

Friday, 6th August, 1943

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

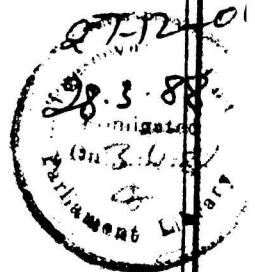
VOLUME II, 1943

(2nd to 31st August, 1943)

FOURTEENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1943



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COUNCIL OF STATE

Friday, 6th August, 1943.

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

QUESTIONS AND ANSWERS.

FOODSTUFFS PURCHASED FROM PROVINCIAL GOVERNMENTS.

105. THE HONOURABLE PT. H. N. KUNZRU : (a) Are there any Provincial Governments which have sold foodstuffs to the Government of India or to other Provincial Governments at higher prices than those at which they purchased the foodstuffs ? If so, which Provincial Governments have done so ? What are the foodgrains in respect of which they have earned a profit and what is the total amount of profit ?

(b) What steps have Government taken to put a stop to the practice of making profits by Provincial Governments in these transactions ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : (a) Yes ; Sind, in respect of wheat and rice. Exact information is not available of the total marginal excess that has so far accrued to the Provincial Government.

(b) The matter is under correspondence with the Sind Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member tell me what is approximately the profit earned by the Sind Government ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : Since the basic plan commenced about the middle of April it will be in the region of a crore and a crore and a half rupees.

THE HONOURABLE MR. N. K. DAS : Is it a fact that a certain individual supposed to be acting on behalf of the Bengal Government had been buying rice at Rs. 15 a maund in the States in Orissa and has been selling it to the Bengal Government at Rs. 30 to Rs. 35 per maund ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : I have no information, Sir.

THE HONOURABLE MR. N. K. DAS : Will the Honourable Member care to enquire into it ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : We know generally of these allegations. If the allegation is that the Bengal Government through its authorised representative is buying foodgrains in one province and selling it at another price in its own province, the allegation is true.

HOME SECRETARY'S PROMISE TO WRITE TO PROVINCIAL GOVERNMENTS ABOUT PERMITTING NON-OFFICIAL VISITORS TO SEE SECURITY PRISONERS.

106. THE HONOURABLE PT. H. N. KUNZRU : With reference to the undertaking given by the Home Secretary during the debate on the Resolution relating to the appointment of members of Indian Legislature as non-official visitors to jails on the 30th March, 1943, that he would write to the Provincial Governments that non-official visitors to jails should be allowed to visit Congress security prisoners, have provincial Governments been addressed on the subject ? If so, what are the replies that have been received from them ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes. The replies from Provincial Governments show that non-official jail visitors are permitted to visit Congress security prisoners in all provinces.

VISITS OF NON-OFFICIAL VISITORS TO JAILS IN WHICH SECURITY PRISONERS ARE DETAINED IN THE CHIEF COMMISSIONERS' AND OTHER PROVINCES.

107. THE HONOURABLE PT. H. N. KUNZRU : (a) Have the jails, camps and other places in the territories administered directly under the authority of the Government of India where security prisoners arrested under the orders of the Government of India since August last are detained, been visited by non-official visitors to jails ? Is any of these visitors a member of the Central Legislature ? If so, what is his name ?

(b) Will Government state what is the total number of security prisoners arrested under the orders of the Government of India since August last in each province ? Have such prisoners been allowed to be visited by provincial non-official

visitors to jails ? If not, what is the reason for treating them differently from such prisoners in the territories referred to above ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Although there is nothing in the rules to prevent non-official jail visitors in Chief Commissioners' Provinces from visiting Security prisoners detained in connection with the Congress movement, to whom I presume the Honourable Member refers, I understand that in fact the only such visit made was in Ajmer where security prisoners, including Congress security prisoners, were visited by a non official visitor on 7th October last. Only one member of the Visiting Boards of the Jails in Chief Commissioners Provinces is a member of the Central Legislature, namely, Rai Bahadur Bhag Chand Soni of Ajmer.

(b) Only one person has been arrested and detained under the orders of the Government of India since August, 1942. This figure does not, however, include certain persons detained for military reasons connected with the defence of India's Eastern Frontier. Nor does it include certain persons such as Mr. Gandhi and the members of the Congress Working Committee who are detained under provincial orders issued at the instance of the Central Government. The one security prisoner referred to is detained in Bengal and I have no reason to believe that he has been refused visits by non-official jail visitors, though I have no definite information on this point.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are Mahatma Gandhi and the members of the Congress Working Committee who were arrested at the instance of the Government of India regarded as prisoners arrested under the orders of the Government of India or under the orders of the Provincial Government ?

THE HONOURABLE MR. E. CONRAN-SMITH : I think I made the position quite plain, Sir. They were detained under provincial orders issued at the instance of the Central Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : And still they are regarded only as prisoners who are to conform to the rules made by the Government of Bombay ?

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member is, I think, aware that special arrangements have been made for the particular security prisoners he mentioned.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that these special arrangements have been made at the instance of the Government of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : That I think, follows from what I have said.

RECEIPT OF NEWSPAPERS AND BOOKS AND THE WRITING OF LETTERS BY SECURITY PRISONERS.

108. **THE HONOURABLE PT. H. N. KUNZRU :** (a) Are newspapers and books allowed to be received by security prisoners detained since August last in the United Provinces ?

(b) Are such prisoners allowed to write letters to their relations on purely personal and domestic matters ? If not, why are they treated differently from security prisoners detained in the Chief Commissioners' Provinces ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Yes.

(b) Yes. The second part of the question does not arise.

ALLOWANCES FOR MAINTENANCE OF FAMILIES OF SECURITY PRISONERS.

109. **THE HONOURABLE PT. H. N. KUNZRU :** (a) What are the rules made by the Central and Provincial Governments regarding the maintenance of families of security prisoners arrested since August last in cases where maintenance allowances are required ?

(b) What is the total number of families of such prisoners receiving maintenance allowances in the Chief Commissioners' provinces and in each of the provinces ?

(c) Are Government aware of the complaints that have been made from time to time that although families whose bread winners have been arrested have in many cases been reduced to destitution they are receiving very little or no financial help from Government ? Do Government propose to grant maintenance allowances to families that are in distress ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) The Central Government have made no rules regarding the grant of maintenance allowances to families of security prisoners. I cannot say whether Provincial Governments have made such rules. Government did, however, in January, 1942, lay down a principle in this matter, which they have since applied to Central Government security prisoners and which they asked Provincial Governments to accept. That principle is that an allowance should be granted to the family of a security prisoner when the circumstances of the family render it necessary or when it can be established that the detention of the person in question has deprived the family of a legitimate source of income. This principle is somewhat more strictly interpreted in respect of Congress security prisoners.

(b) Allowances have been granted to the families of six persons detained in the Chief Commissioners' Provinces. I have no detailed information in the case of other provinces, but I understand that somewhere in the neighbourhood of 840 allowances are being paid to the families of security prisoners, though the latter may not all be families of persons arrested since last August.

(c) Government are satisfied that the general principle laid down, to which I have referred above, is sufficiently generous and they have recently addressed Provincial Governments urging *inter alia* that this principle should be uniformly observed.

INTERVIEWS WITH THEIR FAMILIES BY SECURITY PRISONERS.

110. **THE HONOURABLE PT. H. N. KUNZRU :** What are the provinces in which security prisoners are allowed interviews with members of their families or other persons ?

THE HONOURABLE MR. E. CONRAN-SMITH : I cannot in reply to this question enter into details of the practice in provinces, which is a matter for Provincial Governments. The position with regard to ordinary security prisoners in Chief Commissioners' Provinces is that Class I are allowed two interviews per month and Class II one interview per month ; and we have recently addressed provinces urging that this rate should be adopted as standard throughout. As regards Congress security prisoners, we have in the Chief Commissioners' Provinces recently relaxed the rule which forbade them to have interviews and all such prisoners will now be allowed one interview per month, with members of their families on personal matters.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I take it, Sir, that the Government of India have asked Provincial Governments to follow their example as far as possible ?

