind him that Burma today has got a similar type of representative Government as India has. In Burma today those who are in charge of the affairs of that country are the representatives of the people of Burma and it is at the request of the Burma Government that they want to have their own arrangements from 1st April 1947.

**Shri Sri Prakasa:** Why 1st of April particularly?

**The Honourable Mr. Liaquat Ali Khan:** I am very glad, Sir, that my Honourable friend should put to the Leader of the Burma Government. I am not in a position to answer that except that the 1st April generally begins as the financial year in practically all countries where democratic parliamentary institutions are working.

**Shri Sri Prakasa:** On that day all Parliaments are made fools of!

**The Honourable Mr. Liaquat Ali Khan:** I am very glad, Sir, that my honourable friend is a Member of Parliament!

I was only saying that from the 1st April the Reserve Bank will have no function to perform and therefore we thought that it was necessary that those clauses which referred to Burma should be amended. I assure him that it is not my desire to push Burma out of any friendly relationship that it may have with India. But you cannot keep people by means of force to be your friends. In spite of the severance of connection in regard to currency and coinage, I have no doubt that our friendship with Burma will remain as strong as it has always been.

**Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan):** What if it ceases?

**Mr. Deputy President:** The question is:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The motion was adopted.

Clauses 2 to 27 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. Liaquat Ali Khan:** Sir, I move:

"That the Bill be passed."

**Mr. Deputy President:** The question is:

"That the Bill be passed."

The motion was adopted.

## RAILWAYS (TRANSPORT OF GOODS) BILL

**The Honourable Dr. John Matthai** (Member for Railways and Transport):  
Sir, I move:

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, as reported by the Select Committee, be taken into consideration."

There are two kinds of alterations which have been made by the Select Committee in the Bill which I presented to the House. The first relates to minor alterations in the Schedule, including a few additional articles and amplifying certain terms used in it. But the main change which has been made by the Select Committee is the introduction of a new section—Section 6, which reads:

"The Central Government may from time to time by notification in the official Gazette amend the Schedule so as to include therein goods of other descriptions or exclude therefrom goods of any description or vary in respect of any description of goods the conditions set out in the third column of the Schedule; and thereupon the Schedule shall have effect as if it had been so enacted."

The point of this section is that since the Schedule was published a large number of representations have come pouring in suggesting various additional articles to be included in the Schedule. We felt that rather than accept these applications, probably the most convenient course would be to vest in the Central Government authority either by general or special order to include other articles which require priority. With the addition of this section the position practically is this. The present machinery will more or less continue to function on the existing basis. The present organisation which consists of five Regional Controllers and a Central Controller at the Headquarters of Government would continue for the time being and also in regard to the granting of priority the system followed now will more or less continue. If transport conditions improve within the next few months, then the Bill would provide a measure of flexibility so that the organisation can be curtailed when the need for control dwindles or ceases. Two or three amendments I think have been proposed today of which I have received notices. I would ask the Honourable Members concerned not to press them because it is in order to meet amendments of this kind that we have introduced this new section. When the Select Committee met a fortnight ago they had a very large number of such amendments and they were withdrawn on the undertaking that a provision of this kind would be introduced into the section. That is all I wish to say at this stage.

I move that the Bill be taken into consideration.

**Mr. Deputy President:** Motion moved:

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, as reported by the Select Committee, be taken into consideration."

**Mr. M. A. F. Hirtzel** (Bengal: European): There is only one question which I would like to ask the Honourable Member. I understood him to say that the present system would continue in force "more or less". I understand him to mean by that that the machinery as such will remain in force for the time being and as long as it is necessary. His qualification of "more or less" relates to the types of traffic which will receive priority which will possibly be affected by the Schedule. But I was not quite clear as to what the Honourable Member's qualification "more or less" implied: whether it implied anything substantial or not.

**The Honourable Dr. John Matthai:** What would happen is this. If there are any articles in respect of which priority is required and a representation is received by the Central Government regarding them, the Central Government, if the circumstances justified, would grant priority and then it is conceivable that you might reach a position where the system of priorities might approximate to the present arrangement.

**Mr. Deputy President:** The question is:

"That the Bill to confer for a limited period special powers for regulating the transport of goods on railways, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Vadilal Lalubhai** (Ahmedabad Millowners' Association: Indian Commerce): I have an amendment each for Clause 2 and the Schedule.

**Mr. Deputy President:** Let me see if the Honourable Member in charge has any objection.

**The Honourable Dr. John Matthai:** I received it only a little while ago. I cannot accept it.

**Mr. Deputy President:** The Honourable Member has objections. I am afraid it cannot be moved.

**Mr. Vadilal Lalubhai:** I hope you will give me a chance of saying a word. If the word "maize" is not added it goes out of the Schedule for grain. I think it ought to be included.

