

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

Volume I, 1947

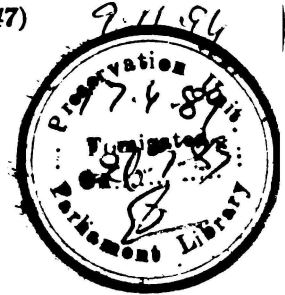
(3rd February, 1947 to 18th February, 1947)

THIRD SESSION

OF THE

SIXTH LEGISLATIVE ASSEMBLY

1947



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# LEGISLATIVE ASSEMBLY

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## *President*

The Honourable Mr. G. V. MAVALANKAR.

## *Deputy President*

Khan MOHAMMAD YAMIN KHAN, M.L.A.

## *Panel of Chairmen*

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

Sardar MANGAL SINGH, M.L.A.

Shrimati AMMU SWAMINADHAN, M.L.A.

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## *Assistant of the Secretary*

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Mr. HASAN MOHAMMAD KHAN.

Mr. N. C. NANDI.

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## *Committee on Petitions*

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Syed GHULAM BHIK NAIRANG, M.L.A.

Shri SRI PRAKASA, M.L.A.

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

Sardar MANGAL SINGH, M.L.A.

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# LEGISLATIVE ASSEMBLY

Friday, 14th 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

#### RECRUITMENT TO THE NEW NATIONAL ARMY.

**295. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please make a statement in the House on the present state of the Indian Army?

(b) What progress has been made during the year 1946 in the matter of recruitment to the New National Army?

(c) What was the total strength of the army on the 31st December 1946?

(d) How many officers and Non-Commissioned Officers have been recruited during the last year?

(e) Do Government propose to increase the scales of pay of all ranks thus encouraging recruitment to the Armed Forces?

**Mr. G. S. Bhalja:** (a) to (d). I assume, Sir, that the Honourable Member is referring to the strength of the Army and is not asking for a statement on all its aspects. On this assumption I would reply that recruitment to the ranks is on the whole satisfactory, in the majority of cases the recruits required having been obtained during 1946. The total intake of recruits was 24,800. The approximate strength of the Indian Army on the 31st December 1946 was 793,000, including non-combatants enrolled.

Non-commissioned officers are not recruited but are promoted from the ranks. Out of a total of 3,524 applications by Indian Emergency Commissioned Officers 1,282 were selected for permanent commissions up to the 1st December 1946. The recruitment of new officers has not yet been satisfactory. As regards applications from civilians for entry into the Indian Military Academy, 4,438 applications were received for the first three courses, out of which only 589 were found suitable for selection.

(e) The question of pay for the Army of the future is at present being considered by a Committee whose deliberations cannot be complete until the Pay Commission has reported.

**Mr. Manu Subedar:** May I know whether recruitment of the common soldier has completely stopped in view of the fact that Government are demobilising and also whether the recruiting agents who were paid heavy fees during the war have all been disbanded?

**Mr. G. S. Bhalja:** This question has been raised more than once on the floor of this House. I have explained that the Indian Army has been recruited on a voluntary basis and therefore all those who are due to be demobilised cannot be detained in the Army against their will. Again, Sir, there are regular wastages in the Army from year to year owing to various causes such as death and retirement and to make up these wastages recruitment has to proceed even in peace time on a regular basis.

**Mr. Manu Subedar:** Is it a fact that demobilisation is taking place of those soldiers were recruited during the war and who did good work and that new recruitment is going on in some other fields instead of those soldiers being

taken, because Government do not want this particular type of soldiers from Madras, Orissa and other places from where they were taken?

**Mr. G. S. Bhalja:** If the Honourable Member puts a specific question as regards the class of men who are being demobilised against their will and whether there is any place for their retention in the Army, I shall certainly answer it. The Honourable Member's question is too general to enable me to give a specific reply.

**Dr. G. V. Deshmukh:** Is there any communal principle applied in the case of recruitment, or the principle of classes such as martial and non-martial.

**Mr. G. S. Bhalja:** I have said more than once that the distinction between martial and non-martial classes, if there ever was any, has been abolished for ever. As regards communal representation, there is no such thing as a fixed quota for each community in the Army. But, of course, the Army comprises of men who volunteer, and care is taken to see that fair representation is given to the various communities.

**Mr. Ahmed E. H. Jaffer:** In view of the fact that Muslims are not receiving their proper share of representation in the higher ranks may I ask the Honourable Member whether he would consider the desirability of fixing a certain quota as they have in the Central Services, like 25 per cent?

**Mr. G. S. Bhalja:** No, Sir. As regards recruitment of officers, Government has never made the recruitment on a communal basis, and I do not accept the insinuation, or rather the suggestion, that the representation of Muslim officers in the Army is not adequate.

**Mr. Ahmed E. H. Jaffer:** May I ask whether it is a fact or not that in the matter of N.C.Os. and V.C.Os. the promotions and appointments have been on a communal basis, and, if so, why not for officers?

**Mr. G. S. Bhalja:** These are promoted officers. I must ask for notice, Sir.

**Sardar Mangal Singh:** May I ask the Government of India to assure this House that recruitment to the Army shall take place only on the criterion of merit so that the Army may be a good fighting machine and that no provincial or communal considerations should prevail in this matter?

**Mr. G. S. Bhalja:** We hope that in future the Army in India will excel the good name that it has earned in the past, and for that purpose merit and merit alone will be the criterion for appointments of officers.

**Mr. Tamizuddin Khan:** Will the Honourable Member be pleased to state what the policy is regarding the maintaining of purely communal fighting units—whether certain regiments are purely Sikh, purely Hindu, or purely Muslim?

**Mr. G. S. Bhalja:** That, Sir, is a different matter. There are certain units which for various reasons are composed of one community, for instance, for purposes of food, for religious observances etc., and these units have been composed on a communal or class basis; but there is no fixation of a quota as such for each community.

**Mr. Tamizuddin Khan:** Will the Honourable Member be pleased to state how many purely Hindu units, how many purely Sikh units and how many purely Muslim units there are?

**Mr. G. S. Bhalja:** I must ask for notice, Sir.

**Mr. Manu Subedar:** May I know whether Government have examined the scheme which the Honourable Member described? That was the scheme on which the previous Governments acted, namely, that they wanted to segregate the people by community. May I know whether this Government is examining the proposition that in future every unit will be mixed and will consist of Indians without any distinction?

**Mr. G. S. Bhalja:** Government will consider the suggestion, Sir.

**Mr. Ahmed E. H. Jaffer:** May I know from the Honourable Member whether it is a fact that the Members of the present Selection Board are appointed on a communal basis whereby there is not a single British officer on the Board?

**Mr. G. S. Bhalja:** I strongly repudiate the suggestion that the appointment of officers in the Selection Boards is made on a communal basis. I still more strongly repudiate the suggestion that any particular community has been deliberately kept out.

#### ASSETS OF INDIAN NEWS PARADE AND INFORMATION FILMS OF INDIA

**296. \*Seth Govind Das:** Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) whether it is a fact that the assets of the Indian News Parade and Information Films of India including equipment, studios, film negatives were sold by Government to a private concern;

(b) if so, the name of the private concern to whom they were sold;

(c) whether tenders were invited before this sale was finalised;

(d) the amount received by Government by this disposal and the amount spent by them in purchasing the equipment;

(e) whether any monopoly of making Information films is given to the concern to which these assets are sold;

(f) whether it is a fact that when the sale was effected circulars were issued to various Provincial Governments that they would receive the same concessions from the concern which has purchased the assets as they were receiving from the Government of India;

(g) whether it is a fact that no such concessions are being given by the said concern to the Provincial Governments; and

(h) whether it is a fact that Government are considering a proposal to revive the Information Films of India?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). All the equipment of the Information Films of India (including Indian News Parade) was sold by Government to a commercial firm, the Central Cine Corporation Ltd. Information Films of India possessed no studios of their own. No negatives were sold to this firm.

(c) No.

(d) Government received Rs. 1,66,371 from the sale of Information Films of India's equipment. The original cost of the equipment was Rs. 1,95,000, but the book value at the time of sale, after allowing for depreciation, was about Rs. 1,41,000.

(e) No.

(f) The Government of India were not giving any concessions to Provincial Governments when Information Films of India was functioning, nor was a circular issued as stated.

(g) Does not arise in view of (f) above.

(h) Yes.

**Seth Govind Das:** Is it a fact, Sir, that this equipment was sold by the previous Government and not by this Government?

**The Honourable Sardar Vallabhbhai Patel:** It is a fact that it was sold by the previous Government.

**Seth Govind Das:** Is it a fact, Sir, that the book value that was shown was not according to the market value but was the one after depreciation, and that



in reality the market value of the equipment was much more at that time than what is shown in the book value?

**The Honourable Sardar Vallabhbhai Patel:** The market value may have been more at that time. Much of the equipment is said to be old and in a bad condition. Mr. V. Shantaram, an independent film producer offered Rs. 1,15,000. The Central Cine Corporation now want Government to take it back, but we are not anxious to, as we can buy cheaper and better equipment in the market if the Information Films of India are revived.

**Seth Govind Das:** Are Government aware that recently the Central Provinces Government wanted this concern to take certain films in that province and they quoted exorbitant rates for the inquiry which the Central Provinces Government made?

**Mr. President:** How does this arise?

**Seth Govind Das:** With respect to clause (f).

**Mr. Ahmed E. H. Jaffer:** With reference to part (c), may I know the reasons why tenders were not invited before the sale was finalised?

**The Honourable Sardar Vallabhbhai Patel:** I understand that there was no time. The cut motion was moved in the Assembly and passed, after which there was not much time to ask for tenders.

**Mr. Ahmed E. H. Jaffer:** There was sufficient time, because the cut motion was passed in March.

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

**Shri Mohan Lal Saksena:** May I know whether inquiries were made from Provincial Governments whether they wanted this equipment?

**The Honourable Sardar Vallabhbhai Patel:** An offer was made by the Bombay Government after the contract was entered into. From that I infer that an inquiry was made.

**Mr. Ahmed E. H. Jaffer:** Was this equipment sold through the Disposals Directorate of the Government of India or was it sold directly by the Information Department?

**The Honourable Sardar Vallabhbhai Patel:** I think it was sold direct.

#### DOLLAR POOL

297. **\*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member be pleased to state whether Government propose to notify to His Majesty's Government India's intention to get out of the Dollar Pool?

**The Honourable Mr. Liaquat Ali Khan:** The termination of the Dollar Pool arrangements is one of the matters bound up with the Sterling Balance negotiations which are now proceeding.

**Mr. Mann Subedar:** Now that the sterling balances negotiations have proceeded some distance, may I know whether this particular item has not been disposed of, in view of the impending arrival of the date in July when this has to end and the preliminary arrangements which both Governments may have to make?

**The Honourable Mr. Liaquat Ali Khan:** As has already been stated the negotiations are of an exploratory nature.

**Mr. Mann Subedar:** If the negotiations are merely of an exploratory nature, by what process and when a decision on the question of India's place in the dollar pool, which we all want to end, will be taken?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I am hoping that the negotiations will be finally concluded in the near future.

**CONVICTION OF CENTRAL GOVERNMENT SERVANTS UNDER SECTION 161 INDIAN PENAL CODE (BRIBERY).**

**298. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable the Home Member be pleased to state the number of Central Government servants of all grades who were tried and convicted under Section 161 Indian Penal Code (Bribery) during the last five years?

(b) How many of those convicted were (i) Members of Indian Civil Service, (ii) the Indian Police, and (iii) Other departments of Governments?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). I have information only regarding the cases of bribery investigated by the Special Police Establishment during the last five years. The number of Central Government servants tried under Section 161 of the Indian Penal Code was 294, of whom 203 were convicted. Of those convicted, one belonged to the Indian Civil Service and the rest to other Services. No member of the Indian Police was convicted.

**FOREIGN PUBLICITY SECTION IN U. S. A.**

**299. \*Seth Govind Das:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state the amount that the Government of India are spending on the maintenance of Foreign Publicity Section in the United States of America?

(b) What is the reason for the continuation of this Section?

(c) In view of the anti-Indian propaganda carried on by this Section in the past, do Government propose to consider the advisability of replacing its personnel in the near future?

**The Honourable Sardar Vallabhbhai Patel:** (a) The budget provision for the Indian Information Services for the current year (1946-47) is Rs. 6,30,800.

(b) and (c). I am not concerned with what happened during the regime of the previous Government. As the Honourable Member is aware the first Indian Ambassador in Washington has now been appointed and Government would consider the future of this service in the light of such views as the Ambassador might formulate after he assumes charge.

**Seth Govind Das:** What are the qualifications of the present Director and Deputy Director of this section?

**The Honourable Sardar Vallabhbhai Patel:** I do not know the qualifications of the Director but I assume that Mr. Natarajan has considerable experience of journalism and was holding high offices in various papers.

**Seth Govind Das:** Before the present Government came into power, there was lot of anti-Indian propaganda and this section helped that sort of propaganda. Under these circumstances will Government consider the advisability of overhauling the whole section of foreign publicity?

**The Honourable Sardar Vallabhbhai Patel:** I believe the staff served the late Government loyally and they will serve the present Government as loyally as they served the previous Government.

**UTILIZATION OF STUDENTS AFTER TECHNICAL TRAINING.**

**300. \*Seth Govind Das:** (a) Will the Honourable Member for Education please state how many students sent abroad by Government at Government expenditure for technical training have up to now returned after completion of their studies?

(b) How do Government propose to utilize the valuable knowledge acquired by them?

آنریبل مولانا ابوالکلام آزاد : (اے) جتنے سسلر پار اسکالرز کو فورسٹلٹ نے باہر

بھیجا ہے ان میں سے کسی نے اسوقت تک اپنی تعلیم کو پورا نہیں کیا۔

(بی) جن لوگوں کو سسلر پر تعلیم کے لئے بھیجا گیا ہے توقع کی جاتی ہے کہ جب وہ واپس ہونگے تو مرکزی اور صوبائی حکومتوں کی طرف سے جن سے وہ متعلق ہیں ان کے لئے گزیتڈ پوسٹس نکالی جائیں گی۔ اور طرح طرح کے نقشے کامونکو آگے بھیلانے کے لئے بن رہے ہیں امید ہے کہ انکے آتے ہی ایسے کام نکل آئیں گے جو انکے لئے مناسب ہوں۔

**The Honourable Maulana Abul Kalam Azad:** (a) None of the Overseas Scholars sent abroad by Government have so far completed their studies.

(b) All the Overseas Scholars are expected to be employed on their return by the Central and Provincial Governments concerned in gazetted posts on some suitable work connected with the various plans of development.

