

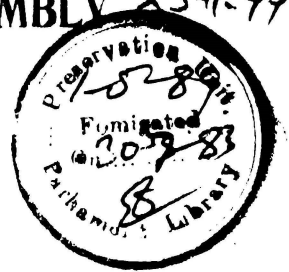
5th March, 1947

THE
LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume II, 1947

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

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



LEGISLATIVE ASSEMBLY

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Deputy President :

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Sardar MANGAL SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Wednesday, 5th March, 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.

MEMBERS SWORN:

Sir John Francis Sheehy, C.S.I., M.L.A. (Government of India: Nominated Official); and

Mr. Charles William Ayers, C.I.E., C.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS†

WRITTEN ANSWERS

UNHYGIENIC DELHI MUNICIPAL SCHOOLS

732. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Education please state if he has received a representation in regard to the highly unhygienic state of Delhi Municipal Schools?

(b) Do Government propose to take necessary action in the matter and call for a report in regard to the health of the School children?

The Honourable Maulana Abul Kalam Azad: (a) No.

(b) A report from the local administration has been called for and will be placed on the table of the House when received.

RESTRICTIONS ON CARRYING OF KIRPANS BY SIKHS

733. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Home Member please state if an order has recently been promulgated restricting the carrying of kirpans by members of the Sikh Community?

(b) Have Government received any representation from Sikhs in connection with these restrictions?

The Honourable Sardar Vallabhbhai Patel: (a) No such specific order has been promulgated.

(b) Does not arise.

KATNI BUSINESS OUTSIDE STOCK EXCHANGE HALL, CALCUTTA

734. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable the Finance Member please state:

(a) whether Government propose to put a stop to Katni business in Calcutta;

(b) whether it is a fact that outside the Stock Exchange Hall in Calcutta a great many people assemble and deal in the shares of Indian Iron and Steel Company Limited;

(c) whether it is further a fact that in this business there is neither actual delivery nor keeping of regular accounts;

(d) whether Government are aware that their system of business is to finish the transaction daily on the prices at the time of closing, inside the Calcutta Stock Exchange Association and that the difference is received and paid absolutely in cash and that just after the closing time the transaction for the next day begins; and

†Answers to these questions laid on the table, the question hour having been dispensed with.

(e) whether Government are aware that people deal in this Katni business to escape Government taxes?

The Honourable Mr. Liaquat Ali Khan: (a) This is a matter at present for the Government of Bengal but I would invite a reference to para. 45 of my Budget speech,

(b) Government have seen accounts of the existence of a "Katni" Market in Calcutta where speculative business was being carried on in some of the leading speculative shares.

(c) and (d). According to Government's information business is done on verbal contracts which are adjusted by cash payment on the basis of the closing prices in the local Stock Exchange.

(e) Government are aware that profits made on the Katni Market escape taxation but it is a matter of opinion whether people resort to this business for evading tax or for satisfying their gambling instinct.

INDIAN ASSISTANT CONTROLLER OF SALVAGE AT GENERAL HEADQUARTERS

735. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Defence Department please refer to the reply to parts (c) and (d) of unstarred question No. 75 of 13th November, 1946, regarding duties of Assistant Controller of Salvage and state if it is a fact that there is one Indian Assistant Controller of Salvage at General Headquarters? If so, what is his name and rank? If not, the steps Government propose to take to appoint Indians as Assistant Controller of Salvage?

Mr. G. S. Bhalja: At present there is no Indian Assistant Controller of Salvage at General Headquarters. The question of releasing from active Military duty Indian Officers possessing the requisite qualifications to take up this work is under consideration.

PRE-HISTORIC ARCHAEOLOGICAL FINDS IN NARBADA VALLEY IN GUJERAT (C. I.)

736. *Seth Govind Das: (a) Will the Honourable Member for Education be pleased to state if Government are in possession of information relating to the discovery of pre-historic archaeological finds believed to be of far greater antiquity than those of Mohenjodaro and Harappa, in the Narbada Valley in Gujerat and Central India?

(b) If so, will Government lay on the table of the House a statement giving the main details and description of the discovery?

The Honourable Maulana Abul Kalam Azad: (a) and (b). The Director General of Archaeology in India has been in active correspondence with the State Archaeologist, Rajpipla State, in regard to the discovery of prehistoric archaeological finds reported by him in the Narbada Valley. No satisfactory evidence has been produced in substantiation of the claims for an exceptional antiquity for the finds in question. The Director General of Archaeology in India who intends to visit the sites as early as possible will make a report to Government in due course. A copy of his report will be laid on the table of the House.

CRISIS AND FAILURE OF BANKS IN BENGAL

737. *Seth Govind Das: Will the Honourable the Finance Member be pleased to state:

- (a) whether Government are aware of the recent crisis in Bengal Banks;
- (b) If so, the causes that led to the crisis and the effects thereof;
- (c) the number of banks in Bengal that failed during 1935-45;
- (d) the steps that Government are taking to alleviate the sufferings of the small banks?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) As regards the causes, the unsound practices followed by certain non-scheduled banks in Bengal, such as the indiscriminate opening of a large number of branches without sufficient capital, granting of loans without adequate security mostly against speculative shares, lack of proper personnel and the tendency of some of the smaller banks to invest in shares of companies connected with the management had already undermined their financial position. When, therefore, as a result of a combination of political and economic factors and labour troubles, a slump occurred on the Calcutta Stock Exchange, banks which had, in spite of a timely warning issued by the Reserve Bank in May 1946, made large advances against Shares or heavily invested in them, found themselves in a difficult situation which was further aggravated by the heavy withdrawals to which they were subjected in the panic that prevailed. As for the effects of the crisis, a few banks had to suspend payment and the information available to Government shows that five banks have obtained moratorium from the Calcutta High Court under Section 277 N of the Indian Companies Act, two have gone into liquidation, three have applied for liquidation, two for arrangement with creditors and one for amalgamation.

(c) The total number of banks that failed in Bengal during 1935-45 is 115.

(d) During the crisis the Reserve Bank closely watched the situation and took such measures as were possible to restore confidence and to assist the banks. As already stated however the troubles of some of the smaller banks in Bengal are due primarily to their own unsound and unsatisfactory methods of operation and will cease only if the banks themselves decide to remedy these defects. The Banking Companies Bill which is before the Legislature is designed to check some of these undesirable practices and protect the public, and certain further provisions added to the Bill by the Select Committee will enable the Reserve Bank to maintain a closer contact with these banks and to assist well-managed banks in an emergency or in the event of a general banking crisis.

NEW ITEM *re* ANNUAL ALLOTMENT OF SILVER TO CEYLON

738. *Seth Govind Das: (a) Will the Honourable the Finance Member be pleased to state whether Government are aware of the Associated Press of India news item that India has allotted to Ceylon 120 thousand tolas of silver annually?

(b) What are the conditions which necessitated and led to this transaction?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir.

(b) Ceylon has been mainly dependent on India for imports of silver and in response to a request from the Ceylon Government a quarterly quota of 30,000 tolas of silver for export to Ceylon was fixed in 1944 on the basis of exports in 1940-42 to meet the requirements of established silver-smiths and jewellers in that country.

INDIAN OCCUPATION FORCES IN JAPAN

739. *Seth Govind Das: (a) Will the Secretary of the Defence Department be pleased to state the strength of the Indian Occupation Forces in Japan?

(b) Till what time do Government propose to keep these forces in Japan?

(c) Was the decision to send occupation forces to Japan arrived at at the instance of His Majesty's Government or the Government of India independently?

Mr. G. S. Bhalja: (a) The strength of the Indian Occupation Force in Japan on the 1st January 1947 was approximately 10,640.

(b) The Government of India have decided to withdraw the Indian Occupation Force from Japan as soon as can be arranged in consultation with H. M. G. in the United Kingdom and other Commonwealth Governments concerned.

(c) The Government of India were asked whether they would like to include an Indian contingent in the Allied Occupation Force, and they replied they would.

PREACHING OF IDEALS OF UNITY AND COMMUNAL HARMONY THROUGH RADIO

740. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Information and Broadcasting please state the steps Government have taken or propose to take for the preaching of the ideals of unity and communal harmony through the radio, films and educational institutions?

The Honourable Sardar Vallabhbhai Patel: Government have not taken any specific steps in this direction.

RESEARCH AND TRAINING IN INDIGENOUS SYSTEM OF MEDICINE

741. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Health Department please state:

(a) the date, if any, by which the Committee appointed to consider and recommend steps that should be taken to improve the facilities for research and training in indigenous system of medicine and generally to increase their usefulness to the public should submit their report; and

(b) whether the Committee has begun to work, if so, since when?

Mr. S. H. Y. Oulsnam: (a) No date has been fixed.

(b) The Committee has not yet met but the Chairman has prepared a draft questionnaire for circulation to the members and discussion at a meeting to be held in March.

SCALES OF PAY OF TEMPORARY CLERKS FOR NAVAL, AIR AND GENERAL HEADQUARTERS

742. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Defence Department please state:

(a) if it is a fact that temporary clerks for Naval, Air and General Headquarters recruited by the Chief Administrative Officer, War Department (now Defence Department) after they had undergone a few week's preliminary training and passed the prescribed examination were placed in categories either "A" or "B";

(b) if so, what were the scales of pay for each of these grades;

(c) the number of those "B" grade clerks in January 1945 in all the three Headquarters, who passed the promotion test, and thus qualified themselves for Upper Division;

(d) the reasons for recruiting clerks on unified scale of pay (100-10-200) through Federal Public Service Commission in 1945 in preference to those existing qualified hands in the above mentioned three Headquarters; and

(e) the steps Government propose to take to give relief to those who have suffered in consequence of the preference referred to above?

Mr. G. S. Bhalja: (a) This was the war time practice but is no longer followed.

(b) The graded scales for either category were:

Rs. 60—5—100—4—132—3—144 for those who joined service before 1st September 1944.

Rs. 60—5—100(EB)—10—120 for those who joined service on or after 1st September 1944.

(c) The number of Lower Division clerks who qualified for Upper Division in January 1945 was 110.

(d) and (e). Recruitment through the F. P. S. C. is the normal method and in normal times is obviously preferable to departmental recruiting. It was temporarily suspended during the war because the F. P. S. C. could not meet

the demands of the Armed Forces Headquarters but was reintroduced in 1945 as a step towards the normal procedure, but with the stipulations—(i) that recruitment through the G. H. Q. Trade Testing School continues at the same time until the F. P. S. C. could meet all demands; (ii) that the normal prospects of promotion of existing clerks would not be interfered with.

REMOVAL FROM INDIA OF PRECIOUS PAINTINGS BELONGING TO THE GOVERNMENT

743. *Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Education be pleased to state:

(a) whether Government are aware that many precious paintings and portraits belonging to the Government of India have been removed from this country and that they have been replaced by close imitations; and

(b) whether, in view of the importance that works of art are quickly acquiring in the new context of things, Government propose to consider the advisability of appointing a committee of experts for going into an examination of the portraits and paintings of Government for purposes of ascertaining whether they are all originals or any of them is an imitation?

The Honourable Maulana Abul Kalam Azad: (a) The question presumably refers to paintings and portraits in the custody of the Trustees of the Indian Museum or the Victoria Memorial Museum, Calcutta or in the custody of the Archaeological Department in the Fort Museum, Delhi. According to the information furnished by the authorities concerned the reply is in the negative.

(b) Does not arise.

LEGISLATION AGAINST CRIMES AGAINST WOMEN AND FORCIBLE MARRIAGES AND CONVERSIONS

744. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Home Member be pleased to state whether the Government of India propose to introduce legislation in connection with crimes against women and forcible marriages and conversions?

The Honourable Sardar Vallabhbhai Patel: No; the provisions of the existing law are considered adequate for the purpose.

TEXT BOOKS ON ART AND MUSIC

745. *Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Education be pleased to state whether Government have accepted as their policy the recommendation of the Central Advisory Board of Education in its report on the post-War Educational Development in India that "Art and music should form an integral part of the curriculum of both academic and technical High Schools"?

(b) What steps, if any, have been or are being taken by Government for encouraging the publication of suitable text-books on art?

(c) What steps have been taken by Government for introducing a curriculum for the study of art in primary and secondary schools?

(d) What steps, if any, have been or are being taken by Government for making available the advice and assistance of well known artists of the country?

The Honourable Maulana Abul Kalam Azad: (a) Yes, Sir. The Report of the Central Advisory Board of Education on Post-War Educational Development has generally been accepted by the Central as well as the Provincial Governments.

(b) The Government of India have accepted the recommendations of the Central Advisory Board of Education made in 1944 to improve the planning, production and selection of text books and other literature for use in educational institutions in this country. The report of the Board has also been commended to the Provincial Governments. The recommendations relate to all school literature and art subjects are also included in it. The question of implementing these recommendations is under active consideration.

(c) An Expert Committee has recently been appointed with the Educational Adviser to the Government of India as its Chairman to draw up a curriculum on broad lines and to prepare a handbook for guidance of teachers, in basic schools. The Committee includes experts in Arts and Crafts.

(d) The Central Advisory Board of Education at their meeting in January 1947 have recommended the establishment of a National Cultural Trust for India which will include an Indian Academy of Arts and Architecture as one of its constituent bodies. The proposed Academy will enrol among its members eminent artists of this country. The recommendation of the Board is under consideration.

FUTURE STRENGTH OF POST-WAR ARMY

746. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Defence Department please state what the future strength of the Post War army will be?

(b) What is the number of Pre-war Officers (Regular Commissions) and Indian Other Ranks in the following communities?

Muslims	Officers	I.O.R.
Hindus	Officers	I O.R.
Sikhs	Officers	I.O.R.
and Other Communities	Officers	I.O.R.

(c) How many officers hold the following appointments: "Battalion Commanders"; "G. I. appointments"; "Brigadiers" among Hindus, Muslims, Sikhs, and other communities?

(d) What is the number of Indians holding commissions in the Indian Army Medical Corps?

Mr. G. S. Bhalja: (a) The strength of the Post War Army has not yet been decided.

(b) The number of Regular Indian Officers (including I.M.S.) and Indian Other Ranks of each community serving on 1st September 1939 was approximately as shown below:

	Officers	I. O. Rs.
Muslims	138	53,000
Hindus	274	63,000
Sikhs	95	24,000
Other communities	70	1,000

(c) I lay a statement on the table of the House.

(d) The number of Indians holding Commissions in the Indian Army Medical Corps (including I.M.S. officers in military employ) is 2,452.

Statement

1. Battalion Commander (Lt.-Colonel) appointments held by Indians :—Muslims 5; Hindus 6; Sikhs 1.

2. G. I. appointments held by Indians :—Muslims 22; Hindus 20; Sikhs 11; Other communities 3.

3. Brigadier appointments held by Indians—Muslims 1; Hindus 7; Sikhs 1; Other communities 1.

PERCENTAGE OF MUSLIMS IN BRANCHES OF GENERAL HEADQUARTERS

747. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Defence Department please state how many civilians and military personnel (Officers and Indian Other Ranks) are employed in the General Headquarters working as Office Superintendents, clerks and chaprasies in the Directorate of M. S. Branch; General Staff Branch; A. G.'s Branch; Q. M. G. Branch; M. G. O. Branch; Engineer-in-Chief's Branch; Supply Department and other military services?

(b) What is the percentage of Muslims in the above?

Mr. G. S. Bhalja: (a) and (b). I lay two statements on the table of the House.

(a) Statement showing the number of civilians and Military personnel (V. C. Os. and I.O. Rs.) who are employed in G. H. Q. as Superintendents, Clerks, Choppersies.

	Civilians				Military (V. C. Os. and I.O.Rs.)						
	Supdts./	Asstt. I/C.	Clerks	Inferior servants	Total	Supdts.	Asstt. I/C.	Clerks	Inferior servants	Total	Grand Total
M. S. Branch	7	9	180	60		..	..	..	..	..	..
G. S. Branch	17	9	426	375	..	..	10	..	..	..	..
A. G.'s Branch	44	63	1118	460	..	..	45	11	..	..	..
Q. M. G.'s Branch	28	30	530	221	..	2	69	3	..	..	..
M. G. O. Branch	31	71	895	269	..	..	110	4	..	..	..
E.-in-C.'s Branch	12	20	290	153	..	..	..	..	..	..	..
Medical Dto.	7	12	205	98	..	..	11	..	..	..	..
C. A. O.'s Office	30	29	675	630	..	..	..	..	..	..	..
Total	176	243	4319	2266	7004	2	18	246	..	266	7270

(b) Statement showing the percentage of Muslims in the Branch of General Headquarters.

Branch	Superintendents		Assistant-in-charge		Clerks		Inferior servants	
	Civilian	Military	Civilian	Military	Civilian	Military	Civilian	Military
M. S.		..			23%		18%	..
G. S.	24%	..	33%	..	17%	20%	20%	..
A. G.	20%		18%	27%	18%	17%	20%	..
Q. M. G.	7%	50%	23%	..	2%	16%	19%	..
M. G. O.	10%	..	23%	..	23%	18%	31%	..
E.-in-C.	8%		30%	..	24%	..	26%	..
Medical Dte.	14%		42%	..	19%	27%	34%	..
C. A. O.	13%	..	17%	..	18%	..	23%	..

MUSLIM OFFICERS FOR TRAINING IN STAFF COLLEGES *

748. *Mr. Ahmed E. H. Jaffer: Will the Secretary of the Defence Department please state:

- (a) how many officers have been sent to Staff Colleges for training;
- (b) how many officers were qualified in Quetta and Camberley and other Dominions;
- (c) how many Muslims, Hindus, Sikhs and others were sent to Staff Colleges;
- (d) whether the Government of India reserve vacancies for Muslims for all types of higher staff training courses, such as the training course at the Imperial Defence College; and
- (e) the steps that are being taken to increase the number of Muslims for such training?

Mr. G. S. Bhalja: (a), (b) and (c). I lay a statement on the table of the House.

(d) and (e). The Officering of the Armed Forces, is not on a communal basis. The selection of officers for higher training depends on their qualifications and suitability for the particular course and also very largely on the efforts they make to qualify themselves. Officers of all communities have an equal chance, and is no reservation of vacancies for any community.

Table Showing numbers of Officers who attended staff Colleges from India to 1946 and 1947

Course	Officers sent to Quetta					Officers sent to :—					Total						
	Indian Army Officer			Total Indian Officers	Total Indian Army	Camberley			Canada	1947 Course of the Imperial Defence College							
	British Officers	Indian Officers				British Officers	Indian Officers			Australia		British	Muslims	Hindus	Total		
		Muslims	Hindus, Sikhs & others	Muslims	Hindus etc.		India	Thailand									
13th War Course December 45- June 46.	38	42	13	39	52	94	132	2	..	2	4	1(a)	..	..	..	137	
14th War Course July 46-Dec- ember 46.	26	56	19	55	74	130	156	4	..	2	6	..	1(b)	..	..	163	
1947 Course Feb- ruary 47.	25	84	18	35	53	137	162	..	4	4	6	..	..	2	1x	6	176
																	476

Notes :—(i) The table only shows "Muslims" and Hindus, Sikhs and others". It is not possible to differentiate from records of officers' names, between Hindus, Sikhs and other classes. As Armed Forces are not, as far as officers are concerned, run on a communal basis, information as to officers' classes is not readily available.

(ii) (a) British Officer.

(b) Indian Officer (Hindu).

(x) Civilian.

(y) Includes two Civilians.

ROYAL INDIA NAVY

	Hindu	Muslim	Sikh	Parsi	Christians	British
Greenwich Staff College	2	1	..	..	..	2
Quetta Staff College	1	2	..	..	..	..
Total	3	3	..	..	..	2
						8

ROYAL INDIAN AIR FORCE

	Hindu	Muslim	Sikh	Parsi	Christians	British
Quetta Staff College	5	2	..	..	..	..
RAF Gerrards Cross						
RAF Staff College, Halifa			1	2	1	
RAF Staff College, Bracknell						
Total	5	2	1	2	1	..
						11

Grand Total 495

DEFLECTIONS OF TRADE IN BETEL-NUT FROM MALABAR TO COCHIN AND TRAVANCORE

749. *Sri A. K. Menon: (a) Will the Honourable the Finance Member be pleased to state whether Government are aware that the betel-nut growers of Malabar have, in addition to the Central Excise Duty on betel-nuts, to pay a Provincial Sales Tax also and that consequently, the main trade in betel-nuts is deflected from British Malabar to Cochin and Travancore States?

(b) What steps do Government propose to take in order that the growers of betel-nut in Malabar are not placed in a position of disadvantage when compared to those of Travancore and Cochin?

The Honourable Mr. Liaquat Ali Khan: (a) Government are aware that the dealers in betel-nuts in the Province of Madras are subject to sales tax in addition to the Central excise; but they have received no evidence that trade is in consequence deflected from British Malabar to the States of Cochin and Travancore.

(b) A copy of this question and answer will be forwarded to the Government of Madras for their consideration.

GRANT FOR BUILDING HOUSES IN RURAL AREAS.

750. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state:

(a) whether any attempt has been made to allocate any portion of the last budget provision of funds towards grants for the building of houses;

(b) whether any money has been actually allocated and spent upon house-building schemes in urban and rural areas;

(c) if so, in what proportion and on what conditions; and

(d) whether Government propose to show special consideration to the question of constructing new houses in rural areas in view of the housing shortage in villages?