THE HONOURABLE MR. E. CONRAN-SMITH : I stated in my answer that we had done so as regards ordinary security prisoners. We have also informed Provincial Governments of the practice we intend to follow at the Centre in regard to Congress security prisoners and expressed the hope that it may be found possible for them to adopt a similar practice. I must, however, make it clear that it must be left to Provincial Governments to follow the principle which local conditions may render desirable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member know whether there are any provinces where the example set by the Government of India in respect of interviews with security prisoners has been followed ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Which are those provinces ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I cannot give their names off-hand.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : My question relates to them. I asked "what are the provinces in which security prisoners are allowed interviews . . . ?" I therefore have a right to complain when the Honourable Member says that he cannot off-hand give the information I have asked for.

THE HONOURABLE MR. E. CONRAN-SMITH : I stated at the beginning of my reply "I cannot, in reply to this question, enter into details of the practice in provinces, which is a matter for Provincial Governments."

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not want the details of the practice but I want to know in which provinces the hope of the Government of India that the Provincial Governments would conform to the standard set by them has been realised. I do not want to know the exact rules framed by the Provincial Governments on the subject. All that I want to know is which are those provinces in which interviews are allowed to Congress security prisoners as the Government of India wants.

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I cannot give the information required by the Honourable Member,

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member let me have it later ?

THE HONOURABLE MR. E. CONRAN-SMITH : I shall consider his request, Sir.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I lay on the table a Declaration of Exemption No. 1/16/43-Political (E.), dated the 28th July, 1943.

Declaration of Exemption.

No. 1/16/43-Political (E.), dated the 28th July, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to or in relation to, Mr. Charles Pope, an employee of the United States Office of War Information at Bombay, so long as he continues to be so employed.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT : With reference to the announcement made on the 5th August, 1943, regarding nomination to the Standing Committee on Emigration, I have to announce that the Honourable Sir David Devadoss has been nominated to it.

As there is only one candidate for one seat I declare him duly elected.

INDIAN BOILERS (AMENDMENT) BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“That the Bill further to amend the Indian Boilers Act, 1923, as passed by the Legislative Assembly, be taken into consideration”.

Sir, the purpose of this Bill is to provide a further safeguard against accidents to boilers and the occasion for it is explained in the Statement of Objects and Reasons.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

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

The motion was adopted.

MINES MATERNITY BENEFIT (AMENDMENT) BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“That the Bill to amend the Mines Maternity Benefit Act, 1941, as passed by the Legislative Assembly, be taken into consideration”.

Sir, this is a very short Bill and its purpose is clearly explained in the Statement of Objects and Reasons. That purpose is to make it clear that a woman with child is entitled to receive maternity benefit for every day during the four weeks preceding and including the date of her delivery except days on which she attends work and receives wages.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

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

THE HONOURABLE MR. P. N. SAPRU : Sir, before you put the question I should just like to ask what exactly is the meaning of this clause :—

“ Provided that no such payment shall be made for any day on which she attends work and receives payment therefor during the four weeks preceding her delivery ”.

I have not been able to understand exactly the significance of this.

THE HONOURABLE MR. H. TUFNELL-BARRETT : She will not receive any maternity benefit for the days for which she gets wages from the employer.

THE HONOURABLE MR. P. N. SAPRU : What is the principle behind this ? Why should she not get maternity benefit for those days.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Maternity benefit is compensation for loss of wages.

Question put and Motion adopted.

MOTOR VEHICLES (DRIVERS) AMENDMENT BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“ That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the purpose of this Bill is to ensure that drivers of motor vehicles whose services are requisitioned under the Motor Vehicles (Drivers) Ordinance, 1942, can return to their former employment on completion of their service. The Bill also seeks to safeguard the position of a driver whose employer attempts to evade the obligation to reinstate the driver by dismissing him when he hears that the driver's services are likely to be requisitioned by Government. The Bill follows generally the provisions of other enactments dealing with the employment of persons in the national service.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

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

The Motion was adopted.

AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, I move :—

“ That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR JOGENDRA SINGH : Sir, I move :—

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

The Motion was adopted.

INDIAN ARMY AND INDIAN AIR FORCE (AMENDMENT) BILL. *

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :—

“ That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, as passed by the Legislative Assembly, be taken into consideration.”

Sir, this is a Bill further to amend the Indian Army and Indian Air Force Acts in certain respects for the purposes set out in the Statement of Objects and Reasons. Under the existing provisions of the Indian Army Act, no penal deduction may be

[His Excellency the Commander-in-Chief.]
made from the pay of an officer to make good compensation for expenses, loss or destruction occasioned by an offence, unless the offender has been tried and convicted by Court-martial. And it is only the Court-martial which is empowered to assess the sum payable.

The result is that if it is desired to deal with the officer summarily and not by Court-martial, no such deduction can be made. Clause 2 of the Bill extends the power to order such a penal deduction to authorities dealing summarily with offences and clause 6 effects a similar change in the provisions of the Indian Air Force Act. Corresponding amendments have already been made in the English Acts.

Under section 86 of the Indian Army Act, it is possible for a person charged only with attempting to desert to be found guilty of the offence of desertion. Legally this is an anomaly. Clause 3 removes the anomaly and clause 7 does the same for the corresponding provision in section 91 of the Indian Air Force Act. The English Acts have already been amended in the same sense.

Section 103 of the Indian Army Act already provides that the commuting authority in Court-martial cases may substitute a valid for an invalid sentence. The sentence is of course based on the finding, but there was no corresponding provision for the alteration of an invalid finding. The omission has now been remedied by clause 4, while clause 8 repairs the same omission in section 108 of the Indian Air Force Act.

Sections 114 and 115 of the Indian Army Act deal with the disposal of property of deceased persons. Section 116 extends the provisions of section 114 to cases of lunatics and persons missing on active service. It is desirable that the provisions of section 115 also should be extended to these two classes of persons. Clause 5 makes the necessary amendment in the Indian Army Act, while clause 10 effects a similar change in the Indian Air Force Act.

Section 116 of the Indian Air Force Act provides for the communication of orders setting aside or varying any sentence, order or warrant, to the officer in charge of the civil prison in which the person is confined.

The Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943 (Act XIV of 1943) has made confinement in military or air force prisons possible. The provisions of section 116 of the Indian Air Force Act for communication of revised orders to the jail authorities need extension so as to include military and air force prisons. This was unfortunately overlooked when the Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943, was in passage through the Legislature. Clause 9 rectifies this omission.

Sir, I move.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (United Provinces Northern : Non-Muhammadan) : Mr. President, the changes that the Bill before us will make in the Indian Army and the Indian Air Force Acts follow the provisions of the Army and the Air Force Acts of England. Generally speaking, they seem to me to be on the right lines ; and I am particularly glad to find that the defect which I pointed out during the last session in respect of the wording of section 116 of the Indian Air Force Act has been rectified. I should, however, like to ask His Excellency the Commander-in-Chief a question or two with regard to the new sections which it is proposed to substitute for section 103 of the Indian Army Act and Section 108 of the Indian Air Force Act. It is provided in this section that where the authority which would have had power to commute a punishment passed on anyone governed by the Indian Army Act by a Court-martial in accordance with a valid finding considers a finding invalid, he may substitute for it such finding as appears to him to be correct and would have been accepted as correct by the Court-martial also in his opinion. This seems to me to be proceeding on an objectionable principle. So far as I know, no executive authority can take similar action in the case of decisions of civil courts. The decisions of civil courts are appealable to High Courts, and any injustice that may have been done to any accused can be rectified only in appeal. Here, however, the sentence will be revised, not by another Court-martial, but by the authority which would have had the power under section 103 of the Indian Army Act and section 108 of the Indian Air Force Act to commute

a punishment awarded by the Court-martial had the finding been valid. I hope, Sir, His Excellency the Commander-in-Chief will be able to give us some valid reason for the manner in which Government propose to proceed. It seems to me, proceeding on the analogy of what happens in connection with the civil questions that go before the law courts, that if the higher authorities consider the finding of a Court-martial to be invalid, they should appoint another Court-martial and charge the accused with the offence which they regard as valid and as fully justified by the evidence before them. The procedure laid down here seems to me to be inappropriate and contrary to ordinary conceptions of how the accused in any case should be treated. In short, my contention is that while the judgment of one Court-martial might be substituted for the judgment of another Court-martial, there is no reason why the judgment of an executive military officer should be substituted for that of a Court-martial.

