

12 February 1945

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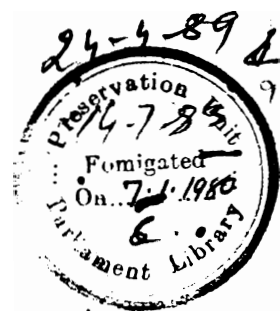
LEGISLATIVE ASSEMBLY DEBATES  
Official Report

Volume I, 1945

(8th February to 23rd February, 1945)

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TWENTY-SECOND SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1945



# LEGISLATIVE ASSEMBLY

Monday, 12th February, 1945.

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

## MEMBER SWORN:

Mr. Yeshwant Narayan Sukthankar, C.I.E., I.C.S., M.L.A., (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### REFUSAL OF PUBLIC HELP AT THE RECENT PUNJAB MAIL ACCIDENT

**126. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member please state:

(a) whether he is aware of allegations in the press by reliable witnesses of the accident to the Punjab Mail that happened about the 22nd November, 1944, that offers of help by local people were refused by the Railway authorities;

(b) whether help when given was much later than possible;

(c) whether Refreshment Room servants did not serve even respectable civilian passengers before all the military were served; and

(d) if so, what steps Government have taken in the matter to see that such things do not repeat again?

**The Honourable Sir Edward Benthall:** (a) My attention has been drawn to a statement to this effect in the *Indian Nation* of the 14th December, said to have been made by one of the passengers of the ill-fated train.

(b) and (c). The enquiry conducted by the Government Inspector attached to the Posts and Air Department shows that neither of these allegations was founded.

(d) Does not, therefore, arise.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether they made a specific enquiry that the refreshment room servants did not serve Mr. Sidwa, who is Mayor of Karachi and they were served with refreshments as late as 11 o'clock when they reached another place and the refreshments were served to the military personnel?

**The Honourable Sir Edward Benthall:** The Honourable Member's information is entirely wrong on Mr. Sidwa's own evidence before the Government Inspector. Mr. Sidwa was served with water by a military passenger. He was subsequently served with tea from the relief train, which was given free. He complained that the tea was not good but he accepted it.

**Mr. Lalchand Navalrai:** Does the Honourable Member deny that this House as well as some people outside think that a judicial enquiry is very necessary? Does he realise that or not?

**The Honourable Sir Edward Benthall:** That does not arise out of the question.

**Mr. Lalchand Navalrai:** May I know whether the Honourable Member is going to have the judicial enquiry?

**The Honourable Sir Edward Benthall:** I have already replied to that question in answer to a previous question.

#### CHICAGO INTERNATIONAL AIR CONFERENCE

**127. \*Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Posts and Air please state:

(a) the results of the Chicago International Air Conference;

(b) whether Government have received the report of the proceedings from the Leader of the Indian Delegation; and

(c) if so, the substance of his report with regard to India joining that body?

**Sir Gurunath Bewoor:** (a) to (c). I would refer the Honourable Member to the copy of the *Press Communiqué* which I laid on the table in reply to Question No. 14 by Mr. Manu Subedar on 8th February 1945 and which gives all the information asked for by the Honourable Member.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether they have come to any tentative decision on that correspondence?

**Sir Gurunath Bewoor:** The proceedings of this Conference are under consideration at present and no decision has been arrived at.

**Mr. T. S. Avinashilingam Chettiar:** Will any decision be taken subject to the vote of this House?

**Sir Gurunath Bewoor:** That is not the present intention. I have kept copies of the proceedings of this Conference in the Library of the House. If after reading those proceedings there is a very strong desire on the part of the House, Government will be prepared to consider whether it is necessary to put the matter before the House.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether the sending of the representatives of the Government of India Members to that Conference was subject to the decision of this House?

**Sir Gurunath Bewoor:** The sending of the delegates from India to this Conference was subject to acceptance by the Government of India.

**Mr. N. M. Joshi:** Will the Government of India circulate the proceedings to the Members of the Legislature?

**Sir Gurunath Bewoor:** I have kept five copies of the proceedings in the Library of the House. There are no more copies.