The Honourable Mr. Liaquat Ali Khan: (a), (b) and (c). This is primarily a Provincial concern except in centrally administered areas; but I would invite the Honourable Member's attention to paragraph 39 of my Budget Speech.

(d) The Government of India are fully aware of the importance of improving rural housing conditions.

ESTATE DUTY BILL

751. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state whether Government propose to have an early discussion on the Estate Duty Bill, 1946, which was introduced in the Assembly on the 21st March 1946?

The Honourable Mr. Liaquat Ali Khan: The Bill has been circulated for opinion and a decision about the further action will be taken after Government have studied the opinions expressed on the Bill.

GRANT FOR RURAL DEVELOPMENT.

752. *Prof. N. G. Ranga: Will the Honourable the Finance Member be pleased to state whether Government propose to revive the earlier grant for Rural Development and make it an annual grant to the Provincial Governments so as to relieve the tax-burdens on rural people by such a direct assistance?

The Honourable Mr. Liaquat Ali Khan: Government are making substantial grants to the Provinces for the purpose of development over the whole field, including rural development. It is therefore not necessary now to make any rural development grants separately as such.

RETRENCHMENT IN ORDNANCE DEPOT AT AGRA

753. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state:

(a) whether Government are aware that the authorities of the Ordnance Depot at Agra have decided to reduce the strength of the workers both clerical and labour by 1,432; and

(b) if so, whether Government propose to issue instructions to the Ordnance Authorities at Agra to stop discharging any more workers till such time as the Government of India take some final decision regarding the policy of retrenchment?

Mr. G. S. Bhalja: (a) Notices of termination of service were issued to 472 workers in the Ordnance Depot at Agra on the 18th February 1947. It will be appreciated that Government cannot retain in its employ persons for whom there is no work.

(b) No, Sir, but retrenchment will proceed on a phased programme and as many will be retained as there is work for.

SELECTION OF OFFICERS FOR FINANCE AND COMMERCE DEPARTMENTS POOL

754. *Pundit Thakur Das Bhargava: Will the Honourable the Finance Member be pleased to state:

(a) whether Government have any proposals for the recruitment of some Officers to the Finance and Commerce Departments' 'Pool'; if so, the action that has been taken on them;

(b) whether Government are aware that the usual procedure to select Officers for this 'Pool' has been to invite names from different Provincial Governments and then make selections from among those recommended by the Provincial Governments; if so, whether this procedure has been followed this time, if not, why not; and

(c) whether Government are aware that all Officers included in the 'Pool' automatically get an increment of several hundred rupees?

The Honourable Mr. Liaquat Ali Khan: (a) and (b). The question of taking special measure to increase the strength of the Pool Cadre has been referred to the Establishment Officer for examination. Until he has reported and his report has been considered by the Government it will be impossible to give any details of the action contemplated.

(c) The Honourable Member's attention is invited to the Finance Department Resolution No. F. 28(6)-Ex.II/38, dated the 2nd February 1939 and Notification No. F. 12(1)-Ex.I/41/Revised Rates of Pay Rules, No. 5, dated 26th June 1941, (copies of which are available in the Library of the House) which regulate the pay of Officers belonging to the Finance and Commerce Departments Cadre (the Pool).

PRISONERS OF WAR IN INDIA

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

(a) the number of Prisoners of War of different nationalities kept in India;

(b) whether any steps are being taken to repatriate them;

(c) the scales of ration that are allowed to them; and

(d) who pays their expenses?

Mr. G. S. Bhalja: (a) There are no prisoners of war kept in India at present.

(b) to (d). Do not arise.

GRANT OF PARDON TO MILITARY DESERTERS

756. *Syed Ghalam Bhik Nairang: Will the Secretary of the Defence Department please state:

- (a) the total number of Military deserters who have been granted general pardon according to a press note issued by the Government of India;
- (b) how this total number was made up, giving separately the number of Hindus, Muslims, Sikhs, Christians, and other minority communities;
- (c) the type and quantity of arms and ammunition carried away by these deserters; and
- (d) whether any attempt has been made to recover such arms and ammunition, and if so, with what results?

Mr. G. S. Bhalja: (a) The number of military deserters who have been granted general pardon is 3,39,083.

(b) The information is not available at General Headquarters and would have to be obtained from the Regimental Centres. The time and labour involved in collecting the information would not be commensurate with the value of the result.

- (c) No arms or ammunition were carried away by these deserters.
- (d) The question does not arise.

COORG LEGISLATIVE COUNCIL

757. *Lala Deshbandhu Gupta: Will the Honourable the Home Member be pleased to state:

- (a) when the Legislative Council for Coorg was constituted;
- (b) what its powers and functions are;
- (c) the number of times the Coorg Legislative Council meets in a year;
- (d) the number of days in a year this body sits in deliberation; and
- (e) whether Government propose to consider the possibilities of introducing some interim Reforms with a view to associating the representatives of the people of Coorg in the matter of administration of their province?

The Honourable Sardar Vallabhbhai Patel: (a) On the 28th January 1924.

(b) I invite the attention of the Honourable Member to the Memorandum submitted to the Statutory Commission on the existing constitution of the Province of Coorg and its operation, a copy of which is in the Library of this House.

- (c) Twice a year as a convention.
- (d) Six to eight days.
- (e) No.

COORG LEGISLATIVE COUNCIL RESOLUTIONS *re* REFORMS

758. *Lala Deshbandhu Gupta: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that the resolutions passed in the Coorg Legislative Council are disposed of by the Chief Commissioner himself without reference to the Government of India?

(b) What is the percentage of resolutions accepted by the Chief Commissioner out of those passed each year in the Coorg Legislative Council from the year 1935 onwards?

(c) What is the percentage of such resolutions which were actually implemented each year from 1935 onwards?

(d) How many times did the Coorg Legislative Council pass Resolutions demanding further reforms for Coorg?

The Honourable Sardar Vallabhbhai Patel: (a) To the extent to which the powers of the Central Government are delegated to the Chief Commissioner the latter disposes of the resolutions without any reference to the Government of India.

(b) and (c). Percentage of Resolutions accepted and/or implemented is as follows:

1935	. . . . .	52
1936	. . . . .	62
1937	. . . . .	42
1938	. . . . .	27
1939	. . . . .	46
1940	. . . . .	42
1941	. . . . .	33
1942	. . . . .	26
1943	. . . . .	11
1944	. . . . .	33

Percentage for the years 1945 and 1946 cannot be calculated as final orders on some of the resolutions carried in these years have not yet been passed.

(d) Nine times.

MEMBERS OF THE COORG LEGISLATIVE COUNCIL

759. *Lala Deshbandhu Gupta: Will the Honourable the Home Member be pleased to state:

(a) the total number of Members in the Coorg Legislative Council;

(b) the number separately under the heads, Officials, Non-Officials, Europeans Elected and General Elected; and

(c) the number of European residents in Coorg?

The Honourable Sardar Vallabhbhai Patel: (a) 20.

(b)	Officials	4
	Nominated non-official	1
	Europeans elected	2
	General elected	13

(c) According to 1941 census, 51.

The present number is about 47.

OBJECTION BY MYSORE TO THE PROPOSED CONSTRUCTION OF DAMS BY COORG

760. *Lala Deshbandhu Gupta: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that the Coorg Administration has drawn up schemes for constructing Dams across the rivers Laxmanathirtha (South Coorg) and Harangi (North Coorg) in order to irrigate about 12000 acres of land?

(b) Are Government aware that Mysore Durbar has raised some objections in this connection as these rivers are the tributaries of the river Kaveri whose waters are now utilised by Maysore through Krishnaraja Sagar Dam?

(c) Has this matter been referred to the Government of India for necessary action?

(d) If so, when?

The Honourable Sardar Vallabhbhai Patel: The question should have been addressed to the Secretary of the Works, Mines and Power Department. It has accordingly been transferred to the List of questions for the 11th March, 1947, when it will be answered by the Secretary of the Works, Mines and Power Department.

**ORDERS IN THE DEFENCE DEPARTMENT FOR PRODUCTION OF MEDICAL CERTIFICATES
BY STAFF**

761. *Shri Mohan Lal Saksena: (a) Will the Secretary of the Defence Department be pleased to state whether it is a fact that the Chief Administrative Officer in his Department has issued orders that medical certificates should be produced even for one day's absence from office on account of sickness?

(b) If so, do they apply to the temporary members of the Ministerial and inferior staff only?

(c) Are Government aware of the amount of hardship this order would cause?

(d) Have similar orders been issued in any other Department? If not, do Government propose to consider the advisability of cancelling the aforesaid order?

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

(b) No, Sir; they apply to both permanent and temporary members of ministerial and inferior staff.

(c) It should not cause any hardship in genuine cases as the establishment concerned is entitled to free medical treatment.

(d) No, Sir. The concession of one day's leave on the plea of sickness without producing a medical certificate was withdrawn because there was reason to believe that it was being abused. The position will be reviewed if there is an improvement in regularity of attendance.

WATER SCARCITY IN VIZAGAPATAM AND WALTAIR

762. *Prof. N. G. Ranga: Will the Secretary of the Defence Department be pleased to state:

(a) whether Government are aware that within a short distance of Vizagapatam and Waltair there is a military station with arrangements for water supply;

(b) if so, whether Government propose to abandon that station and to hand it over to the Madras Government or to disband it;

(c) whether Government are aware of the water scarcity prevailing in Vizagapatam and Waltair; and

(d) if so, whether Government propose to hand over the water works at the said station to the Waltair and Vizagapatam Municipalities either free or on reasonable terms?

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

(b) No, Sir.

(c) Yes, Sir.

(d) In view of the answer to part (b) this question does not arise.

RECRUITING OFFICERS IN ALMORA DISTRICT

763. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state:

(a) how many recruiting officers were appointed in the Almora District during the period 1939-45;

(b) what were their educational and military qualifications, their rank and pay; and

(c) how many of them are still retained in their rank and how many of them have undergone military training, if any, in their capacity as Recruiting Officers entitling them to act as officers of the Units to which they are now attached?

Mr. G. S. Bhalja: (a) There was only one appointment of Assistant Recruiting Officer sanctioned for Almora District during 1939-45, which was held by seven different officers.

(b) I lay a statement on the table of the House.

(c) No one has been retained in Almora. Three officers, however, are still employed in the Recruiting Organization in their war substantive ranks. None underwent military training while in the Recruiting Organization but three of them had received military training prior to joining the Recruiting Organisation and two belonged to the Army in India Reserve of Officers.

Statement

Names of the Recruiting Officers who were appointed in Almora District during the period 1939-45	Qualifications, educational and Military, their rank and pay. (1) Educational (2) Military (3) Rank and Pay
1. Capt. D. Tanner, A. I. R. O.	(1) Information not available. (2) Army in India Reserve Officer. (3) Pay of rank as Captain plus Rs. 50 p.m.
2. Capt. R. E. A. Liddell, A.I.R.O.	(1) Information not available. (2) Army in India Reserve Officer. (3) Pay of rank as Captain plus Rs. 50 p.m.
3. Major B. M. Moreton	(1) Information not available. (2) Special Unemployed List Officer. (3) Pay of rank as Major plus Rs. 50 p.m.
4. Capt. L. C. Shah, I.E.C.O.	(1) Upto Matric. (2) One month's preliminary Military Training with 10/19th Hyderabad Regiment, Agra. (3) Pay of rank as Captain plus Rs. 50 p.m.
5. Capt. M. S. Bagathokey, I.E.C.O.	(1) B. A.; also Special Vernicular Examination. (2) One month's preliminary Military Training with 10/19th Hyderabad Regiment, Agra. (3) Pay of rank as Captain plus Rs. 50 p.m.
6. Capt. Rana Parakram Jang Bahadur, I.E.C.O.	(1) High School. (2) Indian State Forces Officer. (3) Pay of rank as Captain plus Rs. 50 p.m.
7. Capt. Bhawan Singh Shahi, I.E.C.O.	(1) Higher English Standard. (2) Examination at Belgaum Small Arms School, Pachmarhi. Equitation Course, Quetta. Driving and Maintenance Course, Ahmednagar. Served with 1st Kumaon Rifles 10/19th Hyderabad Regiment and 1st Battalion the Assam Regiment (3) Pay of rank as Captain plus Rs. 50 p.m.

SECURITY OFFICERS

764. *Sjt. Seth Damodar Swroop: Will the Secretary of the Defence Department please state whether Government propose to disband the security officers who were mostly appointed for the duration of the war?

Mr. G. S. Bhalja: Many Security Officers have been released or returned to their units.

RE-EMPLOYMENT OF DISCHARGED ASSISTANTS OF INFORMATION AND BROADCASTING DEPARTMENT

765. *Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Information and Broadcasting be pleased to state:

(a) whether Government are aware that some assistants of the Information and Broadcasting Department of the Government of India were discharged in August 1945 on political grounds;

(b) whether it is a fact that the present Government have made enquiries about the whereabouts of such persons; if so, the reasons for making such enquiries; and

(c) whether Government are considering the question of re-employing these persons?

The Honourable Sardar Vallabhbhai Patel: (a) The services of one Assistant only were dispensed with in August 1945. He was a temporary employee who could, under the conditions of his service, be discharged without notice. He was found unsuitable for retention in service.

(b) and (c). I would invite the Honourable Member's attention to my reply to the Honourable Seth Govind Das's question No. 407 answered on the 20th February 1947.

INCREASED DEARNESS ALLOWANCE TO GOVERNMENT SERVANTS

766. *Mr. Madandhari Singh: (a) Will the Honourable the Finance Member please state whether there is any basis in the report regarding the increase in the dearness allowance to Government servants published in the *Hindustan Times* sometime ago in the month of January 1947? If so, when Government are giving effect to those proposals?

(b) In view of the prevailing high prices and the long time to be taken by Government in announcing their decision regarding Pay Commissions recommendations, do Government propose to give any relief for the interim period to their employees? If not, why not?

The Honourable Mr. Liaquat Ali Khan: (a) The report is contrary to facts and the question of giving effect thereto does not arise.

(b) Government have already sanctioned reasonable interim relief for their employees. A copy of the orders is laid on the table. Final orders in the matter will be issued after Government have reached a decision on the recommendations of the Commission.

No. F. 11(3)-B. II/46

GOVERNMENT OF INDIA,

FINANCE DEPARTMENT

New Delhi, the 13th August, 1946

OFFICE MEMORANDUM

SUBJECT:—*Grant of interim relief to Central Government servants paid from civil estimates.*

The undersigned is directed to state that the Governor General in Council has had under consideration the question of the interim relief to be granted to Government servants serving in departments other than Railways and Posts and Telegraphs, pending the revision of pay scales in the light of the Pay Commission's recommendations. The grant of the following concessions has now been approved:

- (i) With effect from the 1st July 1946, all areas which are at present included in Class 'C' for purposes of dearness allowance will be included in Class 'B', that is, the minimum rates of dearness allowance admissible at any station will be those prescribed at present for Class 'B' towns.

- (ii) In all areas where the supply of foodstuffs at concessional rates to Central Government servants has not been arranged by the Government of India, a compensatory allowance of Rs. 3-12-0 p. m. will be admissible to all Government servants drawing pay not exceeding Rs. 300 p. m. Government servants who are already entitled to the benefits of the supply of foodstuffs at concessional rates may at their option either continue to receive the benefit in kind or take the cash compensatory allowance mentioned above. The option once exercised shall be final. The head of the office or department shall be personally responsible for satisfying himself that no officer receives both the concession in kind and the compensatory allowance. A certificate to this effect shall be attached to every bill in which this allowance is claimed.
- (iii) Government servants drawing upto Rs. 40 per mensem will be eligible for addition to pay at a flat rate of Rs. 3 per mensem; other Government servants to whom this concession applies (see below) will be given Rs. 4-8-0 p. m. The Governor General in Council has been pleased to decide that this addition should be classified as pay under the provisions of F. R. 9 (21) (a) (iii). This concession will be admissible to all Government servants in receipt of pay not exceeding Rs. 250 p.m. In the case of staff drawing pay between Rs. 250 and 254-8-0 p.m. such addition will be given as will bring their pay upto Rs. 254-8-0 p.m.

2. The concessions in paras. 1(ii) and 1(iii) above will have retrospective effect from the 1st July 1945 (including the corresponding increase in dearness or war allowance, if any, based on the addition to pay), and the amounts so payable will be disbursed in three equal monthly instalments. To facilitate calculation of arrears, the Governor General in Council has decided that the amount payable in respect of the concession in para. 1(iii) shall be worked out at the prescribed flat rate for all periods of duty and leave (other than leave without pay) falling between the dates 1st July 1945 and the date of these orders. For those on pay between Rs. 250 and Rs. 254-8-0, the arrears will be calculated at the rate for marginal adjustment prescribed above.

3. The concessions mentioned in this Office Memorandum will be admissible to all Government servants in civil departments (other than those on the Railways or in the P. & T. Department) who were in service on 1st July 1946 or have been recruited after that date.

G. SWAMINATHAN,

Deputy Secretary to the Government of India.

To

All Departments of the Government of India.

No. F. 11(3)-E. II/46.

Copy forwarded to all Secretaries to the Governor General; the Political Department; the Crown Finance Officer; the Financial Adviser, Communications; the Financial Adviser, War and Supply; the Additional Financial Adviser, Supply Finance; the Joint Financial Adviser, Munitions Production, Calcutta; the Joint Financial Adviser, Supply; the Joint Financial Adviser, Food; the Controller of Food Accounts; the Secretary to the Executive Council; the Federal Court; the Federal Public Service Commission; the Military Secretary to His Excellency the Viceroy; the Auditor General of India; the Central Board of Revenue; all Accountants General and Comptrollers; the Director of Audit, War & Supply; the Director of Railway Audit; the Chief Controller of Supply Accounts and all Controllers of Supply Accounts; the Deputy Accountants-General under the Accountant General, Posts and Telegraphs and the Accounts Officer, Telegraph, Check Office; Calcutta; the Mint Masters, Bombay, Calcutta and Lahore; the Master, Security Printing, India; the National Savings Central Bureau; and Ministry of Supply Mission and the Financial Adviser, Delhi Province.

Copy forwarded to all Provincial Governments and Chief Commissioners.

By order, etc.,

P. N. SEGAL,

Assistant Secretary to the Govt. of India.

COPY OF GOVERNMENT OF INDIA, RAILWAY DEPARTMENT (RAILWAY BOARD) No. E-46-PA-1134/3, DATED THE 2ND AUGUST 1946, ADDRESSED TO ALL INDIAN GOVERNMENT RAILWAYS, ETC.,
SUBJECT:—Grant of additional pay to certain categories of non-gazetted Railway servants as interim relief

A reference is invited to the Resolution of the Railway Standing Finance Committee, dated 14th June 1946 wherein they had recommended that pending the enquiry by the

Pay Commission the Railway staff should be granted interim relief amounting to Rs. 5 crores annually, the relief being given retrospective effect from the 1st July 1945 involving in the year 1946-47 an additional expenditure of about Rs. 9 crores. As already intimated vide Railway Board's telegram No. E-45-MF-11, dated 21st June 1946, this Resolution was accepted by both the Government of India and the All India Railwaymen's Federation.

2. The Railway Board have since discussed with the All India Railwaymen's Federation the details of the method of paying this interim relief to staff. As a result of these discussions, the Governor-General in Council has been pleased to sanction with retrospective effect from 1st July 1945, a temporary addition to pay of Rs. 4-8-0 p. m. to each monthly rated railway servant in receipt of pay not exceeding Rs. 250 p. m. and of 0-2-9 per day to each daily rated railway servant. In the case of staff drawing pay between Rs. 250 and 254-8-0 p. m. such additional pay will be given as will bring their pay up to Rs. 254-8-0 p. m.

3. The Governor-General in Council has also been pleased to decide that the addition to pay sanctioned above will be treated as pay for purposes of Provident Fund, leave and gratuity.

4. This additional pay will be admissible to all Railway servants who were in service on 1st August 1946 as well as to those who are recruited thereafter until further orders.

5. The arrears will be calculated at the rate of Rs. 4-8-0 p. m. or 0-2-9 per day as the case may be for the period of service from 1st July 1945 to 31st July 1946 less periods of leave without pay, if any. In the case of those drawing pay between Rs. 250 and Rs. 254-8-0 p. m. the arrears will be calculated at the rate of marginal adjustment prescribed in para. 2.

6. The Railway Board have given an undertaking to the Federation that the arrears of relief will be paid to the staff not later than the date prescribed for the disbursement of the pay for August 1946. In view of this the Railway Board desire that special arrangements should be made for the payment of the arrears sanctioned above to staff by this date.

INDIAN POSTS & TELEGRAPHS DEPARTMENT

OFFICE OF THE DIRECTOR GENERAL, POSTS & TELEGRAPHS

MEMO. No. A. 1-39-61/46

New Delhi, the 16th August, 1946.

SUBJECT:—*Adjudicator's Award*

In connection with the award of the Hon'ble Mr. Justice Rajadhyaksha, Adjudicator in the dispute between the P. & T. Department and its non-gazetted employees, the Governor General in Council is pleased to sanction on a temporary basis till 31st December, 1946 the grant of personal pay belonging to the categories mentioned in the accompanying statement at the rates indicated against each. The amount of personal pay should be rounded off to the nearest anna, 6 pies and more being counted as 1 anna and less than 6 pies being ignored and should not be absorbed in future increments.