*THE HONOURABLE MR. P. N. SAPRU : (United Provinces Southern : Non-Muhammadan) : Sir, I have no objection to the Bill except to clauses 4 and 8 and I think they require a little explanation and as they stand I feel that I cannot support them. I should like to have an explanation in order to make up my mind finally in regard to these clauses. Sir, the principle of clause 4 appears to be objectionable from this point of view. The executive military authority has under that clause been given the power of revising or reviewing the decision of a Court-martial. Shortly stated, this is the purport and meaning of clause 4. As was pointed out by Dr. Kunzru, so far as municipal courts are concerned, the executive Government has no power of revising or reviewing their decisions. If a municipal court goes wrong, then there is an appeal to a superior tribunal. The matter can be revised either by the High Court or by the Sessions Judge or by the Privy Council even in some cases, to whichever court the appeal, revision or review might lie. Here the revising authority will be the military authorities. As far as I have been able to understand, a Court-martial is intended to serve the purpose of a military tribunal for the trial of certain military offences. Therefore, a quasi-judicial tribunal has been made subordinate to executive authority. I should like to be enlightened on the reasons for this change by His Excellency the Commander-in-Chief.

The principle embodied in clause 8 is the same as the principle embodied in clause 4. It contemplates a case where the executive authority substitutes a valid finding or sentence for an invalid finding or sentence. It strikes me that there is force in the observations of Dr. Kunzru that the judgment of one Court-martial should be revised only by the judgment of another Court-martial. What happens where a Judge differs from a jury? In that case, the Judge says, "I do not accept your finding" and a new jury is selected and that jury tries the case. That is what happens in cases which are tried under the municipal law. I should like to know what exactly are the reasons which have influenced His Excellency the Commander-in-Chief to suggest a change in the procedure which we are accustomed to in municipal law: This is about all that I have got to say in regard to this Bill.

THE HONOURABLE THE PRESIDENT : May I ask His Excellency the Commander-in-Chief if there are similar provisions in the English law?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Yes, I believe so. There is no new question of principle involved in this clause because the Indian Army Act already provides that the authority empowered to commute sentences passed by a Court-martial may substitute a valid for an invalid sentence. That provision already exists in the Act. The Bill merely seeks to remove an anomaly which is that where a sentence is based upon a finding, it seeks to give the authority power for substituting a valid for an invalid finding. That is the only principle involved here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have not been able to follow His Excellency. What is the present law?

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Non-official) : Shall I read out the present section 103? It runs :—

"Where a sentence passed by a Court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority who would have had power under section 112 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence :

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of the punishment awarded by the invalid sentence."

*Not corrected by the Honourable Member.

[Mr. Shavax A. Lal.]

So, even the existing law provides that the commuting authority may substitute a valid sentence for an invalid sentence, and all that is now sought to be done is to entitle the revising authority or the commuting authority to substitute a valid finding for an invalid finding. It merely fills a lacuna. No new question of principle is involved.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadan) : Who decides whether a particular finding is valid or invalid ?

THE HONOURABLE MR. SHAVAX A. LAL : The authority competent to commute a sentence, *i.e.*, the authority named in section 112.

***THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR** (Madras : Muhammadan) : Sir, the present law seems to me to be that the sentence may be changed if it is found to be inappropriate. It might be that the Court which awarded the sentence might have exceeded its powers and so the authority which has the power to commute sentences under the present law might alter the sentence in order that it might be within the powers of the Court which awarded that sentence. But this is altogether different from the power which it is now proposed to vest in the authority. Here, the executive authority is given power to alter a finding. That means that if the Court which originally passed the sentence decided that the accused person was guilty of some offence and it has illegally acted or had come to that finding in a wrong manner on evidence which could not support the conviction, then the executive authority is given power to change that offence into another offence and award punishment which would suit the lighter kind of offence which the executive authority substitutes. I find that it is altogether wrong. It is wrong obviously for this reason that the accused has not been given the opportunity to defend himself on the charge under which he is now convicted. He is not given the opportunity to adduce evidence and show cause why he should not be convicted for having offended against this other provision of the Indian Army Act. I therefore feel that in giving this power to alter the finding to the executive authority we will be going against the very basic principles of equity and jurisprudence.

THE HONOURABLE MR. SHAVAX A. LAL : Sir, I am rather surprised to hear the argument of my learned friend, because as I pointed out the power to substitute a valid sentence for an invalid sentence is already there and it is in the interest of the accused himself that the finding should also be substituted. What happens now is that a valid sentence can be substituted for an invalid sentence, but the finding would remain there. That finding may be against the accused. This provision gives power to the commuting authority to substitute a finding for a lesser offence in place of a finding for a major offence at the time of substituting a valid sentence for an invalid sentence. The provision is in the interest of the accused himself and I am rather surprised to see that there is opposition to this provision.

THE HONOURABLE THE PRESIDENT : It is just to remove an anomaly.

THE HONOURABLE MR. SHAVAX A. LAL : That is exactly the object, just to remove the anomaly.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : Then it is necessary to change the law itself. The Court should not have the power.

THE HONOURABLE MR. SHAVAX A. LAL : Sir, my Honourable and learned friend overlooks the fact that this provision is applicable to a Court-martial and not to an ordinary court. Every sentence of a Court-martial is to be confirmed by an executive officer. The whole system is different. We cannot import the principles of the ordinary criminal law in regard to cases of Court-martial.

THE HONOURABLE THE PRESIDENT : Motion moved :—

“That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

Clauses 9 and 10 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

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

The Motion was adopted.

RESOLUTION *RE*. MEAT REQUIREMENTS OF GOVERNMENT.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, I am grateful to the Government for having given me this opportunity of moving this Resolution of mine. This is the wording of the Resolution as approved:—

"This Council recommends to the Governor General in Council, firstly, to get all its meat requirements from the U. S. A. and Australia, and, secondly, to import livestock from nearby countries and to supply them to the agriculturists at reduced prices to encourage Grow More Food campaign."

Sir, the Resolution which I had originally drafted contained a piece of argument and was therefore dropped by the office. But that argument formed the real background of the whole Resolution. The Resolution without that background would be meaningless. My draft was:—

"Whereas the greatly increased consumption of meat by the foreign troops and prisoners of war is adversely affecting the agriculturists' demand for livestock, this Council recommends, etc."

That is the main background of this Resolution.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: Why was it dropped?

THE HONOURABLE MR. HOSSAIN IMAM: Because it was an argument and argument could not be included in the Resolution. I do not think that I would be justified in making the blind statement that Government should not take its meat requirements from India and should go outside and get it. The reason why I am making this demand is, that there is a great deal of difficulty in getting livestock for agricultural purposes. One thing must not be forgotten. India is not a pastoral country. Here fattening of cattle is not carried on as a business. Here for religious reasons the slaughter of cattle is looked down upon as some sort of a crime, very obnoxious to the majority population, with the result that surplus stock unfit for cultivation and causing a drain on the limited food supply of the cattle does exist. It was for this reason that economists, even Hindu economists like Professor R. K. Mukherjee, have advocated that there should not be any restriction on slaughter of uneconomic cattle. I do not wish to embark on that controversial subject but I do wish to stress the fact that there is a great deal of difference between cattle which is slaughtered in peacetime and cattle which is being slaughtered for the army and prisoners of war. As is well known to the House the meat-eaters are the poorest people among the Musalmans. They go in for a cheap variety the average price for which in the country side is not more than Rs. 2-8-0 to Rs. 3 per maund; at least before the war. Up to 1936-37 that used to be the price. Surplus stock which was no longer of service for agricultural purposes used to find its way to the slaughter house. I am grateful to His Excellency the Commander-in-Chief for having given me the information in reply to one of my questions that the price paid by the army in the last pre-war era was Rs. 7-4-6 per maund. I do not know the present price. I have no definite information from the Government, because the reply to one of my questions involved so much inquiry and so much collection that His Excellency could not give me the reply. I cannot give the authoritative figure of the present price; but as far as I am aware the present price is nearly three times or a little above three times that of the former price. It is Rs. 20 to Rs. 30 a maund for beef. This price will take away the best cattle that we have and it is very difficult for agriculturists to find their necessary livestock. The House may be aware that the other day in the Assembly in reply to question a statement was made by the Government that there is no general dearth of livestock, but in Eastern United Provinces there is some trouble. My personal information, Sir, is that in South Bihar too we are suffering from an acute shortage of livestock and this is also true for part of Northern Chhota Nagpur Division. All the areas in which any large number of troops are stationed are feeling its pinch. I have, Sir, for these reasons brought forward this Resolution, not in order to support the sister nation's contention that there should be no slaughter, nor to force the Government to give up a thing which they find easy enough. I have brought it because I have felt that it will be really making the position of Grow More Food campaign absolutely impossible. You cannot grow more food unless you have cattle

[Mr. Hossain Imam.]

to do it. The fact that the milk price has gone up sky high cannot be forgotten. Our children cannot be brought up on the present price level for milk.