**Mr. P. J. Griffiths** (Assam: European): The omission may be very unfortunate. But we have had no notice of it.

**Mr. Deputy President:** The notice has come late and it is not for the Chair to allow it if objection is taken. It is provided in the Standing Orders that such objection shall prevail. Therefore there is no option to the Chair.

The question is:

"That clauses 2 to 6 do stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

**Mr. Deputy President:** The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Dr. John Matthai:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Deputy President:** Motion moved:

"That the Bill, as amended, be passed."

**Mr. Vadilal Lalubhai:** Sir, at the stage of the third reading of the Bill I would draw the attention of the House to the fact that we have defined the Indian words such as *hajra*, *jowar*, etc., but we have failed to provide for the transport of maize which is an important foodstuff and a grain. I think if this House does not rectify this mistake, the Bill will not be complete. Therefore I would wish that we unanimously agree to add the word 'maize' in the definition of grain.

**Mr. Deputy President:** I am afraid it is not a consequential amendment. A consequential amendment means that something has been left out, which after the amendments it is necessary to add or delete. What the Honourable Member is suggesting is a substantial amendment and not a consequential one and I am afraid it cannot be allowed at this stage.

**Mr. Vadilal Lalubhai:** Sir, I would like to know what is going to happen to the transport of maize.

**The Honourable Dr. John Matthai:** It is possible by taking action under Section 6, to meet the Honourable Member's point.

**Mr. Deputy President:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.



## TRADING WITH THE ENEMY (CONTINUANCE OF EMERGENCY PROVISIONS) BILL

**The Honourable Mr. I. I. Chundrigar:** (Commerce Member): Sir, I beg to move:

"That the Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property, be taken into consideration."

The object of the Bill is fully explained in the statement of objects and reasons and it is necessary for Government to retain these powers for some-time more for the purpose of regulating our relations with ex-enemy countries. The Bill also relates to the properties of these powers and their nationals in British India.

**Mr. Deputy President:** Motion moved:

"That the Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property, be taken into consideration."

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, could the Honourable Member tell us who are his enemies? This particular Bill was not circulated to us. We did not expect that this Bill would be reached today. I am rather interested in knowing who my enemies are, because I have no enemies; and it was definitely declared when England declared war in 1939, that India has no enemies and that India had no part of lot in that war. Now simply because an Interim Government is in power, to recognise all England's enemies as our enemies and all England's friends as our friends would be to wipe out of history the events of the last six or seven years. So long we were in the condition of the French serf of mediaeval times, who had to put his hands on the hands of his feudal lord and say: "Your enemy shall be my enemy and your friend shall be my friend". We in India have always been objecting to that status; and now that that status is definitely changing, at this stage for our Government to declare to the various countries in the world that we regard them as our enemies, is I think not only most improper but positively dangerous. I do not think it would be right for this House today to implement all that the last Government had done. I definitely think it would be dangerous. We today, Sir, are in a position to declare that we have no enemies, that India, as such, was not at war with any country.

It was the representatives of those very parties sitting in power today who made these declarations; and solemn declarations they were. For the representatives of those parties, as members of the present Government to come out and say that they recognise England's enemies in the last war as their enemies also would, I submit, be a risky thing; and I enter my protest against this procedure, because of two considerations. At that time we were under, what we regarded, a foreign bureaucracy; and we felt that we were being forced to join a war officially, with which we had really nothing to do. If the Honourable Member is serious about continuing certain provisions of the so-called Defence of India Rules and if he really thinks that that would be in the best interests of the country, I should certainly request him most earnestly not to use this word "enemy". He may use any other word. To use this particular word would be fatal. You can use the words "foreign countries". I wish I had that Bill before me and I would certainly have made suggestions; but I fear that it may be too late if I move any amendments now. I might be ruled out of order, as I did not give notice in time. The Honourable Member has only to say that he objects to them and you will be, under the Standing Orders, as you yourself said just now, compelled to ask me to sit down. Therefore I would suggest to him in all humility that he should not regard any peoples in the world as our enemies.

[Shri Sri Prakasa]

I say this also because I think we are in for a very delicate and dangerous times and that brings me to my second point. I am not looking forward to the declaration that has been recently made on behalf of His Majesty's Government in any lighthearted manner. I regard it full of meaning and full of import. Unless we recognise the responsibilities of complete freedom that are coming upon us we might be in for trouble. We shall need all the help we can get from other countries in the difficult days that lie ahead. We can continue to regard them as our enemies only at our peril. I do think that my words will not be lost and that though two important Members of the Government, the Commerce and Supply Members, are in close converse with their whip at the moment and although they do not seem to be listening to me at all, still I hope that they will realize the importance and the implication of what they are doing and listen to my advice before it is too late.

**The Honourable Mr. I. I. Chundrigar:** Sir, I might explain to my Honourable friend that by using the word 'enemy' we do not mean to convey that we are at war with anybody or that we desire to be at war with anybody. Rightly or wrongly there was a word 'war'.