2. These orders have effect from 1st July 1946, but in the case of all categories of staff except those referred to in item (v) of the statement, retrospective effect will be given to the concession from 1st January 1945, and the officials concerned should be granted arrears of personal pay for the period from 1st January 1945 to 30th June 1946, calculated on the pay for the month of June, 1946.

3. These orders will not apply to employees on the unified scale of pay, but will apply to employees of the Telephone District of Bombay, Calcutta and Madras and (including Ahmedabad and Karachi) and of the Telephone Workshops, Bombay, appointed on or after 1st April 1943 on the revised scale of pay for P. & T. staff of corresponding categories.

4. The Governor General in Council is also pleased to decide that for the purpose of grant of dearness allowance all localities now classed as "C" should be upgraded into "B" category with effect from 1st July 1946.

5. The additional provision required in this connection may be suggested in your R. E. 1946-47. An explanatory memorandum showing the amount of additional provision included in the estimate under the different heads separately for arrears and for regular additions to the standing charges may be sent along with form Budget 1.

N. SHERRARD-SMITH,
Senior Deputy Director General.

To

All Heads of Circles, etc.

Categories of staff as given in the schedule 1 on page 77 of the Manual of Pay and allowance of Officers of the Indian P. & T. Department	Increase
(i) Section XV Runners	....
Section XVI Record Suppliers, Ferto typers, Multigraphers, Compositors, Remprinter Operators, Markers, Duftries, Form Suppliers, Form Pickers, Binders, Attenders, Jamadars, Hall Jamadars, Head Porters, Overseers in Railway Mails Service, Havildars, Head Peons and Makadams.	....
Section XVII Boy Peons, Boy Messengers and Boy Farashes.	....
Section XVIII (a) Packers, Porters, Messengers other than Taskwork Messengers, Chowkidars, Watchmen, Gatemen, Humals, Durwans, Office Peons, Farashes, Mail Peons, Letter Box Peons, Van Peons, Boatmen, Lascars, Cable Guards, Attendants, Batterymen, Line Coolies, Telephone Coolies, Wire Coolies, Pressmen, Distributors, Inkers, Cleaners in Telephone Exchanges, Firemen, Liftmen, Weighmen, Lampmen, Khallasis, Coolies, Engine Coolies and other whole time employees.	25% 50%
(ii) Taskwork Messengers.	(Subsistence Allowance).
(iii) Section V Postmen, Village Postmen, Mail Guards, Linemen, Lineriders, Departmental Stamp Vendors at places other than Presidency towns, Saroffs and Bill Sircars and	
Section XIII (b) Carpenters, Painters, Bicycle Mistries, Assistant Mistries and Motor men.	20%
(iv) Section I All other categories excluding those in Sections I, XII and XIV, but including Second Division Clerks and Accountants in Section I.	15% subject to a max. of Rs. 20.
(v) Section I (With the exception of Second Division Clerks and Accountants).	
Section XII Sub-Inspectors, and	
Section XIV Conservancy Inspectors, Caretakers, Sanitary Inspectors and Commissioners.	5% subject to a minimum of Rs. 5.

INDIAN POSTS & TELEGRAPHS DEPARTMENT

OFFICE OF THE DIRECTOR GENERAL, POSTS & TELEGRAPHS

MEMORANDUM No. A 1-30-61/46

New Delhi, the 17th August, 1946

SUBJECT :—Concessions for P. & T. Staff

Reference is invited to the Director General's General Circular No. 13, dated 27th July 1946, which contains details of the relief recommended by the Adjudicator for the non-gazetted staff of the Department on the new scales of pay. Formal orders on the subject will be issued separately.

The Governor General in Council is pleased to decide that the following additional concessions should be granted to the non-gazetted staff on a temporary basis till 31st December 1946 :—

(1) Grain Compensation Allowance of Rs. 3-12-0 p. m. will be drawn by non-gazetted staff on both old and revised scales of pay subject to the following conditions :—

- (a) In places where there are chief departmental grainshops or where any grain concession scheme is in operation the cost of which is met by the Department and the monetary value of the concession exceeds Rs. 3-12-0 p. m. the existing arrangements will be continued and no grain compensation allowance will be admissible.
- (b) In places as above, where the monetary value of the concession is less than Rs. 3-12-0 p. m. the difference between Rs. 3-12-0 and the monetary value of the concession will be paid with retrospective effect from 1st February 1946. In such places, if it can be arranged, grain will be sold at ordinary controlled rates and the full allowance of Rs. 3-12-0 p. m. will be paid to the staff with effect from 1st October 1946.
- (c) In the case of staff in the Bengal and Assam Circle who had joined the Defence of Indian Units, grain compensation allowance will be granted with effect from the date of withdrawal of the militarisation concessions.
- (d) In places where there are no departmental cheap grain shops and where no grain concession scheme is in operation, grain compensation allowance will be granted with effect from 1st February 1946.
- (e) The grain compensation allowance is liable to revision quarterly. Until further orders the rate of allowance will, however, remain at Rs. 3-12-0 p. m.
- (f) The staff may be given the option of drawing the arrears of grain compensation allowance in monthly instalments covering a period of six months from 1st September 1946.

(2) In partial modification of the orders contained in para. 3 of this Office Memo. No. A35-5/46, dated 28th March 1946 good conduct pay of Rs. 10 should be granted to all non-gazetted staff on pay exceeding Rs. 42 p. m. with effect from 1st July 1946. In the case of staff drawing pay up to Rs. 42 p. m. the grant of good conduct pay will be governed by the existing orders.

(3) (a) The house rent allowance for postmen and inferior servants in Calcutta who are at present entitled to Rs. 5 p. m. and are not in occupation of Government quarters should be increased to Rs. 10 p. m. with effect from 1st July 1946.

(b) The house rent allowance to postmen and inferior servants in Bombay not in occupation of Government quarters should be increased from Rs. 7 to Rs. 10 p. m. with effect from 1st July 1946.

(4) (a) The house rent allowance of postmen and inferior servants in Delhi who are not in occupation of Government quarters should be increased from Rs. 5 and Rs. 3 respectively to Rs. 9 and Rs. 7 respectively with effect from 1st July 1946.

(b) The house rent allowance of postmen and inferior servants in Madras who are at present entitled to Rs. 3 p. m. and who are not in occupation of Government quarters should be increased to Rs. 7 p. m. with effect from 1st July 1946.

(5) The compensatory house rent allowance sanctioned for the non-gazetted staff in Calcutta and Bombay who are not in occupation of Government quarters should be subject to a minimum of Rs. 10 with effect from 1st July 1946.

(6) In partial modification of the orders contained in this Office Memo. No. A8-35/44, dated 2nd February 1946, compensatory house rent allowance will be granted in Calcutta and Bombay to non-ministerial servants eligible for overtime allowance and who are not in occupation of Government quarters on the same terms and conditions as are applicable to those not in receipt of overtime allowance. These orders will have effect from 1st July 1946.

(7) House rent allowance at Rs. 10 p. m. will be granted in Madras City with effect from 1st July 1946 to all non-gazetted staff except postmen and inferior servants who are already in receipt of house rent allowance. Those who are eligible for house rent allowance in excess of this amount under those orders. In the case of officials, other than postmen and inferior servants who are already in receipt house rent allowance of less than Rs. 10 p. m. the allowance will be raised to Rs. 10 p. m. with effect from 1st July 1946.

(8) Non-gazetted staff of all grades in Calcutta, both on the old and revised scales of pay, who are not already in receipt of compensatory allowance, will be granted this allowance at the rates, if any, granted to the staff of corresponding grades on the revised scales of pay in Bombay, with effect from 1st July 1946.

(9) Non-gazetted staff on the old scales of pay in Bombay who are not already in receipt of compensatory allowance will be granted this allowance at the rates, if any, applicable to

the staff on corresponding grades on the revised scales of pay in the locality, with effect from 1st July 1946.

(10) Officials who have elected the unified scales of pay may be allowed the option of reverting to their permanent departmental scales for the purpose of becoming eligible for the relief recommended by the Adjudicator in the shape of personal pay on percentage basis. This option should be exercised within 2 months of the issue of the orders of the Government on the Adjudicator's award. No re-adjustments need be made of pay and allowances drawn prior to 1st July 1946, but bonus already drawn under the unified scale of pay scheme for any period should be deducted from the arrears of personal pay to which an official may be eligible under the award for the same period.

N. SHERRARD-SMITH,
Senior Deputy Director General.

INDIAN POSTS & TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR GENERAL, POSTS & TELEGRAPHS

Memo. No. A1-39-83/46

New Delhi, the 14th January 1947

Interim relief to P. & T. Staff

The Governor General in Council has decided that the orders contained in this Office Memo. No. A1-39-61/46, dated the 16th August 1946, and the 17th August 1946 shall remain in force after the 31st December 1946 for such period till orders of the Government on the recommendations of the Central Pay Commission are put into effect, and subject to the condition that all payments made under this sanction will be adjusted against those due under the new orders.

N. SHERRARD-SMITH,
Senior Deputy Director-General.

No. A1-39-83/46

Copy to:—

- (1) Accountant-General, Posts and Telegraphs, Simla.
- (2) All Deputy Accountants-General, Posts and Telegraphs.

(Sd.)

Assistant Financial Adviser, Communications.

NEW DELHI;
The 14th January 1947.

No. A1-39-83/46

Copy to:—

- All Heads of Circles.
- Electrical Engineer-in-Chief, Alipore, Calcutta.
- Director of Telegraph Workshops, Alipore, Calcutta.
- Chief Controller of Telegraph Stores, Alipore, Calcutta.
- Chief Accounts Officer, Store Yard, Alipore, Calcutta.
- Accounts Officer, Telephone Revenue, Delhi.
- Superintendent, Postal Seals, Aligarh.
- General Manager, Telephones, Bombay.
- General Manager, Telephones, Calcutta.
- District Manager, Telephones, Madras.
- District Manager, Telephones, New Delhi.

S. A. ANANTAKRISHNAN,
Assistant Director-General (P. & A.)

NEW DELHI,
The 14th January, 1947.

RECOMMENDATION BY THE PAY COMMISSION re REVISION OF PAY

767. *Mr. Madandhari Singh: (a) Will the Honourable the Finance Member please state the Services in respect of which recommendations of the Pay Commission relating to revision of pay scales have already been received by Government?

(b) Do Government propose to appoint any Committee comprising of the representatives of the various Departments to expedite examination of the recommendations of the Pay Commission to ensure a quick decision?

The Honourable Mr. Liaquat Ali Khan: (a) Government have so far received advance copies of recommendations of the Central Pay Commission relating to pay scales in respect of the Secretariat staff, Railways, Posts and Telegraphs, Audit and Military Accounts Departments.

(b) Government do not propose to appoint any such Committee; they have already placed a Joint Secretary of the Finance Department on special duty for this purpose and he will hold departmental conferences as and when necessary to expedite examination of the recommendations of the Commission and to ensure prompt disposal.

PERMANENT COMMISSION IN ROYAL INDIAN NAVY TO INDIAN OFFICERS FROM THE RESERVE

768. *Shrimati Ammu Swaminadhan: (a) Will the Secretary of the Defence Department be pleased to state how many Indian Officers from the Reserves have been granted permanent commissions in the Royal Indian Navy?

(b) How many of the Indian Officers granted permanent commissions in the Royal Indian Navy were trained in the *Dufferin* and had served in the reserves during the war?

(c) What were the guiding principles on which selections to the permanent cadre were based; and was any importance given to confidential reports?

(d) Are Government aware that the nationalist sentiments of Indian Officers in the Royal Indian Navy Reserves have gone against their selection for permanent commissions?

Mr. G. S. Bhalja: (a) 145.

(b) 22.

(c) The recommendation of the Services Selection Board and their grading taken in conjunction with the officers' record of service and his confidential reports by Commanding Officers.

(d) No, Sir.

SELECTION FROM THE RESERVE FOR PERMANENT COMMISSION IN THE ROYAL INDIAN NAVY

769. *Shrimati Ammu Swaminadhan: Will the Secretary of the Defence Department be pleased to state:

(a) whether Government propose to have further selection of officers from the Reserves for permanent commissions in the Royal Indian Navy; and

(b) if so, whether Government propose to re-orientate the method of selection so as to give recognition to healthy national sentiment?

Mr. G. S. Bhalja: (a) No, Sir.

(b) This does not arise in view of the answer to (a) above.

INDIANISATION OF THE ROYAL INDIAN NAVY

770. ***Shrimati Ammu Swaminadhan:** Will the Secretary of the Defence Department be pleased to state what plans Government have drawn up with regard to the Indianisation of the Royal Indian Navy, with special reference to the gradual replacement of senior non-Indian Officers?

Mr. G. S. Bhalja: The whole question of the Nationalisation of the Armed Forces, including the Royal Indian Navy, is now under active consideration by the Armed Forces Nationalisation Committee set up by the Government of India. Their recommendations are awaited.

The recruitment of non-Asiatics to the permanent cadre of the R.I.N. has been stopped. Short Service Commissions for five and three years are offered only to Indians.

UNSTARRED QUESTION AND ANSWER

QUALIFICATIONS OF OFFICERS IN FAUJI AKHBAR

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

(a) the number of military and civilian personnel including officers drawing more than Rs. 250 p.m. working in *Fauji Akhbar* or attached to that office;

(b) their names, designations and academic qualifications including the examinations passed in oriental and other languages; and

(c) the journalistic experience of each one of them (with the name of the papers and period for which they worked), before joining the Public Relations Directorate?

Mr. G. S. Bhalja: (a) 11.

(b) and (c). A statement is placed on the table of the House.

STATEMENT

Name		Designation	Examination passed	Language Examinations (Names of Examinations & languages, oriental & other)	Journalistic Experience before joining P. R. Dte.	Period
1	2	3	4	5		
Capt. Abdul Wahid	Editor	M. A.	M. A. (English) Intermediate (Persian)	Was a free lance journalist. Contributed to various English and Urdu newspapers and magazines for over 10 years. (C. & M. Gazette, Inqilab, Zamindar, Makhsan, etc.).	.....	5 years.
Capt. Besharatullah	Public Relations Officer.	M. A. (Philosophy) M. A. (Persian) LL. B.	1 Persian M. A. 2 Urdu (i) B. A. (ii) I Class interpretership.	Editor, "Postal Advocate"		2 years.
Bedruddin Bedr.	Civilian Public Relations Officer.	Privately Educated		<i>A. Desities.</i> 1. Zamindar News Editor		1 year.
.....	.....	.....	.....	2. Ehsan " "		6 Months.
.....	.....	.....	.....	3. Bande Matram " "		6 " "
.....	.....	.....	.....	4. Azad " "		3 " "
.....	.....	.....	.....	5. Sardar " "		4 " "
.....	.....	.....	.....	6. Insof " "		3 years.
.....	.....	.....	.....	<i>B. MonMitee.</i> 1. Nairang-i-Khyal, Asstt. Editor		1 year.
.....	.....	.....	.....	2. Makhsan, Asstt. Editor		

.....	.....	.....	.....	3. Firdaus, Editor	2 years.
.....	.....	.....	.....	C.—Worked as News Editor (Broad-casting) in Information Bureau, Punjab.	1 year.
Lt. Kehar Singh	Manager	1. Matriculation Punjab University.	1. Higher Standard Urdu.	.....	.....
.....	.....	2. Army School of Education distinguished.	2. I. A. First Class English Certificate.	.....	.....
.....	.....	.....	3. I. A. Special Certificate.	.....	.....
.....	.....	.....	4. I. A. 1st Class Certificate.	.....	.....
N. N. Seth	Asstt. Editor	B. A., LL. B.	Urdu B. A. Persian Intermediate.	1. Investment & Finance (Weekly), Delhi.	2 yrs. Sub-Editor
.....	.....	.....	.....	2. Vanguard (Daily), Delhi.	1 yr. "
.....	.....	.....	.....	3. Careers. (Monthly), Lahore	1 yr. Asstt. Editor
.....	.....	.....	.....	4. Northern Review (weekly), Lahore	1 yr. "
.....	.....	.....	.....	5. Annotated Law Reporter (monthly)	1 yr. "
.....	.....	.....	.....	6. Law College Magazine, Lahore	1 yr. Student Editor
Khawaja Tasawwur Ali Hyder.	Sub-Editor (English)	B. A., LL. B.	B. A. (Urdu & Arabic).	Daily Anjam, Delhi	1½ yrs. (Translator)
Kanti Chandra Soren.	Sub-Editor (Hindi)	B. A. with Hons. (Pass) in Hindi Literature.	1 B. A. with Hons. (Pass) in Hindi Language & Literature.	1. Weekly "Vishar", Calcutta	8 months, Associate Editor.
.....	.....	.....	.....	2. Weekly "Saraswati Series" Allahabad.	4 months. Writer & Editor.

1	2	3	4	5	
Sub-Major Singh.	Sub-Editor (Gurmukhi).	1 Matriculation, Punjab University. 2 I. A. English 1st Class Certificate of Education. 3 I. A. Special Certificate of Education. 4 Army School of Education Senior Instructors' course 5 Crown Representatives' Police 1st Class certificate of Education.	1 Persian and Urdu in the Matriculation.	3. Daily "Arjun", Delhi 4. Daily "Vishwanitra", New Delhi	7 months, Sub-Editor 5 months (Senior News Editor)
Sub-Major Prasad Khattri.	Sub-Editor (Tamil)	B. A.	B. A. Tamil	1 Cine Art Review (English). 2 Adal Padal (Tamil). 3 Rashtarvani (Tamil). 4. Modern Times (English).	6 yrs. Editor. 5 yrs. " 1 yr. " 1 yr. "
Sub-Major Ram Prasad Khattri.	Sub-Editor (Gurkha Samachar).	1 School Leaving Certificate. 2 Indian Army Special Certificate of Education. 1 Matriculation. 2 Graduated in Fine Arts (5 yrs. course) from Govt. School of Arts & Crafts, Lucknow.	..... .....	..... .....	..... .....
Dev Dutt Sharma	Layout Expert	..........	..........	..........	..........

SHORT NOTICE QUESTION AND ANSWER

GRIEVANCES OF AJMER-MERWARA SCHOOL TEACHERS

Pandit Mukut Bihari Lal Bhargava: Will the Honourable Member for Education be pleased to state:

(a) whether Government have received a representation from the Teacher's Association, Ajmer-Merwara, claiming similar interim relief as has been provided to the teachers of Delhi Province;

(b) whether this Association has served a strike notice;

(c) whether Government and the Association have recently carried on any negotiations to find out a solution satisfactory to all parties concerned; and if so, what is the result; and

(d) what steps, if any, are being taken by Government to avert the strike and to improve the lot of the teachers?

آئرپبل مولانا ابوالکلام آزاد : (اے) گورنمنٹ آف انڈیا کو مقامی حکومت کے

ذریعہ سے اجمہر مہروارہ کی ٹیچرز ایسوسی ایشن کی ایک تجویز پہنچی ہے جو ۱۷ جنوری سنہ ۱۹۴۷ء کو ایسوسی ایشن کے غیر معمولی جلسے میں منظور کی گئی تھی۔ اس تجویز میں یہ مطالبہ کیا گیا تھا کہ دہلی پراونس کے ٹیچروں کو جو رعایتیں دی گئی ہیں وہی وہیں رہائش والے ٹیچروں کو بھی دی جائیں۔ (بی) اس بارے میں کوئی باضابطہ اطلاع گورنمنٹ آف انڈیا کو نہیں ملی کہ ان کا آخری فیصلہ سترانک کرنے کا تھا۔

(سی) ٹیچروں نے اپنی شکایتیں مقامی ایجوکیشن ڈیپارٹمنٹ کے سامنے رکھی

ہیں جس نے یہ معاملہ گورنمنٹ آف انڈیا کو فیصلہ کے لئے بھیجا ہے۔

(قی) گورنمنٹ آف انڈیا نے یہ بات منظور کر لی ہے کہ جو رعایتیں دہلی

پراونس کے ٹیچروں کے ساتھ کی گئی ہیں وہ اجمہر مہروارہ کے ٹیچروں کے ساتھ بھی کی جائیں مقامی حکومت کو اس فیصلہ کی اطلاع پہلی مارچ سنہ ۱۹۴۷ء کو دیدی گئی تھی اور اُسے یہ کہدیا گیا ہے کہ وہ اخراجات کی تفصیلات گورنمنٹ آف انڈیا کو منظوری کے لئے جلد بھیج دے۔

The Honourable Maulana Abul Kalam Azad: (a) A copy of a Resolution passed at an extraordinary General meeting of the Ajmer-Merwara Teacher's Association, held on the 17th January, 1947, demanding similar relief as has been provided to the teachers of Delhi Province was received by the Government of India through the Local Administration on the 17th February, 1947;

(b) No Official communication of a final decision to go on strike has been received by the Government of India;

(c) The teachers had placed their grievances before the Local Education Department, Ajmer-Merwara, who referred the matter to the Government of India for decision;

(d) The Government of India have agreed to grant the same concessions as sanctioned to teachers in Delhi Province to teachers in Ajmer-Merwara. The Local Administration have been informed of this decision on the 1st March, 1947 and have been asked to submit details for expenditure sanction immediately.

MESSAGE FROM THE COUNCIL OF STATE

Secretary of the Assembly: Sir, the following message has been received from the Council of State:

"The Council of State at its meeting held on the 4th March, 1947, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meeting held on Thursday, the 27th February, 1947, namely:

1. A Bill to continue for a limited period powers to exempt operations affecting ammunition, explosives and inflammable substances from certain restrictions, and to regulate those operations.
2. A Bill further to amend the Reserve Bank of India Act, 1934.
3. A Bill to confer for a limited period special powers for regulating the transport of goods on railways."