Then, Sir, it is a well-known secret that pure ghee is not available. You might say whatever you like, I doubt, rather on very different grounds, whether even the Agmark ghee productions are cent. per cent. pure. Ghee is rather difficult to find nowadays. The practice of mixing it up with banaspati has become so common that even in villages it is difficult to get pure ghee due to the effect of the dearth of milk and that is again brought about by indiscriminate slaughter of the best animals for the army. By giving high prices they are encroaching on our preserves. I may remind the House, Sir, that the number of cattle slaughtered at the moment is nearly five times its pre-war figure. I cannot give the pre-war figure. His Excellency gave us the weight of beef consumed before the war and the number of cattle slaughtered during the last year. The number for last year was 2,76,000 heads. This is the estimated number, not the exact number because figures could not be got quite accurately. The price, as I have stated, Sir, has increased about three times; so that you have to multiply the total expense fifteen times. This may seem to be a small number compared with the cattle population of India, but, as I stated in the beginning, a large stock of ours is uneconomic and useless, which is only kept for religious reasons. I may say, Sir, that this demand of mine that meat may be imported from outside countries, from America and Australia, is not something which is impracticable. If Government would care to give us facts and figures I would prove that any number of useless things are being imported for the American Army in India. They are living in a lordly manner. Tinned food, crockery and other luxuries are being imported in large amounts.

SOME HONOURABLE MEMBERS : They are guests.

THE HONOURABLE MR. HOSSAIN IMAM : But this will also be for the guests. The amount of meat which they will get from the American packers will be much better, much superior, to the lean beef which they can get in India. Also the fact must not be lost sight of that Australia has got a big meat trade. In addition to all this, Sir, the latest development in America of the dehydrating of meat must not be lost sight of. It is now possible, I am told, to pack up a maund of meat in about a five-seer tin—pulverized, dehydrated meat.

Now, Sir, if the Government cannot find it possible to adopt this suggestion of mine I venture to suggest another method of conserving the livestock. I am aware, Sir, that Government have made certain rules that cattle under a certain age should not be slaughtered and certainly milch cow should not be slaughtered, but these orders are not carried out. I make this definite allegation. They are honoured more by breech than by acceptance. I would therefore suggest to the department which is in charge of agriculture, I mean the Education, Health and Lands Department to appoint inspectors to see that the rules laid down by the Government of India are carried out to the letter. It is not necessary to have an army of inspectors. You can have certain big centres where inspectors will stay and they will go out to the minor centres off and on and will see that this order of Government is carried out. The difficulty with the Government is that it is satisfied with making a rule and it does not see whether that rule is being carried out or not.

The next important thing, Sir, in my Resolution is about the import of livestock from nearby countries. Well, that is an item Sir, on which I feel rather strongly. The cattle is not a thing which you can grow in a month or even a few months. It requires a long time and it will not be possible for us to make good the ravages which have already been done except by importing some cattle from nearby countries. I therefore have purposely stated, Sir, "nearby countries". You can import, say, from Nepal, from Afghanistan, from Persia. These countries will not involve great difficulties. I do not know how far there is truth in the statement that Japanese submarines have been seen in the Arabian Sea too and that there have been some shipping losses in the Arabian Sea but I do feel that even if there have been some incursions there, they are not such as to make it impossible for us to import livestock from other nearby countries. India is at the moment, Sir, exporting many things to nearby countries in order to meet their requirements. I think those countries will not grudge if a few heads of cattle are imported from some of them. Because of its peculiar position India is in a position to supply the needs of almost all the countries roundabout

India. Of course, you cannot do anything in the East because the Japanese are there but in the West we have been benefactors and I do not think that they will place obstacles in the way if the Government were to import livestock from those countries.

Further, I should like to suggest that from those places, even in India, where livestock are obtainable the deficit provinces may be supplied :

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for instance, from Sind, from the Punjab, and so on. If you can send us a few head of cattle and sell them at cheap prices, that would go some way towards solving our difficulty. By cheap I do not mean that the price should be dirt cheap : I mean cheap as compared with the present prevailing prices. It may be above the peacetime price, but it should be below the present inflated price.

Sir, I have, I think, made my position very clear, that it is not my intention either to embarrass the Government or in any way to force them to do things which it is impossible for them to do. But I do wish that the Defence Department would investigate the possibility of importing frozen meat or dehydrated meat, whichever is possible, and that the Education, Health and Lands Department would see that the orders of Government are carried out and some convenience is placed in the way of the Grow More Food campaign to give livestock at cheaper prices in places where there is a dearth of livestock.

Sir, I move.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadan) : Mr. President, I wish to extend my support to the Resolution moved by my Honourable friend Mr. Hossain Imam. On the last occasion, when I was discussing the Finance Bill, I brought up this question, and I referred particularly to buffaloes, cows and bullocks that were being taken away from Bihar to Assam, Calcutta and Ranchi. I mentioned then that in Bihar, in the town from where I come, Government had established a ghee-grading and ghee-boiling station for the whole of India. I said also that I had definite information, which I had taken care to get corroborated by the official authorities in Bihar, that a good number of buffaloes and bullocks were being taken away to Calcutta and Assam and Ranchi. I think I also said that the prices that were being paid at that time were on the basis of Rs. 30 per seer of milk that the buffalo or the cow was giving. When it was found unprofitable for the time being to maintain a cow or buffalo on account of shortage of fodder, as soon as such animals became dry they were used by army authorities for meat purposes. This was evident as the dry cattle were not coming back and I feared that it would be found that actually even in Bihar, which is the chief buffalo-producing tract in India, there would be no ghee available after a short while. I have not got the debate proceedings before me but as far as I can recollect, General Hartley, when he rose to speak, referring to my point, said that he had taken note of what I said, and that he would be willing and glad to make inquiries with a view to do something that may improve the situation and result in preventing the draining off of cattle on such a large scale. I do not know what has been the result of that inquiry, or how far this drain has been checked. It is not possible for me to hope that cattle slaughter will stop altogether. While men are killing men, so long, or even longer we will go on killing cattle. It is no use basing arguments, therefore, on religion or any other grounds of sentiment. The problem must be treated purely from the economic point of view. Meat is a human necessity, and people have been having meat, both in the army and outside. But there is certainly a way of doing things which can result in the minimum harm possible. If the cattle are judiciously selected, that is to say, if only those cattle which have lost all value except their meat value, if these only were selected, then I think the harm done to the country would to a great extent have been minimised. But purchases go on in the open market, and very high prices are paid ; and naturally, famished as the country is, and poor as the cultivators are, they just part with their cattle for the ready money that is offered. The price of bullocks has gone up tremendously. I am an agriculturist. I am not a very big agriculturist ; but I have to buy some 20 or 30 pairs of bullocks a year. When I bought these bullocks about three years ago, I had to pay, for a fairly good pair, anywhere between Rs. 75 and Rs. 110. But this year I have been able to buy fewer pairs of bullocks, and I have had to pay per pair as much as Rs. 380 or so. You can well imagine then how difficult

{Rai Bahadur Sri Narain Mahtha.}

it becomes for an ordinary poor agriculturist of smaller means to get the cattle he needs to carry on his agricultural pursuits.

Looked upon in the light of what I have said, the Grow More Food campaign naturally appears to me to be a mockery. I have been intimately associated with this movement in my capacity as one of the leaders of the National War Front, and I claim that have done a lot of propaganda for "Grow More Food". But I have realised more and more that the campaign is more or less a mockery, because to me the simple question appears to be that, if the agriculturist has land, if he has the necessary means, if he has the necessary cattle, if he has the necessary seeds, why will he not grow more food of his own Voluntary accord. I, therefore, ask myself why will he sit idle when he can get a fairly good price for what he grows? There must be something else which prevents him from growing more food. He certainly does not wait for propaganda or for persuasion to get willing to cultivate another acre. Perhaps he has no bullocks; perhaps he has no seed. Unless these deficiencies are made good, it is no use spending money merely over the Grow More Food propaganda. If you spend some money, I do not say give it away in charity, but for the purpose of advancing adequate loans to the agriculturists to enable them to purchase seeds or bullocks made available to them at a reasonable price, only then can you enable the agriculturist to grow more good. That way we can do more than we can possibly hope to do by mere wordy propaganda. Shut down the Grow More Food departments. The agricultural departments are there, use them well and provide the means to grow food.