سیٹھ گوبند داس : کیا سرکار یہ بتلانے کی کریا کریگی کہ جو لوگ اب تک

بھیجے گئے ہیں ان میں سے کتنے آدمی بہت جلد واپس آنے والے ہیں؟

**Seth Govind Das:** Will the Government please state how many of the scholars sent abroad are expected to return soon?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** Notice is required to answer that question.

**Shri D. P. Karmarkar:** Is the Honourable Member aware of the fact that in the case of some subjects, for instance, micro-films, there are no corresponding facilities in India for utilizing the services of the scholar after his return?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے بھی نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** Notice is required to answer this question also.

مسٹر صدیق علی خاں : کیا معزز ممبر یہ بتا سکیں گے کہ جسوقت طالب علم

سسلر پار بھیجے گئے تھے اُس وقت اقلیتوں کے لئے مقرر کردہ تناسب پر عمل کیا گیا تھا؟

**Mr. Siddiq Ali Khan:** Will the Honourable Member please state whether the ratio fixed for the minorities was taken into consideration when the scholars were sent abroad?

آنریبل مولانا ابوالکلام آزاد : مجھے ڈیپارٹمنٹ سے معلوم ہوا ہے کہ اس بارے میں

وہ ہی ریشیو رکھا گیا ہے جو کہ عام طور پر سروسز میں ہیں یعنی پچیس فی صدی۔

**The Honourable Maulana Abul Kalam Azad:** I have been informed by the Department that the same ratio, as is commonly observed in the services that is, 25 per cent. has been observed here also.

سردار منگل سنگھ : کیا مہربانی کر کے یہ بتلایا جائے گا کہ جو لوگ واپس

آئیں گے ان سب کو ملازمتیں دی جائیں گی؟

**Sardar Mangal Singh:** Will the Honourable Member please state if all the scholars who return from abroad will be provided with jobs?

**Sri V. C. Vellingiri Gounder:** I want your ruling on this point. I raised this point before. The Government Member may talk in Hindustani but the other members who know English should speak in English. I should like to have your ruling.

**Mr. President:** The matter requires further consideration so far as the position of the rules goes. The Honourable Member is aware that there was a suggestion in the form of a question in this House in the last session to amend the rules and that matter is under consideration. So, I do not think I should commit myself to this or that view, till a final decision is taken by this House as regards the language which is permissible.

**Sri V. C. Vellingiri Gounder:** May I submit, Sir, that until those rules are framed, a translation may be made of these supplementary questions and answers which are put in Hindustani?

**Mr. President:** That translation will be printed in the Debates.

آنریبل مولانا ابوالکلام آزاد : امید کی جاتی ہے کہ سب کو جگہیں دی جا سکیں گی۔ لیکن میں آپکی توجہ دلاؤں گا اس بیان کی طرف جو ابھی چند دن ہوئے پریس کانفرنس میں میں نے دیا تھا اور دیہارنٹسٹ اس پر غور کر رہا ہے کہ اس بارے میں کچھ اور سہولتیں پیدا کی جائیں۔

**The Honourable Maulana Abul Kalam Azad:** It is hoped that all will be provided with jobs. I will, however, draw the attention of the Honourable Member to my statement given a few days ago to the Press Conference. The Department is also considering to create some further facilities in this connection.

سری سری پرکاش : کیا جناب ممبر صاحب یہ بتانے کی زحمت گوارا فرمائیں گے کہ کتنے ایسے طالب علم ہیں جنہیں وظیفہ مل گیا ہے لیکن وہ سمندر پار نہیں بھیجے جا سکے کیونکہ ان کے لئے انتظام نہیں کیا جا سکا۔

**Shri Sri Prakasa:** Will the Honourable Member please take the trouble to state the number of scholars who were granted scholarships but could not be sent abroad because no arrangements could be made for them?

آنریبل مولانا ابوالکلام آزاد : میں نے جواب دینے کی زحمت اٹھائی اور جواب یہ ہے کہ ان مشکلوں کی وجہ سے جو انگلینڈ اور امریکہ میں پیش آرہی ہیں بعض طالب علموں کو اب تک بھیجنے کا موقعہ نہیں مل سکا۔ لیکن اس بارے میں جو دشواریاں انہیں پیش آئیں گی اسکی وارننگ دی گئی ہے۔

**The Honourable Maulana Abul Kalam Azad:** I gladly take the trouble to state that owing to difficulties met with in England and America some of the scholars could not be sent but they were warned of the obstacles that were to come in their way.

سری سری پرکاش : ایسے کتنے طالب علم ہونگے ؟

**Shri Sri Prakasa:** What could be the number of such scholars?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئے۔

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

سیٹھ گوہند داس : کیا جناب یہ جواب دیں گے کہ جو طالب علم باہر بھیجے گئے ہیں انکا وہاں تھیک طریقہ سے انتظام ہو سکے گا یا نہیں جبکہ وہاں کھانے پینے کی حالت بہت خراب ہو گئی ہے۔ اگر اس بات کا نہ خیال کر کے لوگوں کو یہاں سے بھیجیں گے تو ممکن ہے کہ انکو واپس بلانے کی نوبت آ جائے ؟

**Seth Govind Das:** Will the Honourable Member please state whether or not proper arrangements for the boarding and lodging of scholars sent abroad could be made when food situation in those countries had so much deteriorated? If scholars were sent abroad without giving due consideration to this fact it is possible they may have to be called back.

آنریبل مولانا ابوالکلام آزاد : قیپارسلٹ نے خود اس بارے میں غور کیا ہے اور وہ ایک نئی کمیٹی بیٹھانے والا ہے جو اس پر غور کریگی۔

**The Honourable Maulana Abul Kalam Azad:** The Department has given full consideration to the point and a committee is to be set up to further consider it.

#### ALL-INDIA TECHNICAL INSTITUTE.

**301. \*Seth Govind Das:** (a) Will the Honourable Member for Education be pleased to state whether it is a fact that a committee was appointed to consider the question of setting up of an All India Technical Institution on the lines of the Massachusetts Institute of Technology?

(b) Has any report been submitted by the said Committee; and if so, what steps are Government taking to implement the Committee's recommendations?

آنریبل مولانا ابوالکلام آزاد : ( اے ) ہاں اس فرض سے کہ لوائی کے بعد صنعتی ترقیوں کے لئے فنون جاننے والے آدمی کافی تعداد میں ملک میں مل سکیں۔ محکمہ تعلیم نے سنہ ۱۹۴۵ء کی ابتدا میں ایک اہڈھاک کمیٹی بتھائی تھی اس کا مقصد اس بات پر سوچ وچار کرنا تھا کہ ہندوستان میں صنعتی فنون کے ایسے ادارے قائم کئے جائیں جو اعلیٰ درجہ کے ہوں اور جو صنعتی فنون میں Massachusetts Institute of Technology کے ڈھنگ کے ہوں۔

( بی ) کمیٹی نے ایک درمیانی رپورٹ پیش کی ہے اس رپورٹ میں حسب ذیل سفارشات کی گئی ہیں۔

( ۱ ) کم سے کم چار اعلیٰ درجہ کے ادارے قائم کئے جائیں ایک اتر میں ایک یورپ میں—ایک دکن اور ایک پنجاب میں۔ چونکہ لوائی کے بعد کی ضروریات کو پورا کرنے کے لئے ضروری ہونگے۔

( ۲ ) یورپ میں جو ادارہ قائم کیا جاوے وہ کالکٹہ میں ہو یا اُس کے آس پاس۔

( ۳ ) جو ادارہ پنجاب میں قائم کیا جاوے وہ بمبئی یا اُس کے آس پاس قائم کیا جاوے—اس کام کو یورپی ادارہ کے ساتھ ہی شروع کرنا چاہیے اگر کسی وجہ سے ایسا نہ کیا جاسکے تو کالکٹہ کے بعد جس قدر جامد ممکن ہو بمبئی والا ادارہ قائم کر دیا جائے۔

( ۴ ) اس فرض سے انجینئروں کی جو فوری ضرورت ماک میں ہے اس کو عام طور پر پورا کیا جاوے۔ خاص طور سے اُن لوگوں کے لئے جو ہیڈرالک میں تربیت حاصل کرنا چاہتے ہیں شمالی ادارہ انجینئرنگ کا فوراً قائم کر دیا جاوے

( ۵ ) اس غرض سے عداوتوں کے نقشے - ان کے سرو سامان اور تعلیمی مطالعہ کے نصاب کا انتظام تھیک طور پر طے ہو جائے۔ ان اداروں کے لئے اہم محکمہ کے پرنسپل اور صدر مدرس جلد سے جلد مقرر کئے جائیں۔ کام کی ابتدائی منزل میں ایک ایسا نقشہ بنا، والے کی خدمت حاصل کرنا چاہئے جو صنعتی اداروں کے نقشے بنانے کا تجربہ رکھتا ہو۔ Interruption معاف کیجئے گا ابھی میرا جواب ختم نہیں ہوا ہے۔ اس رپورٹ کی ایک کاپی ہاؤس کے ڈیپل پز رکھ دی جاتی ہے۔ سارکو کمیٹی کی سفارش ہے کہ چار اعلیٰ درجہ کے صنعتی ادارے قائم کئے جائیں۔ آگ انڈیا کونسل فار ٹیکنیکل ایجوکیشن نے منظور کر لیا ہے۔ یہ کونسل اس لئے قائم کی تھی کہ حکومت کو جتنا تعلق صنعتی تعلیم سے ہے مشورہ دے۔ کونسل نے اس سلسلہ میں یہ مشورہ دیا کہ ان اداروں کے لئے جگہ کا چناؤ خود کونسل کریگی۔ وہ اس بات پر سرچ وچار کریگی کہ جو جگہ چلی جائے وہاں اس کام کے لئے کتنی آسانیاں مل سکتی ہیں۔ وہاں انجینئرنگ-صنعتی تعلیم-صنعتی فنوں کے ادارے اور کالج مودود ہیں یا نہیں۔ نیز ریسرچ کے کام کے لئے جو سہولیتیں مل سکتی ہیں انکا کیا حال ہے۔ علاوہ اس کے اس بات کو بھی دیکھنا پڑیگا کہ جو خاص انڈسٹریز وہاں پائی جاتی ہیں وہ کہاں تک اس کام کے لئے کار آمد ہونگی گورنمنٹ نے یہ تمام سفارشیں عام طور پر منظور کر لی ہیں وہ اب ضروری انتظامات کر رہی ہے تاکہ پوری اور پچھمی اداروں کو جلد سے جلد قائم کر دیا جائے۔ ان اداروں کے لئے دو جگہیں مناسب ہو سکتی ہے انکی دیکھ بھال کی جا رہی ہے۔ اس بارے میں آخری فیصلہ اور حصول کی کارروائی جتنی جلد ممکن ہوگی عمل میں لائی جائیگی ان دونوں اداروں کے نقشوں کو ترتیب دینے کے لئے ایک مختصر سا عملہ بھی منظور کر دیا گیا ہے اور پوری ادارہ کی تعمیر کے لئے ۱۰ روپے ضروری تھی سنہ ۱۹۴۷ء و سنہ ۱۹۴۸ء کے بجٹ کے تخمینہ میں شامل کر دی گئی ہے۔

**The Honourable Maulana Abul Kalam Azad:** (a) Yes. With a view to ensuring an adequate supply of technical personnel for post-war industrial development in the country, an *ad hoc* committee (Sarker Committee) was set up by the Education Department in the beginning of 1945, to consider the establishment of high-grade technological institutions in India on the lines of Massachusetts Institute of Technology.

(b) The committee have submitted an interim report in which they have recommended that—

(i) Not less than four Higher Technical Institutions, one in the North, one in the East, one in the South and one in the West will be necessary to satisfy India's post-war requirements.

(ii) The one in the East should be set up in or near Calcutta at an early date.

(iii) Establishment of the Western Institution which should be in or near Bombay should be taken in hand concurrently with the Eastern Institution or failing that as soon after as possible.

(iv) To satisfy the immediate needs for engineers generally and for those with specialised training in Hydraulics in particular, the engineering nucleus of the Northern Institution should be set up without delay.

(v) To ensure the proper planning of buildings, equipment and courses of study, the Principal and Heads of the Main Departments of these institutions should be appointed and the services of an architect with experience in the planning of technical institution secured at a sufficiently early stage.

A copy of the report is placed on the table of the House.†

The recommendation of the Sarker Committee in regard to the establishment of the four Higher Technical Institutions has subsequently been endorsed by the All-India Council for Technical Education, which has been set up to advise the Government on matters relating to higher technical education. The Council, however, recommended that the exact location of these institutions should be decided by the Council itself after taking into consideration the facilities available in the locality, the existence of Engineering, Technical and Technological Institutes, University Colleges, and research facilities and the particular industries existing in the area concerned. The Government have accepted these recommendations in general and are taking necessary steps to establish the Eastern and the Western Higher Technical Institutions with the least possible delay. Possible sites for the institutions have been inspected and their final selection and acquisition will be expedited as much as possible. Nucleus staff for planning of both the institutions has also been sanctioned and necessary financial provision for construction of buildings for the Eastern Institute is being included in the budget estimates for 1947-48.

سیٹھ گوبند داس : سرکار نے ابھی یہ فرمایا کہ قریب ۴ اداروں کے استہایت کرنیکی

بات سوچی جارہی ہے۔

**Seth Govind Das:** The Honourable Member has just said that it was under consideration to establish four institutions . . . . . t

**Sreejut Rohini Kumar Chaudhuri:** On a point of order, Sir. You had passed a ruling that if a Member has once spoken in any language, he should continue to speak in that language. My Honourable friend Seth Govind Das knows English and he speaks in English. Why should he speak in Urdu? Does he mean to say that the Honourable Member for Education does not understand English?

**Mr. President:** As I said before, this is a matter which requires consideration and when the Honourable Member for Government is speaking in Hindustani

**An Honourable Member:** It is not Hindustani.

**Mr. President:** Whatever it is, I would call it Hindustani. If any Honourable Member wishes to put a question, he must make himself easily understandable to the Honourable Member for Government. I can see the difficulty that some Honourable Members may not be able to follow the questions and answers. I do not claim to understand fully every word that has been spoken.

**Dr. G. V. Deshmukh:** I do not understand a word of it.

**Mr. President:** That is unfortunate. But if an Honourable Member of this House has got the liberty of speaking in his own language, I find it difficult immediately to come to the conclusion that any Honourable Member who wishes to put a question to such an Honourable Member should not be permitted to address that Honourable Member in that particular language. But, as I said, this matter requires consideration and the whole question of the language of the House is under the consideration of this very House, on a question raised. So, I should not like to complicate the situation further by giving any ruling on the legal position as it stands today. After all, if the rules

†Not printed in these Debates. Copy placed in the Library of the House.—Ed. of D.

of the House are going to be changed, it will be an advantage to have this practice for some time in order to realise how far that change will, on the whole be, conducive to the conduct of the proceedings in this House. That is why I said that I would like to postpone the consideration of this subject for some time, till the question of the amendment of the rules is decided by this House itself. But I can do one thing. The number of supplementaries will be much shorter.