**Mr. N. M. Joshi:** May I ask whether Government will print more copies and circulate them to the Members?

**Sir Gurunath Bewoor:** These are days of paper economy. If the Honourable Member is very anxious I am prepared to send him a copy.

**Mr. N. M. Joshi:** All right. Thank you.

#### RECENT BANNU AND DERA ISMAIL KHAN KIDNAPPINGS

128. **\*Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

(a) if he has seen the reports of kidnappings by tribal gangsters in the Dera Ismail Khan District published on page 12, columns 2 and 5, in the *Tribune*, Lahore, dated the 31st December, 1944, under the captions "Lorry waylaid by Tribal Dacoits" and "Kidnappings by Tribal Dacoits";

(b) the names of those kidnapped and killed, wounded or released on the two occasions; and

(c) if any compensation has been paid to the family of Rochi Ram, driver; if not, the reasons therefor?

**Sir Olaf Caroe:** (a) Yes.

(b) (i) Kidnapped: Punnu Ram, Hardiyal, Abdullah Khan, Hira Nand, Pritam Das, Gulbadshah, Tilok Chand, Sahib Singh and Pokhar Das.

(ii) None of these were killed or wounded.

(iii) Released: Abdullah Khan, Gulbadshah, Tilok Chand and Sahib Singh.

(c) It is understood that the military authorities have sanctioned a payment of Rs. 4,000 to the heirs of Rochi Ram.

**Mr. Abdul Qaiyum:** May I know if those responsible for these crimes have been traced or punished?

**Sir Olaf Caroe:** I think that comes in the Honourable Member's next question.

#### RECENT BANNU AND DERA ISMAIL KHAN KIDNAPPINGS

129. **\*Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

(a) whether the offenders involved in the Bannu and Dera Ismail Khan kidnappings referred to in the preceding question have been traced;

(b) the punishment meted out to them; and

(c) whether any relatives of the kidnapped persons had to pay ransom to effect their release?

**Sir Olaf Caroe:** (a) The offenders involved have been traced in all cases except one, which occurred in the Bannu Railway Station quarters.

(b) Action under Section 87 of the Criminal Procedure Code was taken in one case. The remaining cases are under investigation.

(c) No.

**Mr. Abdul Qaiyum:** With reference to part (a) of the question, may I know whether the offenders belong to the Settled Districts or the Tribal Area?

**Sir Olaf Caroe:** I have no definite information about that. I think it is probable they all belong to the Tribal Area. But I will make enquiries.

**SCHEME RE COUNTRY CRAFT CARGO ON THE WEST COAST**

**130. \*Mr. K. S. Gupta:** Will the Honourable Member for War Transport please state:

(a) if there is any scheme of the Government of India regarding country craft cargo on the west coast;

(b) if the answer to (a) above is in the affirmative, would it be placed before the House for discussion;

(c) if the Government is prepared to circulate the scheme for eliciting opinions from the interests concerned before arriving at a final decision;

(d) if there is any representation made by the Malabar Chamber of Commerce about the contemplated route scheme, etc., affecting the rights and privileges of owners;

(e) if he is aware that the appointment of agents will destroy the entire business of vessel makers;

(f) if the Government of India realise that the creation of agencies affects the huge number of already hard-hit seasonal labour employed; and

(g) if he is aware that any regulation opposed to free movement of country craft would suppress private transport and stifle enterprise?

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

(b) and (c). The scheme is already in operation. Prior consultation with the Legislature was impracticable as it was essential to put the scheme into force before the commencement of the country craft sailing season which, on the West Coast, commences in August-September. As many as possible official and non-official interests concerned were consulted before the scheme was launched, and details were announced in Press Notes dated August the 15th and September the 3rd, copies of which are laid on the table.

(d) Yes.

(e) No. The Scheme is calculated to increase the livelihood of those engaged in country craft traffic. Builders of country craft will not be adversely affected.

(f) No. There have always been agencies through whom country craft have been hired. It is an essential part of the scheme to have a limited number of reliable agents through whom to operate it.

(g) No. Government's scheme organises the country craft traffic on an efficient basis and this should ensure the maximum and most economical employment of all available country craft on the West Coast.