DELHI AND AJMER-MERWARA RENT CONTROL BILL

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara be extended up to Wednesday, the 12th March, 1947."

I may just explain that the Select Committee has held several meetings in the last few days and has practically gone through the entire Bill; but, certain clauses have to be redrafted, and, owing to the intervening holidays, it is not possible to hold another meeting of the Select Committee until Monday, the 10th instant. It will, therefore, not be possible to present the Select Committee's Report on Monday the 10th. I expect that the Report will be ready by Wednesday the 12th and that is why I am moving this motion.

Mr. President: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara be extended up to Wednesday, the 12th March, 1947."

The motion was adopted.

INSURANCE (SECOND AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Mr. I. I. Chundrigar (Commerce Member): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938 (Second Amendment).

PUBLICITY BY CERTAIN NEWSPAPERS OF THE RECOMMENDATIONS OF THE SELECT COMMITTEE ON INSURANCE (SECOND AMENDMENT) BILL BEFORE THE PRESENTATION OF THE REPORT.

Mr. President: In connection with the report of the Select Committee on the Insurance (Second Amendment) Bill which the Honourable the Commerce Member has just presented to the House, I am sorry to find that some of the Select Committee's recommendations have been published in certain newspapers and commented upon in detail. My attention has been drawn in this connection to writings in the following newspapers:—

1. *The Statesman* of New Delhi, dated the 24th December, 1946.
2. *Commerce* of Bombay, dated the 4th January and 1st February, 1947.
3. *The Insurance Review* of Lahore, dated the 27th January 1947 containing five pages of extracts from the Bill as amended by the Select Committee.
4. *The Times of India* of Bombay, dated the 25th February, 1947.
5. *Capital* of Calcutta, dated the 18th February, 1947.

Between the last two meetings of the Select Committee, which took place on the 23rd December, 1946 and the 18th February, 1947, the draft report of this Select Committee was circulated to the Members at their home for their consideration with an intimation that the contents of the report were to be treated as confidential until the report was actually presented to this House. It is not possible for me to say just exactly where the leakages have occurred in this case, but I deplore what has happened and I hope Honourable Members of this House and the Press will co-operate with me in future to abide faithfully by the well-established convention that nothing which transpires at a meeting of a Select Committee, which is appointed to report to the House on a Bill or any other matter is made public, before the Committee's report is actually presented to the House.

Khan Mohammad Yamin Khan (Agra Division: Muhammadan Rural): May I in this connection point out, and through you bring to the notice of the House that leakages of this kind are becoming very common. In the Banking Bill Committee, over which I was presiding, there came a report to me about the leakage of certain sections which had been amended in a particular form before even the Committee had finished its work and this information appeared in certain newspapers. I immediately took action and I wanted to report the matter to you. But the paper concerned as well as the press concerned apologised. I accepted their apologies and did not report the matter to you.

It is not only that the Honourable Members may not give this information but according to the rulings of Presidents, the action taken by them in such cases has been that if any paper or press gives out the information beforehand, then the privilege that is given to them to be present in the press gallery may be taken away.

Mr. President: That is why I addressed myself to the press and the Members and I appeal to them; and I hope that, in future we shall not have a recurrence of this kind of thing.

BUSINESS PROFITS TAX BILL

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

"That the Bill to impose a special tax on a certain class of income be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lall, Mr. Vadilal Lalubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Yesterday, whilst speaking on the debate on the general discussion of the budget, I made a reference to this Bill. I also stated in my budget speech that as regards additional taxation for the coming year the most important proposal was a levy of a special income-tax of 25 per cent. on business profits exceeding one lakh of rupees. This Bill, about which I have just now moved the motion is designed to give effect to that proposal. Sir, having come to the conclusion that the greater part of the gap between the estimated expenditure and the estimated revenue for next year at the existing level of taxation should be filled by direct taxation, it seemed to me that I had to choose between the re-imposition of the excess profits tax some other form of tax on business profits. Only in some such way I felt we could get a larger amount of the money that was needed to fill the gap to a certain extent, though not fully. I decided against excess profits tax because I think that whatever may be its merits as a war-time measure, it is a bad tax in present conditions. It puts too high a premium on success and too high a penalty on failure in the pre-war years, although success may not have been due to efficiency and failure may have been due to causes beyond the control even of the most efficient management. The result was an inequitable discrimination in favour

[Mr. Lisquat Ali Khan]

of businesses with a good pre-war standard. In addition the method of giving allowances for increased capital was entirely artificial as large allowances were made for accruing profits which never became embedded in the capital structure of a business. In view of these defects, I decided in favour of a tax which would treat all businesses alike on the basis of the magnitude of the profits made with a sufficiently high abatement to bring small businesses outside its scope.

The salient features of the tax which I am proposing, and as I am sure the Honourable Members must have noticed, are:

(1) It is a tax which relates only to the profits of the year 1946-47. It will require further legislation to extend it beyond that period, and if next year it is considered by the Finance Member that there was need for such a tax, then the Finance Member will have to come to the House and get the sanction of this House before this tax could be made applicable for next year's profits.

(2) It is imposed at a flat rate of 25 per cent. on business profits above one lakh of rupees.

(3) Business profits include the profits from any profession or vocation assessable under Section 10 of the Income-Tax Act. The justification for this inclusion is that large profits which some professions have made have been due to increase in profits in commercial concerns, and therefore I feel that there is no justification to exclude such profits from this tax which I am proposing.

(4) Income from investments and other property shall only be included in certain cases, such as Banks or investment companies.

(5) Deficiencies of profit will be allowed as in excess profits tax. This provision will of course operate only to a very small extent unless the period of the tax is extended.

(6) Profits from life insurance business are exempt.

(7) For the purpose of the tax, the profits of individuals from the different businesses may be aggregated. This equitable provision will enable us to cope with a form of evasion with which we are familiar in administering the excess profits tax.

(8) Lastly, the amount of tax shall be deducted in computing total income for income-tax and super-tax.

For the rest the Bill is based on the same model as the excess profits tax and especially with regard to procedure.

I have purposely suggested a Select Committee consisting of representatives of every section of this Honourable House. I hope that in the Select Committee we will be able to examine this Bill in greater detail, and I have no doubt that I will be able to satisfy the Honourable Members of this House and the Members of the Select Committee that the tax that I have proposed will in no way diminish production in this country.

Sir, I move:

Mr. President: Motion moved:

"That the Bill to impose a special tax on a certain class of income be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lal, Mr. Vadilal Lalubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. O. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, we are obliged to the Honourable the Finance Member for giving us the general background and we all feel that the best thing to do would be to discuss the details in the Select Committee. In view of that we do not propose to discuss some of the matters which he has mentioned.

Mr. President: The question is:

"That the Bill to impose a special tax on a certain class of income be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lall, Mr. Vadilal Lallubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

INCOME-TAX AND EXCESS PROFITS TAX (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Income-tax Act, 1922, and the Excess Profits Tax Act, 1940, be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lall, Mr. Vadilal Lallubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, most of the provisions of this Bill consist of amendments to the Income-tax Act in order to make capital gains taxable. On the merits of the proposal I need only repeat what I said in my budget speech that as there is in my opinion stronger justification for taxing capital profits than for taxing ordinary income, since they represent unearned increment, this lacuna in our legislation should be filled. I notice that the proposal has already been attacked as detrimental to the development of industry. I hope that in the course of the discussions the critics will be able to elucidate this point, since it passes my comprehension how the proposal can adversely affect a productive industry in any way, for productive industry is or should be interested in the profits from production and not in the profits to be obtained from selling out to somebody else. I hope that we will be able to examine this in greater detail in the Select Committee and I would therefore welcome any enlightenment on this point from any quarter.

The scope of the proposed tax is confined to property other than agricultural land and to actionable claims in respect of such property. It does not, for example, cover profits or losses from betting on horses or playing cards but it does apply to dealings in shares or commodities or in futures, which are exempt under the present law as casual profits, unless they are derived from a business, profession or vocation. The profit will be treated as arising when the capital asset is sold, exchanged or transferred but the distribution of assets on the partition of a Hindu undivided family, or on the dissolution of a firm or association or on the liquidation of a company or under deed of gift, bequest, will or transfer or trust, will not be treated as a sale, transfer or exchange of the assets. The tax will be leviable only when the assets are disposed of by the recipients.

In computing the amount of the capital gains the actual cost and other necessary expenditure will be allowed as a deduction and in addition where the asset became the property of the assessee before the 1st January 1939, he has the option of substituting for the actual cost the fair market value of the asset on that date. The object of this option is to exclude from the scope of the tax any increment in value which accrued before the conditions which are now prevalent set in.

[Mr. Liaquat Ali Khan]

For the purpose of the rate of tax the Bill divides capital gains into two categories—those arising from an asset possessed by the assessee for two years or less and those arising from an asset possessed by him or her for more than two years. This distinction roughly follows the distinction made in the United States of America between short term and long term capital gains. In the case of the former the full rates of income-tax and super-tax will be levied, while in the case of the latter only income-tax and not super-tax will be levied. This distinction however does not apply to companies since they do not pay super-tax at graduated rates. In order to avoid unnecessary trouble for the Assessee and the Income-Tax Department, capital gains and losses totalling Rs. 5,000 in any year are excluded from the scope of the Bill. It is felt that this sum is sufficiently high to exclude the great majority of petty personal transactions, which are hardly within the proper scope of a tax on capital gains. And with regard to this particular matter I stated yesterday in my speech that some of the Honourable Members had expressed the view that this limit of Rs. 5,000 was too low and I said at that time that when we are considering this Bill I shall be prepared to consider the question of raising the limit to any reasonable figure.

It is obvious that provisions for taxing capital gains and allowing capital losses might very easily result in a loss instead of a gain to the revenue. For human nature being what it is losses are apt to be claimed and profits concealed. We have met this difficulty by providing that capital losses can be set off only against capital profits. In that way we are secured against a net loss in any particular case.

The Bill also proposes amendments to the Income-tax Act, mainly in order to allow as a deduction for excess profits tax terminal expenses and losses on trading of stocks incurred after the date on which the Excess Profits Tax ceased to have effect. These provisions implement a previous undertaking to provide appropriate relief when the time came to wind up the Excess Profits Tax.

There is one other Excess Profits Tax Act amendment, which I should mention and that is the indefinite extension of the time limit of five years which the Act now prescribes as the period within which assessments can be reopened. This provision is necessary in order to secure that Excess Profits Tax is levied on persons who are properly liable to Excess Profits Tax but who have so far avoided. Sir, I move.

Mr. President: The question is:

“That the Bill further to amend the Indian Income tax Act, 1922, and the Excess Profits Tax Act, 1940, be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lall, Mr. Vadilal Lallubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shyama A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): May I suggest that the Honourable the Finance Member should provide a copy of the explanatory remarks and the comments which he has now made to the Members of the Select Committee so as to enable them to study the matters before they attend the meeting of the Select Committee?

The Honourable Mr. Liaquat Ali Khan: Yes, Sir, I shall do that.

The motion was adopted.

TAXATION ON INCOME (INVESTIGATION COMMISSION) BILL

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

"That the Bill to provide for investigation into matters relating to taxation on income be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar, Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lal, Mr. Vadilal Lalubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Sir, with regard to this particular matter, I made a reference in my budget speech to the appointment of a Commission of Enquiry and I notice that as far as I have been able to judge, there is no difference of opinion in the House on this particular matter. The object of this Bill is to set up a special Commission of three persons to investigate with special reference to taxation the great accumulations of personal wealth of which there has been so much evidence in recent years. This may be considered by some as a drastic measure. But it does not appear to me to go beyond what is warranted by the circumstances. In my budget speech, I gave figures showing that in a period of five war years, out of a total income of Rs. 1½ crores only Rs. 21 lakhs would be left after taxation. It is therefore on the face of it impossible to believe that the great fortunes of which we have evidence were amassed from profits on which they had paid the full share of taxation. Here then is something which merits investigation in the public interest. I will no doubt be told that this is properly a matter for the Income-tax Department and should be left to them. The answer to that is that it is obvious from the results that the Income-tax Department has not been able to cope with the situation. This is no reflection on the Department since it has to work within the restrictions of the existing law and is virtually powerless against evasion which it cannot establish by satisfactory proof before the appellate authorities. It is therefore because the Income-tax Department is unable to cope with the situation that I am proposing to set up this Commission with full powers to get at the truth. It is my sincere hope that as a result of the Commission's labours we shall be able to get both the approval of this House to a strengthening of the Income-tax law and a more enlightened public opinion on the question of tax evasion.

The Bill, Sir, is a short one and its provisions are adequately explained in the Notes on the Clauses. I need not therefore repeat what is contained in the Bill. But I would like to refer to clause 8 in particular which gives the Income-tax Department powers to assess at any time profits which the Commission find to have escaped taxation. At present there is a limit beyond which the Income-tax Department cannot go. This clause provides for the removal of any limit on that account. To my mind this is a very necessary proviso.

Sir, I have moved for the same personnel for all the three Committees, my object being that as all these proposals are interconnected in a way it would be better if they were examined by the same members of the Select Committee.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadai Rural): You perhaps thought that others have no knowledge of these matters.

The Honourable Mr. Liaquat Ali Khan: Sir, I do not know about the others, but as far as my friend is concerned he has none.

Mr. President: The question is:

"That the Bill to provide for investigation into matters relating to taxation on income be referred to a Select Committee consisting of Mr. P. J. Griffiths, Mr. Geoffrey W. Tyson, Khan Mohammad Yamin Khan, Khwaja Nazimuddin, Mr. Muhammad Nauman, Haji Abdus Sattar, Haji Ishaq Seth, Mr. K. C. Neogy, Mr. Manu Subedar, Diwan Chaman Lal, Mr. Vadilal Lalubhai, Shri Mohan Lal Saksena, Prof. N. G. Ranga, Shri Satya Narayan Sinha, Mr. M. R. Masani, Sardar Mangal Singh, Mr. N. M. Joshi, Mr. Shavax A. Lal, Sir John Sheehy, Mr. C. W. Ayers and the Mover, with instructions to report on or before the 14th March, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

TRADING WITH THE ENEMY (CONTINUANCE OF EMERGENCY PROVISIONS) BILL

Mr. President: The House will now proceed with the further consideration of the Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property. Shri Sri Prakasa was in possession of the House last time. Clause 1 of the Bill is under consideration.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Mr. President, Sir, when the House adjourned late in the evening on Thursday I was trying to impress upon it the extreme desirability of not expressing by words, either spoken or written, by signs or visible representation or otherwise any idea that we in India are at war with any other country or that we regard any country as an enemy of ours. Sir, as is clear, this Bill seeks to continue some of the provisions of the nefarious Act, mis-called the Defence of India Act; and worse than that Act, the rules that were made thereunder; in order, among other things, to throttle the patriotic sentiments of the people of the land. At the peculiar stage at which we stand today, it would be most dangerous for us to regard any country in the world as our enemy. I tried to explain that day, unfortunately to little purpose, that after the declaration of His Majesty's Government that India is to be free from June 1948 onwards, it is most essential that we must today proclaim to the world that she never was at war with any country and she is not at war with any country and that she does not intend to be at war with any country. To describe any people as an enemy is fraught with the greatest danger for our own peace and security in the future and for the adjustment of our relations with the peoples of the world. I ask members of Government who are the sponsors of this Bill, to tell me who are our enemies.

You will see that the schedule under this Bill refers to various sections of the Act or various rules made under that Act and they are all in the present tense. The rules are not in the past tense. The rules do not refer to the countries that were at war with His Majesty's Government in the ages past. They refer to the countries which are at war today. I should like therefore to know what those countries are which are at war with us. The Government of India has the ugly habit of getting at war with the neighbouring tribes on the Frontier. The Finance Member is quite willing to place an enormous sum at the disposal of the army to take care of itself; and the army finding nothing better to do, goes and bombs the Frontier; and when a motion of adjournment is moved in the House, the same Finance Member is not present in his seat to vote for the Government that has done that deed. He feels embarrassed at the results of his own action.

I, therefore, say, Sir, that it would be risky, it would be dangerous, under any pretence or in any form, to declare to the world that any peoples are our enemies. We will require the friendship, the affection, the cooperation and the active support of all countries whether they were or were not at war with His Majesty the King of England. We in India have been at war with England herself for the last 200 years; but today after that declaration of 20th February, I am willing—and I have no doubt every one else in the country is willing—to obliterate all the pages of history that speak of the wrongs that have been done to us. We are not only willing to delete the pages of history that deal with the misdeeds of Clive and Hastings; we are even willing to forget the misdeeds of Willingdon and Linlithgow whose words still burn in our hearts and the marks of whose lashes are still left on our backs. When we are willing to forget the wrongs of all these persons, how much more must we not forget any wrongs that any other peoples may have done to those who have been our rulers in the land. To ask me to regard Japan as an enemy will.....

Mr. President: May I point out to the Honourable Member that the motion before the House is that clause 1 of this Bill stand part of the statute. This clause deals with Short Title, Extent and Commencement. The Honourable Member appears to speak against the present enactment as a whole. The difficulty which I feel is this. After the House has adopted all the other clauses, to speak against the whole enactment as such becomes irrelevant, so far as consideration of clause 1 is concerned. The Honourable Member has tabled some amendments. I do not know whether he wishes to move them now or not but the scope here is very much limited and if he wants to attack the measure and oppose it, the more proper and appropriate occasion will be when the Honourable Member in charge moves that the Bill be passed. He could have spoken at length in opposition to the Bill at the consideration stage. That stage has passed and the clauses have been adopted and now it is difficult for me to see as to how the Honourable Member can be permitted to oppose the Bill as a whole when clause 1, is before the House.

Shri Sri Prakasa: I will abide by any decision that you may take; but I will, with your permission, explain the exact situation. This Bill suddenly came up before the House at a late hour that afternoon. None of us expected that it would come up. Of course we ourselves are to blame for that; but it did come up and though I tried my best to checkmate Government in its design by speaking on the measure as a whole on its first reading, the debate was not kept up by my friends unfortunately. Then came the second reading when my Honourable friend the Deputy President was in the Chair. He put one clause after another. Then when he came to clause 1, he was good enough to permit me to speak; and I spoke up to 6 o'clock, so that we could shoot in amendments if we like for today.

Now, this word to which I strongly object happens to appear in clause 1; and it does not appear in other clauses luckily. Therefore I thought that this was the occasion when I could show my own inimical tendencies to the word "enemy". Now, Sir, I am not at all interested in finding a name for the Government's baby. This particular clause refers to the naming of the Bill. So, even if the baby has the body and all limbs complete, and if it has not got a name, it would not be recognised in the world; and my purpose will be served. So I am trying to obstruct the Bill here. If however the Government have some constructive proposals to make and if they can convince me that the word 'enemy' can be deleted from the section without harming their Bill, I am willing to accept it; but I will not, as far as I constitutionally can—I do not intend to use any violence—permit this word 'enemy' to be put in this Bill. If you want me to speak at the third reading of the Bill at some length, I am prepared to do even that; but I thought that I would finish all that I had to say while speaking on this section because that nefarious word appears in it. I shall abide by your ruling.

Mr. President: I appreciate the position of the Honourable Member and may even go the length of sympathising with him. Even then the result will be that I shall have to ask him to keep within the scope of the motion before the House. The speech that he is making now with reference to the motion at present before the House is irrelevant. To my mind, the better course would be to oppose the Bill when the motion "that the Bill be passed" is before the House.

Then, I might point out to him another difficulty. The Schedule contains the word 'Definitions' and all these are definitions under the Defence of India Rules.

Shri Sri Prakasa: This is a peculiar Bill. There is no clause of Definitions at all.

Mr. President: There is a Schedule to the Bill which the Honourable Member might see. That Schedule states 'the provisions of the Defence of India Rules continued in force' and serial number 2 therein is 'Definitions'.

Shri Sri Prakasa: If you will permit me, Sir, I will call your attention to just that very clause. It refers to the second rule in the Government of India Defence of India Rules. The Government is very careful to omit clause 1 which defines the word 'enemy'. You may have a look at it. Rule 2 of the Defence of India Rules contains many definitions and clause 1 contains the definition of 'enemy'.

Mr. President: I shall invite the Honourable Member's attention to serial number 6 '97. Definition'. That is retained. Does he agree there?

Shri Sri Prakasa: I agree there. But when the original framers of the Rules thought it necessary to define this word at two places, I do not understand why the Government now wants to define it at one place only.

Mr. President: That is a different argument. The word 'enemy' is defined by Rule 97 which says "For the purposes of this Bill, the expression 'enemy' means" and then follows the definition. The word 'enemy' thus occurs there and Rule 97 is to continue in force. It appears that Rule 97 is a definition for a restricted purpose and perhaps, therefore, Rule 2 gives a wider definition. Whatever the objects of the Government may be—and I am not here to interpret them—, I merely point out to the Honourable Member the difficulty of allowing him to speak now at length over the clause which is at present before the House. Does he wish to move his amendment that the word 'enemy' be put in double inverted commas?

Shri Sri Prakasa: If you think that I cannot proceed further with my main objection to the clause itself, then I will move my amendment. Will those double inverted commas give me enough scope to finish my speech?

Mr. President: That will make no difference.