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): Very much wrongly.

**The Honourable Mr. I. I. Chundrigar:** Naturally. And in that war countries were ranged on one side or the other. Properties of some nationals of ex-enemy countries were in India while our nationals also had properties and assets in ex-enemy countries. There has been destruction on both sides. Relations with these ex-enemy countries have got to be regulated, and it is only for this purpose that action is being taken.

Another point to be kept in view is that we cannot deal directly with certain countries because they are under military occupation. We cannot overlook actual position in those countries. Therefore some sort of legislation is necessary. I can assure my friend that by using the word 'enemy' there is not the slightest intention of having inimical feelings towards them or waging any war on them.

**Shri Sri Prakasa:** Can we not use another word and avoid this word at this stage?

**The Honourable Mr. I. I. Chundrigar:** We are continuing certain provisions of the Defence of India Act and Rules and also of the Emergency Powers (Continuance) Ordinance of 1946. It would require a change of all these rules and regulations.

**Mr. Vadilal Lalubhai** (Ahmedabad Millowners' Association: Indian Commerce): We have not had enough time to consider this Bill.

**Mr. Deputy President:** I do not know whether the Honourable Member was present in the House when the Honourable the President informed the House that certain Bills could not be printed and circulated and only a few copies were obtained by cyclostyling. They were placed in the Notice Office and he asked Honourable Members who desire to have copies to take them from there. The Honourable Members who had any interest got the copies and studied the Bill. This was also laid on the table from the morning. It was available.

**An Honourable Member:** It was given at 4 O'clock.

**Mr. Deputy President:** The President had announced that the copies were available and if any member wanted he could take it. Now, the Honourable Member has spoken and the debate is finished.

**Mr. Vadilal Lalubhai:** If the Honourable Member agrees we can continue the discussion on the next day.

**Shri D. P. Karmarkar** (Bombay Southern Division: Non-Muhammadian Rural): Without disturbing anything I would suggest very respectfully that in the definition it may be said that 'enemy' so far as the purpose of the Act is concerned shall mean the enemy of British imperialism.

**Capt. G. T. B. Harvey** (Madras: European): Would not most susceptibilities be protected if the inverted commas which surround the word 'enemy' in the 'Objects and Reasons' were inserted where the word occurs in the body of the Bill?

**Shri Sri Prakasa:** The Honourable Member suggests inverted commas. But that will not invert the meaning.

(Babu Ram Narayan Singh rose in his seat.)

**Mr. Deputy President:** It is not the procedure that one member may speak and then the Honourable Member may reply to him and then other members may speak and the Honourable Member should reply. If anybody had got up I would have certainly allowed him to speak. But nobody got up. Then I asked the Honourable Mr. Chundrigar to reply. That means it is finished. The Chair is helpless when the Honourable Members do not get up in their seats. I am afraid it will be a very bad precedent.

**Shri Sri Prakasa:** Sir, if you will please continue to give your ruling for another four minutes, we shall be satisfied.

**Mr. Deputy President:** The question is:

"That the Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property, be taken into consideration."

The motion was adopted.

Clauses 2 and 6 were added to the Bill.

The Schedule was added to the Bill.

**Mr. Deputy President:** Clause 1.

**Shri Sri Prakasa:** Sir, the sting they say is in the tail in many instances. The sting here is in the Preamble.

**Mr. Deputy President:** But I am putting clause 1.

**Shri Sri Prakasa:** Then I will speak on that. I should like to draw the attention of the Honourable the Commerce Member to the wording of clause 1. In sub-clause (1) it is said: "This Act may be called the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947". I am very glad that the Honourable Member has assured the House that he has no inimical feelings towards any one. From the exceedingly friendly and hospitable nature of his own with which I am more than familiar, I can assure him that he too has no enemy. But when he told us that the word 'enemy' is used because that word has been used in the Defence of India Act, some of the provisions of which are being continued, I should respectfully like to point out to him that this is in the nature of a fresh enactment and that it is not at all essential that the word 'enemy' should be continued in this simply because it has been used in the Act which he seeks to continue with the help of this new Bill. I should therefore request him to sleep over the matter tonight.

**Mr. Deputy President:** Does the Honourable Member want to go on?

**Shri Sri Prakasa:** As you are bound to adjourn the House in another half a minute, Sir, I have sufficient capacity to continue for that half minute. Are you adjourning the House, Sir.

**Mr. Deputy President:** Yes.

**Shri Sri Prakasa:** Then I will continue on the next day.

**Mr. Deputy President:** The House now stands adjourned. I would like to remind Honourable Members that the House will meet at 5 O'clock in the afternoon tomorrow. It is not meeting in the morning.

The Assembly then adjourned till Five of the Clock in the Evening on Friday, the 28th February, 1947.