I should also like here to tell the Government one thing of which I am convinced, namely, that I attach very little credence to the figures supplied regarding agricultural statistics. The figures are generally very misleading. They are miscalculated. It is thought that the acreage under cultivation has gone up tremendously and that the food available is very large. Government should never base their decisions on palpable fiction and should not rely unduly on the assurances given by the Grow More Food campaign officers. They have just tried to justify their own existence. Too much has been made of hoarding to explain away the causes of Scarcity. But, I would ask Government to realise that food is a perishable material and as soon as new wheat or rice comes into the market, the wheat or rice of the previous year or the one preceding it should naturally be sold. These things cannot be hoarded for an innumerable number of years. The hoarders will not hoard them in order to let them perish. They may hoard them for a while just to safeguard against a rainy day for their own family or for the people with whom they are concerned. But they will not hoard them for ever.

I shall now conclude, Sir, by saying that I think that the question raised by the Honourable Mr. Hossain Imam about cattle is a very vital question. I do not know how far it will be feasible to bring cattle from Australia or from the U. S. A. I do not know the shipping position. Anyway, this is a question which, though not in this manner, at least in some manner can certainly be looked after and in my opinion it should receive the best consideration of Government. I think Government should be able to do their best and I hope they will do their best. Unless they do their best to do so and do so effectively I think there will be great disasters in this country. Although it is not happening today, but if some day food riots start, it will be impossible to deal with them. They will be far worse than any kind of disturbance you ever had. I would ask Government to take a long view of the situation. Cattle forms a very important component part of the equipment necessary for agriculture. This country needs food as any other. This question is the principal question to which the Government should devote their attention before nemesis overtakes them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution. I speak purely from the economic point of view and not from the point of view of religion. The House very well knows my views. Hindus and Sikhs are against the slaughter of cows, bullocks and calves. Now, I am not touching the religious aspect here at all. My Honourable friend Mr. Hossain Imam in the course of his speech has said that cattle from the Punjab can be sent to Bihar.

THE HONOURABLE MR. HOSSAIN IMAM : If you have a surplus.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, if we have a surplus. I might tell my Honourable friend that in the Punjab, the value of cattle is determined by the weight of its meat, and if my information is not wrong, that price has risen now to Rs. 35 a maund. Therefore, he will find that it is quite impossible, at the price at which cattle are being purchased now in the Punjab, to export any cattle from this province. Punjab, so far as my information goes, exports cattle to Afghanistan. So, the suggestion that cattle be imported from Afghanistan will never materialise. My Honourable friend says that as far as meat consumption is concerned, the meat or the cattle should be imported. That proposition has my full support. Australia has a big meat export trade and as Government are getting other materials from Australia without much risk, the question of importing meat for India will not face the Government with any shipping-difficulty.

The economic situation in the country is growing from bad to worse. My Honourable friend Mr. Hossain Imam has observed that it is very difficult to buy pure ghee. I must say that the situation in the Punjab is still worse. For some years past I have been advocating in this House the necessity for safeguarding pure ghee from admixture. Various measures were contemplated, but so far no measure has succeeded. It is really difficult to get pure ghee now, and in view of the circumstances which now exist, namely, wholesale slaughter of milch cattle, the position is becoming worse. Even for our religious purposes we cannot get pure ghee. It is all right to treat your guests in the best way you can, but when there are facilities available for import from other countries, in order to safeguard the agricultural situation in your own country why should not efforts be made in this direction. We find that in the Punjab, in districts where there was no cattle slaughter, such slaughter has been introduced and good milch cattle are also being slaughtered. This is against the assurance which was given in this House by General Hartley on behalf of Government. But in these days I say with regret that the pledges of the Government are sometimes totally violated and actions are taken which are not in the interests of the country as a whole.

I hope that Government will accept this Resolution and show their practical sympathy with the agriculturist and the masses. I do not want to waste the time of the House any more, but I beseech the Government to accept this Resolution and act in a manner in which the economic situation in the country may not deteriorate further.

With these words, Sir, I support the Resolution.

***THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : Mr. President, the Resolution which the Honourable Mr. Hossain Imam has moved is important both from the point of view of the Grow More Food campaign and of the nutrition of the Indian people. He has pointed out how difficult it is for the agriculturist to get his livestock. He has told us that in Bihar there is a great shortage of livestock which is necessary for agriculture. I think we have the admission of the United Provinces Government that there is a shortage of livestock in Eastern United Provinces also. We have been told by the Leader of the Opposition that milk prices are very high. Sir, only today in the papers I find that the price of milk in the city of Bombay has gone up by about 300 per cent. in the last two years. If you continue the sale of economic cattle further, then the price of cattle will go up further, the shortage of cattle will become even more marked, agriculture will suffer and nutrition of the people will also suffer. If the nutrition of the people suffers, then even the war effort will suffer, because people who have not got a balanced diet will be subject to epidemics and diseases and therefore the question which Mr. Hossain Imam has raised is one which is deserving of the most close attention of the Government.

Sir, it is generally believed that it is the intention of the military authorities and of His Majesty's Government to start the offensive against Burma at as early a date as possible. If the offensive against Burma is started, then obviously a large number of American and British troops will have to be brought into India for the

*Not corrected by the Honourable Member.

[Mr. P. N. Sapru.]

purpose of attacking Burma. My Honourable friend Rai Bahadur Lala Ram Saran Das says that there is a rumour that a million troops are coming from America. Even in peace time the number of cattle slaughtered for the purposes of supplying meat for these troops will necessarily have to increase. The Honourable Mr. Hossain Imam has told us that we are slaughtering five times the number of cattle that we were slaughtering before the war and if this slaughter of cattle continues, the milk supply of India will also suffer. Even in peace time the consumption of milk in India was eight ounces per head as against 35 to 40 ounces in the other Empire countries. If this state of things continue the Indian people will suffer from malnutrition which will lead to epidemics.

Sir, I have not been able to understand why public health reports have not been published for the last two years. Is the suspension of the publication of these public health reports due to paper economy? If it is due to paper economy, then I say it is false economy. There are many ways in which paper economy can be practised by Government. Surely it must not be practised at the expense of the health and well being of the people of India. Sir, whereas in war-time Britain has been giving a great deal of attention to the question of the development of the social services, whereas in Britain a great deal of attention has been given in war time to the question of a balanced diet, whereas in Britain a great deal of attention has been given to the question of educational reconstruction, here in this wretched country where we have a Government which has ceased to have the respect and confidence of the people of this country, these questions are considered of absolutely no importance whatever. I cannot understand why public health reports—and some of us are interested in the health and the welfare of the people—are not being published for the last two years? I hope, Sir, that the Honourable the Education Member will throw some light on the reason for the cessation of publication of these reports.

Then, Sir, the Honourable Mr. Hossain Imam suggested that deficient provinces might import cattle from the Punjab. The Honourable the Leader of the Opposition has told us that the position in the Punjab itself is not very satisfactory. I find, Sir, that the Punjab Government had a census taken of the cattle in their province and the Punjab livestock census report of 1940—I am quoting the figures of 1940—says that the number of cows in the province has gone down by 2,45,566 heads, that is to say it is 9.3 per cent. less than it was in 1935. The number of bullocks is stated to be less by 28,504; that is to say the number of bullocks has gone down by 8.7 per cent. Now, the comment of the Secretary of the Sri Sanathana Dharam Sabha—I am not a member and I am only giving you just the comment, I do not want to introduce religion into this subject at all and I am very glad that it has not been introduced by any member of this House—is that if this decrease continue, then in another 50 years or so there will not be found a single cow left and the bullocks too will be extinguished in almost the same period. I am not interested in what happens to this country 50 years hence. I am sure I shall not be in this world 50 years hence, but I am interested in what happens to this country within the next two, three, four, or five years. The point that we want to make is that as a result of this indiscriminate slaughter of cattle for purposes of feeding British and American troops stationed in India the Grow More Food campaign is likely to suffer and the nutrition of the people is likely to suffer. Therefore, the question of what is to be done in regard to the meat requirements of the British and the American Armies and also prisoners of war is very urgent. We have got a large number of Italian prisoners and a large number of Italian prisoners will be sent to this country because we do not know how many have been yet captured in Sicily. Some of them will be captured in Italy and other places and they will be forced upon this country and we shall have to feed them and we shall have to slaughter cattle for feeding them to the detriment of our own agriculture. This is being done in the Kangra district in the Punjab.