Shri Sri Prakasa: Then I will move my amendment.

Mr. President: But it is necessary for the Honourable Member to move that amendment? There is already capital 'E' there in the word 'Enemy'.

Shri Sri Prakasa: Sir, the Honourable the Finance Member has already expressed his opinion about my intellectual capacity and I have no hesitation to accept his verdict.

Mr. President: The Honourable Member can move it if he so likes.

Shri Sri Prakasa: Sir, I move:

"That in sub-clause (1) of clause 1 of the Bill, the word 'enemy' be put within double inverted commas."

Inverted commas, single or double, have a definite place in English literature and at different places they give definite indications of certain meanings. They are used when something is quoted or when the words within inverted commas are used not in their ordinary sense but in a special sense. We all put words within inverted commas when we want to indicate to the reader that they are being used in a special or technical sense and not in the ordinary sense. I take it that when the Honourable the Commerce Member put the words 'enemy' and 'enemies' within single inverted commas in his Statement of Objects and Reasons, he must have had some purpose. That purpose definitely was that 'enemy' does not mean an enemy in the accepted sense of the word but just in the technical sense, namely, those countries that were at war with England in 1939 to 1945. As the Statement of Objects and Reasons will not form part of the law as it is finally enacted, I propose that the inverted commas be carried on to the main Act. And for doing this I have also the support of the European group who may be expected to know English better than I can ever be expected to know it. (Honourable Members: Question ?) One of the Members of that

Group did suggest the other day that by putting the word 'enemy' within inverted commas in the main body of the Act, my purpose would be served. I have taken the cue from him; and as the law is being written in their language, I take it that they are correct in their interpretation of the use of inverted commas. I therefore, hope that the House will accept my amendment and put the word 'enemy' within inverted commas.

Mr. President: Amendment moved:

"That in sub-clause (1) of clause 1 of the Bill, the word 'enemy' be put within double inverted commas."

The Honourable Mr. I. I. Ohundrigar (Commerce Member): Sir, there are several Acts wherein certain words and phrases used often are defined. The words and phrases defined are put in inverted commas in the definition clause, but not in the other provisions of the Acts of Legislature. I cannot understand what difference it will make if the word 'enemy' occurs there without inverted commas or, in the alternative, it occurs with inverted commas. As I explained on the last occasion when the Bill was under discussion, we are not at war now with any country. If it had been so, the matter for Government would have been to negotiate and arrive at an arrangement by which hostilities may cease. Today hostilities have already ceased and the main object of this Bill is to regulate certain transactions and to regulate the disposal of certain properties of persons and firms of countries which were at war. These properties are now in the possession of the Custodian of Enemy property. Steps are being taken to dispose of these properties. Indians had considerable property in

12 Noon those countries, whose nationals have these properties in India. The idea is that with the sale of properties of these firms and individuals, we may take steps to compensate those Indians who lost properties in countries which were at war. If my Honourable friend, Shri Sri Prakasa desires that Indians who have lost property as a result of war by destruction or otherwise in those countries

Shri Sri Prakasa: Or by taxation.

The Honourable Mr. I. I. Ohundrigar: You have not to pay tax there—then it is for him to make up his mind and tell those Indians, "Oh! you have lost your property in Japan or Germany. It is all right, but you will not be compensated by the properties of the nationals of these countries in India." If that is the gesture that he wants to make to a foreign country, he can oppose the Bill.

Pandit Balkrishna Sharma (Cities of the United Provinces: Non-Muham-madan Urban): He only wants to put double inverted commas.

The Honourable Mr. I. I. Ohundrigar: That, I say would be bad drafting. I think this measure does not mean that we bear any ill will against the country as a whole. All that we want is that there should be orderly disposal of certain properties in accordance with rules and it is to legalise these arrangements after the 24th March 1947, that this legislation has been brought before the House. With the double inverted commas, this clause would read as follows:

"This Act may be called the Trading with the "Enemy" (Continuance of Emergency Provisions) Act, 1947."

We had formerly a similar Ordinance with the same wording. We had the Defence of India Rules wherein the double inverted commas were not used. I do not want any complications to arise. The point before the House is this. If there is any loophole in this legislation, the advantage of that loophole is not going to accrue to any Indian, but the advantage will accrue to the nationals of other countries who would protest against the forfeiture of their property in India.

Shri Sri Prakasa: In fact complication will arise, if the double inverted commas are not inserted, because on page 20, item 97, under 'definitions', the word "enemy" is put within double inverted commas. It says, for the purpose of this Act the expression "enemy" means etc. Sir, some legal luminary might get up and say the word enemy here without double inverted commas does not mean the same as the enemy with double inverted commas in the definitions. I am really helping the Honourable Member by moving my amendment, in order to avoid all future complications by putting the word "enemy" within double inverted commas.

The Honourable Mr. I. I. Chundrigar: I am afraid the Honourable Member is referring only to the definition clause where the words are within inverted commas.

Shri Sri Prakasa: I want to point out

Mr. President Let there be no interruption. Let the Honourable Member urge his plea. ●

The Honourable Mr. I. I. Chundrigar: In view of the above considerations I oppose the amendment.

Mr. President: The question is:

"That in sub-clause (1) of Clause 1 of the Bill the word 'enemy' be put within double inverted commas."

The motion was negatived.

Mr. President: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. President: About the other amendments of the Honourable Member Shri Sri Prakasa, I may say that his first amendment for the insertion of a new clause after clause 1, tries to define the word 'enemy'. He tries to do the same thing in a different manner in his alternative amendment. In each of these amendments, he is trying to define the word 'enemy'. Now, the definition of the word 'enemy' having been passed by the House, in the Schedule, these amendments are out of order.

Shri Sri Prakasa: The Schedule has not been passed.

Mr. President: Clause 2 was passed and the Schedule which forms part of clause 2 was passed along with it.

Shri Sri Prakasa: The Schedule is generally put to the House and passed only after all the clauses are put to the House and disposed of. Has the present schedule been passed as a sort of interim arrangement?

Mr. President: The schedule is linked with clause 2 and the moment clause 2 is put and passed, the schedule also is passed by the House. The Honourable Member can verify this from the proceedings. This disposes of his other amendment to the Schedule.

Shri Sri Prakasa: I wish to submit that if there has been any technical mistake, the same may be corrected in order to avoid all international complications. What I mean to say is that there the definition declares various enemies at war at the present moment, though the Honourable Member had been at pains to explain that he is not at war with any country. But the definition says there are some countries with which he is waging war. I only limit the law just to those countries that waged war during a particular period. I think the Government should at least meet me half way and accept this amendment.

Mr. President: Of course the Honourable Member's motive might be a laudable one. I do not know anything about it. But the difficulty is that he is

trying to seek, by this amendment, to modify a previous decision of the House. That is the difficulty. Therefore it would be out of order. Similarly also the proposed amendment to the Schedule will be out of order as the Schedule as it is has been passed by the House.

Shri Sri Prakasa: I move:

"That in the preamble to the Bill for all the words occurring after the words 'trading with', the following be substituted, namely:

'States, and persons and firms belonging to States who were at war with His Britannic Majesty in the years 1939 to 1945, and the custody of the property belonging to them';"

'States, and persons and firms belonging to States who were at war with His Britannic Majesty in the years 1939 to 1945, and the custody of the property belonging to them';"

Mr. President: If the first amendment is not accepted, then he cannot move the alternative amendments, Nos. 2 and 3. I am afraid the substance of all the three is the same. If the first is rejected, then the two other alternatives will be rejected by implication. He may move all the three if he likes.

Shri Sri Prakasa: I will confine myself to the first which I have moved just now. I want the Preamble to read as follows:

"Whereas it is expedient to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States who were at war with His Britannic Majesty in the years 1939 to 1945, and the custody of the property belonging to them."

Sir, certain Members of Government were kind enough to ask me to speak to the learned and Honourable Secretary of the Legislative Department and see if he and I could come to terms in this matter. The Secretary of the Department, as is not unusual with high officers of State, tried to patronise me for a few minutes and said that he was sympathetic to my susceptibilities and that I need not get agitated or excited over these things. And then, also, as is usual with such officers of State, he laid down the law and gave me an ultimatum and said that the only thing he could do was to take away the words "relating to the control of trading with the enemy and enemy firms and the custody of enemy property." Humble as I am, I was unable to agree; and I said that I would accept his challenge; he had his ultimatum and I would have mine.

If it were a happier day and a good bit of Government were not so framed that the opposition has to go with them, we might have had a greater chance of success. Today it seems the Legislative Secretary will have his pound of flesh. But I am not prepared to accept his verdict nor am I prepared to agree with him that all my susceptibilities will be satisfied if those words were taken out of the Preamble. I want the Preamble definitely to state what the Honourable the Commerce Member has said he means. He says he does not mean any state that is at war, at the present moment, with his Majesty. I do not know what other States are at war, except the trans-frontier tribes. He has also assured us that he does not mean any State that may be at war with His Majesty in the future. If so, why cannot we in the Preamble fix the countries we are referring to? And I think if my amendment is accepted all the purposes for which I have been trying to obstruct the work of the House will be satisfied.

I may respectfully point out to the Legislative Secretary that taking out the words that he suggests will leave the Bill rather bald, because without any reference in the Preamble to what is following the sudden emergence of the enemy in clause 1 will sound strange to all those except himself who are familiar with the drafting and interpretation of law. Therefore, Sir, whether the Secretary does or does not accept, I hope the Honourable the Commerce Member will not abide by the ultimatum that was given by the Secretary to me; and that he will see the justice and the reasonableness of what I am presenting to the House and accept my amendment. The change

[Shri Sri Prakasa]

in the Preamble will do no end of good and will improve the Bill; it will fix Governments liability, define Government's purpose; and save us from the many complications which I fear will arise.

Some of my friends may laugh but he laughs best who laughs last, and when a war does come about it is not a laughable matter. Persons in a hurry, specially when they occupy Government benches, commit countries to disastrous wars by just such little mistakes; and then they have not to face the difficulties they create. Supposing a war did take place what harm will come to the Legislative Secretary? Nothing. He will continue to sit where he is, but the rest of us will be taxed, will be sent to the war, will have to undergo endless pains and penalties because of the fault of the gentlemen who sit with Government. I think, Sir, that we should no more allow ourselves to be lugged into difficulties and dangers of this sort.

If we had our way we would have kept clear of the war in 1939. We tried our best but did not succeed; on the contrary Government declared war on us and shut us up. We do not want all these things to be re-enacted. We want that in the future the countries of the world should feel that they are at peace with us and that we are at peace with them. All that we want to tell them is that owing to certain complexities for which we were not responsible, a situation has arisen in which certain properties of our nationals have to be dealt with in a certain way in certain countries, and therefore we are compelled to have a law like this. That is the purpose of the Honourable Member; he has no other purpose in bringing forward this Bill. And I see no reason why this simple amendment of the Preamble that explains everything should not be accepted. I do hope he will accept it and that my esteemed, respected and Honourable friend, Mr. Rajagopalachari, who has had a hand in the framing of this, will come to my rescue and support me in my endeavours to get this amendment passed.

Mr. President: Amendment moved:

"That in the preamble to the Bill for all the words occurring after the words 'trading with', the following be substituted:

'States, and persons and firms belonging to States who were at war with His Britannic Majesty in the years 1939 to 1945, and the custody of the property belonging to them':"

The Honourable Mr. I. I. Chundrigar: Sir, I oppose the amendment.

Mr. Shavar A. Lal (Government of India: Nominated Official): Sir, my Honourable friend Mr. Sri Prakasa referred to me and in his own jocular way called it an ultimatum. It is nothing of the kind and I am sure the House will not take it in the literal sense. My Honourable friend seems to be under a clear misapprehension. When he confines the Preamble to countries with which His Majesty was at war between 1939 and 1945 he is—I am sure inadvertently—excluding Germany and Japan from the scope of the Bill because the international law is that until final peace treaties are signed with the countries with which we were at war we continue to be at war. What has ceased are the hostilities and not war, and therefore if the Preamble were only to refer to countries with which we were at war between 1939 and 1945, it will automatically be excluding Germany, Japan and countries like that, with which we have not yet signed Peace Treaties. I am sure that is not the intention of my Honourable friend, and that is why I said if he were so keen about not using the word 'enemy', you might omit the word. That will not do any harm; the specific provisions of the Bill are there. I myself would not suggest that amendment, but if we were to accept the amendment as suggested, it will defeat the whole object.

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadian Rural): I am afraid, Sir, the Honourable the Secretary of the Legislative

Department in trying to clear up the matter has complicated things. In the first place, my good friend, Mr. Sri Prakasa, has not been properly understood; in the second place, my Honourable friend, Mr. Lal, has replied to one part of the question raised by Mr. Sri Prakasa.

Mr. Sri Prakasa in his humorous way has mooted a point which is very serious. In the first place the Bill is not a temporary measure; it is a permanent enactment on the Statute Book, and it will affect the relations of this country with those countries for all time to come unless in the meantime the law is revised. Therefore what will be the position of this country if sooner or later new hostilities start in which Great Britain is involved? We do not know what is our status if that contingency should arise. In the second place, what Mr. Sri Prakasa wanted to do was to give an impression to the outside world that we are not determining our legal relations with certain countries as if we were their enemies. Somehow or other the interests of India and Indian nationals have got involved in this affair, and therefore it is a sort of a necessary evil that we are going through as a transitional measure because there is no other and better measure in order to square up relations for some time to come. Mr. Lal was referring to the question of omitting or incorporating. That does not answer or settle that question at all. Today what is our position? We have enunciated our foreign policy. The Government of India is trying to put itself in action as a sort of an independent country in embryo. In their recent declaration, His Majesty's Government has clarified our position a little further. . . .

Mr. President: Order, order. The Honourable Member will realize that the object of the Preamble is to state in short and specifically the scope and the object of the particular legislation. It is not that we want to define our entire foreign policy in this Preamble. The only question, therefore, will be whether, in view of the provisions that are contained in the clauses, the Preamble is really a correct summary thereof. What the policy should be in respect of the legislation and clauses, which the House has accepted, is entirely different. I find that the discussion is going into a channel which is outside the scope of the motion before the House. Whatever may be the object of Mr. Sri Prakasa, I cannot permit on this amendment to the Preamble a general discussion as to what the foreign policy of India should be. The Honourable Member must address himself to the point as to whether this Preamble broadly speaking correctly depicts the character and the nature of the provisions which are included as clauses in this Bill.

Mr. Sasanka Sekhar Sanyal: I am grateful to you for that. The point I was trying to make is that this amendment of Mr. Sri Prakasa is a representation of the ideas which were set forth by the Honourable the Commerce Member himself. He means to say that if it is the intention of the Government to determine certain relations which were brought about by the exigencies of war—not because certain countries were at war with us but because certain countries were at war with Great Britain—this purpose would be better conveyed by the amendment which has been proposed by Mr. Sri Prakasa.

So far as the other question is concerned, since you have indicated that at this stage this need not be discussed, I will reserve that for the future stage of this Bill, and for the time being I submit that at least those sections of the House who have followed Mr. Sri Prakasa's argument are convinced that the purpose of the Bill should be conveyed in a language which should not give any scope for wrong interpretation, and I hope that the Honourable the Commerce Member, despite the reply which was given by Mr. Shavax Lal, will rise to the occasion and accept this amendment.

The Honourable Mr. I. I. Ohundrigar: If the amendment is altered slightly, I may be in a position to accept it. I would suggest the omission of the word 'Britannic'. . . .

Mr. President: I am afraid Mr. Sri Prakasa will not be inclined to treat that as a verbal amendment.

The Honourable Mr. I. I. Ohundrigar: If the idea is to suggest that the war was with His Majesty, I am prepared to convey that idea provided the amendment is slightly altered.

Shri Sri Prakasa: How will it read?

The Honourable Mr. I. I. Ohundrigar: It will read like thus:

"Whereas it is expedient to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with His Majesty and the custody of the property belonging to them."

Shri Sri Prakasa: I fear the Honourable Member thought it was 'Satanic' and not 'Britannic'! I take it he proposes to remove the words 'in the years 1939 to 1945'.

Mr. President: The Honourable Member will appreciate the legal position as pointed out by the Secretary, Legislative Department, and that is that, even though actual hostilities have ceased, in terms of International Law, so long as Peace Treaties are not signed, these countries are at war even today. And therefore his point was that if these specific years are put in, then it means that we are not at war today.

Shri Sri Prakasa: My difficulty is this. As things are, there never will be a peace. They are not going to follow the precedent of 1918. They are not calling the defeated countries to the Peace table. They are determined to impose something on these countries, I protest against that position. If there were any possibility of England being reasonable and America being reasonable and really wanting to sign treaties of peace with these countries, I would have no objection but this is going on till the Greek calends. We will have to decide on judgment day!

Mr. President: That object still cannot be achieved by any amendment to the Preamble. It should be sufficient for the Honourable Member that he has taken advantage of this opportunity to express himself very clearly and that may be conveyed to the Governments concerned!

Shri Sri Prakasa: I shall be satisfied if the Honourable Member can guarantee conveying the proceedings of this House to all Governments concerned.

Mr. President: In respect of that, I can promise him that this debate will be published!

The Honourable Sri C. Rajagopalachari (Member for Industries and Supplies): The Honourable the Commerce Member has explained the position. I am rising to explain it to those who still feel unsatisfied about it. The position is this. The point that has been put forward very rightly, though with a lot of humour, by the Honourable Member who moved this amendment, has been met by the proposal as modified by the Member in charge. It is this. The descriptive part is changed to "States, and persons and firms belonging to States at war with His Majesty. . ." Therefore the sentiment about India not having been consulted in declaring war is to the extent that it is morally necessary and useful, protected. But the legal position is somewhat complicated and has to be provided for also. The legal position is that the peace treaties that are now in course of being concluded will have to be awaited. We cannot alter conditions and terms of the treaties by a simple preamble here.

With regard to the protection of our own moral position, it is met by the phrasing suggested by the Honourable Member for Commerce, namely, "States and persons and firm belonging to States at War with His Majesty and the custody of the property belonging to them"

The reason for omitting the word "Britannic" is to leave no room for ambiguity about our own international position in the matter.

With regard to the dates in qualifying the words "enemy and enemy firms" deletion is necessary because until treaties are signed they must be supposed to be at war. So, I submit that the mover of this amendment might wholeheartedly accept the alteration proposed by the Honourable Member for Commerce and this may be passed without a division.,

Shri Sri Prakasa: I am used to agreeing with my Honourable friend for the last 25 years. I will agree with him even today.

Mr. President: I think the best course will be to withdraw this amendment and he may move his amendment in a modified form. Or I might put it deleting those words.

Shri Sri Prakasa: Could the Honourable Member agree to "have been" instead of "are".

Mr. President: Neither "are" nor "were". The simple expression is "at war". The question is:

"That in the preamble to the Bill for all the words occurring after the words 'trading with', the following be substituted, namely:

'States, and persons and firms belonging to States at war with His Majesty and the custody of the property belonging to them';"

The motion was adopted.

Mr. President: I shall now put to the House the amended Preamble and Title.

Shri Sri Prakasa: There will be consequential changes in the Title also. There again the enemy crops up his head.

Mr. President: The title does not seem to require any consequential changes.

Shri Sri Prakasa: When we, in the Preamble, have taken away the words "enemy and enemy firms" which are repeated in the title. Surely the Title must be changed accordingly?

Mr. President: The same words might be taken here in the Title as we have taken in the Preamble. The Honourable Member implies that as an amendment and he may now move it.

Shri Sri Prakasa: I would like your assistance in the matter and move:

"That in the title after the words 'trading with' the following be substituted, namely:

'States, and persons and firms belonging to States at war with His Majesty and the custody of the property belonging to them'."

Mr. President: The question is:

"That in the title after the words 'trading with' the following be substituted, namely:

'States, and persons and firms belonging to States at war with His Majesty and the custody of the property belonging to them'."

The motion was adopted.

Mr. President: The question is:

"That the Preamble and the Title, as amended, stand part of the Bill."

The motion was adopted.

The Preamble and the Title, as amended, were added to the Bill.

Mr. President: After the acceptance of these amendments there is very little scope for discussion.

The Honourable Mr. I. I. Chundrigar: Sir, I move:

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

Mr. President: Motion moved:

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

Mr. Sasanka Sekhar Sanyal: My friend, Mr. Shri Prakasa has agreed to a sort of compromise. I do not know whether he has felt happy about it, but I have not. Of course the spirit of reciprocity has been welcome. But we have landed ourselves in complications which we wanted to avoid. When we entered into the compromise I did not like to look an obstructionist. One of the bad features of the Bill is that it is a permanent measure and now whatever has been done was in respect of past relations. But after the amendment of this Preamble, we know the law covers not only the past and the present, but extends its hands over the future also. Great Britain is in a very chaotic condition today for aught we know. Great Britain is on the one hand trying to make friends with India. On the other hand it is making calculations for new enemies. At any time Great Britain may be involved in war and the law as it stands now after the amendment of the Preamble, although the political status of India by that time will improve and change considerably, still by the law which we have been passing today, we shall be dragged as a wheel in the charriot of British imperialism. The Preamble as it stands says "States and persons and firms belonging to States at War with His Majesty."

(Interruptions)

I know everything will be changed after the Constituent Assembly. If that is the answer, all legislation should be stopped and kept in abeyance. What is the use of discussing things on the floor of the House. When we legislate we must legislate with reference to the existing context of things.