**PRESS NOTE**

**BETTER COUNTRY CRAFT ORGANISATION**

*New Scheme from next Sailing Season*

A scheme for the better organisation of the country craft traffic on the West Coast has been evolved by the Government of India in consultation with Provincial Governments concerned, and will be put into effect immediately for the forthcoming sailing season.

The essentials of the scheme, which is known as the "route scheme", are the selection of definite routes on the coast with the appointment of an agent for each route or combination of routes, and the control of freight rates. Freight rates will be fixed by the Controller of Indian Shipping on the advice of Freight Advisory Committees and in consultation with Government and military authorities concerned. Rates will be published for general information, as well as any alterations in rates during the season.

Agents will be selected by the Controller of Indian Shipping and will act under the general supervision of Assistant Country Craft Officers; they will be responsible for chartering

craft and running them at the rates fixed, for seeing that craft are maintained and handled properly, for providing storage accommodation and for making suitable arrangements for handling cargo, and they will comply with any priority directions issued by a competent authority. They will be remunerated by a commission which will enable them to fulfil these obligations adequately.

In order to ensure that the best and most economical use is made of all country craft available, steps will be taken to prevent any craft from sailing except in accordance with the instructions of the agents. Co-operation between country craft agents on the coast will greatly contribute to the success of the scheme.

War Transport Department.  
New Delhi, August 15, 1944.

### ADVANCE COPY

*Not to be Broadcast or Published before September 3, 1944.*

### PRESS NOTE

#### NEW COUNTRY CRAFT SCHEME FINALISED

#### *Country Craft Shipping Syndicate formed "Route Scheme" Explained.*

On August 16, the Government of India announced the inauguration of the new scheme for the organisation of country craft traffic on the West Coast of India. The Government of India and the Controller of Indian Shipping have since had discussions with a considerable number of official and non-official interests concerned and the scheme has now been finalised. The details of the scheme will be found in Notification No. 3G(15)/44 I, dated August 30 and published in the Gazette of India dated September 2, 1944, by the Controller of Indian Shipping in exercise of the powers under the Defence of India Rules delegated to him by the Central Government.

#### *Schedule of Freight Rates.*

The first Schedule of freight rates has been drawn up in consultation with the Country Craft Advisory Committee in Bombay, in which commercial interests are fully represented. The Schedule shows separately the nett freight, the brokerage and the agents' commission for all commodities likely to be carried over the different routes. Names of the agents appointed for these routes together with details of the routes finally selected are also published in the same notification.

#### *Country Craft Shipping Syndicate.*

For the three routes which originate from Karachi, a Syndicate of three agents was formed by mutual consent and this Syndicate (The Indian Country Craft Shipping Syndicate) will jointly be responsible for working the scheme on these routes. The remaining routes covering the ports between Cutch and Tuticorin, for which no Syndicate could be arranged, have been divided between three agents, viz., 'The Bombay Steam Navigation Co., and Messrs. Vishram Khimji (Bombay) and I. S. & C. Machado (of Tuticorin).

#### *Categories Excluded from Scheme.*

Certain categories of country craft will be excluded from the application of the scheme, viz., lighters ordinarily used in harbours and roadsteads for the shipment and landing of goods from steamers, etc., craft used entirely for fishing, craft used for the transport of sand in the Bombay harbour area, craft engaged in the transport of cargo to Africa or the Persian Gulf and craft used by owners for the transport of their own cargo.

#### *"Route Scheme" Explained.*

The Government of India have received representations from various interests concerned to the effect that the "Route" scheme will restrict the right of Indian nationals to ply their craft wherever they like and that this restriction is in marked contrast to the freedom enjoyed by outsiders as regards plying in Indian waters. Government wish to make it clear that there is no substance in such complaints. It is of course true of this control, as it is of every other war time control, that it limits the unrestricted freedom of craft owners, but only inasmuch as it lays down that when country craft are moving on the routes selected, they must operate under the directions of the agent appointed for each route. The sole aim of the control is to ensure that country craft will be more fully and efficiently employed than ever before; if this result is achieved, then owners and crews should earn a better livelihood.

War Transport Department.  
New Delhi, September 2, 1944.

**Mr. Manu Subedar:** What steps have Government taken to increase the number of country craft and have more built during the war period?