**Dr. G. V. Deshmukh:** May I make one request and it is this? Many of us who do not come from northern parts of India do not know what language is this that is spoken here, whether it is Hindustani or Urdu. Some of us would like to study the language in view of what the decision of the House may be, but we should know exactly what language is this. Those who understand it say that it is Hindustani; others say that it is Urdu; I do not know what language it is. Therefore, if we are told what language it is, we will make an effort to understand it and ask questions in that language in which the Honourable Member speaks. In fact, we should try to put questions in our own language which we do understand. You will realise the difficulty of some of us who want to put questions.

**Mr. President:** There is nothing in the name. I style it Hindustani. The Honourable Member can try and pick up such a language if he likes. It will take him a long time to study the language if he wants to put supplementary questions in that language.

سیٹھ گوبند داس : میں پوچھ رہا تھا کہ ابھی مائیک سدس نے یہ کہا تھا کہ چار اداروں کو استہایت کرنیکی بات سوچی جا رہی ہے ان میں سے ایک ہوگا پورب میں اور ایک پنجہم میں اور باقی دو میں سے کیا مائیک سدس اس بات پر وچار کریں گے کہ ایک مدہ بھارت میں استہایت کیا جاوے خاص طور پر جہلپور میں کیر نہ وہاں بہت سے کارخانے ہیں سرکاری کارخانے بھی ہیں اور فہر سرکاری بھی اور مدہ بھارت میں جہلپور سے بڑی جگہ کوئی نہیں ہے۔

**Seth Govind Das:** I was saying that the Honourable Member had just said that it was under consideration to establish four institutions—one in the North and one in the East. Of the other two, will the Honourable Member please consider of establishing one in Central India, particularly in Jubbulpore inasmuch as there are so many Government and non-Government factories there and there is no place more important than Jubbulpore in Central India.

آنریبل مولانا ابوالکلام آزاد : کوئی رکاوٹ نہیں ہے کہ اسپر غور نہ کیا جائے

**The Honourable Maulana Abul Kalam Azad:** There is nothing against considering this point.

#### CONCESSIONS TO THE CANTEN STORES DEPARTMENT re PAYMENT OF IMPORT DUTIES ON STORES.

**302. \*Mr. Mannu Subedar:** (a) Will the Honourable the Finance Member please state what concessions are the Canteen Stores Department having with regard to the payment of import duties on stores imported?

(b) Since when have these concessions been enjoyed by this organization?

(c) Are Government aware that this Department are selling stores, on which duty has not been paid, to private merchants and businessmen?

(d) Have Government received a representation on this subject?

(e) What do Government propose to do in order to safeguard Government's revenue?



**The Honourable Mr. Liaquat Ali Khan:** (a) All articles, with the exception of the following, when imported by the Canteen Stores Department for the use of the Defence Services, are exempt from payment of import duty:—

Wines and Spirits, Tobacco (including cigars and cigarettes), Cigarette Lighters, Cigarette Lighter Flints, Cigarette Lighter Wicks, Cigarette Lighter Fluid, Gramophones and Gramophone Needles, Propelling Pencils, Alarm Clocks, Identity Card Holders, Cigarette Cases, Tobacco Pouches.

(b) Originally the concession was granted with effect from the 15th July, 1944, the exceptions to the exemption then provided for being Wines, Spirits, Beer and Tobacco (including cigars and cigarettes). With effect from the 11th December 1944, beer was also placed in the category of stores exempted from duty.

With effect from the 1st June 1945, the following articles were again made liable to Customs Duty in addition to Wines, Spirits and Tobacco (including cigars and Cigarettes):

Cigarette Lighters, Cigarette Lighter Flints, Cigarette Lighter Wicks, Cigarette Lighter Fluid, Gramophones and Gramophone Needles, Propelling Pencils, Alarm Clocks, Identity Card Holders, Cigarette Cases, Tobacco Pouches.

(c) No. The only stores which have been sold to any except entitled persons have been surplus stocks. The price of the surplus stores sold by the Canteen Stores Department to private parties is so adjusted as to include an amount equivalent to the Customs Duty and the sum so collected is paid to the Customs Department.

(d) No representation has been received through a letter making such allegations was received by me from a Bombay firm recently.

(e) Does not arise.

**Mr. Manu Subedar:** May I know whether these concessions were allowed to articles which were used by armies other than Indian Army who were in this country?

**The Honourable Mr. Liaquat Ali Khan:** I want notice.

**Mr. Manu Subedar:** May I know whether the Government have examined the necessity for continuing these concessions any longer now that normal peace time has come in?

**The Honourable Mr. Liaquat Ali Khan:** It has been decided to cancel these concessions from 1st April 1947.

#### EXEMPTION FROM INCOME-TAX OF FOREIGN REPRESENTATIVES IN INDIA

**303. \*Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state by what rank of foreign representatives in India is the exemption from income-tax enjoyed?

(b) Is it a fact that Government have not been able to collect income tax from English, Indian and other employees of several American offices, which functioned during the war in India?

(c) Which of these offices were purely Governmental organizations and which were mixed?

(d) Did Government experience any difficulty in collecting income-tax from them?

(e) If so, have Government taken any steps, or made any representation to the country concerned?

**The Honourable Mr. Liaquat Ali Khan:** (a) The exemptions from income-tax admissible to the Representatives of Foreign Governments and their staff are detailed in Section 4(3) (x) of the Indian Income-tax Act, 1922.

(b) and (d). No difficulty has been experienced in collecting income-tax from Indian Nationals or nationals of countries other than the United States of America serving with the American Military or Civilian establishments in British India, except in Assam and the Punjab.

(c) All the U.S.A. Offices functioning in India were Governmental organizations, so far as I am aware.

(e) The Income-Tax authorities in the Punjab and Assam have been instructed to make assessments and effect recovery of tax. Government do not consider it necessary to make any representation to the American authorities.

**Mr. Manu Subedar:** In view of the fact that U. K. C. appears to have escaped the efforts of the Government of India to collect taxes may I know whether there is any truth in the allegations which I heard and which inspired this question that many employees of mixed organisations, that is semi-government organisations of Americans never paid any income-tax and Government were unable to collect such income-tax from such parties?

**The Honourable Mr. Liaquat Ali Khan:** Sir, I am not aware of any such organisation or the employees of any such organisation who have not paid income-tax. If my Honourable friend would send me further details, I shall certainly have the matter examined.

**NUMBER OF STUDENTS SENT ABROAD FOR STUDIES IN HIGHER ECONOMICS AND STATISTICS UNDER THE CENTRAL GOVERNMENT OVERSEAS TRAINING SCHEME.**

**304. \*Mr. Vadilal Lallubhai:** (a) Will the Honourable Member for Education please state how many students have so far been sent abroad for higher education under the auspices of the Central Government Overseas Training Scheme?

(b) How many of these students have been sent for studies in higher Economics and Statistics and how many applications were received by the Government for studies in these subjects?

(c) Is it a fact that for 1947-48, Government do not propose to send any students for studies in higher Economics and Statistics?

(d) Is it a fact that Government did send some students for studies in these two subjects in previous years?

(e) If so, on what grounds have Government decided to drop these subjects from the list of subjects for overseas scholarships in the year 1947-48?

(f) Do Government propose to employ all the students sent abroad under the auspices of the Government Overseas Training Scheme after their return from abroad or are they to find employment for themselves? Have Government any scheme in this respect, if so, what is its nature?

**آنریبل مولانا ابوالکلام آزاد :** (اے) مرکزی حکومت کے سمسٹر پار کی اسکالرشپ

کے تحت میں اس وقت تک ۲۰۷ اسکولرز اعلیٰ تعلیم کے لئے باہر بھیجے گئے ہیں (بی) چھ اسکالرز اسٹیمٹسٹیکس کے لئے ایک زراعتی اعداد و شمار کے لئے۔ اور آٹھ اقتصادیات یعنی اکٹا ماس کے لئے ایسے مرحلہ میں یہ ممکن نہیں ہے کہ جتنے امیدواروں نے درخواستیں بھیجی ہیں اسکالرشپ نمبر بتلایا جاسکے البتہ ان امیدواروں کی تعداد بتلائی جاسکتی ہے جنکی درخواستیں پہلے درجہ کی تھیں یا پہلے درجہ کے قریب قریب ایسے امیدواروں کی تعداد اکٹا ماس کے لئے ۲۰۸ اور شمار اعداد کے لئے ۳۲۱ تھی

(سی) نہیں جناب واقعہ یہ ہے کہ ۱۹۳۷-۳۸ء میں دو وظیفہ شمار اعداد یعنی اسٹیٹسٹیکل اکنامکس کے لئے مقرر کئے گئے تھے

(قی) ہاں

(ای) جواب (سی) کو سامنے رکھتے ہوئے یہ سوال پیدا نہیں ہوتا تاہم یہ کہنا ہے موقع نہیں ہوگا کہ سنٹرل گورنمنٹ کے اسکالرشپ اسطرح دیئے جاتے ہیں کہ مختلف متحکمہ جات کی ضرورتوں پر نظر ڈالی جاتی ہے پھر وظیفے دیئے جاتے ہیں۔

(ایف) انریبل ممبر کی اس بیان پر توجہ دلائی جاتی ہے کہ جو ابھی تھوڑی دیر ہوئی سہتہ گوہند داس کے سوال نمبر ۳۰۰ کے جواب میں دیا ہے۔

**The Honourable Maulana Abul Kalam Azad:** (a) 407 scholars have so far been sent abroad for higher education under the Central Government Overseas Scholarships Scheme.

(b) Six scholars have been sent for Statistics, one for Agricultural Statistics and eight for Economics. It is not possible at this stage to give the total number of candidates who applied for Economics or Statistics but the number of those with first class or near first class applications was 208 for Economics and 321 for Statistics.

(c) No Sir. Two scholarships are scheduled to be awarded for Statistical Economics in 1947-48.

(d) Yes.

(e) In view of (c) the question does not arise. It may, however, be mentioned that Central Overseas Scholarships are awarded in accordance with the requirements of the different Departments of the Central Government.

(f) The attention of the Honourable Member is invited to the Reply given this morning to Starred question No. 300 by Seth Govind Das on this aspect of the Overseas Scholarship Scheme.

**Mr. Manu Subedar:** Will the Honourable Member examine the position whether by their own efforts private parties will not send their sons for higher education and Government will not secure the necessary recruits for their Departments and whether it is necessary to spend such large sums as Government have been spending in sending students for any and every type of subjects?

انریبل مولانہ ابوالکلام آزاد : جیسا کہ ابھی میں ایک سوال کے جواب میں کہہ چکا ہوں تہہذارتملت لسٹر غور کر رہا ہے اور بہت جلد ایک کمیٹی اس فرض سے ہٹانے والا ہے کہ اوریسیز کے اسکالرز کے پورے معاملہ پر نئے سرے سے غور کیا جائے

**The Honourable Maulana Abul Kalam Azad:** As I have already said in reply to a question the department is considering it and it is very soon appointing a committee to reconsider the whole question of the overseas scholars.

**Mr. Vadilal Lalubhai:** I could not follow the reply to part (b).

انریبل مولانہ ابوالکلام آزاد : چھ اسکالرس اسٹیٹسٹکس اور آتھ اکنامکس کے لئے

اور ایک اگریکلچرل اسٹیٹسٹکس کے لئے

**The Honourable Maulana Abul Kalam Azad:** Six scholars for Statistics eight for Economics and one for Agricultural Statistics.

لالہ دیپش بندھو گپتا : کیا مستحکم ممبر صاحب یہ بتانیکی تکلیف کوارہ  
فرما ئیلگے کہ جو ۴۰۷ طالب علم باہر بھیجے گئے ان میں سے دہلی کے طالب علموں کی  
تعداد کتنی ہے

**Lala Deshbandhu Gupta:** Will the Honourable Member please state the number of scholars from Delhi out of the 407 scholars sent overseas?

آنریبل مولانا ابوالکلام آزاد : نوٹس چاہئے

**The Honourable Maulana Abul Kalam Azad:** Notice is required.

#### ADVISORY COUNCIL FOR DELHI ADMINISTRATION.

**305. \*Sardar Mangal Singh:** (a) Will the Honourable the Home Member please state whether Government of India propose to set up an Advisory Council to associate the people of Delhi with the administration?

(b) How will this Advisory Council be constituted, whether by nomination or by election?

(c) Do Government propose to give due representation to various interests and communities on this Council?

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

(b) and (c). I refer the Honourable Member to the Home Department Notification No. 24/12/46-Public, dated the 8th February 1947, of which a copy is placed on the table.

#### GOVERNMENT OF INDIA HOME DEPARTMENT NOTIFICATION

*New Delhi, the 8th February 1947*

No. 24/12/46-Public.—The Governor-General in Council has decided to constitute Advisory Councils to be associated with the Chief Commissioners of Delhi and Ajmer-Merwara in the discharge of their administrative functions and to lay down the following rules to regulate their constitution and procedure :—

(1) Each Advisory Council will consist of the Chief Commissioner, who will preside over the meetings, and seven other Members. Of these seven Members, one will be the representative of the Province in the Central Legislative Assembly, three will be elected by the local bodies such as Municipalities, Notified Area Committees and District or Local Boards and three will be nominated by the Government of India.

All residents of the Province will be eligible for election: the members of all local bodies will form one electoral body for this purpose and the election will be on the basis of proportional representation by single transferable vote.

Nominated Members will be appointed by the Government of India in consultation with the Chief Commissioner and in making nominations Government will ensure that the major communities are represented on the basis of population and that adequate representation is secured for rural interests,

(2) The Chief Commissioner will seek the advice of the Council on—

(a) all financial matters except those which are not subject to the vote of the Legislative Assembly except that items involving recurring expenditure upto Rs. 25,000 and non-recurring upto Rs. 1,00,000 need not be referred to the Council;

(b) matters of administration involving general policy, schemes of development and proposals for legislation but not on matters relating to the day-to-day administration or to individual appointments not involving a principle of any importance;

(c) general questions touching the implementation of general policy and schemes of development;

(d) any other matter which the Chief Commissioner or the Government of India may refer to the Council.

3. Subject to Chief Commissioner's discretion to refuse in the public interest to give information or to allow discussion, members will have the powers in regard to resolutions and interpellations analogous to and under similar limitations as those of Members of the Central Legislature.

(4) Such officers as the Chief Commissioner may permit will be entitled to be present at the meetings and to participate in discussions or furnish information but will not have the right to vote.

(5) The functions of the Council will be advisory only but though their advice will not be binding on the Chief Commissioner due weight will be given to it by him in reaching decisions or making recommendations to Government.

(6) The Advisory Council will meet at least once in three months.