I maintain with all humility that this Bill creates a wrong impression outside. As I was saying, we have started our foreign policy. We have declared that no one is our enemy. We are extending the hand of fellowship to others and we are welcoming their hands of fellowship. But we are describing ourselves in terms of enemies. But I know that certain obligations have been thrown on our shoulders when we make relationships without taking recourse to the words. A simple device would have sufficed. In this Bill the Government should have provided for the rule-making power as it is done in almost all other legislations and under the rule-making power the Government could have laid down that the provisions of this law would be made applicable in respect of our relations with those countries which may be mentioned under this power. We could have mentioned Germany, Japan or any damned country which has been at war with the Allies and at the same time we would have made our attitude clear.

Pandit Balkrishna Sharma: Sir, on a point of information, may I ask if the use of the word 'damned' is parliamentary?

Mr. Sasanka Sekhar Sanyal: Even if the President does not rule that it is parliamentary, I withdraw the word and substitute in its place 'blessed'.

I maintain that our purpose would have been amply satisfied if we could have made our legislation without using the words 'enemy' and 'enemical'. The Government could have mentioned those countries under the rule-making power.

Mr. President: The Honourable Member has already taken an unduly long time. . . .

Mr. Sasanka Sekhar Sanyal: Whatever may be the purpose of this Bill (and I do not make any reflection upon anybody or any department), when we are beginning to think in new terms and in a new diction, our legislation should also be drafted consistently with the new times and in new diction.

Shri Sri Prakasa: Sir, I share the disappointment of my Honourable friend Mr. Sanyal; but as the ancient injunction is:

*"Sarva-nashe somat-panne
Ardham tyajati panditah;"*

("when there is the danger of losing everything, the wise man lets half of it go"). So, though compromises always leave a certain amount of dissatisfaction, they have to be entered into. My own great malicious satisfaction, however, is that my Honourable friend the Legislative Secretary as well as the Commerce Member can themselves not be satisfied.

The Honourable Mr. I. I. Chundrigar: I can tell the Honourable Member that I am quite satisfied.

Shri Sri Prakasa: The Honourable the Commerce Member placed a challenge before me and asked me if I was prepared to lose the property of our nationals in various countries which he would now be able to salvage with the help of this Bill. I was willing to accept the challenge. When we sacrificed the lives of those who died in this war (a war that was not of our seeking), what does it matter if a few rupees, annas and pies are also lost. I am particularly concerned to know—and I will repeat my feelings—that the Government of India are still at war with Japan and Germany, because of some technical difficulties. These are the two countries against which we did not want to wage any war. To regard Japan as an enemy of India at any time would be to go against the verdict of history; and ever since the great days of 1904 and 1905, when Japan vindicated the right of the Asiatic peoples to be free in this world that was being mercilessly divided among the European nations, since that time Japan has been to us in India and in many other Asiatic countries, a great ideal. Today she is lying low, low under the blows of the atom bomb, low also under the heel of the American Imperialism that is rising. But we of India have never regarded Japan as an enemy and will never regard Japan as our enemy, for she is our spiritual child: she got her culture, her civilisation and her religion from us; and today we are not going to throw that great child of ours into the gutter. We are going to salvage her and save that country if we can.

Then I come to Germany. It is surprising that England and Germany should ever be at war, because the modern Englishman has Germans as his ancestors, if I have read history aright. It is the Germans who went and colonised England and the English men of today are their direct descendants. It is surprising how England and Germany are always at war. So far as our connection with Germany is concerned, it is fairly intimate; and we of India cannot be sufficiently grateful to her for having made us proud of our own past. If English historians have helped us to know a great deal of our ancient history, it is Germany that discovered for us the beauties of our literature and our philosophy; and therefore for us to declare Germany as an enemy would be a most dangerous and ungrateful act.

I am sorry that under the terms of this enactment these two countries continue to be at war. The peculiar complications that have arisen in the international sphere do not warrant us to hope that there would be a peace which would enable us legally to declare that we are no more at war, if the interpretation of international law by the Honourable the Legislative Secretary and the Commerce Member is correct. Sir, it is best that though not a part of the enactment—and as you rightly declared it cannot be made a part thereof—it is good that we at least had a chance of ventilating our feelings and declaring to the world that we are at peace with it; and every country that is on earth today is from today regarded as our friend; and we call upon all, whether there is this enactment or not, to come to help us in the trying days that lie ahead of us.

Miss Maniben Kara (Nominated Non-Official): Sir, I did not intend at all to speak on this occasion. I listened with great interest to the amendments moved by various friends and found that this occasion is being utilised to give vent to their feelings on a question on which I have got equally strong feelings which I would like to advocate at this stage. There are people and parties in this country who did not regard

Mr. President: Does the Honourable Member want to go into the principles of the other question? If so, I cannot permit that. She has to speak with reference to the Bill only. If she wants either to support or oppose the Bill, she can do so. The principal objection of the previous speakers was that they did not like Germany and Japan being regarded as enemies and that has relevance to the subject; but it is not any other kind of philosophy or principles which are open to discussion on this question.

Miss Maniben Kara: Sir, I will speak precisely to the point. To say that India was never at war with either Japan or Germany is on the face of it a misstatement of facts.

Several Honourable Members: No.

Miss Maniben Kara: I say India was at war with Germany and Japan. India was not defended by a mercenary army as is stated but by millions and millions of the people of India and as such they have a share in winning this war. I may be that the major political parties did not gain everything that they wanted out of this war. . . .

Several Honourable Members: Question.

Miss Maniben Kara: Don't you have your independence as a result of this war? Is not the National Government as a result of the victory over the Axis Powers? You may deny that India was at war with Japan and Germany but in actual fact India was at war with Japan and Germany.

Several Honourable Members: No.

Miss Maniben Kara: And as one of the nations that contributed to the defeat of the Axis Powers India has a rightful claim to say that she took her legitimate place in defeating Fascism and wiping it out of the face of the entire world and she can rightly take credit for the same. (Interruption). I would not be ruffled. I may be alone and a single person in the whole House but I will not be ruffled by some of the Members in this House trying to shout me down. Though it may be a solitary voice I want to make it known that we were the people who always told that India should take her rightful stand in defeating Fascism and Imperialism. To say that British Imperialism is alive is not to know the facts. Imperialism means extra money to individuals of these countries. Britain is no more imperialist. Britain is a friend of India. It is a socialist Britain now. Let us put away this racial prejudice and let us consider what we want to do for our country. We are today still at war with Japan and Germany, that is with those people who still want Fascism in their country. We are the friends of the people of Japan and Germany. But we are the greatest enemies of the Imperialist regime of Japan and Germany even today. If there are certain sections in this House who still want to be friendly with them I can only tell them that if we are free today from foreign domination it is because Britain is no more an Imperialist country, and Britain would have continued like that had she not entered this war. Britain has fought our battle and we have shoulder to shoulder fought and freed the entire world. I absolutely disagree with the sentiments which have been expressed by my various friends in this House and I take this opportunity of making the public and the world know that there was at least one solitary voice in this House that stood by Britain and stood for the defeat of Fascism in the world.

The Honourable Mr. I. I. Chundrigar: Sir, the criticism levelled by the two Honourable Members, Mr. Sanyal and Mr. Sri Parkasa may lead some persons to imagine that the motion before the House was whether we want to make a declaration of war against some countries or whether we should continue to be at peace with them. Let me assure my Honourable friends that that is

continue to be at peace with them. Let me assure my Honourable friends that that is not the motion before the House and that is not the object of the legislation which is placed before the House. As I mentioned before, the only object of this legislation is to regularise and legalise certain dealings with properties of certain individuals. The object, there again, is to make such use of the properties of nationals of certain other countries who were at war with His Majesty in a manner such as would give some sort of a return to those Indians who have lost enormous properties abroad. If the House approves of that legislation regarding the dealings with those properties, I think there should be no opposition whatsoever to this measure. Not only are we not considering at this stage the question of a declaration of war on those countries but I may go a step further and say that we are not even at present passing any motion approving of the declaration of war made in the past. We are dealing with an existing situation and we are considering the question as to how certain properties should be dealt with.

Mr. Sanyal mentioned that instead of putting the provisions before the House a section should have been introduced in this Bill conferring a rule-making power on Government to deal with the properties of the nationals of Germany or Japan in a particular way. Instead of doing so we have taken a more straight forward course. Instead of keeping you in the dark we have placed the legislation in clear terms before the House, and we have explained the object of the legislation.

Then Mr. Sri Prakasa mentioned that we should try to save Japan. Here again, as I say, we are not dealing with the question of the Peace Treaty to be signed with Japan. That would be a matter for the Peace Conference. It would not be entirely within the powers of the Indian delegate to the Peace Conference to negotiate a Treaty which may be beneficial to Japan. But that is a subject which is not before the House.

Lastly, Miss Kara raised certain issues which I would submit, Sir, are entirely irrelevant for the consideration of the House at present. I would therefore leave them alone.

I hope that Honourable Members of the House would accept my motion because, so far as the merits are concerned, not a single Member has opposed the measures which Government wants to take for the purpose of dealing with those properties.

Mr. President: The question is:

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

The motion was adopted.

ARMED FORCES (EMERGENCY DUTIES) BILL.

Mr. G. S. Bhalja (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown be taken into consideration."

Sir, the Defence of India Rule 81(3) empowered the Central Government to direct the employment of troops subject to the Indian Army Act or the Indian Air Force Act in any undertaking essential to the life of the community. The Defence of India Rules expired on the 30th September 1946. The Government of India are advised that the present legal position in regard to the employment of troops is as follows.

[Mr. G. S. Bhulju.]

"It is lawful to order troops or naval or air force personnel to carry out essential services only for a military purpose, or if such a condition of affairs has arisen—(mark the words)—that the safety of the community and the existence of the Government and its authority are in danger, and to save the community the Government has decided to entrust such vital services to military administration and control."

It will be realized, Sir, that these are very stringent conditions and it is doubtful whether the courts of the country would hold that these conditions have been fulfilled in such cases for instance as the use of troops for the maintenance of electric power, water and sewage in a large city, or the unloading of ships carrying articles of food. The following, Sir, are the main occasions on which troops had to be employed during the year 1946. The House is aware that a general strike of Posts and Telegraphs employees began on the 29th July 1946. The Government of India considered that the safety of the community and the existence of the Government and its authority were endangered thereby and they authorised the use of troops anywhere in India to save the community. Troops were, however, only to be employed for the maintenance of essential services, assistance being limited to operating telegraph circuits, maintaining telephone exchanges and repairing tele-communications. It was pointed out to all concerned that assistance should be confined to the absolute minimum necessary for the maintenance of Government machinery and the health and wellbeing of the community. Then,

I P. M. Sir, a strike was resorted to by the workers of the Vizagapatam Port from the 15th May 1946. The Vizagapatam Port deals with military as well as civil cargo and it was considered essential that military assistance should be rendered. The employment of troops was therefore authorised to carry out essential public utility service in the precincts and the establishment of the port. Then again the transport workers of Bombay went on strike from the 18th July 1946. The Government of Bombay found it impossible to get contractors' labour to carry on the work as they were in sympathy with the strikers. The Provincial Government considered that unless military assistance was forthcoming, stocks of grains would not be available in grain shops on the next day as the existing stocks would have run out by then and as no alternative means of transport was available they requested the Government of India to sanction the employment of troops to maintain essential services. The Government of India thereupon agreed to the employment of troops to carry out the distribution of essential foodgrains in Bombay.

Again, a strike of dock workers began in Madras about the 14th February 1946. The Principal Administrative Officer received a request from the Food Department for military assistance for the unloading of food ships lying immobilised at Madras due to the strike. The use of troops was therefore authorised as it was felt that this was necessary in the interests of the safety of the community. A strike occurred of the stevedores at Karachi from the 7th January 1947. Military assistance in the handling of essential foodstuffs was considered necessary and this was authorised by the Defence Department. In February this year again the Food Department requested that the use of troops be authorised in two cases arising out of the strike of dock labour in Calcutta, firstly the removal of a consignment of rice and oats and secondly the unloading of ships due to arrive with fresh consignments of wheat. The Government of India considered that both these works were essential to the life of the community and stated that military assistance would be confined to the handling of foodgrains only. The use of troops was accordingly authorised for this limited purpose.

Sir, the Defence Department have been receiving requests from other departments of the Central Government and from Provincial Governments for the loan of military personnel from time to time and it is necessary to lay down precisely the circumstances in which such personnel should be employed

I said yesterday and I repeat today that ordinarily the soldier intensely dislikes being called upon to intervene in civil commotion, particularly of a communal nature, or in industrial strife. If, however, the State calls upon him to enter upon this unpleasant task, 'his is not to reason why' as the Poet has said. He does his job with firmness and impartiality. In such circumstances, however, it will be readily conceded, I hope, by all sections of the House that there should be full legal protection whenever troops have had to be called out for such assistance. However unpleasant the call may be, the Defence Department must be prepared to render whatever assistance the other departments of the Central Government or the Provincial Governments require, provided that the calls for assistance is permissible under the law. It is for this House to decide whether they should give the necessary powers to the Central Government to permit the use of troops for the maintenance of services which are considered to be of vital importance to the community.

Sir, there is no sinister motive behind this Bill. Let not the cry be raised that it aims at trade unionism or the right of workers to strike. Nothing of the sort. It is not the intention of the Bill to permit the use of troops to break strikes. I may mention that after every great upheaval there is considerable labour ferment and it is not unexpected to find that after the termination of hostilities the same phenomenon is to be found all over the country now. While Government do not wish to take away the strike weapon which is valued by labour, they cannot look on with complacency when the life of the community as a whole is threatened. While they wish to preserve the liberties of all sections of the community, they cannot allow one section to coerce the rest. The powers they seek are to be exercised only on rare occasions when it is found that some vital service to the community will be paralysed. The Defence of India Rules permitted the use of troops for any undertaking considered essential to the life of the community. The Bill seeks to restrict the use of troops to a service which may be considered to be of vital importance to the community. I hope it will be agreed that unloading of ships carrying foodstuffs will be considered vital to the life of the community. The House is aware that the other day we were faced with a threat of a strike by the employees of the Delhi Electric Supply and Traction Co. Fortunately the strike did not materialise but assuming for a moment that it had materialised, what would have been the result? This city would have been plunged in darkness, the water supply rendered inadequate and seriously jeopardised and the health of the city would have been imperilled. Now, Sir, would that not be a proper occasion for the employment of troops? That is for the House to decide.

It may be contended that the Bill confers wide powers upon the executive Government. In a sense it does so, inasmuch as it gives discretion to the Government to declare a particular service as vital to the community. Sir, we country and the House expect—and they have a right to expect—great things from this Government. They expect them to provide adequate supplies of food for the population. They expect them to ensure the necessities of life like water and light; they expect them to maintain the health of the country; they expect them to maintain the transportation system of the Government in an efficient manner; they expect them to maintain the communications of the country in a working order, and so on. If so, they must also give them the necessary powers to carry out these responsibilities. There is no reason to apprehend that the wide powers sought in this Bill would be abused. This Government consists of men who are the trusted Leaders of the Parties that have co-operated in forming the Government of the country. They claim to be responsible and responsive to this Legislature by convention though not under law.

[Mr. G. S. Bhalja.]

I should add in the end that India is at the moment passing through the most momentous period of her history. In about 15 months she will be a complete master of herself. A few days ago the Honourable the Finance Member made an observation which evoked response from all sections of the House. He said that the transference of power from the British Government to the people of India should take place in a peaceful manner. It is essential that during this transitional period our Government at the centre should be strong and efficient. They must have adequate powers to maintain services vital to the community, so that they are not deflected from the task of assuming complete control over the administration. The House, I submit, can safely trust them with the powers proposed to be given in the Bill.

Mr. President: Motion moved:

"That the Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown be taken into consideration."

Miss Maniben Kara (Nominated Non-Official): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1948."

Sir, this is a very small Bill, but it is a very dangerous and mischievous Bill. I do not understand why Bills of this nature which are affecting the lives of hundreds and thousands of workers should not be circulated for getting the opinions of the workers, the trade unions and various other bodies. I also have not been able to appreciate the hurry with which this Bill has been brought for consideration and immediate passing. It has been explained by the Mover of the Bill that this Bill gives wide powers to the present Government for intervening in civilian disputes. This is a serious matter. It is not a matter on which the present Government can just take things in hand, bring forth a Bill and, even without circulating it, pass it on the same day. It certainly takes away the rights of the workers to strike, because it has been pointed out that not on one occasion but on nearly seven or eight occasions the Provincial Governments did ask the military to be used in a strike between the employers and the employees.

Sir, military is essentially for the defence of the country. The function of the military is not to interfere with the civilian disputes. I was surprised because I was myself not aware of it that on so many occasions as has been pointed out by the Mover of the Bill the military was called for. Now, if that is the position and if the military is going to be used so frequently as that, then certainly I feel that there is no need for such a hurry with which the Honourable Member seeks to pass this Bill.

Mr. G. S. Bhalja: May I, Sir, interrupt the Honourable Member on a point of explanation? I explained that the legality of the use of troops on the occasions which I have mentioned was considered to be doubtful by the legal advisers of the Government and that is why the Bill has been proposed.

Mr. President: The House may now adjourn for Lunch and the discussion will be carried on later.

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

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

Miss Maniben Kara: Sir, this Bill is suppressing the liberties of the workers. It is a repressive measure. Only very recently in this House we passed the Industrial Disputes Bill. That amply safeguards the interests of employers. It has now become very difficult, practically impossible for the working classes

to declare a strike or even to go on strike. But it seems that the Government of India are not satisfied with the passing of the Industrial Disputes Bill, but that they are out to have more powers so that in case of a dispute between the employers and the employees, the armed forces may be called and utilised as black legs. Sir, the Honourable Mover of the Bill has brought forward the argument to say that the troops are called in only in case where a public utility demands it. My reply to him will be that all these measures have been safeguarded in the Bill you have recently passed. Remember, Sir, that even the passage of that Bill was done in spite of the opposition not as individuals like Mr. Joshi or Mr. Guruswami or myself, but as three of us representing three central labour organisations of this country. We may be here only as one or two individuals, but we represent a certain interest and I would therefore appeal that any suggestion coming from my Honourable friend Mr. Joshi or Mr. Guruswami or myself is not to be taken as opposition by one or two or three individuals but that is the expressed opinion of organised labour in this country. After all what am I asking for? I am asking that a Bill of such vital importance should be circulated for eliciting public opinion. Let the public know what it is. I do not understand why a Bill of this nature where you want to have the use of the armed forces for civil disputes should be considered of such vital emergency and importance that it cannot brook any delay even in accepting an amendment which seeks only to elicit information from the public and seek to elicit opinion of those people to whom this Bill is of vital importance. You want troops to be utilised as black legs. Let us call a spade a spade. In ordinary industrial disputes, employers make every attempt to bring in outside people who are known as black legs, but as civilians the workers have an approach to these people who are their brethren. The workers can picket at the gate, the workers can go to their homes, the workers can hold meetings, they can explain their difficulties to their brethren who may be misguided and who may be wanting to act as black legs. But in this case, the workers have no approach to members of the armed forces, the armed forces have no contact with the civilians. It is not therefore possible for the workers to have contact with those people who will be called upon to act black legs during the strike period. Sir, Government not only want to bring in troops but they also reserve the right to declare any service as a service of vital importance; and as an illustration the Honourable Mover has given us several instances where troops were called in. He has mentioned the Posts and Telegraphs strike, the strike in Vizagapatnam, the transport workers strike in Bombay, strikes in Madras and Karachi, the dock workers' strike in Calcutta. He has also said that the strike in the electricity department of the P. W. D. would have left the inhabitants of New Delhi in darkness. It is just for that very reason that it is important and necessary that workers in these industries should be so placed in life that they will not desire to go on a strike in order to improve their condition; you cannot bring in measures that will create unrest. That is not how a national Government is expected to proceed. I am indeed very much grieved that even in this short period Bills have been brought forward in this House like the Trade Disputes Bill, the Rent Control Bill, the Press Emergency Bill and now The Armed Forces Emergency Bill. Sir, I am not one of those who wish to judge the Government of India for things which they have not yet done. I know that they have not been in power very long, and they have been asking for more time. I do not therefore say that they have not been able to bring down heaven on earth and for that I criticise them; but I would be perfectly justified in criticising them for what they have done and what they are doing.

Sir, I have just mentioned that in this short period Bills curtailing the civil liberties of the people and Bills which are considered to be repressive measures have been brought forward in this House. I warn Government to try to bring

[Miss Maniben Kara.]

forward Bills which would improve the lot of the workers and the common man, which will create confidence among the people of the country in the present Government. By bringing in such measures and by not giving sufficient time to the people and the workers and their organisations they are unnecessarily creating a gulf.

Sir, the military is to be used for the defence of the country. Here whom do you want to defend. The workers have nothing of which you are so much afraid. You are defending a particular interest; you will say that the public is inconvenienced. But, Sir, the workers are working in all the industries. In whichever industry the workers may resort to a strike the public is bound to be inconvenienced; and it is only when the public is inconvenienced that the public conscience is aroused, and the public is made aware of the miserable condition of the workers and their grievances. The workers have got no press or any other medium through which to ventilate their grievances; and it will certainly be a great violation of justice if Government are enabled to declare any industry as a vital industry and to bring in troops to suppress these workers. If it were a case of illegal strike, or where the workers act in an irresponsible manner and are not law-abiding, they may of course be compelled to bring in the military; I can understand their anxiety there though I may not agree. But the Bill makes no such provision; it gives full power to Government to declare any industry as a vital industry.