**The Honourable Sir Edward Benthall:** I should require notice of that question. But generally speaking . . . . .

**Mr. Manu Subedar:** Have you taken any steps at all?

**The Honourable Sir Edward Benthall:** I do not think Government have placed any orders because the orders are placed by the owners of country craft. But the object of Government is to increase, so far as possible, the amount of goods carried by country craft at reasonably profitable rates, so that country craft owners should be encouraged to build more boats and . . . . .

**Mr. Manu Subedar:** The control is to restrict the freight rates which the country craft owners will get. If so, why have you not stimulated the building of country craft in order to increase the supply of freight available?

**The Honourable Sir Edward Benthall:** The answer lies in the results. Controlled rates exist. That they are profitable is shown by the additional amount of tonnage carried. In the month of October 1943, 46,000 tons and in October 1944, 76,000 tons were carried under this scheme. Similarly the Military cargo carried in October-November-December was doubled, and the total tonnage of foodgrains exported from Karachi by country craft in the months of September to January was similarly more than doubled.

**Mr. Manu Subedar:** Isn't it a fact that the controlled rates are lower than the prevailing market rates? Therefore what are Government doing to compensate the country craft trade as a whole? Are they giving any cheap timber?

**The Honourable Sir Edward Benthall:** The principle is that the controlled country craft rates should be reasonably profitable rates, but should not allow the owners to profiteer.

**Mr. Manu Subedar:** The rates are much lower than the prevailing rates.

**The Honourable Sir Edward Benthall:** The prevailing rates are controlled rates. It is not proposed to allow the owner to profiteer at the expense of the public.

**Mr. N. M. Joshi:** In view of the fact that the means of transport are not at present adequate, will the Government of India consider the advisability and also the practicability of building country craft at this time?

**The Honourable Sir Edward Benthall:** We have considered the question but it is not at all possible for Government to build and operate these craft. The country craft trade is operated by a very large number of owners, very often owning one, two or three craft, and it is thought best to try to make the trade reasonably profitable so that the owners themselves will build the craft. I may inform the Honourable Member (though I have not got the exact figures with me) that considerable numbers of craft have been built. If the Honourable Member wishes to have more precise information, I will be very pleased to supply it.

**Mr. N. M. Joshi:** May I know why the Government do not build the craft instead of leaving the building to private owners?

**The Honourable Sir Edward Benthall:** For the reason which I have just explained.

**Sir Muhammad Yamin Khan:** May I know why people have been appointed as agents who do not own so many country crafts as the others and why Government is not allowing every country craft owner the same facilities as are allowed to some and why Government by appointing these agents is keeping the monopoly in its own hands?

**The Honourable Sir Edward Benthall:** We cannot appoint every country craft owner an agent. We have to have a limited number of agents and, as I have mentioned, I think the improvement in the movement of country craft does show that the scheme is working satisfactorily.

**Sir Muhammad Yamin Khan:** Is there not great discontent among the country craft owners in Bombay and some other places and is it not a fact that they resent this action of the Government?

**The Honourable Sir Edward Benthall:** I think there is a certain amount of resentment on the part of the people who have not been selected for the agency but I am not aware of any particular discontent among the country craft owners.

**Sir Muhammad Yamin Khan:** I do not mean among the people who have not been selected as agents but amongst the people who own the country crafts. Their complaint is that they are not properly utilised and are not given suitable facilities by the agents, who show favouritism to one or other.

**The Honourable Sir Edward Benthall:** I do not think there are any widespread complaints of that nature but I will look into the matter.

**Sir Muhammad Yamin Khan:** If the Honourable Member would desire it, I am prepared to present him with the complaints which I have received.

**The Honourable Sir Edward Benthall:** Certainly.

CONTROL OF COUNTRY CRAFT TRAFFIC

**131. \*Mr. K. S. Gupta:** Will the Honourable Member for War Transport please state:

(a) if any representation has been made by the Southern India Chamber of Commerce with regard to control of country craft traffic;

(b) whether the Government of India would see that no injustice is done to the large body of enterprising seafarers engaged in the trade from time immemorial; and

(c) whether the Government of India would give an opportunity to the public to express their opinion in regard to the rates before they are enforced?