A. E. PORTER, Secy.

#### ATTACK ON ANGLO-INDIAN WOMEN BY BRITISH SOLDIERS

**306. \*Sardar Mangal Singh:** (a) Will the Secretary of the Defence Department please state whether Government's attention has been drawn to a news report published in the issue of *Hindustan Times*, dated the 4th January, 1947, on the front page under the caption "Alleged attack on Anglo-Indian women by British soldiers" and are the facts stated therein correct?

(b) What action has so far been taken to punish the offenders and what measures have been adopted to prevent its recurrence elsewhere in the Army?

**Mr. G. S. Bhalja:** (a) Yes, Sir. A court of enquiry has been held, but until their proceedings are received by the Government and examined it will not be possible to state if the newspaper report is a correct version of the incident.

(b) This cannot be stated until the report of the Court of Enquiry is received and examined by Government.

**Sardar Mangal Singh:** Why was this case not entrusted to civil authorities? Why were the police asked to investigate this case? The incident occurred outside the military area.

**Mr. G. S. Bhalja:** The personnel involved were members of the army and it is usual to have such cases investigated by a Court of Enquiry.

**Mr. Manu Subedar:** Who are the members of the Court of Enquiry? What are the names of parties who have been constituted as a Court of Enquiry? What is the rank of each member?

**Mr. G. S. Bhalja:** I said I shall be prepared to reply to all questions in this subject when the report of the Court of Enquiry is received and considered by Government.

**Mr. President:** He wants to know the names.

**Mr. G. S. Bhalja:** The report has not yet been received by the Government.

**Mr. Manu Subedar:** What is the status of these men comprising the Court of Enquiry? Are they merely Lieutenants or are they superior officers of the army? Are they Britishers or Indians? That is what we want to know. Secondly, I want to know whether these Anglo-Indian women and their parents will be permitted to appear before this court of inquiry through their constituted lawyers.

**Mr. G. S. Bhalja:** There is another notice of the same question coming up shortly and I shall be prepared to reply to all questions arising out of it on that day.

**Mr. President:** Is it coming up today?

**Mr. G. S. Bhalja:** No, Sir, not today.

**Mr. Manu Subedar:** Are Government fully alive to the very strong feeling in this country with regard to the honour of Indian women, so far as soldiers are concerned?

**Mr. G. S. Bhalja:** Government are not only fully alive to it but they consider it their first and primary duty to see that the honour of women of every community and class is safe.

**Mr. President:** I would suggest to the Honourable the Defence Secretary that the other question which is coming up later may not be reached, and therefore if he has got any information he had better give it now.

**Mr. G. S. Bhalja:** The question is down for another day. By that time I hope to be in a position to give a full reply to all questions on this subject.

**Diwan Ohaman Lal:** Is it a fact that the court of inquiry is held under the ordinary procedure laid down in the Army Act?

**Mr. G. S. Bhalja:** I shall answer all this on the next day.

**Sardar Mangal Singh:** Will the Honourable Member look into the allegation that on the identification parade only a few people were put up?

**Mr. President:** I suggest that whatever may be the constitution or the nature of the court of inquiry, the matter is something like *sub-judice* though not in the full sense of that term. Therefore details should not be asked about this.

**Mr. Manu Subedar:** I should like to know where the court is sitting, what its status is and the capacity of the persons making the inquiry and whether it is only white men trying white men who will therefore be prejudiced in favour of the accused.

**Mr. President:** That is exactly why I suggested that if the Honourable Member has got the information he might give it now; but he has not got it.

**Seth Govind Das:** But on the next day the question may be very low down in the list and may not therefore be reached.

**Mr. President:** That is exactly what I said and I suggested that the information may now be given if the Honourable Member has got it, but he said he is collecting the information.

**Mr. Manu Subedar:** If a court of inquiry has been appointed surely the Honourable Member should know all this.

**Mr. G. S. Bhalja:** The court of inquiry is not appointed by Government, Sir.

**Sardar Surjit Singh Majithia:** Has this court of inquiry been instituted by the Commanding Officer of the soldiers who committed that act?

**Mr. G. S. Bhalja:** I shall require notice of that question also.

#### FUEL SHORTAGE IN DELHI AND NEW DELHI

**307. \*Sri R. Venkatasubba Reddier:** Will the Honourable the Home Member please state:

(a) whether Government are aware that for some months past the supply of fuel—charcoal, soft coke and firewood—to the personnel of the Government of India in New Delhi and Delhi has been very bad in quality and limited in quantity and that damp fuel is being sold at exorbitant rates;

(b) whether there is any difficulty in procuring charcoal and firewood from surrounding areas, from which the trade used to get them in pre-war days, and if so, what are those difficulties; and

(c) whether Government are aware that there is a widely-believed rumour that the officials in charge of fuel-control are putting every obstacle in the way of free movements of fuel, in order to prolong their own tenure of office, and whether Government propose to investigate to what extent this is true?

**The Honourable Sardar Vallabhbhai Patel:** The question should have been addressed to the Honourable Member for Industries and Supplies. It has accordingly been transferred to the list of questions for the 17th February, 1947, when it will be answered by him.

# **BARRACKS AND MESSES IN NEW DELHI FOR BRITISH AND INDIAN TROOPS AND OFFICERS**

**308. \*Sri R. Venkatasubba Reddier:** Will the Secretary of the Defence Department please state:

(a) the number of barracks built for British and Indian troops in New Delhi and surrounding areas, and the number of messes for officers, with the accommodation in each (number of rooms and floor area);

(b) how many of them are being occupied and to what extent— as on the 1st January 1947;

(c) whether the question of returning or handing them over to the Works, Mines and Power Department for the purpose of allotment for civilian accommodation has ever been considered and if not, why not;

(d) whether in case the messes or barracks are partially occupied, steps will be taken to remove all personnel belonging to the Defence Department to one compact area as far as possible, with a view to release accommodation for civil personnel in the various departments in view of the present serious housing shortage; if not, why not;

(e) whether Government are aware that the B.O.Rs. and other barracks in front of the Rakabganj Gurdwara (north of the Council House) in particular are very partially occupied and whether Government propose to remove the personnel that may be there now to other barracks or buildings and hand them over for civilian use; if not why not; and

(f) whether similar steps are proposed to be taken in regard to such buildings in various other places in India, such as Poona and Bombay?

**Mr. G. S. Bhalja:** (a) and (b). I lay a statement on the table of the House, giving the required information. It will be seen that all buildings in New Delhi are occupied, although in the case of four buildings accommodation has not, of late, been fully utilised. It is proposed in the case of these four buildings to concentrate the personnel in one or two buildings and hand over the rest to the Works, Mines and Power Department in the course of the next two months. This applies to items 1, 2, 3 and 14 of the statement. As more accommodation becomes vacant in New Delhi it will be made over to the Works, Mines and Power Department.

(c) Yes, Sir; in New Delhi buildings as they fall vacant are being made over to the Works, Mines and Power Department.

(d) This is the present policy.

(e) It will be seen from the statement being laid on the table that the barracks in front of the Rekabganj Gurdwara were originally built to accommodate 26 B.O.R.'s 2 V.C.O.'s and 274 Indian Other Ranks and are actually occupied by 18 B.O.R.'s, 2 V.C.O.'s and 402 Indian Other Ranks. Therefore far from their being partially occupied there is considerable overcrowding.

(f) Yes, Sir.

**Lala Deshbandhu Gupta:** May I know whether Government have framed any rules for derequisitioning the property which is no longer needed by Government?

**Mr. G. S. Bhalja:** I said that the moment a property is not required by Government it is released in the case of New Delhi to the Works, Mines and Power Department for disposal as it thinks fit.

**Mr. Manu Subedar:** With reference to part (f) may I know whether complaints have not reached Government that many military buildings in the Back Bay in Bombay are not being made available in the manner in which he has indicated, though they are lying vacant?

**Mr. G. S. Bhalja:** If there are any specific complaints made by the Honourable Member or by anybody else they will be duly investigated.

#### RETURN OF REQUISITIONED PRIVATE BUILDINGS TO THEIR OWNERS IN BOMBAY AND NEW DELHI

**309. \*Sri E. Venkatasubba Reddiar:** Will the Secretary of the Defence Department please state:

(a) the number of private buildings or flats requisitioned for the Defence Department for use as messes or otherwise which are still in such occupation and not returned to their owners, in New Delhi and in Bombay;

(b) when it is proposed to return such buildings;

(c) whether the buildings are being put to the use for which they were requisitioned in all cases, and whether any such buildings are lying vacant, though rent is being paid by Government for them in Bombay and in New Delhi; and

(d) whether it is proposed to remove all such Defence Department personnel in occupation now of requisitioned accommodation to government buildings or to cantonments nearby, if not, why not?

**Mr. G. S. Bhalja:** (a) In New Delhi 64; and in Bombay 54.

(b) Certain houses in New Delhi are being returned to the Works, Mines and Power Department. It will not be possible to return the rest until suitable alternative accommodation is found. The buildings in Bombay will be released as they fall vacant or when it is found possible to provide alternative accommodation.

(c) Yes, Sir, the buildings and flats in Bombay and New Delhi are being used for the same or similar purposes for which they were requisitioned in all cases and no such buildings are lying vacant for which rent is being paid by the Defence Department.

(d) This is not yet possible. There are no suitable Government buildings in Delhi or Delhi Cantonment where accommodation could be found for them. There is no cantonment or camp in the vicinity of Bombay other than the transit camp which is required for transit purposes.

**Mr. Manu Subedar:** Have Government examined the question of removing some of their personnel from Bombay City metropolitan area to suburban and farther areas—between Bombay and Poona, for instance, or between Bombay and Jhansi—where there are vast camps and not merely transit camps?

**Mr. G. S. Bhalja:** The question is so general that it will be difficult to give a reply to it without notice. But I suggest that my Honourable friend who is a member of the Advisory Board appointed for Bombay may bring this matter up at the next meeting, and I shall do my best to see that all his queries are answered.

**Lala Deshbandhu Gupta:** With reference to the reply to part (a) of the question may I know whether out of these 64 buildings still under requisition some are located in Connaught Place which is a very thickly populated civil area?

**Mr. G. S. Bhalja:** I am afraid I cannot answer that without notice because I have not got a list of the buildings which are in possession of the Defence Department.



**Lala Deshbandhu Gupta:** Will the Honourable Member consider the desirability of at least getting such buildings vacated as are in thickly populated civilian areas?

**Mr. G. S. Bhalja:** As I am not sure of the facts I can hardly give any such assurance.

**Mr. Ahmed E. H. Jaffer:** May I know what steps have been taken since the Requisitioning Bill was discussed in this House two months ago with regard to the camp at Malad near Bombay, which is a fishermen's colony and is now used by the military as a health resort and not for military purposes?

**Mr. G. S. Bhalja:** I suggest that the Honourable Member should have this question raised at the next meeting of the Advisory Board which I hope will be held early next month. The meeting unfortunately could not be held last month because Honourable Members of this House who are members of the Board did not find it convenient to attend on the date fixed.

**Mr. Ahmed E. H. Jaffer:** May I know how one who is not a member of the Advisory Board can bring it up there?

(No reply was given.)

**Lala Deshbandhu Gupta:** Is the Honourable Member aware that in the last meeting of the Advisory Board it was decided that certain principles should be laid down and rules made about derequisitioning of property? If so what progress has been made in that direction?

**Mr. G. S. Bhalja:** The question should be addressed to the Secretary of the Works, Mines and Power Department who is Chairman of the Advisory Board established at Delhi.

**Shri Sri Prakasa:** Will the Honourable Member state what the Works, Mines and Power Department does with the building made over to it?

**Mr. G. S. Bhalja:** I suggest that the question should be addressed to the Secretary of the Department concerned.

**Shri Sri Prakasa:** But does not the Honourable Member make sure that good use will be made of these buildings before they are made over to that Department? Is he not responsible for seeing that they are made over to people who really need them and can make good use of them?

**Mr. G. S. Bhalja:** I may explain that the buildings in New Delhi were mostly requisitioned for the Defence Department by the then Labour Department, and so under the ordinary procedure these buildings must be relinquished by the Defence Department, if they are no longer required, to the Department which requisitioned them.

#### REFUSAL OF FINANCIAL SANCTION FOR DEVELOPMENT SCHEMES AND PROJECTS

**310. \*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member please state if it is a fact that Government are opposed to all developmental schemes and are refusing financial sanction except in the case of such schemes as the Mahanadi Project which went through all the stages of deliberation and decision before October 1946?

**The Honourable Mr. Liaquat Ali Khan:** No, Sir.

#### REPORT OF THE PAY COMMISSION

**311. \*Shri D. P. Karmarkar:** Will the Honourable the Finance Member be pleased to state:

(a) when the Pay Commission is likely to conclude its work and when the Report of the Commission is expected to reach Government; and

(b) the date on which Government expect to introduce new scales of pay in the light of the Commission's recommendations?

**The Honourable Mr. Liaquat Ali Khan:** (a) On present expectations, the Commission is likely to conclude its work and submit its final report by the end of June 1947, but submissions to Government have just begun on portions relating to pay scales.

(b) Government will pass orders on the pay scale recommendations at the earliest possible date. The new scales will have effect from the 1st January 1947.

**Shri Sri Prakasa:** Is it the intention of the Government to accept all the recommendations of the Pay Commission?

**The Honourable Mr. Liaquat Ali Khan:** All the recommendations of the Pay Commission have not been received yet.

**Shri Sri Prakasa:** Will the Government see to it that unnecessary burden is not thrown on the tax-payers as a result of the recommendations of this Pay Commission?

**The Honourable Mr. Liaquat Ali Khan:** That would be my earnest endeavour, and I hope my Honourable friends of this House will help me in that.

#### NEGOTIATIONS WITH HIS MAJESTY'S GOVERNMENT RE-SERVICES UNDER THE CONTROL OF SECRETARY OF STATE.

**312. \*Mr. Manu Subedar:** (a) Will the Honourable the Home Member please state what is the stage of negotiations between the Government of India and His Majesty's Government with regard to the conditions, under which the Services under the control of the Secretary of State for India will come under their control?

(b) When can a final statement on this subject be expected?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). The final proposals of the Secretary of State are still awaited and I am not in a position to make any statement at present.

#### RETRENCHMENT IN THE H. M. I. DOCKYARD, BOMBAY.

**313. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department be pleased to make a statement on the crisis in the H. M. I. Dockyard, Bombay?

(b) What is the number of workers recently discharged from the H. M. I. Dockyard?

(c) Have Government received urgent representations on the policy of retrenchment in the Dockyard?

(d) Do Government propose to take any steps for expediting expansion of the Dockyard thus obviating the recently announced wholesale retrenchment in the Dockyard?