Now, Sir, the suggestion that the Honourable Mr. Hossain Imam has made is that we should import cattle from Australia and the United States of America. I think, Sir, we are importing a good many things of a luxurious character—they are not all absolute necessities of life—

THE HONOURABLE PANDIT HIRDAY NATH KUNZBU: Of a doubtful character!

THE HONOURABLE MR. P. N. SAPRU : Of a doubtful character as my Honourable friend Pandit Kunzru says, from the United States of America. They have got troops stationed in this country. They are getting all sorts of things from the United States of America. Why cannot we get some cattle also from the United States of America ? So far as Australia is concerned we know that it has got a very flourishing cattle trade and I think it ought to be possible for the British Government to make arrangements with the Australian Government for exporting cattle to this country.

Sir, there is another country, I believe Argentina, where there is a flourishing meat trade and it ought to be possible for us to get our supplies of meat for our troops to a certain extent from Argentina also. Shipping difficulties are not so great as they were before. They are not likely to present insuperable difficulties. If there is a will there is a way and you can get over those difficulties if you want to get over them.

I do not think, Sir, that the Government sufficiently realise the difficulty that people have in getting pure unadulterated ghee in these days. It is all right for the English folk because they do not use ghee. They get butter. I do not know whether they can get pure butter or pure lard these days but for the middle classes and for the upper middle classes ghee is an essential item of diet. It has certain nutritive values. If you mix it up with banaspati or oil, as is sometimes done in some cases, then the good properties of ghee disappear and what is happening is that we are having a flourishing trade now in this adulterated ghee. In this city of Delhi it is very difficult—so our cooks tell us and I have had this statement of theirs corroborated by people who are permanent residents of Delhi—it is very difficult for us to get pure ghee and the ghee that we get is sold at prohibitive prices.

Well, Sir, for all these reasons the question raised by this Resolution is of importance not only to the agriculturist of Bihar or any other particular province, it is of importance to the agriculturists all over the country it is also of importance to the vast millions of this country who do not wish to fall a prey to epidemics and who wish to live a healthy and useful life. I give my strong support to the Resolution which has been moved by the Honourable Mr. Hossain Imam.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, it is well known throughout the country that the slaughter of cattle for the Army is exercising a very serious effect on the supply of milk and ghee in the country. The question is not a new one. Government have been aware for a long time of the poor quality of the livestock in this country and the inadequate number of milch cattle, yet so far as I am aware no particular steps have been taken by them beyond the periodical provincial censuses to increase the quantity of livestock of the right kind and the supply of milk and ghee in the country. The situation which as I have said was unsatisfactory even before the war has been rendered doubly so, because of the requirements of the troops. I am glad that my Honourable friend Mr. Hossain Imam has brought this question before the Council. I have received many complaints from people connected with cow protection societies and other societies of an economic character during the last twelve months regarding the alarming increase in the slaughter of cattle that are useful from an agricultural point of view.

Several Honourable Members have referred to the rise in the prices of bullocks. I can say from my own experience that this is perfectly true. Only two or three months ago a servant of mine told me at Allahabad that for a pair of bullocks which cost less than Rs. 100 before the war he was asked to pay from Rs. 250 to Rs. 300. The serious effect that this has on agriculture can well be imagined by the authorities. It is generally said that among the cows which the Hindūs want to preserve for religious reasons there is a number of animals which it would be undesirable to keep alive from the economic point of view, but I think it will, generally speaking, be recognised that the pace at which cattle are being slaughtered now is such as to affect seriously both the agricultural population and the town dwellers. We all know the difficulty with regard to ghee. It is impossible for Government even to supply all the ghee that is required for the troops. A good many people have to use banaspati ghee at the present time, but even the price of that is almost as high as that of ghee. In Allahabad only a few days ago Cocogem could be had only at the price of

[Pandit Hirday Nath Kunzru.]

ghce, that is at the rate of five chittacks per rupee. This shows how very serious the position is, and how necessary it is that Government should take it into account and arrange to get its meat requirements from outside India. The countries referred to by my Honourable friend Mr. Hossain Imam in his Resolution, namely, the United States of America and Australia, are in a much better position to help the Government of India in respect of the supply of meat than the people of this poor country. We all know the demands that have been made on those countries. But as they have specialised in the meat trade, as they rear cattle specially for slaughter, I think that it would place a smaller strain on their resources than on ours to meet the meat requirements of the Government of India.

My Honourable friend Rai Bahadur Malitha referred to the remarks made by him during the last Budget session. General Hartley, who was the representative of the Defence Services in this House till the other day, referring to what had fallen from Rai Bahadur Mahtha, said :—

“As the House is no doubt aware, strict orders are in force that milch cattle and serviceable draught cattle are apt to be taken for slaughter. I have no information to show that any specially large requisitions of cattle either for slaughter or for milking have been made in Bihar but I have made a note of what my Honourable friend has said and I will make inquiries.”

Now, Sir, the information which members of this House have received from reliable sources indicates that Bihar has been seriously affected by the purchase of cattle for the requirements of the army. Whatever the army authorities may say, the information which we have obtained from well-informed quarters creates a strong impression in our minds that the number of serviceable cattle which it ought to be the policy of Government to keep alive is being seriously affected.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : If my Honourable friend will permit me to interrupt him for half a minute, I may say that I have seen with my own eyes cattle at various railway stations being taken, and they were both giving milk, and were mostly fit for agricultural purposes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I can corroborate from my own experience what my Honourable friend Rai Bahadur Mahtha just said. In every herd of cattle driven either to railway stations or to other places we find a fairly large number of cattle which cannot be regarded as old or unserviceable.

Apart from this, the special difficulty with regard to the purchase of cattle for the army is this. Cattle are at first bought for their milking qualities. The milk is made use of as long as it is available. But when the cows become dry, they are slaughtered. Technically speaking, therefore, it can be said that cows in milk are not being slaughtered. But it nevertheless remains true that serviceable cows, cows, which would provide milk again if they were allowed to live, are being slaughtered in order to satisfy the requirements of the army in regard to meat.

Lastly, I should like to inquire whether the army authorities have made inquiries, as was promised by General Hartley in the last session. If such inquiries have been made, we should like to know their result. In any case, the matter to which my Honourable friend Mr. Hossain Imam has drawn attention is a serious one. It has been brought to a head by the war, but it was always important enough to require the attention of Government, although it seldom received it. I shall listen with interest to what will be said on the subject by the Honourable Member opposite, who has a deep regard for the welfare of the agricultural masses. I hope that he will be able to give us a satisfactory answer. I personally think that there is nothing in my Honourable friend Mr. Hossain Imam's Resolution which can be opposed by anyone in this House. The Resolution is one eminently deserving the support of Government.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I shall be very brief in my observations. Much has already been said on the subject, and I will simply add a word or two. Sir, the position of our country as regards cattle supply was already unsatisfactory, and it is becoming much worse every day on account of the indiscriminate slaughter of cattle in the country. As has been said by the previous speakers, this slaughter of cattle is being carried on in an indiscriminate and reckless manner. There seems to be no method

about it. In the attempt to find meat for the prisoners of war and for the army every kind of cattle, every animal, even though it may be serviceable either by way of yielding milk or by way of being useful for agricultural operations, is being set upon and slaughtered for war purposes.

We do realise, Sir, that the armies in our country and the prisoners of war must be fed. But there must be some way found to do it other than denuding the country of its cattle wealth. This depredation that is being made on the cattle wealth of the country is doing harm to the country in a variety of ways. It is hampering agricultural operations. It also has an injurious effect upon the health and well being of the people of the country. As has been observed by my Honourable friend here who has just spoken, there is a very serious shortage of ghee and of milk, and the price of meat itself has gone very high. I am told, Sir, that in Bangalore where meat was very cheap, it is now sold at Rs. 3 per seer. When things have gone so bad, it is but necessary, it becomes our imperative duty, that we should take steps to remedy the situation. Various methods have been suggested to rectify the present state of things. It has been said that there are countries close by from which live cattle could be imported into this country. It has been pointed out that there are countries also from where preserved meat could be brought in, dehydrated meat and finished meat. If it is possible for Government to import articles of luxury for the armies here, it must be equally possible for them to import meat which is more necessary than many articles of luxury for which Government are now finding shipping space. In this connection, Sir, I would just like to mention one word and that is that the Government have already been remiss in their duty of trying to get statistics of the cattle wealth of the country. I am of opinion, Sir, that the Government should try and institute an inquiry into the cattle position in the country and try to get correct data about the cattle wealth in India.