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

(b) I have no hesitation in giving the assurance asked for.

(c) The Route Scheme provides for the setting-up of Freight Advisory Committees consisting of representatives of Route Agents, craft owners, shippers and other special interests, to advise the Controller of Indian Shipping on the freight rates to be enforced. The first schedule of rates was drawn up in consultation with the Country Craft Advisory Committee, Bombay, on which commercial interests are fully represented. Freight Advisory Committees have been set up in Bombay, Karachi and Cochin. Adequate machinery has thus been provided for the public to express their opinion on freight rates.

**Mr. T. S. Avinashilingam Chettiar:** What is the representation of the South India Chamber of Commerce in this connection?

**The Honourable Sir Edward Benthall:** The shippers, the people who ship the goods by the country craft.

**Mr. N. M. Joshi:** May I know whether in controlling these rates the Government of India have taken any steps to see that the wages of sailors are properly regulated and fixed, so that they may not suffer on account of the control?

**The Honourable Sir Edward Benthall:** The rates were fixed having regard to the general conditions prevailing, but I shall require notice for a more exact answer.

**Mr. N. M. Joshi:** May I know whether the Honourable Member will make enquiries to see whether the rates of the seamen are properly fixed when control is exercised?

**The Honourable Sir Edward Benthall:** Yes, now that the matter has been raised I will look into it.

**Mr. Manu Subedar:** Is it not a fact that under the scheme a country craft can be directed to go from anywhere to anywhere else? If that is so, what provisions have Government made for the wages of the country craft sailors who are concerned and who may be asked to undertake a journey very much longer than what they were originally intended for?

**The Honourable Sir Edward Benthall:** The Honourable Member's information is not, I think, correct. The point is that country craft owners operating between certain points have to book their goods through certain agents. They cannot, I think, be directed to ship their goods by routes other than the one on which they normally operate.

**Mr. Manu Subedar:** On defence and priority work they can be so directed. If the Honourable Member wants information I am prepared to give it and he will see that the necessity for making some provision for extra wages to the sailors concerned is there.

**The Honourable Sir Edward Benthall:** According to my information the only restriction is that the rules lay down that when country craft are moving on the routes selected, they must operate under the direction of agents appointed for each route.

**Mr. Manu Subedar:** The route can be altered by the Government, by the Controller for war and priority goods.

**The Honourable Sir Edward Benthall:** That is not my information.

**Prof. N. G. Ranga:** Has the control been instituted in order to promote the country craft industry?

**The Honourable Sir Edward Benthall:** Yes, Sir.

INDIA OFFICE STAFF

**132. \*Mr. K. S. Gupta:** (a) Will the Foreign Secretary please state what the India Office staff is?

(b) How many of them are (i) Indians, (ii) Englishmen; and (iii) Non-English?

(c) How many of the staff are, (i) retired from Indian service, and (ii) dismissed from Indian service?

(d) Is there any condition prescribed for employment at the India Office in secretarial, administrative or clerical capacity like administrative or other experience in India?

(e) How many of them had been to India?

(f) Is it not a fact that most of them have no knowledge of practical affairs in India?

**Sir Olaf Caroe:** This question should have been addressed to my Honourable friend the Home Member, who will answer it in due course.

DISMISSALS BY DIVISIONAL MECHANICAL OFFICER II OF DELHI DIVISIONS, NORTH WESTERN RAILWAY

**133. \*Mr. K. S. Gupta:** Will the Honourable Member for Railways please state the number of persons removed or dismissed from service by the orders of the Divisional Mechanical Officer II of Delhi Division, North Western Railway, during the preceding three years?

**The Honourable Sir Edward Benthall:** The number of employees removed from service by the officer referred to since 22nd July 1943, is 47. No employees were dismissed by him. Government understand that there was no such officer on the Delhi Division of the North Western Railway prior to that date.