(e) Are Government aware that Naval Headquarters have gone back on their solemn assurances to the workers' that there would be no wholesale retrenchment until 1947, and that there would be alternative employment for a large number of workers?

**Mr. G. S. Bhalja:** (a) I lay a statement on the table.

(b) 300 workers were discharged with effect from the 1st January 1947, and 267 from the 1st February 1947.

(c) Yes, Sir, and they were fully discussed with the representatives of the Dockyard workers.

(d) The future scope and composition of the Dockyard are the subjects of examination by a Technical Committee known as Committee 'A', now sitting in Bombay.

(e) No, Sir, there has been no wholesale retrenchment and in any case no such assurances were given. The retrenchment proposed is from 9,000 to 7,500 workers, and may not be completed before the end of the year.

*Statement.*

In June 1946, the Dockyard Workers' Union in H. M. I. Dockyard, Bombay, represented fifteen grievances and gave a notice to strike if their grievances were not ameliorated.

As a result of this, Government decided to appoint two Committees known as Committee 'A' and 'B'.

Committee 'A' was to be presided over by a retired Admiral B. N. with Dockyard experience, and to be a technical Committee to enquire into the Dockyard Organisation and to make recommendations as to the scope and composition of the administrative and labour force necessary to maintain the future fleet of the Royal Indian Navy.

Committee 'B' was to be presided over by an Official of the Labour Department to enquire into the workers' grievances, other than those relating to Pay and Allowances and conditions of service, which were the subject of examination by the Central Pay Commission, and to recommend to Government for consideration practicable steps to ameliorate the workers' grievances.

Committee 'B's report was presented in September 1946, and on examination was found to contain recommendations on many points which were closely linked with the Pay Commission's deliberations and could not therefore be considered pending the report of the Pay Commission. Such of the recommendations as could be implemented without waiting for the Pay Commission's report were, however, carefully examined by Government and a number of concessions were made to the workers in December 1946, e.g., abolition of the Pali system, provision of an interim cadre of 4,000 workers on a permanent basis, food allowance to workers employed outside the Dockyard, 10 paid holidays per annum, and certain minor measures.

Committee 'B's report also included certain recommendations in regard to the method of retrenchment to be adopted in order to reduce the labour force of the Dockyard to current requirements. These measures proposed dispensing with 300 workers at the end of October 1946 and 300 at the end of November 1946, and anticipated the wasting out of some 900 workers during 1947. However, Government must obviously review retrenchment in accordance with the load of work. On December 21st 1943 they confirmed the issue of notices to 300 workers on 1st December 1946 and to a further 300 on 1st January 1947. This was in accordance with the recommendations of the Committee. They further announced that in succeeding months 300 men a month would be reduced until 1,500 men had been reduced. On account of this, the workers claimed that Government were effecting retrenchment without implementing all the recommendations of Committee 'B' simultaneously. Besides expressing their intention to strike from 13th January 1947, they requested Government to authorise a delegation of 3 members of their Union to visit Delhi for the purpose of clarifying certain points on which the workers had misapprehensions. The Delegation was invited to Delhi, and on 9th January 1947 discussions were held and the position generally clarified. It was explained that the figure of 300 a month was a maximum for retrenchment and normal wastage together and that it was not intended to retrench this number in addition to wastage. Further, due to unexpected work arising, retrenchment after 1st February 1947 would probably not have to proceed. As a result of this clarification, the threatened strike was averted.

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PUBLIC HEALTH DEPARTMENT IN AJMER-MERWARA.

**314. \*Pandit Mukut Bihari Lal Bhargava:** (a) Will the Secretary of the Health Department be pleased to state what steps have been taken by Government to initiate and organise the Department of Public Health in the province of Ajmer-Merwara during the year 1946-47, and what expense, if any, has been incurred on such department so far?

(b) If the answer to the above be in the negative, do Government propose to create such Department in the province and what amount do they propose to provide for the same in the budget for the year 1946-47?

(c) Have Government taken any steps so far to implement the recommendations of the Bhole Committee in the province of Ajmer-Merwara, as promised by Government in answer to my starred question No. 1911, dated the 17th April 1946 during the last Budget Session of the Assembly. If none, why?

**Mr. S. H. Y. Oulsum:** (a), (b) and (c). No expenditure has been incurred in 1946-47 on the reorganisation of the Public Health Department of Ajmer-Merwara. A sum of Rs. 51,000 is being provided in the budget for 1947-48 for

a headquarters health organisation. Plans have been prepared for the development of medical relief and public health organisation in Ajmer generally on the lines recommended in the Bhole Committee's report as far as the funds allocated permit. A provision of 14 lakhs is being made in the budget for 1947-48.

#### COST OF IMPROVEMENT IN THE VICTORIA HOSPITAL, AJMER.

**315. \*Pandit Mukut Bihari Lal Bhargava:** (a) Will the Secretary of the Health Department be pleased to state what expenditure, if any, have Government incurred in improving the Victoria Hospital at Ajmer during the year 1946-47 and have Government any further improvements in view during the coming year 1947-48?

(b) What progress, if any, has been made and what expenditure, if any, has been incurred towards the opening of dispensaries and hospitals in the rural area of Ajmer-Merwara since the last Budget Session of the Assembly?

(c) If none, do Government propose to make sufficient provision in the next Budget for taking up this work?

**Mr. S. H. Y. Oulsnam:** (a) An expenditure of Rs. 75,000 is expected to be incurred by Government upto the end of the current financial year in improving the Victoria Hospital, Ajmer. A provision of Rs. 7,35,000 has also been made in the next year's budget on account of the cost of a scheme for further improvement and expansion of the hospital.

(b) and (c). In addition to the expenditure for improvement of the Victoria Hospital a provision of Rs. 6,95,000 has been made in the next year's budget for post war schemes of medical and public health development in Ajmer-Merwara and these include schemes for improvement and opening of dispensaries and hospitals in rural areas.

#### FINANCIAL GRANTS TO MUNICIPALITY IN AJMER-MERWARA.

**316. \*Pandit Mukut Bihari Lal Bhargava:** (a) Will the Secretary of the Health Department be pleased to state whether Government are aware that all the main Municipalities in the province of Ajmer-Merwara, like—Beawar, Ajmer and others are faced with a financial crisis and deficit Budgets due to the abnormal conditions created by war and that this financial crisis has further been precipitated by the municipal employees' demands for revised scales of pay and dearness allowances with retrospective effect in terms of the Government of India's circular allowing the same to Government employees?

(b) If so, do Government propose to consider the desirability of making sufficient grants to the Municipalities to enable them to tide over the financial crisis. If so, in what manner and if not, why not?

**Mr. S. H. Y. Oulsnam:** (a) Government are aware that the financial condition of the Municipalities in Ajmer-Merwara is unsatisfactory.

(b) A request for assistance from the Ajmer Municipal Committee is under consideration. No representation has been received from other municipal committees.

#### POST-WAR RECONSTRUCTION OFFICER IN AJMER-MERWARA.

**317. \*Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable the Home Member be pleased to state whether Government are aware that the present Deputy Commissioner of Ajmer-Merwara has himself taken over all the work originally entrusted to the Post-war Reconstruction Officer. If so, when was this done and for what reasons?

(b) What duties, if any, are being discharged by the Post-war Reconstruction Officer at present or by the person who once had the said office and what salary is he drawing at present?

(c) At what stage at present are the various Post-war Reconstruction Schemes prepared by the different Departments in the province of Ajmer-Merwara?

**The Honourable Sardar Vallabhbhai Patel:** (a) The Deputy Commissioner, Ajmer-Merwara, is the ex-officio head of various Departments and as such is responsible for the preparation of post-war plans for these Departments, for their execution. He was originally assisted in the preparation of plans by the Post War Reconstruction Officer. But when the plans had passed the preparatory stage it was thought that the Post War Reconstruction Officer could be more usefully employed directly under the Chief Commissioner, and this change was effected in October, 1946.

(b) The Post War Reconstruction Officer is in charge of the Reconstruction and Development Departments of the Chief Commissioner's Office, and he deals with all administrative and secretariat matters relating to post-war planning. He draws a salary of Rs. 1,100 in the scale of Rs. 1,000—50—1,200 and a special pay of Rs. 150 per mensem.

(c) Eight schemes have been prepared by the Chief Commissioner and approved in principle by the Government of India. They are now under technical and financial scrutiny with a view to the provision of funds in the Budget for 1947-48.

**Lala Deshbandhu Gupta:** Have any post-war reconstruction schemes been prepared for other Centrally administered areas such as Delhi?

**The Honourable Sardar Vallabhbhai Patel:** I do not think that question arises in connection with the Ajmer-Merwara.

#### ORDNANCE OFFICERS (CIVILIAN) IN THE I. A. O. C.

**318. \*Mr. Tamizuddin Khan:** Will the Secretary of the Defence Department be pleased to state:

(a) the present strength of the Ordnance Officers (Civilians) in the I.A.O.C.;

(b) the number of Ordnance Officers (Civilians) proposed to be confirmed under the Post-war Scheme and the method by which they are proposed to be selected;

(c) whether the principle of reservation of 25 per cent. vacancies for Muslims will be adhered to in filling up the vacancies; and

(d) whether Government propose to absorb the war-time officers in the permanent cadre under the Indianization Scheme of the Armed Forces?

**Mr. G. S. Bhalja:** (a) 930.

(b) Until the size of the Post-war Army is settled it is not possible to determine the number of civilian officers that will be required in the post-war period.

No decision has yet been taken as regards the method of selection.

(c) This will depend on whether appointments will be made by promotion from the permanent staff of civilian storekeepers and clerks or not.

(d) Whether any of the war-time ordnance officers (civilians) can be absorbed in the permanent cadre of other Branches of the Service depends upon the size of the post-war army and forms part of the larger issue upon which the Nationalization Committee is expected to make recommendations.

**Mr. Ahmed E. H. Jaffer:** Is it a fact that junior British officers are being imported to replace the war-time Indian Ordnance Officers (Civilian), and if so, what are the reasons for that?

**Mr. G. S. Bhalja:** No, Sir.

**Sri R. Venkatasubba Reddiar:** Is it a fact that the cadre of Civilian Ordnance Officers is proposed to be abolished?

**Mr. G. S. Bhalja:** There is no proposal to abolish the Indian Army Ordnance Corps.

**Sri B. Venkatasubba Reddiar:** Has the Director of Ordnance Services recommended the abolition of the cadre of the Ordnance Officers (Civilians)?

**Mr. G. S. Bhalja:** If the Honourable Member had listened to my reply I said that the number of Civilian Officers to be retained in the Post-war Army would be settled after the size of the post-war Army was decided. This means that some civilian officers are to be retained.

**Seth Yusuf Abdoola Haroon:** May I know from the Honourable Member whether senior Indian officers are being released and junior British officers are still being retained?

**Mr. G. S. Bhalja:** I must have a notice of that question. I must make enquiries.

**Haji Abdus Sattar Haji Ishaq Seth:** With reference to the Honourable Member's reply to part (b) of the question, may I know whether he is aware that a number of Civilian Gazetted Officers—about 190—have been served with notice and they have been asked to quit on a certain date? If nothing has been decided, what is the meaning of this notice?

**Mr. G. S. Bhalja:** I must ask for notice of the question as to how many have been served with notice.

**Haji Abdus Sattar Haji Ishaq Seth:** It means that my Honourable friend is aware that some people have been given notice to quit?

**Mr. G. S. Bhalja:** I have no information, Sir.

**Mr. Ahmed E. H. Jaffer:** Supposing there is any truth in the statement of my Honourable friend, will he see that this notice is withdrawn and this matter is referred to the Indianisation Committee?

**Mr. President:** It is a hypothetical question.

**Mr. Ahmed E. H. Jaffer:** May I ask the Honourable Member whether he is prepared to refer this matter to the Indianisation Committee before discharging the war-time Indian Ordnance Officers (Civilians) who have got the highest University qualifications and who have got the highest record of good service in this country?

**Mr. G. S. Bhalja:** As you rightly pointed out, Sir, all this is hypothetical.

**Mr. Ahmed E. H. Jaffer:** May I ask the Honourable Member whether he is prepared to give us an assurance on the floor of this House that these war-time Indian Ordnance Officers will not be removed from service until the question is finally considered and decided by the Indianisation Committee?

**Mr. G. S. Bhalja:** I should say the Nationalization Committee has already been charged with the duty of going into the case of every branch of the Service and report when it can be completely nationalised.

**Haji Abdus Sattar Haji Ishaq Seth:** He has not replied to the operative part of my question. Before taking action, will my Honourable friend wait until the report of the Nationalization Committee is received?

**Mr. G. S. Bhalja:** The Government will consider the question.

**Mr. President:** Question hour is over.

## (b) WRITTEN ANSWERS

### FUTURE OF INDIAN CIVIL SERVICE.

**319. \*Sri M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Home Member be pleased to make a statement on the negotiations carried on with the Under Secretary of State for India regarding the future of Indian Civil Service and the conditions of retirement of the present incumbents, voluntarily or otherwise?

(b) What scheme has been evolved for recruiting members for an All India Service replacing the present recruitment of I.C.S. men?

(c) What is the total strength of the cadre? For what posts are they recruited and what is their scale of pay?

(d) Have all Provincial Governments agreed to this scheme?

(e) Is it also part of the scheme that certain posts in the provinces should be reserved only for the centrally recruited men as heretofore?

(f) Who is the controlling authority for such centrally recruited officers?

**The Honourable Sardar Vallabhbhai Patel:** (a) to (f). I would refer the Honourable Member to my replies to questions No. 103 and 196 given on the 6th and 11th February 1947 respectively.

#### RETENTION OF SUPERANNUATED EUROPEANS AND INDIANS IN THE GOVERNMENT OF INDIA.

**320. \*Sri M. Ananthasayanam Ayyangar:** Will the Honourable the Home Member be pleased to state:

(a) the number of superannuated Europeans and Indians who are still in service, in the Government of India, their present position and pay;

(b) the steps taken to retire them and replace them;

(c) whether Government propose to direct that no longer superannuated men will be retained, continued or reappointed in Government service;

(d) are Government aware that in some Government Departments superannuated men are being retained or reappointed and that even claims of seniority are overlooked; and

(e) the kind of control that the Home Department exercises over the other Departments and in the cases where seniority is overlooked; and the kind of check the Home Department exercises over such irregularities?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (d). The information is not readily available but is being collected and will be laid on the table of the House when it is complete.

(b) I invite attention to my reply to Mr. Jaffer's starred question No. 522 on 13th November 1946. All Departments have since been asked to examine cases of extensions of service already granted with a view to the termination of such service where continuance of employment is not essential in the interests of the public service.

(c) In addition to the instructions referred to above, it has also been directed that in the case of the Central Services, Class I and Class II, the Federal Public Service Commission should be consulted before an extension is granted for more than six months. This is expressly designed to protect the interests of junior men. There is also the general policy of Government as embodied in F.R. 56. I do not think any further instructions are necessary.