Mr. President: Any "service", not "industry".

Miss Maniben Kara: Any service may be declared a vital service; the service of sweepers has been mentioned as a vital service. If the municipal employees of a certain place go on a strike it may be a perfectly legal strike and they may have satisfied all the conditions imposed by law to bring in troops would result in these people acting as black legs.

Sir, I also want to bring in another point. Remember that the recruitment in the army is made from the common people and the peasants. Why do you want to have the army used against their own brethren. There may be some peasant revolt or uprising, why do you want these people in the army to go against the interest and the struggle of their own brethren who may be fighting for better conditions of living? In the transport service I specially remember a strike of the bus drivers in Bombay. Certainly no one will be justified in saying that at that stage the armed forces should have been brought in; the public would certainly be inconvenienced if there is a strike. In other words it amounts to this that the Government of India somehow or other do not want that there should be any strike in the country. If you can bring in measures by which you can improve the condition of the workers surely I also would not desire strikes. But the Government of India today are not in a position to satisfy the demands of the people on the one hand and on the other hand they want measures to suppress the only thing they have in their hands, namely, a strike. I can tell you that in Bombay but for that bus strike no one in the whole city would have known about the terrible conditions in which the bus drivers live there. Because the public was inconvenienced for a day or two they began to inquire what the trouble was, and I am glad to say that as a result of the strike their right demands were granted. And that would not have happened if they had not gone on strike. I may also tell you that when in Bombay the military people were employed to drive these buses the civilian people did not use these buses. They boycotted the buses; they preferred to walk, but they did not make use of the buses. This is the mentality. You are unnecessarily creating a gulf between the public and the workers by bringing in such measures whereby you are taking extraordinary powers in your hand. The public of Bombay had great sympathy with the people who were on strike. I also remember that there was a serious accident in which one child was hurt or killed—I do not remember—because those

people who were engaged were not used to driving in cities. Similarly, at the time of the strike in the Docks, the Army is called, and they are asked to work. Will you tell me whether they are in a position to do such jobs? Besides they do not like to do this; they know that they are working against the interests of their own brethren. But by bringing forward such Bills you are forcing them to act against their will.

Lastly, I would like to utter a word of warning to the Government. Do not make the conditions difficult even in the Army. Army is maintained for the defence of the country; do not bring in things which the Army will not respect. Let us not utilize the Army for any other purpose except for the defence of the country. If the Army is going to be used when there is a dispute between the employer and the employees on the plea that it is a service to the public, that will be a violation of the principle on which we are maintaining that Army.

With these few remarks, I would appeal to the Member in charge of the Bill to accept my very simple amendment that the Bill may be circulated for eliciting public opinion. We will be able to consult various trade unions, and other organisations, because you will admit that this Bill widely affects the lives of the people—workers in industries, workers in factories, dock workers, and workers in various other establishments. Would you be justified in hurrying through a Bill of such importance. I had a talk with the Defence Secretary with regard to this Bill and he said that they were very keen about it. I am very particular, Sir, that we are given an opportunity to consult the trade unions and other organisations before passing this legislation. I also had a talk with the Honourable the Labour Member because I feel that these various departments must work in consultation with each other—I suppose they do.

Mr. P. J. Griffiths (Assam: European): They never do.

Miss Maniben Kara: Because it affects the conditions of labour, I expected the Honourable the Labour Member to influence the Defence Secretary not to rush with the Bill.

There are amendments standing in the name of Mr. Joshi also. That shows that we are rightly interested in this Bill, and we are very anxious that due consideration should be given, and I am sure if you will accept our amendment we will be able to come to some understanding and the Bill will be unanimously passed by this House.

Mr. President: Amendment moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1948.”

Mr. Sasanka Sekhar Sanyal (Presidency Division: Non-Muhammadan Rural): At this stage I beg for the indulgence of the House to give expression to some of the misgivings that this Bill has created in the minds of the public. On a rough reading the Bill looks like mobilization of the Army for purposes of meeting strike situations with the aid of the Defence of India Rules which are going to expire. This either visualizes a state of war or itself declares a state of war, and I, for myself, do not think that the situation in the country is such as to call for a declaration of war either way.

In the first place, Sir, I would ask my Honourable friend the Defence Secretary as to why it has been found necessary to go back to the Defence of India Rules at all. After all the Defence of India Rules have not left a very happy memory on the country at large. It is not a very sacred legacy of the Government which have left. I take the cue from my Honourable friend, the Defence Secretary, himself. He made appropriate references to the personnel of the present National Cabinet and I believe all the time he did not forget that the majority of the elected members of this House were

[Mr. Sasanka Sekhar Sanyal.]

faced with a challenge by the last Government and the Defence of India Rules, which were their oft-used and the most convenient weapon in their armoury, were used against the nation's demands. As a matter of fact the majority of elected members of this House have had the taste of the Defence of India Rules, and even the Cabinet is composed of some illustrious persons of this country who also had to be dealt with under the Defence of India Rules. So far as they are concerned, and so far as the Chair is concerned, this thorn of the Defence of India Rules came as a blossoming flower for the nation. But when we discuss any problem *vis-a-vis* the present or the future situation of the country, before we make a resort to the Defence of India Rules, we must be sure that we have exhausted all other methods. Granting that the situation which has been contemplated by my Honourable friend, the Defence Secretary, is such that it calls for an emergent legislation of this description, may I ask him in all humility was it not possible for him and for us to bury the Defence of India Rules completely and to go into the question in the light of legislation pure and simple. What is the point in extending the life of a measure which is running out? Why was it not possible to sit down and consider the questions as ordinary problems of legislation so that an ordinary Bill, without the heritage of the Defence of India Rules, could be prepared? Was it not considered necessary or sufficient?

Then, Sir, the other question,—agreeing with my Honourable friend that there may be situations in the country which might necessitate the rushing of personnel for be it maintaining of essential services, be it electricity, sanitation, or water connection,—the question that worries me is, if it is a social problem, why is it that such a measure is not made applicable to the civil personnel of the Government also? Why should it be necessary to impose this service on the Armed Forces alone? After all if in New Delhi the electricity fails, or water connection is broken, or if the sanitation is in danger, it is a common problem, and it is a problem for the citizens at large, and if it is to be tackled, I maintain that it is as much the concern of the civil personnel of the Government as of the military. Now, Sir, my learned friend, the Labour Member seems to have been taken by surprise. I will put this question, without confining himself even to the civil personnel of the Government. If really extraordinary measures have to be adopted for assembling some people for particular purposes, will that necessitate calls for the assembly of persons from all over society? I could understand, Sir, that the military are able to do things quickly. But I cannot understand why the measure should be such as to make it applicable only to the country and not to other parts.

The Honourable Shri Jagjivan Ram (Labour Member): But there is no restriction for others!

Mr. Sasanka Sekhar Sanyal: In the preface of the Bill it is said "Whereas it is expedient to enable duties . . ." The word "enable" is misleading. It is obliging the armed forces to undertake certain duties and this might as well have been extended to other Departments of Government. Why is this obligation being imposed upon a particular branch of the Government machinery?

Mr. M. A. F. Hirtzel (Bengal: European): May I ask the Honourable Member whether he is prepared to accept the extension of such duties to the Corporation of Calcutta?

Shri Sri Prakasa: Or to the Members of this House!

Mr. Sasanka Sekhar Sanyal: Since my learned friend has made a reference to me, asking me personally, may I give this information to him and to the House that in the course of the last fifteen days I had been to my own station in a mofussil town in Bengal where there was a strike by the scavengers and

I had the pride and privilege of leading some of the Congress volunteers to do the scavengers' work. So far as I am concerned, I shall be very glad to be treated as a successful bhangi than a successful legislator.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): You will be neither!

Mr. Sasanka Sekhar Sanyal: Therefore, I want my learned friend, the Defence Secretary to explain the attitude of the Government to this question because there is a great deal of force in the contention put forward by my friend, Miss Kara. After all the Bill is there. If it has to be, it will be passed. We are here to pass the Bill because we are here to support this Government and we have made our position clear that if this Government leads us to hell, we will go to hell.

Miss Maniben Kara: We won't!

Mr. Sasanka Sekhar Sanyal: If they do not go, then there is a worse place, because they will not be accommodated even in hell!

There is no use rushing a Bill to get a piece of legislation. It is no use having a weapon in the armoury of Government. It must be justified. Government must convince us that there is no other weapon so handy. As I submit, my friend, Miss Kara just referred to it. She said, when this obligation is given to the army or to authority, it seems that for this purpose we shall use our armed forces as armies of occupation. Here again the old flavour is coming in and we must not do anything, particularly in the Defence Department, which has for the first time come within the purview of the popular side of the Government. We must not allow the Defence Department to do things in such a way as to bring in the old odour.

We are going to raise our national army. They must create confidence in the people. If we hand over the situation or threaten to do so to the military, the reading is very clear. The strikes and strikers will be there. We may like them or we may not but we have to deal with questions arising out of strikers and strikes in a national way and not in an administrative way. Therefore, I maintain that before the Honourable the Defence Secretary asks the House to vote upon his motion for consideration of the Bill clause by clause, he will make it clear to the House that the Bill is so necessary and so urgent that ordinary legislation could not be introduced: that it has been necessary to bring back the unwelcome and unliked Defence of India Rules. He will also make it clear why he wants to put upon the Defence Services the odium of being potential fifth columnists of Government or the capitalists when the situation of strikes and strikers arises. Upon the explanation of these points, much will depend as to how we look at the Bill. I for myself may say that I do not feel happy over this measure, particularly as my learned friend himself has anticipated criticism and comments and Miss Kara has very ably dilated on this point. If he really means well by his own Government and he admits that he has taken pride of being in a National Government, he must look to the well-being of the National Government of which he is a part.

Mr. N. M. Joshi (Nominated Non-Official): In 1939 the Defence of India Act was passed. I remember it was in one of the Simla Sessions of the Assembly. I also remember that mine was the solitary voice raised against the passing of that measure. I, Sir, opposed the Defence of India Rules even in 1939 because I felt that the powers given to the Government of India and the Provincial Governments were so drastic and so unrestricted that they were bound to create a danger for the civil liberties of the people of this country.

Pandit Lakshmi Kanta Maitra (Calcutta: Non-Muhammadan Urban): What Act was that?

Mr. President: The Defence of India Act.

Pandit Lakshmi Kanta Maitra: Do not exclude us from that!

Mr. N. M. Joshi: Were you there?

Those powers were taken by the Government of India because they pleaded that those were the times of war and the Government of India needed those powers. To me it seems now, Sir, after watching the flow of Bills, the stream of Bills which are being brought before this Legislature, based on the Rules of the Defence of India Act and being enacted in a hurry on the ground that the Defence of India Act will cease to operate from the 31st March—judging from the action of the Government of India in bringing forward these measures one after another I have a fear in my mind that the Government of India proposes to reenact the whole of the Defence of India Act with all the Rules not in the form of the Defence of India Act but piece-meal legislation, so that the House need not oppose that measure but Government may secure their consent on the ground that that was one of the few measures which the Government wanted to pass based upon the Defence of India Rules. I want the Government of India to consider this very seriously whether it is their policy to rule this country not by securing the confidence of the people of this country but by securing more and more powers to suppress them? Even before the passing of the Defence of India Act this country was being governed somehow. There used to be strikes, even in those days, and the Government of India somehow carried on. The life of the community was not endangered. Therefore the Government of India should consider whether when the war is over they need those powers given to them by the Defence of India Rules, even in peace time and if they need those powers they must make out a case how the conditions in India before 1939 have changed so drastically in 1947 that powers which were regarded to be drastic and special and only needed for the war should be taken even in peace times. Sir, the Honourable the Secretary of the Defence Department should have compared the conditions before 1939 and in 1947 and showed us how without the Defence of India Rules and these drastic powers the life of the community was not endangered before 1939 in this country, and why the life of the community is likely to be endangered in 1947. The Honourable Member, in my judgment, has made out no case showing the difference between the conditions that prevailed before 1939 and in 1947. He told us one or two things regarding the present situation. He said that there is unrest as a result of the war. If there is unrest you have to pacify the people and not provoke them. A wise government will take care to see that the unrest is not suppressed but the cause of it is removed by quieting measures. That there is unrest in the country as a result of the war does not convince me that measures of suppression are necessary. On the contrary, I feel that the measures of suppression which the Government of India are enacting are going to add to the unrest of the people and will not either pacify the people or even succeed in suppressing them.

The Honourable Member also pointed out to us that fortunately for us we have now a representative government representing the Congress and the Muslim League. . . .

Sri R. Venkatasubba Reddiar (South Arcot *cum* Chingleput: Non-Muhammadan Rural) : What about the other representatives? It consists not only of Congress and the Muslim League but also of representatives of labour interest, the scheduled castes, Indian Christians and others.

Mr. N. M. Joshi: I fully agree with the Honourable Member. It is fortunate that we have now a more representative government or even if you like a government representing not only the Congress and the Muslim League but some other parties also. I thought that that was an argument that one should have used to avoid such measures. One can understand a bureaucratic government depending upon measures of suppression, the use of troops to pacify people. But I find it a little difficult to understand why a Government

which is representative should not be able to pacify the people by other measures of securing peace in the country and not make use of the big stick or measures of suppression and repression.

The Honourable Member also used another argument. I did not catch him very fully but I thought that what he meant was that we are living in a time when we must strengthen the hands of the Government. I do not know what exactly he meant by the 'time'. Perhaps he may say that we are living in times of transition, when power is being transferred from one kind of Government to another kind of Government and therefore the hands of the present Government should be strengthened. This argument also does not appeal to me. If in a transitional stage of the transference of power from one Government to another we have to depend upon the use of troops, we are depending upon a broken reed. Let me assure the Honourable Member that if revolutions are going to happen, they cannot be prevented by the use of troops. Therefore it is much better for the Government of India to realise that in these transitional times their best remedy is to maintain peace by relying upon the confidence of the people, for a peaceful transference of power. It is that alone which in my humble judgment will enable the peaceful transference of power from British to Indian hands. If the Government of India depends upon the use of troops for the peaceful transference of power, in my judgment, they are making a grave mistake. The Honourable Member clearly stated and it is also mentioned in his statement of objects and reasons that it is not that the Government of India does not possess powers to use troops. He is only doubtful whether the cases in which the Government of India have used troops to carry on what are known as essential services would be sanctioned by a court of law. His own Statement of Objects and Reason makes it clear that when the life of a community is in danger or the authority of a Government is also in danger, the use of troops can be made. This is what is stated in the Statement of Objects and Reasons:

"The Defence of India Rules having now expired, it is lawful to order troops or naval or air force personnel to carry out essential services only for a military purpose, or if such a condition of affairs has arisen that the safety of the community and the existence of the Government and its authority is in danger, and to save the community the Government has decided to entrust such vital services to military administration and control."

When the life of the community is in danger the power is given to the Government of India to use troops. Therefore the object of the Government of India is not only to carry on what are known as essential services when the life of the community is in danger but they want to use troops on occasions which are less grave than those mentioned in the Statement of Objects and Reasons. Government do not make a secret of it that the conditions laid down under the present law are too stringent. He wants to make use of the troops to carry on essential services oftener and not for the grave object of saving the life of the community but for lesser objects. I feel, Sir, that the Legislature should know very well that on a grave occasion Government can make use of troops, that is when the life of the community is in danger. That is not questioned. But the Honourable Member now wants to make use of the troops on occasions which are not as grave as the life of the community being in danger.

Mr. G. S. Bhalja: If I may interrupt the Honourable Member, it is not only when the life of the community is in danger but when the very existence of the Government is in danger. There are two conditions. The safety of the Community and the existence of the Government and its authority must be in danger, and to save the country, the Government must decide to entrust such vital services to military administration and control. If these conditions are fulfilled then alone can the use of troops be said to be fully covered by the existing law.

Mr. N. M. Joshi: I understand that it is on grave occasions when the use of troops can be made to carry on essential services. But you want now powers to use troops to carry on essential services on occasions which are not as grave as mentioned in your Statement of Objects and Reasons. I feel, Sir, that the Legislature should not allow this to be done. The grave danger which may exist is provided for. I am not one of those who feel that there may not be any occasion at all to make use of the troops to carry on essential services. Essential services may break down on account of natural causes; they may even break down on account of a strike. To have power for making use of the troops to carry on the essential services the occasion must be really grave. That grave occasion has been provided for under the present law. I therefore feel that the Honourable Member has not made out any case why additional powers should be given to him. When people are given powers and when they get used to the exercise of those powers it is not so easy for them to relinquish those powers. Before the war they did not have these powers and they carried on the government of the country without much difficulty. But during the war they got these powers and after having become accustomed to the enjoyment of these powers they are finding it difficult to relinquish them. It may be that on account of the use of the powers our Government has become unnerved. When a man does not possess power he tries to get things done without these powers somehow, by using proper means. But when once he gets into the habit of using repressive powers he loses his capacity to deal with matters by other peaceful means, and he becomes so used to the exercise of these powers that he feels that without these powers he will not be able to carry on the administration. I feel this is a weakness of every government from which government should protect itself and not become used to power. Otherwise they will find after some days that the powers which they are asking today may not be sufficient. Power, Sir, is like drink. It exhilarates and stimulates. But like drink you have to take larger and larger doses in order that that stimulation may take place. I warn the Government of India that they should not allow themselves to get into the habit of depending upon power to keep peace in the country because if they do so they will require larger and larger powers with the result that in a few years' time there may not be any law book necessary at all and the Government will acquire to themselves all the powers which may not be put down in a law book. I therefore suggest to the Government of India that in the first place they have got enough powers under the present law to save the community from danger and they should not now try to get more and more powers. The Defence of India Rule said that they should have power to control any undertaking essential to the life of the community. Now they say 'service of vital importance to the community'. The word 'life' has disappeared. I do not understand what the meaning of 'vital importance to the community' is. Why should they have changed the wording 'essential to the life of the community'?

Mr. G. S. Bhalja: If I may interrupt the Honourable Member, if he would prefer that phraseology I would have no objection to substituting it.

Mr. N. M. Joshi: I wanted to know why it has been changed.

Mr. G. S. Bhalja: To make it more stringent than it is at present.

Mr. N. M. Joshi: By dropping the word 'life'? All right, Sir, if the Honourable Member is willing to make changes I shall give him an opportunity because I have an amendment on the agenda paper, and I would suggest to him to accept my amendment.

The Honourable Member tried to make out a case for asking for these powers by telling the House about certain cases in which the Government of India had used troops to carry on essential services. I do not wish to go into the history of all those six or seven cases which he mentioned. I shall mention a very recent case that happened in Karachi. He admitted that in Karachi they used troops to unload ships which contained food because food was so much necessary. I want to ask the Honourable Member "Was that the only method by which food could be unloaded from the ships?" My Honourable friend Mr. Sanyal had asked "Were there no patriotic citizens in Karachi who could have unloaded food from the ships if the porters in the dockyard refused to do so?" Why does not the Government ask the citizens to help them? Let Government learn to secure the co-operation of the public and not necessarily make use of the troops.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): You want people to leave their other avocations of trade or practice in court and come for this purpose?

Mr. N. M. Joshi: My Honourable friend asks me whether the public should be asked to give up their ordinary avocations of trade, or practice in the High Courts, and unload ships. I know very well why the Government of India uses troops. I shall come to that point why soldiers were engaged to unload ships. They were not engaged for that purpose. They had another profession. You take soldiers away from their profession and ask them to unload ships. I know why you do it. You do it because if you ask a lawyer or a doctor or a big merchant to go and help in unloading a ship, can he do it?

Sjt. N. V. Gadgil: Some of the labour leaders would be asked to do it.

Mr. N. M. Joshi: There is some kind of legislation on the statute book by which the working classes are compelled to do work under certain emergencies. There are forest laws in our country, there are irrigation laws. When any work is to be done under an emergency, the District Magistrate can ask the people to do that work. Once I took it into my head to suggest to these District Magistrates—why not make a law by which any citizen could be compelled to work, when a forest is on fire or when a bund gives way and water flows into the field of people and destroys their fields. That District Magistrate told me—do you think the jagirdars and I.C.S. people can do the work. It is for that reason that soldiers are impressed to do the work of an ordinary worker. Certainly there is some justice in asking all people to do service to the community when the community is in danger but the Government of India cannot do it. But for the Congress discipline, there will be many more speeches against such legislation.

Sjt. N. V. Gadgil: Don't try that game.

Mr. N. M. Joshi: Don't become nervous. Learn to be patient. You will learn better if you learn to be patient. Let the Government try to make conscription compulsory for all citizens when the community is in danger. We shall see what happens. I therefore feel that it is wrong for the Government to make use of troops because the troops come from the working classes. They are in the habit of working. If you ask them to unload, they have not lost the capacity to do physical work.

The Honourable Shri Jagjivan Ram: Which class do you come from?

Mr. N. M. Joshi: I shall give you my whole history if you like

Mr. President: That would be irrelevant.