PROPAGANDA ABOUT INDIA CARRIED ON IN AMERICA BY BRITISH AND INDIAN GOVERNMENTS

**134. \*Sardar Mangal Singh:** Will the Foreign Secretary please state:

(a) whether his attention has been drawn to a press interview given by Mr. G. L. Mehta, Member, International Business Conference, on his return from the United States of America;

(b) whether it is a fact, as stated therein, that lakhs of rupees are spent from the Indian treasury to carry on propaganda against the Indian national movement, apart from millions spent by the British propaganda machine;

(c) whether it is a fact, as also stated therein, that the Indian Agent-General is more interested in watching the movements and activities of Indian visitors and students rather than helping them in establishing contacts between Indians and Americans; if the facts are as stated, whether the Government of India will instruct their Agent-General to stop this sort of action and adopt a helping attitude towards the Indian visitors; and

(d) whether it is a fact that Mr. Beverley Nichols is touring the United States of America at the expense of the Indian treasury?

**Sir Olaf Caroe:** (a) Yes.

(b) No. Every release issued and all information given by the Agent General is based on material supplied by the competent authorities in India and on reports and statements made here. All this material is published in India either simultaneously with or in advance of publication by the Agent General in America, who does not express independent view or opinions in matters of publicity. For instance, no single one of the releases in 1944, dwelt on internal differences in India or reflected in any way on national aspirations.

(c) No. The Agent General has neither the inclination nor the means at his disposal to watch the movements of Indian visitors and students. On the other hand all applications from visitors and students, whether official or non-official,



receive every consideration and the utmost possible assistance and endeavours are made, whenever asked for, to arrange contacts of every kind.

(d) No.

**Sardar Sant Singh:** May I ask the Honourable Member whether his attention has been drawn to an article published in the *Hindustan Times*, Sunday Edition (yesterday), in which similar allegations are made against the Government of India's activities in publishing matters anti-Indian in America?

**Sir Olaf Caroe:** I read the article only a few minutes ago. My impression was that it was not an attack against the Government of India and in any case it is the opinion of one organ of the Press.

**Sardar Sant Singh:** Is it a fact that thousands of propagandists are employed at the expense of the Government of India or His Majesty's Government to carry on propaganda against Indians there?

**Sir Olaf Caroe:** That is entirely untrue, Sir.

**Mr. Abdul Qaiyum:** May I know from the Honourable Member whether it is a fact that something like 25 lakhs is being spent per annum on propaganda in America by the Government of India?

**Sir Olaf Caroe:** The actual figures for the current year are Rs. 4,51,245.

**Mr. Abdul Qaiyum:** May I know—I heard the Honourable Member say that in the year 1944, no publication was issued dealing with internal differences in India—whether this is also true of the years 1942 and 1943?

**Sir Olaf Caroe:** As far as I am aware, yes; as I have said, all that the Agent General puts out is based on the material supplied by the competent authorities in India and on reports and statements made here.

**Mr. Abdul Qaiyum:** May I know whether the Honourable Member will deny the statement that in the year 1942, a lot of literature was published and broadcast in America dealing with internal differences in India, including Katherine Mayo's book 'Mother India'—and was very largely distributed?

**Sir Olaf Caroe:** I am not aware that that was put out by the Agent General.

**Mr. K. C. Neogy:** The Honourable Member has mentioned a figure as representing the expenditure undertaken by the Agent General on publicity: is it a fact that in addition to such grants, the Agent General has an allotment from the secret service funds at his disposal?

**Sir Olaf Caroe:** No.

**Prof. N. G. Ranga:** Will the Honourable Member be pleased to place a copy of all the publications or statements issued by the Agent General there, in the Library of this House?

**Sir Olaf Caroe:** I do not think it is necessary. The Agent General puts out nothing that is not put out in India. As I have already said,—I do not understand how this impression comes in—all that is put out is non-contentious matter.

**Prof. N. G. Ranga:** May I submit, Sir, that the Honourable Member is not competent to decide what is necessary and what is not necessary to be placed in the Library of the House? It is for the Chair to rule about it. May I have your ruling?

**Mr. President** (The Honourable Sir Abdur Rahim): No ruling is called for.

**Prof. N. G. Ranga:** There is no definite answer given to my question.

**Mr. President** (The Honourable Sir Abdur Rahim): I have already pointed out many times that I cannot control the kind of answers given by Honourable Members.