(e) Home Department are responsible for Government's policy in this matter and other Departments must be trusted to carry out that policy in individual cases. It is proposed, however, to call for an annual statement of superannuated personnel retained in employment in order to ensure that instructions are not lost sight of in any individual case.

#### HOUSE BUILDING ADVANCES TO CENTRAL GOVERNMENT EMPLOYEES.

**321. \*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member please state, whether, in view of the acute housing shortage, Government propose to consider the question of granting house-building advances to the Central Government employees, as a means of solving the problem?

**The Honourable Mr. Liaquat Ali Khan:** It is doubtful whether the grant of house-building advances would make any appreciable contribution to the housing shortage, but Government will consider whether the system could with advantage be introduced for Central Government servants, and if so, from what date.

### SHORT NOTICE QUESTION AND ANSWER

#### SOUTH AFRICAN GOVERNMENTS REFUSAL OF PASSPORT FOR INDIA TO DRS. DADOO AND NAIKER

**Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable Member for Commonwealth Relations please state if it is within the rights of one Government to raise with another Government matters relating to the issue of passports? If so, does he propose to enquire into the refusal of passports by the South African Government to Dr. Y. M. Dadoo and Dr. G. M. Naicker to proceed to India to inform the Indian public about the policies of the South African Government and attend Asian Conference?

**The Honourable Pandit Jawaharlal Nehru:** The grant or refusal of a passport to one of its own nationals is entirely in the discretion of the Government within whose jurisdiction the applicant resides. The Government of India regret that Dr. Dadoo and Dr. Naicker have been prevented by the refusal of passports from coming to India to inform the Indian public about the policies of the South African Government and to attend the Asian Relations Conference.

**Shri Sri Prakasa:** Were these two gentlemen Indian or South African nationals? If they were Indian nationals, how could the South African Government, under the terms of the Honourable Member's reply refuse them passports?

**The Honourable Pandit Jawaharlal Nehru:** They are not Indian nationals.

**Shri Sri Prakasa:** What nationals are they? The names are dangerously Indian.

**The Honourable Pandit Jawaharlal Nehru:** The Honourable Member is getting mixed up with names, racial origin and nationality. Nationality has nothing and should have nothing to do with race. Any person can become a national of a country provided he fulfils certain conditions.

**Shri Sri Prakasa:** Or is born there!

**The Honourable Pandit Jawaharlal Nehru:** Or is born there! That is one of the conditions, and the Indians residing in South Africa are presumed to be South African nationals. The question raised in the United Nations Assembly in regard to them was not because they were Indian nationals but it was admitted that they were South African nationals and yet the question was raised.

**Shri Sri Prakasa:** Are Englishmen born in India Indian nationals?

**Mr. President:** Order, order. That is a matter of opinion.

**Shri Sri Prakasa:** If our people become South African nationals . . . . .

**Mr. President:** It will be a matter of argument.

### INDIAN ARMS (AMENDMENT) BILL

**Mr. Ahmed E. H. Jaffer** (Bombay Southern Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill to amend the Indian Arms Act, 1876, be circulated for the purpose of eliciting opinion thereon."



[Mr. Ahmed E. H. Jaffer]

There is a small amendment that I have proposed in the Bill and I am sure the Government will have no objection for the motion of circulation. I have suggested that in section 10 of the Indian Arms Act, 1878, after clause (b), the following proviso shall be added:

"Provided that nothing in this section shall apply to the transport of arms and ammunition and military stores from a licensed warehouse to another licensed warehouse within British India."

At the moment the Act provides that the Governor General in Council may from time to time by notification in the *Gazette of India* regulate or prohibit the transport of any description of arms, ammunition or military stores throughout the whole of British India or any part thereof either altogether or except under a license to the extent and in the manner permitted by such license and cancelled in such notification.

The position at the moment is this. All the arms dealers in India are licensed. If a dealer in Bombay wants to import from a dealer in Delhi say 2,000 rounds of cartridges, he has to apply for a transport license whereby he is saddled with an additional fee of Rs. 10. In the present circumstances I think this is hardly necessary and it is an unnecessary burden on the small dealer. At the moment before a dealer could dream of importing this ammunition he has to apply to the District Magistrate of Bombay, get hold of a no-objection certificate, send it to the dealer in Delhi, whereby the dealer in Delhi applies to his District Magistrate, waits for about a week or 10 days, deposits Rs. 10 which is ultimately recovered from the dealer in Bombay. This is an unnecessary waste of time and money and it is hardly necessary.

Let us examine what is the position of an individual. Suppose I have to import, in Poona, 1,000 rounds of ammunition from a dealer in Delhi. I write to him. I am not speaking as a Member of this House, but say as an individual. He writes to the dealer in Delhi and the dealer sends the ammunition to me in Poona without getting this transport license and I am expected to pay Rs. 10. The dealers at both ends have under the present rules to submit returns to the District Magistrates of both the places. The dealer of Delhi, perhaps through a separate statement, sends a copy to the District Magistrate of the original place where the license is granted and another to the District Magistrate of his own province, so that both are informed that 1,000 rounds are sent to a particular person. I am sure that it is in the mind of the Honourable Member that there should not be a miscarriage of ammunition in these present days. But I can assure him that it is hardly possible because in the present circumstances proper care has been taken by the police authorities and the District Magistrates. So I see no reason or any justification to charge these dealers Rs. 10 as an additional fee and to ask them to take out transport license.

I do hope the Honourable Member will consider my proposal and will not object to circulate the Bill.

Let us wait for the opinions of the Provincial Governments and other individuals and the arms dealers and then we can examine the question.

**Mr. President:** Motion moved:

"That the Bill to amend the Indian Arms Act, 1878, be circulated for the purpose of eliciting opinion thereon."

**The Honourable Sardar Vallabhbhai Patel** (Home Member): On behalf of Government I rise to oppose the motion for the circulation of this Bill. In the first place, I do not see any necessity for this kind of Bill at the present stage. On the ground of necessity I may say that no inconvenience is caused to the public but the inconvenience suggested is to certain individual licence-holders. The object of the Bill is that a licensee may be permitted to transport arms from one province to another without getting a licence, that is, the transport of

arms should be unlicensed. It is sought to be justified on the ground that as the present check for the license of arms is not going to be relaxed there will be no difficulty.

I see a fallacy in this argument because if the transport of arms from one place to another without a license is allowed, there would be a good deal of illicit traffic and black-marketing. Unless a man carrying arms from one place to another is asked to explain on the way or show the licence for carrying these arms and ammunition from a particular licensee, how is any check going to be maintained. It is no use arguing that all the accounts are kept by the licence-holder or by the person who is sending these arms to another place and therefore there is no danger of arms being miscarried or being smuggled, because the accounts in Bombay of a licensee could not be tallied or compared with the accounts of the person to whom the arms are sent in the Punjab. They are not both at one and the same place and it would take a long time; there are also other difficulties in checking. Therefore at the present moment, particularly at this juncture to allow such facilities would be dangerous.

The only ground which is suggested is that of fees. If the payment of a fee of Rs. 10/- is such a very great hardship in these times, then I think that for this House to consider such a small question, which affects very few people to whom any inconvenience is caused, would involve a considerable amount of money. Therefore I feel that this motion should be opposed both on merits as well as necessity. There is already Section 10 which authorises Government to make rules and any rules, if necessary can be made at any time to cover this matter, I therefore strongly oppose this Bill. At the same time, I may point out that the Provinces were consulted and all the Provinces have also unanimously opposed this Bill.

**Mr. Tamizuddin Khan** (Dacca *cum* Mymensingh; Muhammadan Rural). Sir, I rise to support the motion. It is surprising that the Honourable the Home Member is opposing the simple proposal to send the Bill for circulation. There may be cogency in the arguments which the Honourable Member has advanced against the merits of the Bill but just now we are not seriously considering the merits of the Bill at all. What the Honourable the Mover asks for is that the Bill should be sent for circulation. It is not only the question of the fee of Rs. 10/- which a dealer has to pay for taking a transport license but there is also the question of the tremendous inconvenience that he is put to in taking these licenses. The Mover of the Motion contends that it is unnecessary to put him to this trouble and he has given reasons for that. The Honourable the Home Member replied that if a measure like this is passed into law, then it will be very difficult to check smuggling. I do not know how that could take place. Smuggling can of course take place in all circumstances, in spite of every precaution that Government may take. There is smuggling of opium in spite of stringent laws, as every one knows. Therefore that is no argument why unnecessary hardship should be placed on such persons or those dealers who take arms and ammunition from one place to another within British India. These dealers are certainly licensed dealers but I do not know how other persons can escape being caught as smugglers on the plea that they were licensed dealers. They must prove to the police officer by whom they are apprehended that they were licensed dealers. Only a dealer who holds a license will be able to satisfy the police officer concerned but a smuggler will not be able to satisfy him. Therefore. I think there is hardly any cogent reason why a measure like this should not be passed but, as I said in the beginning, this is not the stage where we should seriously consider the actual merits of the Bill. There is no gainsaying the fact that there are hardships on the part of certain class of people. Their number may not be very large but there is hardship and

[Mr. Tamizuddin Khan]

the Bill simply proposes that that hardship should be removed. How it can be removed is proposed in the body of the Bill and the proposal now is that the Bill may be circulated for opinion. If it is found that all or most of the provincial governments have advanced arguments similar to those of the Honourable the Home Member, in that case of course the House will be disposed to say that it would be inadvisable to pass the Bill into law. Therefore I see no reason why this proposal to send the Bill for circulation should be opposed. Sir, I support the motion.

**Shri D. P. Karmarkar** (Bombay Southern Division: Non-Muhammadan Rural): Sir, I oppose the Bill. I was surprised that a Bill like this should have been moved at a time when possibly greater safeguards and precautions were necessary against the movement of arms and ammunition from one place to another. Two reasons were sought to be advanced by the Honourable Member who preceded me. The first argument was that at the present moment a very modest proposal has been made, *viz.*, that this motion be circulated for eliciting opinion. The point is that even when a Bill is to be circulated for opinion, there must be some reasonable ground for entertaining the Bill at all. When we examine this Bill we would see unforeseen possibilities for the abuse of the provisions of the Bill and on that ground I suggest that this Bill does not deserve to be considered for one single moment.

The second argument that was advanced by the speaker who preceded me was that in spite of any law to the contrary there is ample smuggling going on already irrespective of any legal provisions and why not pass this Bill. We all know to our very great regret how some months ago arms and knives and other lethal weapons were sought to be circulated to all the provinces from particular centres and we know also how very difficult it was for Government to prevent their circulation. Under those circumstances when every effort should be made to prevent any possibility of smuggling of arms from one part of the country to another and when any movement of arms should not take place without the knowledge of the Government, at such a time to pass a Bill or place on the statute book a measure of this kind, which is likely to be abused by interested persons would be extremely undesirable, Sir I feel that a measure of this kind ought not even to be considered. In these circumstances I oppose the Bill very strongly. It is a Bill which is not at all necessary. As was pointed out by the Honourable the Home Member the hardship or inconvenience which this Bill seeks to remedy is not of a universal nature. If, for instance, in a population of 40 crores, 20 crores were to come forward before this House and say that they were prevented from the possession of arms because this difficulty stands in their way and prevents the transport of arms from one part of the country to another, there would be some ground for a Bill of this kind. The possibilities of smuggling arms are very great at present and at such a time I should like to be enlightened as to how many dealers in arms have really suffered on account of the provision under Section 10 of the Arms Act. Section 10 is a very salutary provision. The Governor General in Council may from time to time by notification in the *Gazette of India* regulate or prohibit the transport of arms. It is not a power which the Government always assumes. It is a permissive power to be assumed by Government when necessary and under those circumstances any amendment of the provision of Section 10, as it is in the Arms Act, would be liable to be abused in a very bad manner, particularly in the present critical conditions of the country. Sir, I oppose the Bill.

**Mr. Ahmed E. H. Jaffer:** Sir, I have heard with very great attention the speech of the Honourable the Home Member and I must say that I was not convinced as to why the Honourable Member should object to the circulation of this Bill.

The Honourable Member who preceded me asked as to what inconvenience this section in the Arms Act has caused to the arms and ammunition dealers and how many of them have complained about it. I may point out to you, Sir, respectfully that I have been approached by the All-India Arms and Ammunition Dealers' Association here. The dealers approached me and pressed me to bring forward this Bill to remedy their grievances and as a representative of a firm of arms and ammunition dealers in Poona I do feel that their grievances are just and real.

With regard to the financial loss the dealers are put to, the Honourable the Home Member said that in the present conditions Rs. 10/- is a small amount and that any dealer can easily bear it. May I point out that it is a question of paying Rs. 10/- every time and not once. As you know there are so many small dealers all over India. Every time he wants to send some ammunition he must pay Rs. 10 and every time he must produce his transport licence. Where is the distinction between an individual and a dealer?

The Honourable the Home Member said that there is a possibility of black-marketing. I am surprised to hear about the possibility of black-marketing in arms and ammunition. It may be pointed out that there might be illicit sale and smuggling. But I am not convinced of the argument about the possibility of black-marketing. And I would personally say that there is no possibility at all for illicit trade in arms and ammunition. First of all, arms and ammunition are sent by rail. The dealer does not go, for instance, to his representative at Delhi that you can say that there is any possibility of misuse. As soon as a parcel of arms and ammunition leaves Delhi, immediately the District Magistrate at the other end is informed. The police go to the dealer, at Bombay or any other place, and find out whether the arms and ammunition have been received. If they are not, immediate inquiries are made. May I in this connection ask the Honourable the Home Member whether he has received any complaint that any consignment of arms and ammunition sent by one dealer to another has gone wrong or astray? I can say that not one consignment has gone astray. There is a strong watch by the police over the consignments sent from one place to another.

The same thing would apply to the individuals. Suppose I come to buy arms from a dealer in Delhi and I want to take them to Bombay. I must have with me my arms licence; I am open to inquiry by the police. Without my own personal licence I cannot carry arms and ammunition in the train. Similarly, assuming that the dealer comes to Delhi and carries with him a huge quantity of arms and ammunition, he must produce his dealer's licence. My contention is why is this transport licence required when all the dealers are licensed; they carry with them their arms licences given by the District Magistrate.

If it is a question of financial loss to Government, then we can understand. But the Honourable Member says there is no financial loss. I had expected that with the coming of the present Government there would be some change. The Bill was introduced in the last Budget session and I had an occasion to discuss it with the former Home Member. I can assure you that the then Home Member had assured me that he had no objection to have it circulated and that if the opinions were favourable then the matter could be considered later. My request is for circulation. If the Honourable the Home Member and my friends here want to throw it out I do not mind. I have done my duty in the interests of the arms and ammunition dealers. If the Honourable Member feels that by a majority they can throw this out they are welcome to do so.