With these words, Sir, I support the Resolution.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I was astonished to learn from a friend of mine that the meat rationed to the soldiers is the meat, more of the slaughtered cows and young ones than of bullocks, and these cows, which are more useful for our purposes are slaughtered in a very large more number. I hope the Honourable Member (on behalf of Government) would enlighten us on this point. One thing seems to me remarkable. Government, when it suits their purpose, stop the slaughter of cows with a very firm hand but they do not regard the sentiments of millions of people when they do it themselves. It is a matter of common knowledge that on certain occasions, when a cow is slaughtered in this country, the lives of dozens of human beings are lost simply because of the religious sentiment of a large section of people here. Should not the Government care for their sentiment when it is not only a question of sentiment but also one of economy and of a serious character? A District Officer can come forward and promulgate section 144 prohibiting the slaughter of cows. Cannot the Government, without the promulgation of section 144, stop the killing of a certain number of cows which are killed merely to feed their soldiers? They have recently got a good deal of grain from Australia to meet the situation here. Do not Government think it proper to import cattle also into this country? Do not Government feel that to import foreign meat is better than to slaughter cows here which will raise a worse type of economic crisis? I really feel that the time has come when Government ought really to take very serious measures to stop the slaughter of cattle. I met a gentleman the other day who was going from here to Calcutta. He was a contractor for supplying meat. He was in the meat trade. I was absolutely astonished to hear the number of goats he kills and dries their meat for supplying to the Government. You ought to know what is the price of a goat and the price of ordinary beef and mutton in the cities. I do not want to make a long speech, but I would request the Government, with all the force that I can command, that for all these reasons, they should see that the killing of the cow useful for agricultural purposes ought to be stopped at once.

THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab : Sikh) : Sir, I have great pleasure in supporting the Resolution so ably moved by my Honourable friend Mr. Hossain Imam. It is necessary that the cattle wealth of the country should be protected because on it depends not only the milk supply but also agriculture. If ploughing bullocks are not available or are beyond the pocket of the producer,

[Sardar Sir Buta Singh.]

production is bound to suffer. Cultivation here is entirely dependent upon cattle power as it has been amply proved that mechanical power is unsuitable and uneconomical. It is necessary for the Central Government to protect the interests of the 80 per cent. of the population depending upon agriculture. They must keep a vigilant eye so that no serious injury is done to our resources of milk and bullock power. I hope the Government, who is the custodian of the interests of the vast population of this country, will see that the slaughter of cattle is reduced to a minimum.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Sir, I do not propose to deal with the first part of this Resolution. The second part is to import livestock from near-by countries and to supply them to the agriculturists at reduced prices to encourage the Grow More Food Campaign. No doubt this is very attractive and Government may accept. But it seems to me that instead of importing livestock from near-by countries and encouraging the Grow More Food campaign, we must look to our own country. Those who have been present at the All-India Cattle Exhibitions or the Provincial Cattle Exhibitions will realise that the importation of bulls or cattle from other countries is not at all necessary. If we make a selection and have proper cattle breeding, we will improve our livestock considerably to suit our climatic conditions. Some time back, connected with the Central Agricultural Association of Madras, we were enthusiastic in importing Ayrshire bulls and cattle and we distributed them to district and taluk agricultural associations, and other non-official bodies, and wanted to see how far the experiment would be successful. I am sorry to say that for two years our efforts in this direction have proved a failure. The Ayrshire bull or cattle will not thrive in our country. Some of them had to be kept in Coonoor and Ootacamund, colder places, and occasionally had to be brought down to the plains for the purpose of serving the cows of the plains. As regards the experiment of Ayrshire bulls, after two or three generations there

is considerable deterioration in the livestock. I have got a number of cows and bulls. There has been a considerable decline in the succeeding generations compared to the first breed. If we as practical agriculturists and farmers want to improve the cattle, it will not be done by getting bulls from neighbouring countries. That experiment naturally takes a long time. We have got a research institution by the Central Government. They have been making experiments and scientifically enquiring into the conditions which would benefit the cultivator and the agriculturist. These results are periodically communicated to the Provincial Governments, agriculture being a provincial subject for which they are entirely responsible. The healthy growth of livestock is a matter for the provincial administrations. With a view to help them the results of scientific research are communicated to the provinces and provinces have to adopt them according to their particular conditions. We have in the South a very excellent institution called the Coimbatore College, one which is in close touch with the Agricultural College in Coimbatore and with the kind of experiments that are made not only in Coimbatore but in the most important stations in the northern part of the Sircars, the Anakapalle Research Station. This Anakapalle Research Station helps sugar factories in the neighbourhood. The scientific results are adopted by these farms and they are disseminated by agricultural inspectors to the people in the villages. Gradually therefore knowledge of better methods of agriculture are spreading. But the difficulty of the ryot is that when he wants to adopt these improved methods he is handicapped by want of irrigation facilities by the revenue authorities. That is an obstacle which the Government of India must make every effort to remove and enable the ryots to adopt improved methods which are communicated to the provinces. The provinces must help them in the matter of irrigation. If you do not provide proper irrigation facilities or if you charge a very high irrigation cess, then all your experiments will prove a failure and your Central Research Institute becomes quite useless for the cultivator and the agriculturist. Therefore, what is necessary for the purpose of the Grow More Food campaign is not so much the import of cattle from other countries but the improvement of livestock in local areas. In many areas there are very good breeds of cattle. For instance, in Southern India there is the famous Nellore cattle. Even in the All-India and Provincial cattle shows they have always carried the prizes. In Mysore State also there is a place for cattle-breeding; they

have big-horned cattle both for milking purposes and for draught purposes. These animals are very useful and they are very good and they carry prizes in shows. Therefore, there is enough material here in the country; only we have to make use of them by giving the facilities that I have mentioned. The Honourable the Mover has no doubt drawn attention to what was prevailing in his province. I would suggest that in such conditions the Provincial Government—and especially the present Governor who is acquainted with all the details of the revenue administration in Madras—could import necessary bulls and cattle to that province and show them in cattle shows and make experiments. Importing cattle from neighbouring countries will not at all be helpful in the matter. As regards the Grow More Food campaign, the Honourable Member may say that lakhs of acres have been brought under cultivation.

THE HONOURABLE SIR JOGENDRA SINGH : That will come in when we have the food discussion.

THE HONOURABLE SIR A. P. PATRO : That will be all right on paper, It only exists in theory and not in practice, because I know that the more food business is very unreal. The statistics that might be quoted do not imply real progress. What happens is this. It has become a fashion in order to please the officials to grow some brinjals and *vendakkai* (ladies finger) in the compounds. The compounds are cut up and vegetables are grown. This is the way in which the Grow More Food campaign is carried on. If you go and move about the villages, as I have done, you will see it for yourself. I do not find that the rural population has any interest in this matter at all. If you really want to grow more food, then you should afford facilities in the way of remission of taxes, have low assessments, give them *banjar* land or waste land for cultivation and have reduced rates of irrigation cess. These are facilities which will encourage the ryots to grow more food and not lectures and shows. People who wear coat and pantaloons and who never go to villages and never walk in fields may talk loud about more food being grown; but actually the ryot knows the difficulties. The ryots should get the help that I have suggested in order to make it effective; statements made on the floor of the House will not help them.

THE HONOURABLE THE PRESIDENT : You are diverting from the terms of the Resolution. You will have another opportunity of speaking on this subject.