**Prof. N. G. Ranga:** Quite true, Sir. May I submit that in that case it will be competent to the Honourable Member to say that it is not in the public interest to place these things in the Library of the House?

**Mr. President** (The Honourable Sir Abdur Rahim): You can put it in that way: it is left to the Government Member to give a reply in any form he likes.

#### APPOINTMENTS OF GUARDS ON NORTH WESTERN RAILWAY

135. \***Sardar Mangal Singh:** Will the Honourable the Railway Member please state:

(a) the total number of appointments of Railway Guards made during 1944 on the North Western Railway;

(b) how many of them were direct appointments and how many were promoted from the qualified Railway staff; and

(c) whether fifty fifty ratio is always adhered to; if not, why not?

**The Honourable Sir Edward Benthall:** (a) and (b). Out of a total of 107 regular cadre vacancies of Guards, 66 were recruited direct and the rest promoted from among staff in service. In addition, 129 outsiders were recruited against a temporary emergency reserve created mainly to meet demands from other Railways.

(c) The practice of filling guards' vacancies by outsiders and by men in service in equal proportions is observed only in respect of vacancies in the regular cadre posts; deficiencies, if any, in these proportions being made good in subsequent years. As, in manning the emergency reserve, it was necessary to obtain from the staff an undertaking of willingness to accept transfer to other Railways, the recruitment of persons not already in service was effected without applying the ratio for normal recruitment.

#### IGNORING CLAIMS OF NIGHT VISION FAILED GUARDS

**136. \*Sardar Mangal Singh:** Will the Honourable the Railway Member please state:

(a) the number of night vision failed Guards getting Rs. 68 and working as Luggage Guards who have been given any chance as contemplated in Circular No. 220-E/O., dated September, 1942; and

(b) whether it is a fact that their claims have been ignored while other people have been benefited?

**The Honourable Sir Edward Benthall:** (a) According to the information readily available, two vision-failed Guards in receipt of a pay of Rs. 68 p.m. have been promoted to higher posts, while two others are on the approved list for promotion.

(b) No, all cases of vision-failed guards are duly considered along with those of the other staff eligible for higher posts.

#### LEND-LEASE TRUCKS IMPORTED INTO INDIA

**137. \*Mr. Manu Subedar:** (a) Will the Honourable the Supply Member please state the total number of Lend-Lease trucks which were received in India in (i) 1942-43 and (ii) 1943-44?

(b) How much money did Government pay in respect of these Lend-Lease trucks?

(c) How much money did Government receive in respect of them?

(d) How many have been sold to (i) Provincial Governments, (ii) Indian States, and (iii) private parties and contractors, how many have been kept by Government themselves, and how many are remaining in stock?

(e) Of what make and size were these trucks, and on what basis was the price charged to the public fixed?

(f) Was there an invoice price indicated from U.S.A.? If so, what was it for different types?

**The Honourable Sir Sultan Ahmed:** (a) (i) 23,405.

(ii) 30,631.

(b) Nil.

(c) Government received payment only in respect of vehicles allotted for essential civil use. Separate figures of actual amounts received in respect of Lease/Lend trucks are not available.

(d) (i) 1,214;

(ii) 429;

(iii) 3,855;

Central Civil Departments—530;

Lent to Ceylon Government—50.

Balance retained by the War Department for the use of the Defence Services.

(e) Trucks allotted for civil use were 3-ton Chevrolet chassis. Price charged to the public for the Lease-Lend Chevrolet chassis, released for civil distribution

was based on the U. S. A. cost, with additions for sea-freight, insurance, clearing charges, customs duty, assembly charges, distribution (General Motors) charges of Rs. 28 and dealers' commission of Rs. 300 plus delivery charges ex-centre of distribution.

(f) No.

Does not arise.

#### LEND-LEASE CYCLES AND TYPEWRITERS IMPORTED INTO INDIA

**138. \*Mr. Manu Subedar:** (a) Will the Honourable the Supply Member please state whether any cycles and typewriters were imported into India under the Lend-Lease? If so, how many, and of what make?

(b) How many of these were distributed to various Government Departments?

(c) Is it a fact that some Departments of Government to whom these were distributed, found them unsuitable and returned these machines?