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

"That the Bill to amend the Indian Arms Act, 1878, be circulated for the purpose of eliciting opinion thereon."

The motion was negatived.

### CRIMINAL TRIBES (AMENDMENT) BILL

**Sri R. Venkatasubba Reddiar** (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I move:

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration."

Sir, in doing so I do not wish to take much of the time of the House. A perusal of the Act, as it stands, will certainly show that it is unnecessary still to continue the provisions of the Act or to have it any longer on the Statute book. With that idea I have also given notice of a motion for the repeal of this Act. But my attention has been drawn to the fact that it was not incumbent on the provincial governments to have the provisions of this Act extended to their province, and any province which is now having this Act under its administration may have it cancelled by a notification in the Gazette. I have also come to understand that the Madras Government has now before its Legislature a Bill to proceed with the repeal of the Act so far as that province is concerned. I do not therefore press the other motion about which I have given notice, namely to repeal this Act. I shall be satisfied with these amendments which I now move.

Under the provisions of this Act, if a provincial government wants it can declare a certain community to be a criminal tribe irrespective of the fact whether all the members of that tribe deserve to be included in criminal tribes or not. Immediately after that the District Magistrate is given power to register certain members of that tribe in the register under this Act. As soon as they are registered they have to intimate to the Government or to the police officer at particular times of the day, week, month or year. At fixed dates they have to intimate. Some of them are watched everyday, in the night, at about 11 o'clock or at 3 o'clock in the morning. They are put to all sorts of inconvenience by the constables of the Police Department. They are under the mercy of these police officers. In spite of that this Act is sought to be continued on the statute book.

My amendment is this. The amendment which I propose is to section 23 of the Act which seeks to impose additional punishment on those persons belonging to this tribe when they are found guilty of certain offences under the Indian Penal Code. In my opinion these punishments are very severe. That is why I have tabled this amendment in a Bill and I seek the permission of the House for the consideration of this Bill.

The amendments which I propose are three in number. Under section 23 (1) of the Act as it stands, the officers of the court are not given any option as the wording is "shall".

"Whoever, being a member of any criminal tribe, and having been convicted of any of the offences under the Indian Penal Code, schedule I, is convicted of the same or of any other such offence, *shall*, in the absence of special reasons to the contrary, . . . be punished, etc."

For the word "shall" I propose to substitute the word "may".

In sub-clause (a) between the words "second" and "conviction" I am suggesting the insertion of the words "or further". The reason is that even if a man is convicted once, on a second trial he may be punished with imprisonment for a time not less than seven years.

Here I propose to substitute the word "more" for "less". Under the existing provision no choice is given to the deciding officer of the court to award a punishment which is less than 7 years. I want discretion to be given to the presiding officer.

The last amendment which I propose is the deletion of sub-clause (b) which reads: "on the third or any subsequent conviction with transportation for life". There is absolutely no justification for imposing a punishment of this sort even if a man is found guilty several times under the provisions of this Act.

These are the amendments which I propose to move and I hope Government will accept my amendments. With these few words, Sir, I move that the Bill be taken into consideration.

**Mr. President:** Motion moved:

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration."

**The Honourable Sardar Vallabhbhai Patel:** On behalf of Government, I rise to support the Bill for the amendment of the Criminal Tribes Act. It has a limited purpose to remedy the position in so far as it is obligatory on the trying courts to impose a sentence which is not based on any reference to the crime, but on the unfortunate fact of the person being born in a particular community. That is, in itself, not a defensible principle and therefore it can be objected to. As the House is aware, there are few sections in the Indian Penal Code which prescribe the minimum sentence to be awarded, but that applies to all cases irrespective of community, but in this case a person is to be given this punishment simply because he is born in a particular community. The unfortunate circumstance of a man being born in a particular tribe or particular class or particular community should not be the basis for imposing a higher sentence. I have therefore no hesitation in supporting the Bill.

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

"That the Bill to amend the Criminal Tribes Act, 1924, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill. Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Sri R. Venkatasubba Reddiar:** I move:

"That the Bill be passed."

In doing so, I have to thank the Home Member for having accepted the amendment.

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

"That the Bill be passed."

The motion was adopted.

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## CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL AMENDMENT SECTIONS 161 AND 162)

**Sri T. V. Satakopachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): No. 4 on the List:

On further consultation with friends who were also responsible for sponsoring this Bill, I have resolved not to move the Bill for consideration. I beg leave of the House to withdraw my notice that the Bill be taken into consideration.

**Mr. President:** That is not necessary.

**Sri T. V. Satakopachari:** I do not propose to press the Bill.

## INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

**Sri T. V. Satakopachari** (Tanjore cum Trichinopoly: Non-Muhammadan Rural): When I gave notice of this Bill, there was no intention on the part of the then Government to table such a Bill before the House with the same objects in view. But after I had placed this Bill before the House and I was permitted to introduce it, I found from a circular issued to us tabulating the Bills that are proposed to be moved by Government a Bill with the same object in view, that is, to preclude disciplinary action on the basis of a conviction for an offence not involving moral turpitude. The present Bill has the same object in view. I was anxious to know whether the Government will sponsor a Bill like this and whether there will be a possibility of the Bill being introduced in this Session itself. I now learn that the Government have prepared the Bill. They have got the draft ready and they will be introducing it in this session. If Government introduce such a Bill, there is a much greater chance of its becoming law. It is a much surer way and if, as I believe, Government will kindly take us into confidence and consult us also or place the Bill before a Select Committee in which we might have a chance of modifying it if necessary, I would be eminently satisfied and my friends here who were with me in sponsoring this Bill will also be satisfied. In view of these facts, I do not propose to move any motion.

**Mr. President:** So that falls to the ground.

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## DELHI MUSLIM WAKFS (AMENDMENT) BILL

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadan): Sir, I move.

"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes, be taken into consideration."

This Act was passed in 1943 and has been in force since then. The actual working of the Act has disclosed some defects which exist in the provisions of the Act and the object of my Bill is to remove those defects.

First of all there is no provision in the Act to indicate the authority competent to accept the resignation of a member of the *Majlis-i-Awakaf* or of the *Sadr* of the *Majlis*. These defects were discovered lately when certain members had to tender resignations and the *Sadr* had to resign. In the actual working of the Act, it has been found that although duties are laid on the *mutawallis* of the several *wakfs* to supply certain information regarding their income and expenditure, yet there is no provision in the Act whereby a *mutawalli* who fails to give the necessary information with regard to the statutory obligation laid on him can be dealt with in case of failure to perform those duties. The practical result of the absence of such a provision in the Act has been that the registration of the *wakfs* in the area concerned has not been completed up to now although four years have elapsed since the Bill became law and there is no way of dealing with the recalcitrant *mutawallis*. It is therefore proposed to have two new section sections 72 and 73. Under section 72 the *Majlis* or the *Nazir* or any person authorised by the *Majlis* will have the same power as a civil court to summon and enforce the attendance of witnesses, to get documents produced and to elicit information and section 73 provides the penalties to be enforced on the recalcitrant *mutawallis*. I may say that these provisions are not new to the kind of legislation which was enacted in 1943. We have got the Bengal Wakf Act (Section 33) and the United Provinces Muslim Wakfs Act (Section

46) which empower an officer of the Wakfs Board who is inquiring into a waki case to elicit information, to get documents produced and call witnesses just like a Civil Court.

I will read section 33 of the Bengal Wakf Act. It runs thus:

"For the purposes of any inquiry under this Act the Commissioner or any person authorised by him in this behalf shall have the power to summon and enforce the attendance of witnesses including the parties interested and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908."

As to the penalties that are proposed in proposed section 73, there is section 57 of the Bengal Wakf Act, which says:

"(1) If a mutawalli fails—

- (a) to apply for enrolment;
- (b) to furnish statements of particulars or of accounts or returns as required by this Act;
- (c) to supply information or particulars as required by the Board or the Commissioner or a person authorised by the Board or the Commissioner;
- (d) to allow inspection of wakf properties, accounts, or records, or deeds and documents relating thereto, or assist inquiries and investigations, if called upon to do so by the Board or the Commissioner or a person authorised by the Board or the Commissioner;
- (e) to deliver possession of any wakf property if ordered by the Board or the Court;
- (f) to carry out the directions of the Board or the Commissioner or a person authorised by the Board or the Commissioner;
- (g) to pay the contribution payable under section 59;
- (h) to discharge any public dues; or
- (i) to do any other act which he is lawfully required to do by or under this Act,

he shall, unless he satisfies the Court that there was reasonable cause for his failure, be punishable with fine which may extend to five hundred rupees."

Thus I have shown that there are corresponding provisions in those Acts and the proposed sections 72 and 73 have nothing novel about them. Therefore, I submit that in order to make the Delhi Muslim Wakfs Act work better in this matter and to prevent the evasion of the duties laid on the *mutawallis* by this Act, it is necessary to pass this Bill, which I have the honour to move for consideration. Sir, I move.

**Mr. President:** Motion moved:

"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes be taken into consideration."

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

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The Assembly re-assembled after Lunch at Quarter Past Two of the Clock. Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.



EXPUNGING FROM THE PROCEEDINGS OF THE ASSEMBLY CERTAIN REMARKS BY DR. G. V. DESHMUKH AND SGT. N. V. GADGIL

**Mr. President:** I have received a request jointly from Dr. G. V. Deshmukh and Sgt. N. V. Gadgil for expunging from the proceedings of the Assembly certain passages from what they spoke in the House on 6th February 1947, during the course of Dr. Deshmukh's Bill *re*: amendment to the Civil Marriage Act of 1872.

The passages proposed to be deleted have been indicated in the said letter and I think it desirable that the House may be pleased to agree to the proposed deletion.

A copy of the passages proposed to be deleted can be inspected by Honourable Members, who would like to do so, in the Notice Office till 2-30 P.M. on Monday, the 17th instant. If the House agrees to comply with the request made by Dr. G. V. Deshmukh and Sgt. N. V. Gadgil, I shall be glad to order that the said passages be expunged from the proceedings.

**Several Honourable Members:** We agree, we agree.

**Mr. President:** This will be done.

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RULING *RE* ENTRY INTO THE DIVISION LOBBY DURING DIVISION OF MEMBERS OF THE EXECUTIVE COUNCIL NOT BEING MEMBERS OF THE LEGISLATIVE ASSEMBLY.

**Mr. President:** A letter was addressed to me by Mr. K. C. Neogy. I have considered the point mentioned in his letter dated the 5th instant. Before I deal with the point raised, I should mention the impression I had of what Mr. Neogy drew my attention to. He mentioned to me that Honourable Messrs. Abdur Rab Nishtar and Ghazanfar Ali Khan, 'were present in the House'. I have no recollection that the fact of their having gone into the 'Ayes' lobby was mentioned to me. It may be that my memory on this question may be slippery. Anyway, what was actually conveyed to me is not of any consequence so far as my final decision on the point raised goes. My decision is based on the assumption that the two Honourable Members "actually went to the 'Ayes' lobby".

Section 68-E(4) of the Government of India Act, as set out in the Ninth Schedule, says that "every Member of the Governor General's Executive Council . . . shall have the right of attending in and addressing the other Chamber" of which he has not been nominated a Member. It is, therefore, clear that they have a right of being present in the Chamber at all times when the House is in session. The Section, to my mind, cannot be restricted to mean "a member of the Council of State can attend this Chamber only when he is addressing this House". Such a construction would be not only unnatural but, if accepted, would lead us to a *reductio ad absurdum*. If he can attend only while addressing, it would mean he cannot be present to hear discussion on any motion in respect of which he wishes to address. I do not think Mr. Neogy wishes to treat them as strangers in the House whenever they attend it, without addressing.

The real question is as to whether they are 'strangers' so far as the Division Lobbies go while any Division is in progress and voting is taking place in the

Lobbies. It has been ruled in this House in September 1968, that the "Ayes and Noes Lobbies are an integral part of the House where the Members discharge their responsibility of recording their votes". The question therefore is as to whether the right of attending the 'House' extends to the Lobbies also, when, for the purposes of voting, the Lobbies are considered as an integral part of the House.

The procedure for Division is well known. On the final demand for Division, the President says:

**"Ayes to the Right and Noes to the Left."**

This is a clear direction by the presiding authority of the Chamber that only those who have got a right to vote will enter the Lobbies, which are considered to be an integral part of the House. Notwithstanding the fact that an Honourable Minister who is a Member of the Council of State has a right of attending and addressing the House, he has no right of voting; and, therefore, though the Lobbies are an integral part of the House to enable the Members of the Assembly to discharge their responsibility of recording their votes, an Honourable Minister who is a Member of the Council of State, having no right to vote in this Assembly cannot have any access to the Lobbies while voting is going on. In pursuance of the direction of the President to the "Ayes" and "Noes" to go respectively to the Right and Left Lobbies, only "Ayes" and "Noes" *i.e.*, Members of the Assembly who have a right to vote are entitled to go therein and none who is not a Member of the Assembly has any right to enter or be present in Lobbies while any Division is in progress.

## DELHI MUSLIM WAKFS (AMENDMENT) BILL

**Mr. President:** Consideration of the Motion moved by Syed Ghulam Bhik Nairang 'that the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes be taken into consideration'.

**Syed Ghulam Bhik Nairang:** I have finished my speech.

**Mr. Shavax A. Lal** (Government of India: Nominated Official): With your permission, Sir, I may say that the Government have no objection to leave this Bill to the decision of Honourable Members who represent the community, and have it passed with such amendments as may be moved.

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

**"That the Bill further to amend the Delhi Muslim Wakfs Act, 1943, for certain purposes, be taken into consideration."**

The motion was adopted.

**Mr. Siddiq Ali Khan** (Central Provinces and Berar: Muhammadan): Sir, I move:

**"That in clause 2 of the Bill, before the words 'Muslim Wakfs Act' the word 'Delhi' be inserted."**

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

**"That in clause 2 of the Bill, before the words 'Muslim Wakfs Act' the word 'Delhi' be inserted."**

The motion was adopted.

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

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

The motion was adopted.

Clause 2 as amended was added to the Bill.

Clause 3 was added to the Bill.

**Mr. Siddiq Ali Khan:** Sir, I move.

"That in clause 4 of the Bill—

- (a) for the words 'first Nazir' wherever they occur the word 'Nazir' be substituted;
- (b) in the proposed section 72 of the Act, after the words 'in the case of' the letter 'a' be inserted; and
- (c) in sub-section (3) of the proposed section 73 of the Act, the words 'of this section' be omitted."

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

"That in clause 4 of the Bill—

- (a) for the words 'first Nazir' wherever they occur the word 'Nazir' be substituted;
- (b) in the proposed section 72 of the Act, after the words 'in the case of' the letter 'a' be inserted; and
- (c) in sub-section (3) of the proposed section 73 of the Act, the words 'of this section' be omitted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4 as amended was added to the Bill.