Mr. N. M. Joshi: It is for that reason I shall not give it. It is wrong to make use of the troops. I was referring to the history of the Karachi incident. There the issue was that the porters working in the dockyard wanted a certain amount of wages which the stevedores or the people in charge of these porters were unwilling to give. Therefore Government used troops to carry on the essential work. The wages of the dock labourers in Karachi will not be more than Rs. 30 or 40. My Honourable friend Mr. S. C. Joshi if he had been here would have told you what is the monthly wage of these workers. I had a talk with him when he returned from Karachi after settling the strike. He told me that he has allowed Rs. 3 as a daily wage. The figure is misleading. These people get wages for about ten days in a month with the result that the average wages are not more than Rs. 30 or 40.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): What is the soldier's pay?

Mr. N. M. Joshi: The soldier gets rations at least. Well, Sir, the employers were unwilling to give those wages. Therefore the Government employed soldiers to take the place of the workers. Was there no other remedy? If I had been the Government, I would have taken hold of the dock myself; have asked the contractors to remain quiet for some days and paid these men Rs. 5 a day for at least 20 days in a month, so that they will get Rs. 100 a month.

The Honourable Shri Jagjivan Ram: At whose cost?

Mr. N. M. Joshi: I am quite sure that this dispute would have been settled without the use of troops. There was another remedy. You could have taken over the whole thing yourself and paid the workers what you thought was a reasonable wage. I don't expect you to pay the wages which I would like you to pay but that was a remedy in your hands. You could have assured the workers that hereafter they would get a proper wage and there would have been no need for the use of troops. There are hundreds of ways in which Government can avoid the use of troops.

Mr. Manu Subedar: Which officer knows the work to take charge of it?

Mr. N. M. Joshi: I know Government can carry on all sorts of work. We are thinking, although you may not be thinking, of nationalising all our industries in this country.

Mr. Manu Subedar: I don't object to it.

Mr. N. M. Joshi: There will be some officers who will do the work of the nationalised industries. These old arguments will not stand now at all. We are running a railway system with 900,000 railwaymen. Can they not run a dock? I am quite sure there will be no difficulty in taking over the docks at all. As a matter of fact, in America, even today they do it. They took over an industry like mining. There are methods in which people outside who are unwilling to make use of the troops do it but we have become used to the use of troops for any purpose. It is that which frightens me. You become used to the use of troops whenever you are in a difficulty. I would like the Government of India to try to learn to face their difficulty without the use of troops. If they try, there will come a time when they, like me, will say that these powers are useless. They are not needed. We can run the Government without these powers. It is for these reasons that I am opposed to this measure. If the amendment of my friend Miss Kara is not approved, I shall certainly oppose the motion moved by my Honourable friend the Secretary for Defence.

Mr. Tamisuddin Khan (Dacca cum Mymensingh: Muhammadian Rural): I am extremely sorry that I do not find myself in agreement with my friend Mr. Joshi or Miss Kara, the representatives of Labour in this House. At first I

thought that the members who were speaking against this Bill were not serious in their minds, but now it appears that really they are advancing their arguments with a good deal of seriousness. I was not surprised that labour representatives in this House stood up against this measure but what surprised me was when I found one of the representatives of the Congress also agreed with them. Mr. Joshi has asked: what is the necessity of a measure like this? And he assumes that if you invest Government with these powers, they will misuse them. They may have done so in the past, but there has been a very great break with the past and that is what we forget. We are not living in the past. During the war everyone was saying that after the war we would find a new world. A new world is being born,—that was on the lips of every one. The war is now over and where is that new world? There is certainly a new world, but those who have not got the eyes to see, do not see it. The world has changed to a very great extent. My Honourable friend Mr. Joshi asked: what is the difference between the conditions that existed in 1939 and the conditions that exist in 1947? Here, again, I would say that those who have got eyes to see are certainly seeing the change of conditions. The war, no doubt, is over, but the forces let loose by the war are still working in the world and I do not know how long it will take the world to get back its equilibrium. We are still passing through abnormal conditions. Therefore, I thought that Government was only doing the obvious thing when it was asking for powers like these. If we say that Government will misuse these powers, what is it that is working at the back of our mind? When we say that, it betrays a want of confidence in the Government. Previously, there was an alien Government in the country and the people had hardly any confidence in that Government. But now we cannot blow hot and cold in the same breath. We claim that the present Government is a national Government, it is the people's government, and yet we are afraid of investing this Government with certain necessary powers. That shows a contradiction in the minds of Members who take up an attitude like this. I, therefore, think that no lengthy argument or discussion was at all necessary to support a measure like this.

My Honourable friend Mr. Joshi said "if you give these powers to the Government, they will get demoralised". Government cannot be carried on on certain copy book ethical principles. Circumstances may arise when such powers may be necessary. I can never believe that simply because the Government has got these powers, they will use them at the very first instance and that the various labour legislations that exist on the statute-book and those that were passed only a few days ago will be shelved and the Honourable the Labour Member will never make use of those laws. I think it will be as a last resort that these drastic provisions will be made use of. In the first instance, Government will certainly try all kinds of amicable methods. If they do not do that, they will stand self-condemned, and no one will support a Government like that. In a regime of a popular self-government, an arbitrary Government like that can never expect to hold to power. That in itself will be a great deterrent and I am confident that a Government that is worth its name will make use of drastic powers like these only as a last resort. I, therefore, think that there is no reason why a simple measure like this should be opposed.

Sjt. N. V. Gadgil: Mr. President, after having listened to my Honourable friend Mr. Joshi's speech with the care and attention that his age and experience demand, I have come to the conclusion that I must support this Bill. Mr. Joshi undoubtedly raised a number of questions, but they were more or less of academic interest. He said that in 1939, when the war was declared, if there was any justification for such a power being given to the executive, that justification, at any rate, was no longer available today when peace has come as the result of the cessation of hostilities. May I bring to his notice that in 1939 the context of circumstances was different from the context of circumstances which is just facing us today? If these powers were necessary in 1939, they

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were necessary from quite a different point of view, because then it was readily possible to point out the danger, the direction of the danger and the particular part of the world from which that danger was expected. Today in 1947, when Mr. Joshi knows and when everyone of us is quite conscious of what is happening and what is bound to happen in the near future, it will be an abdication of duty on our part to our countrymen not to support this measure.

Mr. Joshi said something about power. Power is always neutral. It takes its character and colour from the use to which it is applied. If it is assumed for the purpose of doing some good to the community, I am sure Mr. Joshi will not oppose it. But is there any reason for him to presume that this Government, which virtually depends upon the vote of this House, is likely to abuse it? If he had such a suspicion about the Government that is no more and which has gone unwept, unsung and unhonoured, I could have understood it. But this Government which is castigated day in, day out from 11 A.M. till 5 P.M. and the major part of it is always annexed by my Honourable friend Mr. Joshi, why should he be so suspicious about it?

Now, going into the merits, my Honourable friend Mr. Joshi said that in the present circumstances in which the law stands today there is ample provision, then where is the necessity for such a measure? If he had only taken a little more care to go further into the Statement of Objects and Reasons, he would have found that whether a particular situation answers to the situation contemplated in the statute or not, is a matter left for the court to decide, I think no Government can function that way. If Government is to be looked upon as the protector and as an institution from which the citizens of the country expect not only peace and security but also the supply of essential commodities and services and if that expectation is not fulfilled, I think that Government has no right to be called a Government. Either it must govern or it must get out. A weak government and a faithless wife deserve to be kicked out. Therefore, in the future that is close at hand, and the rumblings of which we all are hearing, I want to repeat, Sir, with all the solemnity that I can command that it will be suicidal on our part not to arm the Government with such power. To delay the passing of this measure even for a day is un wisdom.

Now, Sir, what does this Bill seek after all? The power is already in the present law, what it seeks is some sort of procedural change. If every time you leave the matter for the court to decide with the risk that those who have acted should have to face a trial, it would be a dangerous thing. In any emergent circumstances, ample power must be left with the Government. You cannot expect when a sudden emergency arises to decide beforehand its character. Whether the particular circumstances were so strong that firing was justified is a matter that must be judged by the executive. If every time, you insist on these matters being put before a court of law, I think you show an utter ignorance of the very elements which a Government that wants to govern ought to have. What the Bill exactly does is this. Instead of leaving this lacuna in the present law, it invests the Government with the power to declare an emergency. A notification is then issued and certain things which can be done even under the present law are then done. Now, Sir, I can understand Mr. Joshi to say that such a power should not be given without any limitation. Therefore, I promise that I will support him when he moves his amendment, not the whole of it, but the second proviso and I have no doubt that the Government will also consider that amendment in a reasonable frame of mind. But when Mr. Joshi points out that the powers that are now sought under this Bill are wider, I want to join issue with him. I want respectfully to invite his attention to the fact that in the preamble, the word 'emergency' occurs. It is a wider term in a way, but according to me it describes in one word what is contemplated in the Statement of Objects and Reasons. Whatever is described in details, as showing

the present state of law, is very conveniently described as 'emergency' in the preamble. Now, when there is such an emergency and when a notification has been made, then I do agree, Sir, that there must be some time limit. In the Bombay Act relating to the declaration of emergency a time limit of one month is prescribed. At the same time it has been laid down in that Act that if at the end of the month the Government still find that emergent circumstances still continue they have the authority to renew it, as many times as they like, but for one month at a time. That is a good limitation. I therefore submit that in the present circumstances when nobody knows what will happen, the first and primary duty of Government is to maintain law and order and maintain the supply of essential commodities and services. Mr. Joshi suggested that in such circumstances the citizens should be conscripted. If he agrees to that then it means that circumstances when abnormal justify abnormal actions. Then the question simply reduces itself to this, whether the Government should conscript all the citizens or a part of the community namely the military forces who have been maintained all along, for this particular purpose. If he has no objection for a lawyer like myself to do the job of unloading wheat flour, why should he have any objection for a man who has been maintained by the community year in and year out, in good barracks, in good circumstances with plenty of food to do that job? There is nothing unnatural if the military is used for this purpose. Mr. Joshi knows that somehow or other such a power is necessary, but his long standing prejudice which most of us shared a few months ago with him, does not allow him to have a realistic picture of the circumstances in which we are today. I therefore hope that in terms of the suggestion I have made, Mr. Joshi will move his amendment and I hope it will be accepted by the Government and that the Bill will be passed into law today.

Mr. G. S. Bhalja: Sir, I have very little to add to what I said when I moved the motion before lunch, particularly as my Honourable friends Mr. Gadgil and Mr. Tamizuddin Khan have put the case for the Bill before this House so well. I explained at the beginning that the Defence Department were not anxious to take these powers for the use of troops. I pointed out that this was a most unpleasant duty which the troops were called upon to assume. But I take it that if the Government as a whole appeal to the Defence Department to go to their rescue in an emergency, it would be wrong on the part of the Defence Department to turn down their request. Sir, when the troops are required to be called out in these emergent circumstances, there should be no legal loophole, they should be fully protected by the law of the land. That is why this Bill has been introduced in the House. There are no Defence of India Rules in force today. What my Honourable friend Mr. Sanjayal, referred to—Rule 81, of the Defence of India Rules—expired on 30th September. We did not immediately seek powers. What happened? We have been receiving requests from Provincial Governments and from departments of the Central Government for the loan of troops in certain emergencies. We found that if we allowed the use of troops on these occasions, there was no legal cover. I place these facts before this House and it is for the House to decide whether in such circumstances they should give this power to the Central Government to issue a notification declaring a particular service to be vital to the life of the community. Mention was made of the bus workers strike in Bombay. I think it is not correct to state that buses were run by troops for the use and convenience of passengers. What happened was this. The strike of transport workers took place on 18th July 1946. The Government of Bombay, mind you it is a responsible Government, responsible to the legislature of the province, appealed to us that unless military assistance was given on the next day, there would be no stocks of grains available in the City of Bombay on 20th July 1946, that is, two days later and the rationing system of Bombay would break down. Now, Sir, it is for the House to say whether in the circumstances we should have sat silent and refused to give assistance of troops to carry out these services which the Government of Bombay considered essential for their purpose. Similarly we received requests from

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the Food Department of this Government which is presided over by a trusted leader of the people. We received requests for the use of troops to unload ships which contained food which was vitally necessary for the maintenance of the rationing system in the country. Now, were we to deny the use of troops on occasions like these? If the House so desires, if the country so desires the Defence Department have nothing more to say. But if the Defence Department and the troops are asked to carry on these duties, then I humbly submit that they should give the necessary legal cover for the use to which troops are put. My friend Mr. Joshi asked me what was the difference between 1939 and 1946. Circumstances are different in two particular ways. In the first place, before 1939 troops were not required to be called out for such purposes on many occasions. In the second place the people and the working classes were perhaps not so conscious of their rights under the law. In 1946, however, we find that after the great upheaval of the war there was labour ferment throughout the country. One does not know how long this ferment will continue; and legal cover has to be provided for occasions like the ones I have mentioned. When Governments, Central and Provincial, which claim to remain in power on popular support appeal to the Defence Department it is not for them to deny the assistance which is sought.

Shri Sri Prakasa: What will happen if the troops go on strike?

Mr. G. S. Bhalja: The reply is clear; they will be court-martialled. As the law stands at present, it is not the duty of the troops to intervene for purposes of this kind. I also made it clear this morning that it is wrong to suppose that troops would be used merely for breaking strikes. Far from that. My Honourable friend referred to public inconvenience that may be caused. I am sure the House can trust this Government not to allow the use of troops merely for avoiding public inconvenience. I shall give an illustration. The press workers of Government were on strike and this House was seriously inconvenienced on account of the lack of budget documents; but still Government did not resort to the use of troops.

Mr. N. M. Joshi: What could they do? They do not know composing.

Mr. G. S. Bhalja: My Honourable friend is not correct. Troops these days are not merely infantry. They are of various technical categories and they can perform very important functions, like building roads, running of trams and buses and running railway trains when the necessity arises.

An Honourable Member: And cause accidents!

Mr. G. S. Bhalja: There need be no such apprehensions. In fact accidents are much less when the military are in charge of any service than when ordinary workers are. The troops and the armed forces personnel are fully trained before they are placed on a particular job. They are disciplined forces; they cannot take liberties or absent themselves from work or disobey the regulations in the way ordinary workers are apt to do on certain occasions. I am sure that there is no genuine apprehension that the powers proposed to be entrusted to Government under this Bill are likely to be misused.

Sir, I oppose the motion of my Honourable friend Miss Kara.

Mr. President: The original motion was that the Bill be taken into consideration, since when an amendment has been moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March 1948.

The question is:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1948.

The motion was negatived.

Mr. President: The question is:

"That the Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown be taken into consideration."

The motion was adopted.

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

Mr. N. M. Joshi: Sir, I move:

"That to sub-clause (1) of clause 2 of the Bill the following two provisos be added, namely:

'(a) Provided that such notification shall not be issued unless and until danger of serious loss of human life has become imminent'; and

'(b) Provided further that such notification shall remain valid only for one month unless it is renewed before the end of the month'."

My object is that Government should not issue a notification calling troops for maintaining vital services unless the need is very real; and the test of that is the danger of human beings being killed or starved or their lives being made unsafe. Unless there is that danger I submit the notification should not be issued. The danger should be also very imminent. The intention is that Government should not act in a light-hearted manner. The second part of my amendment provides that this power given to Government should not be permanent but that the notification should last only for a month and if the emergency persists it may be renewed. My Honourable friend Mr. Gadgil said that this slight restriction on the power of Government will be considered by him as suggested in my amendment, and I hope the House will accept it.

Mr. Deputy President: Amendment moved:

"That to sub-clause (1) of clause 2 of the Bill the following two provisos be added, namely:

'(a) Provided that such notification shall not be issued unless and until danger of serious loss of human life has become imminent'; and

'(b) Provided further that such notification shall remain valid only for one month unless it is renewed before the end of the month'."

Mr. G. S. Bhalja: Sir, I have no objection to accepting, on behalf of the Government, part (b) of the amendment moved by my Honourable friend, Mr. Joshi. My Honourable friend, the Legal Secretary, will move an amendment which will retain the sense which Mr. Joshi has in mind, although the phraseology may be slightly different. But I regret we are unable to accept the first part of the amendment moved by him, because that would so limit the operation of the Bill that it would practically nullify the object for which the Bill has been introduced. I should repeat again that the powers which this Bill seeks are to be utilized only when the life of a community is likely to be paralysed. That is the implication of the word 'vital'—vital service to the community, or service which is of vital importance to the community, is service which is very necessary, very essential for the life of the community, without which the life of the community is likely to be paralysed. But the way in which Mr. Joshi has moved his amendment is too narrow. For instance, in the cases in which troops were used on two occasions in Bombay and Karachi you cannot argue that the loss of life was imminent. It is possible to argue that people might starve for one day, but I may suggest that the life does not disappear or does not get extinct suddenly, it gets extinct slowly; but you want to prevent accumulation of factors which lead to extinction. You want to take preventive action rather than take action after the disaster has come over the country. I am prepared to accept the amendment in the following terms:

"Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification."

I think it meets in substance the sense of the amendment moved by my Honourable friend, Mr. Joshi.

Mr. N. M. Joshi: If it does meet in substance the amendment which I have moved, I have no objection to accepting that. My policy has always been to accept what little you can get if you cannot get the whole thing.

I again say that my first amendment only makes clear what is the vitally important service. In my judgment that service is vitally important upon which depends the life of the people. If that service is not rendered then there is danger to human life. Unfortunately the Government do not recognize this.

Mr. Deputy President: The Honourable Member cannot make another speech. Is he accepting the amendment or not.

Mr. N. M. Joshi: No, Sir.

Mr. Shavaz A. Lal (Government of India: Nominated Official): Sir, I move: "That to sub-clause (1) of clause 2 of the Bill, the following proviso be added, namely: 'Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification'."

Miss Maniben Kara: May I know, Sir, whether Mr. Joshi has accepted this amendment or not, because if he has not I would like to speak on that amendment.

Mr. N. M. Joshi: Even if I accept, your right to speak still continues.

Mr. Deputy President: Both the amendments will be discussed together. Amendment moved:

"That to sub-clause (1) of clause 2 of the Bill, the following proviso be added, namely: 'Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification'."

Miss Maniben Kara: I rise to support the amendment moved by my Honourable friend, Mr. Joshi. I do not wish to repeat the arguments which I put forward when I moved my first amendment on this Bill for circulating it for eliciting public opinion. Mr. Joshi, by moving this amendment, has tried to meet the Government half-way because this shows that we realize that at certain stages when the life of the public is in danger, Government may be compelled to bring in troops.

Mr. Deputy President: This is a repetition of Mr. Joshi's argument.

Miss Maniben Kara: While speaking on the Bill some of the arguments are bound to be the same.

Mr. Deputy President: Repetition is not allowed.

Miss Maniben Kara: I am very glad that in respect of the second part of Mr. Joshi's amendment, the Defence Secretary has moved a fresh amendment which meets Mr. Joshi's point to some extent. I hope Mr. Joshi will accept that amendment because we know the fate of amendments which are proposed by us if they are not acceptable to Government. Under these circumstances we would always welcome whatever little we can get.

Quite a lot has been said about the times not being the same as they were from 1939 to 1946. Certainly the House must grant that much intelligence to a man like Mr. Joshi, and others, to understand that they are not the same, but when we say that times have not changed we mean that there is no deterioration in the condition of the country for which such emergency powers are needed. In those times war was on: there was a foreign Government, and that was a bureaucratic Government, and that Government brought forward certain measures. Even at that time some of my Honourable friends who were present in this House at that time opposed such measures, but I am surprised to find that some of my Honourable friends who are still opposed to such measures are prepared to go to hell, as one of the Honourable Members has put it, if the Government would lead them to that place. I would expect that Members of this House would learn to think and decide matters on their merits. If everyone is prepared to say that they are prepared to go to hell if the Government would lead them to that place, then there is not much meaning in coming to this

House. The Congress Party and the Muslim League Party can meet and decide what should be done. Sir, I beg to submit that this is not the way in which things should be done.

An Honourable Member: On which amendment is the Honourable Member speaking?

Miss Maniben Kara: On Mr. Joshi's amendment.

Mr. Deputy President: The Honourable Member's remarks do not seem to be relevant.

Miss Maniben Kara: Mr. Joshi's amendment is printed and is in possession of all the Members here.

Mr. Deputy President: The Honourable Member should address the Chair and make her speech relevant to the amendment.

Miss Maniben Kara: That is why I would appeal to the Members of this House that this amendment which has been moved by Mr. Joshi and which goes to show that in cases of emergency we are agreed that troops might be called in, should be judged on its own merits. It should not be judged that because it has not been brought forward by a member of the Government that it should not be accepted.

With these words, I hope that this amendment will be accepted by this House.

Sjt. N. V. Gadgil: The question may now be put.

Mr. Deputy President: The question is:

"That to sub-clause (1) of clause 2 of the Bill the following two provisos be added, namely:

'(a) Provided that such notification shall not be issued unless and until danger of serious loss of human life has become imminent'; and

'(b) Provided further that such notification shall remain valid only for one month unless it is renewed before the end of the month'."

The motion was negatived.

Mr. Deputy President: The question is:

"That to sub-clause (1) of clause 2 of the Bill, the following proviso be added, namely: 'Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification'."

The motion was adopted.

Miss Maniben Kara: I have an amendment.

Mr. Deputy President: I am informed that the Honourable Member has given this only today. Does the Honourable the Defence Secretary accept this?

Mr. G. S. Bhalja: I regret I am unable to accept it.

Mr. Deputy President: So this amendment cannot be allowed. 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.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. S. Bhalja: Sir, I move:

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

Mr. Deputy President: The question is:

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

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th March 1947.