THE HONOURABLE SIR A. P. PATRO : So far as the Grow More Food campaign is concerned, with all due deference to the Honourable Member who may quote statistics, my view is that it is not a real thing; it is a mere show; it indicates the hollowness of the whole scheme.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR (Nominated Non-Official) : Sir, I rise to support wholeheartedly the Resolution moved by my Honourable friend Mr. Hossain Imam. I have great sympathy with his Resolution.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : When the Honourable Mr. Hossain Imam asked me to give him time for moving this Resolution I readily agreed though my concern is more with what he calls the background of the Resolution than its actual recommendations. I feel happy when this House discusses rural problems, for I am anxious that our legislators should acquire an agricultural bias and carry on a consistent campaign to improve rural conditions. My complaint is that in this House we do not give that attention which is essential to the vital problems of production. We view even from an urban standpoint the need of agriculturists and rarely from the point of view of cultivators. I can say that the Honourable Sir A. P. Patro cannot accuse me of not wandering into the fields and seeing the growing of crops: that has been my profession since my boyhood. I know from first hand experience the real conditions. When I say we have achieved something by the Grow More Food campaign it is not based on hollow figures; it is based on actual knowledge of new areas coming under cultivation. Provinces have afforded facilities of irrigation, remission of taxation and in many areas large increase in production has been attained. If in his province nothing has happened then he cannot say that Madras represents the whole of India. I know from experience that in our country, man and his chief prop, the cattle, are the primary instruments of production. I can sincerely say that I am in full sympathy with the object of this Resolution, that is to protect our livestock. We have already issued orders that no milch or pregnant cow and bullocks under ten years of age are to be

[Sir Jogendra Singh.]

slaughtered. The practice which is at present followed is, that the contractor presents the cattle at the military slaughter house where they are examined by an assistant and passed fit. I will now take steps to invite the attention of the authorities concerned that this officer must be instructed to pass no animal which comes under the protected category. (*Hear, hear.*) If at any time at any military slaughter-house it is discovered that protected animals are offered and accepted, the matter should be brought to the notice of the local military authorities; as the War Department have accepted the recommendations of the Food Advisory Council. The strict enforcement of the instructions regarding normal consumption of meat by the civilian population is a matter entirely for the Provincial Governments.

I agree with what fell from the lips of my Honourable friend Mr. Sapru that the problem of nutrition is the most vital problem of India. In our drive to improve living conditions in the villages the first and foremost need is to build up our man power, which depends on providing proper nutrition for all the people. In a country like ours, milk is the most important item of diet. If the efficiency and productive capacity of our working classes is to be improved, it is essential that they must have milk. Our problem, therefore, is to increase our milk supply and provide decent dwelling houses for all the people. With improvement in living conditions the earning capacity of our vast population will improve and with it the demand for goods leading to an expansion of industries. I wonder if my colleagues in this House have read the report of Mr. Wright on the development of cattle and dairy industries in India. On page 155 is given the daily production of milk per head, in the various countries of the world as well as daily consumption of milk per head of the population. The European countries which enjoy a mixed diet consume far more milk than is consumed in India. Take, for instance, New Zealand. The daily production of milk per head of the population is 244 ounces and the daily consumption 56 ounces. Even England with its rich and varied diet consumes 39 ounces of milk per head of its population. In India the daily production of milk per head of the population is 8 ounces and daily consumption 7 ounces. Then again when we take the provinces, the daily consumption of milk in Bengal is only 1·9 ounces per head of the population as compared with 9·9 ounces in the Punjab. Bihar and Bengal have been much to the fore. Now Bihar has nearly 12½ million head of cattle and the United Provinces another 23 million head. I am not convinced that there is any shortage of cattle either in the United Provinces or Bihar, but what has happened is—and I would like to draw the pointed attention of the representatives of Bihar to this—that while in the Punjab we have a Veterinary Officer looking after the health and welfare of the cattle of about 36,000 they have one for about 150,000 head of cattle.

THE HONOURABLE SIR A. P. PATRO : Is he a Central officer ?

THE HONOURABLE SIR JOGENDRA SINGH : A Provincial officer. It is most tragic that the work of milk production has not been seriously considered in Bihar and Bengal.

My Honourable friend Sir A. P. Patro quoted some of the improvements carried out in his province and I can tell you that in Lyallpur we started a small herd of cattle and when the herd was started the yield per cow was 5·6 lbs. and in 22 years, it has improved to 17·15 lbs. per head of cow. It is not only in Lyallpur that this improvement has taken place. Both in Ferozepore and other places similar increases have taken place. The need, therefore, is to give greater attention to breeding, feeding and weeding. I am sure if this is done, it would solve both the problem of milk supply and the production of ghee, but as long as the yield per cow remains what it is in Bihar, and Bengal, it is impossible, even if we increase the cattle population twofold, to get sufficient supply required for feeding our population.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member tell us what improvement has been brought about in the cattle as a result of Government action in Bihar and the United Provinces.

THE HONOURABLE SIR JOGENDRA SINGH : Need I point out to the Honourable Member that it is entirely a provincial concern and only Bihar and the United Provinces Governments can give this information.

It is the provinces which have enjoyed provincial autonomy that have not given as much attention to agricultural and milk production as they might have done

With the awakening which is now taking place concerning supply of food, if the Government of India and the province combine, I have not the least doubt that in ten years we can change the living conditions in the villages and the towns.

I have recited these figures to show that we who are concerned with the production side can never sacrifice our cattle. I may mention that India has perhaps the largest cattle population in the world, about 200 million head, perhaps a quarter of the world's cattle population. It is not possible for us to import cattle either from Persia or from Afghanistan, for we know that every year streams of cattle flow from the Punjab to these areas. If these areas had any surplus cattle on which we could draw, they would not be getting their supplies from our side. It is not possible to get any cattle from outside. I can say that my Department is watching the position with anxious care. I am assured at present there is no reason to be alarmed. The measures which I have outlined, if they are carried out, will prevent the slaughter of protected cattle, that is, milch cows and pregnant cows and bullocks under ten years of age—prime cattle. If these measures are enforced, I am sure my Honourable friends will be satisfied that the cause of agriculture will not suffer.

Regarding the two recommendations made by my Honourable friend, the need for importing meat or cattle from outside has not arisen. If it does arise, I am sure my Honourable colleague the Food Member will give the recommendations every consideration.

There is just one more point to which the Honourable Mr. Sapru drew my attention, namely, that Health Reports have not been published. I have just found out that the Report for 1940 is available, and the Report for 1941 and 1942 is now too late to publish. But I am sure he will be happy to know that I am appointing a committee to consider the whole problem of health, and I am hoping that Sir Joseph Bhore will agree to preside over this Committee.

In view of what I have said and the support that the Honourable Member has received, I do not think there is any need for him to press this Resolution to the vote.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar : Muhammadan) : Mr. President, I am glad that the House gave its unanimous support to the background of my Resolution, and even the little opposition which I received from Sir A. P. Patro was more against the Grow More Food Campaign than against the merits of my Resolution. I am also glad to find that the Honourable Member in charge of the Department of Education, Health and Lands is going to see that the instructions of Government are carried out. I would remind him of the fact that at the moment we have a system whereby the Government Chief Inspectors of the Railway are not under the Department of War Transport, but under the Department of Posts and Air. An Inspectorate would be ineffective if it is under the Department with which it is concerned. On the same lines, I would draw his particular attention to the fact that it would not be an innovation to have an Inspectorate of cattle slaughter for the Army placed under the Education, Health and Lands Department. I hope he will take up the matter and see that the instructions are carried out.

With regard to the other matters which were discussed in the House, I will not dilate on them, but I would point to the fact that agricultural research, especially in animal husbandry, has suffered greatly due to paucity of funds in the permanently settled provinces of Bihar and Bengal, and it would not be possible for these provinces to carry out any ambitious programme without the support of the Centre, because of the inelasticity of the sources of income available to these two provinces. Our province has done some sort of cattle improvement work. We imported the Ayrshire breed, and we have been experimenting with the Montgomery breed. We have even popularised the Tharparkar breed from Sind. There has been any amount of constructive work done, but on a very small scale compared to the population and the necessities of the province. That, Sir, is a long-term policy which will not serve the immediate purpose of the present time. I do hope that the Honourable Member as well as his colleague in the Food Department will keep a vigilant eye, and that if they find that the position of the agriculturist is deteriorating, the fact that this Resolution has been brought by a non-official will not stand in the way of effect being given to it with a view to giving the required help to the agriculturist.

In view of what the Honourable Member said, I do not wish to press my Resolution.

The Resolution was, by leave of the Council, withdrawn.

The Council then adjourned till Eleven of the Clock on Monday, the 9th August.