**Mr. Siddiq Ali Khan:** Sir, I move:

"That for sub-clause (1) of clause 1 of the Bill, the following be substituted:

'(1) This Act may be called the Delhi Muslim Wakfs (Amendment) Act, 1947'."

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

"That for sub-clause (1) of clause 1 of the Bill, the following be substituted:

'(1) This Act may be called the Delhi Muslim Wakfs (Amendment) Act, 1947'."

The motion was adopted.

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

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1 as amended was added to the Bill.

The Title and the Preamble were added to the Bill.

**Syed Ghulam Bhiq Nairang:** 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.

## INDIAN EVIDENCE (AMENDMENT) BILL

**Sri S. T. Adityan** (Madura and Ramnad cum Tinnevely: Non-Muhammadan Rural): Sir, I move:

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration."

I will in a few words mention the object and the effect of the Bill. As it now stands, there is a provision in the Indian Evidence Act, section 90, which concerns mainly the practitioners in law courts. The section runs thus:

"Where any document purporting or proved to be thirty years old is produced from any custody which the Court in a particular case considers proper, the Court may presume that the signature and every other part of such document, which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested."

The effect of the section is that as soon as a document which is more than 30 years old, and which is therefore technically called an "ancient document" is produced in court and is proved to be more than 30 years old or an "ancient document", the presumption applies that it was properly executed and properly attested. The presumption therefore, as you can see, applies only to a document which is produced in original in a trial court. What is sought by the amendment is to apply the same presumption to a document which is undoubtedly more than 30 years old but which has been lost and of which therefore only a certified copy is produced. Of course the ordinary term "certified copy" relates in legal language to a number of documents; for instance, a copy certified by a district munsiff's court, a copy certified by the sub-registrar, a copy certified by any other officer who has got custody of the original document, etc. But as far as my amendment is concerned I seek to apply the presumption only to copies certified by the sub-registrar, and not to those certified by other officers because there may be certain difficulties in applying such presumption to such copies. As far as sub-registrars' copies are concerned I think this amendment will enlarge the benefit of this section. It is well known that the system of registration of documents relating to immoveable property has been very highly developed in this country to an extent which does not obtain in England or any other part of the British Empire. So I think it is high time that we should give due recognition to this aspect of the question.

Then there are one or two other points I should like to mention. When a copy of a document more than 30 years old is presented before a court it so happens that under the present law due execution of the original is to be proved because the original is not before the court. Therefore the practice obtains of putting in a witness—obviously to make a false statement—who is not more than fifty years old to go in and say that he is 75 or 80 years old so that he may be able to prove the formal execution of a document. It is a fraud committed on the court by all the parties concerned, but as all are agreed as to the genuineness of the document the court winks at it. Today the plaintiff's vakil does it and next day it is the defendant's vakil who will claim the same privilege. Under these circumstances the practitioners know the difficulty of the existing Section 90, and therefore the enlargement of it is now proposed.

I need not go further into this question now. I will simply say that the Government wants that this Bill should go before a Select Committee. I understand that a motion will be moved with regard to this, and therefore the details can be settled by the Select Committee. Sir, I move that the Bill may be taken into consideration.

**Mr. President:** Motion moved:

"That the Bill further to amend the Indian Evidence Act, 1872, be taken into consideration."

**Mr. Shavax A. Lal** (Government of India: Nominated Official): Sir, I have an amendment to move. Government have no objection to the principle of the Bill, but they would like to have it further examined from the point of view of drafting, and with that object in view I move:

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, Sri S. T. Adityan, Shri D. P. Karmarkar, Pundit Thakur Das Bhargava, Sri T. V. Satakopachari, Mr. Sasanka Sekhar Sanyal, Sardar Sampuran Singh, Khan Mohammad Yamin Khan, Mr. Tamizuddin Khan, Mr. P. J. Griffiths and Mr. W. M. Martin, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. President:** Does it mention any date by which the report of the Select Committee should be presented to the House?

**Mr. Shavax A. Lal:** No date is mentioned.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Mr. Jogendra Nath Mandal, Sri S. T. Adityan, Shri D. P. Karmarkar, Pundit Thakur Das Bhargava, Sri T. V. Satakopachari, Mr. Sasanka Sekhar Sanyal, Sardar Sampuran Singh, Khan Mohammad Yamin Khan, Mr. Tamizuddin Khan, Mr. P. J. Griffiths and Mr. W. M. Martin, 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.

## INDIAN COMPANIES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 25, 31, 32, ETC.)

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the Bill further to amend the Indian Companies Act, 1913, (Amendment of Sections 25, 31, 32, etc.), be circulated for the purpose of eliciting opinion thereon."

Sir, it is a very modest attempt to improve the Companies Act in the light of the experience gained after the passing of this Act, particularly the experience of recent years.

I will briefly mention the main objects of the Bill: The proprietors, or the member, or the shareholder, who is really the owner of the company, should have more knowledge as regards the affairs of the company—that is the main object of this amending Bill. If you want the future industrial development of the country which of course is all important and vital, you must pay proper attention to the laws which govern the Companies, because unless the companies are properly managed and unless people are aware of the provisions of the Memorandum and of Articles of Association of a Company they will not come forward to invest their capital in these industrial concerns. In suggesting these amendments we are not making any innovations: in fact, in other countries also Governments are trying to improve the Companies Act in the post war period. For instance, in England they appointed, what they call Cohen Committee, and as a result of the Cohen report a Bill is already coming forward before the House of Lords.

I will now explain briefly the objects of the various amendments which have been embodied in this Bill: First of all, when the Prospectus and Articles of Association are published it is very necessary that they should be made available to any person who needs them if necessary, on a small payment of one-rupee. The advantage of this will be that before an investor puts his money into a company he will know exactly where he stands. I know that even at present the Prospectus and the Articles of Association are printed and published and distributed, but if it is made compulsory by law it will be to the advantage of the ignorant investor in this country.

Then, Sir, there is a system of joint-holders of shares. It is very necessary that the proprietors of the company, in other words the shareholders, should

know who are their colleagues in the company. I know that generally joint names are put forward, but it is not always done, and therefore I have proposed that the name of every joint holder should be put on the register separately.

Then, Sir, coming to the management of the companies, we find that the Directors very often merely say that these shares cannot be transferred to any particular person who wants to invest his money in the company. Of course the Directors may have the right to reject the transfer of shares, but at the same time I think it is only right that where they refuse transfer they should give their reasons for that refusal. As it is if somebody goes to the market and buy shares, and when the question of transfer of shares comes in, the Director decides without giving any reason that the shares cannot be transferred. I think it is very necessary that the reason for not transferring the shares should also be mentioned when the transfer is denied. That is another provision which I have put in.

The other thing is before the general meeting when the general report is passed. Suppose if it is not an unanimous report of the Directors. There are no reasons given and no mention made of the dissenting opinion. After all Directors are appointed by the shareholders and if a Director thinks it is worth while to dissent from the general opinion, it is only right that it should be obligatory or should be necessary on the part of the company to put before the general meeting the reasons why the Director has differed.

With regard to the auditing of companies, we know that the auditors are appointed and that they may attend the meeting. I want to make it obligatory that the auditor should attend the meeting and not only that but when called upon I think he should be made to explain and if he has any complaints or any remarks to make on the annual report of the company he should be allowed to do so. As it is auditors merely attach their reports. Very often they are present. All the same, the auditors cannot make any independent statement and as such the shareholders of the company are in no position to know the reasons. They have merely to go by what the then elected President tells them. This is not in the interests of the shareholders.

There is one thing more and I have mentioned it in clauses 9 and 10 in the amendment. As it is the Inspectors are appointed for the proper administration of the companies but these inspectors do not seem to have the powers necessary to enforce the efficient working of the companies. You will find that I have mentioned that actually the inspector said he had no such powers to ask for the auditors report. I find that this is not a very desirable state of things. We have appointed inspectors under the old Companies Act but we have not given them sufficient powers to see that the affairs of the company are properly conducted. I find from Cohen's report that actually these inspectors who are appointed by the Board of Trade have every power to call for all the records. They can even examine independent witnesses. They can refer it to the Courts and even they have power to wind up a company after putting it before the Courts. In a country like ours, where capital is shy and it is very vital that industry should develop, I think, we cannot do better than give a little more power to these inspectors who after all have no personal interest and they will see to it that the company's affairs are properly administered.

These are some of the reasons for bringing forward this modest measure. I have not tried to change the framework of the Companies Act. I have not even gone as far as they are going in other parts of the country with regard to the Companies Act. For instance, I am informed that the Government may not have any objection to sending this round for eliciting public opinion. I am very happy to know that this is the attitude of the Government and I am told that they want to bring forward a comprehensive Act with reference to this

[Dr. G. V. Deshmukh].

Companies Act. I therefore, request the Government to take a few more things into consideration which I have not included in this Bill.

When the company is floated, the public is informed that 60 or 70 per cent. of the shares are taken by the Directors, their friends and relatives. This has a very pernicious effect on the public. The public think that since the Directors have taken 60 to 70 per cent. of the shares, therefore the company must be good and it is worth while investing it. Very often it so happens—I am not talking of all the Directors, but I have had experience in Bombay since I come from a commercial place and represent a commercial constituency—that this action is meant to boost up the shares. The Directors take just the qualifying shares and leave the other shareholders ignorant. Those who do not know the intricacies of these workings have to hold the baby, so to say. Very often after the Directors have gone out we find that the premium drops and the company is not in as good a position as it should be in. When the Government takes up this comprehensive Act, they will look after these capital issues and see to it that those Directors and others who say that they have taken 60 per cent. of the shares, that for a period of at least six months or a year these shares are registered in their names. When they say that they have taken a share, it is only right and correct that they should have it for at least six months or a year. I hope the Government will see to this.

The second thing.....

**Mr. President:** It is beyond the scope of the present Bill.

**Dr. G. V. Deshmukh:** I think I will take the opportunity of suggesting these measures when the Government brings forward this Bill. There is however a suggestion, emanating from England that no person over 70 years of age should remain a Director. I should suggest the age of 60 in this country. After these suggestions and since there is no opposition to the Bill on the part of the Government, I move for the present that this should be sent round for public opinion.

**Mr. President:** Motion moved:

"That the Bill further to amend the Indian Companies Act, 1913, (Amendment of Sections 25, 31, 32, etc.), be circulated for the purpose of eliciting opinion thereon."

**Mr. Shavax A. Lal** (Government of India: Nominated Official): As my Honourable friend has just mentioned, Government has already under consideration a comprehensive revision of the Indian Companies Act, and they have appointed an eminent solicitor from Bombay to examine the Act and the changes that may be necessary therein and we expect the report very shortly. In anticipation of these changes, we have forwarded to him a copy of this Bill, and I am sure he will consider the amendment suggested by my Honourable friend when he submits his report. I should, however, myself prefer that this present Bill should be held up till the Government introduces the comprehensive measure on the point, because piece-meal interference with the Indian Companies Act is not really desirable in the public interest. But if my Honourable friend, Dr. Deshmukh persists in his intention, then Government would not object to it. Of course at this stage Government cannot commit itself to any particular course of action in regard to the suggestions made.

**Dr. G. V. Deshmukh:** May I give one explanation. It may be that I am merely persisting for no reason. If you permit me I will tell you the reason.

**Mr. President:** The request, as I have understood it, is this. In view of the report of the gentleman concerned, and in view of the fact that this Bill has been sent to him for consideration before making the report, it is suggested that Dr. Deshmukh need not press his request for circulation. If he is very particular that it should be sent for circulation, Government have no objection though they do not wish to commit themselves to any of the suggestions.

**Dr. G. V. Deshmukh:** I wish to explain why it should be sent round. Four years ago in the case of Clause 86(f) I wrote to the Government to move an amendment to the Companies Act. Four years have passed. I was promised then that Government would soon be moving in the matter but they have done nothing of the kind. I hope I will be a kind of a stimulus to the Government.

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadian Rural): Injection!

**Dr. G. V. Deshmukh:** Yes, injection! I think my giving this amendment will specially help the Government to get public opinion to proceed with the Bill more quickly. The impression might be given that I was unreasonable in persisting in spite of the Government's request. As a matter of fact I am merely doing this to help the Government to get public opinion as soon as they can and I hope the House will agree to sending this Bill for eliciting public opinion.

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

"That the Bill further to amend the Indian Companies Act, 1913, (Amendment of Sections 25, 31, 32, etc.), be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

### INDIAN RAILWAYS (AMENDMENT) BILL

**Mr. S. Guruswami** (Nominated Non-Official): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railway Act, 1890.

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

"That leave be granted to introduce a Bill further to amend the Indian Railway Act, 1890."

The motion was adopted.

**Mr. S. Guruswami:** Sir, I introduce the Bill.

### CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

**Pundit Thakur Das Bhargava** (Ambala Division: Non-Muhammadian): Sir, I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

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

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

**Pundit Thakur Das Bhargava:** Sir, I introduce the Bill.

### DURGAH KHWAJA SAHEB (AMENDMENT) BILL

**Syed Ghulam Bhik Nairang** (East Punjab: Muhammadian): Sir, I beg to move for leave to introduce a Bill further to amend the Durgah Khwaja Sahab Act, 1936.

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

"That leave be granted to introduce a Bill further to amend the Durgah Khawaja Sahab Act, 1936."

The motion was adopted.

**Syed Ghulam Bhik Nairang:** Sir, I introduce the Bill.

### INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

**Pundit Thakur Das Bhargava** (Ambala Division: Non-Muhammadian): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.



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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898."

The motion was adopted.

**Pundit Thakur Das Bhargava:** Sir, I introduce the Bill.

#### INDIAN MINES (AMENDMENT) BILL

**Mr. S. Guruswami** (Nominated Non-Official): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Mines Act, 1923.

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

"That leave be granted to introduce a Bill further to amend the Indian Mines Act, 1923."

The motion was adopted.

**Mr. S. Guruswami:** Sir, I introduce the Bill.

#### STATEMENT OF BUSINESS

**The Honourable Pandit Jawaharlal Nehru** (Leader of the House): Sir, I would suggest to the House, in view of the fact that there is a great deal of 3 P.M. official business and during the last few days the progress has been slow, that during the next three weeks the House should sit till Six O'clock on the days of official business. That will mean that the House will sit till Six O'clock on the 17th, 21st and 27th February and also on the 5th March, that is for four days. This would give us four extra hours which might enable us, if the House cooperates, to get through the official business. May I also beg of Honourable Members to help us in getting through this business not exactly by limiting their speeches but by not speaking at such length as sometimes they are tempted to do.

**Mr. President:** I believe the House has no objection to the suggestion.

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th February, 1947.