(d) How many of these machines have Government still got undistributed or unsold?

(e) How much have the Government of India paid on account of these machines?

**The Honourable Sir Sultan Ahmed:**

	Cycles	Typewriters
(a) Yes, 8,250 (Men's Columbia Military Bikes) .	(a) (i) Yes.	
	(ii) 12,943.	
	(iii) Used machines Rebuilt 6,491	
	Underwood . . . . .	1,981
	Remington . . . . .	1,823
	Corona . . . . .	1,188
	Royal . . . . .	534
	L. C. Smith . . . . .	267
	Woodstock . . . . .	110
	Misc. . . . .	549
(b) All	(b) 12,861.	
(c) No.	(c) Yes.	
(d) None.	(d) 92.	

(e) The question of payment for these machines does not arise as the articles came on Lease-Lend.

#### COMPLAINTS AGAINST IRON AND STEEL CONTROL

**139. \*Mr. Manu Subedar:** (a) Will the Honourable the Supply Member please state if it is a fact that controls have been so organized with regard to iron and steel that the requirements of ordinary civil population cannot be met at all?

(b) Have Government received any complaint with regard to this fact?

(c) Will Government indicate the system by which licences under the iron and steel control are given?

(d) What are the priorities fixed by Government for the guidance of the Controller, and in what order?

(e) Is it true that very large stocks of iron and steel have accumulated in Bombay and, in spite of this, licences are not freely issued because of strict control from Delhi and Calcutta, and the civil population is suffering?

(f) Have Government considered that by undue rigidity in the issue of licences for legitimate and small requirements of the civil population, the evil of the black market which they wished to prevent, is given rise to?

(g) What steps do Government propose to take for easing the situation?

**The Honourable Sir Sultan Ahmed:** (a) No.

(b) No.

(c) Licenses are issued by the Scheduled Departments described in the Iron and Steel (Control of Production and Distribution) Order 1941. Quotas for each

quarter are allotted to the scheduled Departments and they may issue licences up to the amount of that quota.

(d) The Iron & Steel Controller does not issue licenses for iron and steel needed by the general consumer. Scheduled Departments are instructed to issue licences for steel required for war purposes and for essential civil purposes.

(e) There are no large stocks of steel in Bombay apart from those in transit depots where the size of stock varies. These stocks are maintained to meet the needs of the whole country.

(f) Government recognises that there are certain essential small requirements of the civil population and sales of steel without licences are permitted up to certain quantities. Allotments of steel are made to stockholders from the I. & C. S. Department quota to enable them to meet such unlicensed sales.

(g) Government intend to continue releasing to stockholders as much steel as is available after meeting other essential demands for meeting the requirements of the small consumer through unlicensed sales. It is hoped that the position will steadily improve.

#### EMPLOYEES IN CERTAIN CONTROL ORGANIZATIONS

**140. \*Mr. Manu Subedar:** (a) Will the Honourable the Supply Member please state how many employees (including officers) getting more than Rs. 200 a month (salary *plus* allowances) are engaged in each of the following:

- (i) the Textile Control,
- (ii) Director-General, Munition Production,
- (iii) Iron and Steel Control,
- (iv) Coal Control,
- (v) Import and Export Control,
- (vi) Shipping Control,
- (vii) Rubber Control, and
- (viii) the various Controls under the Department of Industries and Civil

Supplies?

(b) By what method are these men recruited?

(c) What is the tenure of their office?

(d) Have Government bound themselves to any of them with regard to employment after the cessation of hostilities?

**The Honourable Sir Sultan Ahmed:** The information is being collected and will be laid on the table of the House in due course.

#### PETROL IMPORTED INTO INDIA

**141. \*Mr. Manu Subedar:** (a) Will the Honourable Member for War Transport please state how much petrol has been imported in India in each of the years 1939-40, 1940-41, 1941-42, 1942-43, 1943-44, and 1944-45 (upto the 31st December, 1944)?

(b) How much less than the normal consumption of India is this importation, and on what basis have Government restricted the supply of petrol to private vehicles of the civilian population?

(c) Did Government send out any instructions to Provincial Governments with regard to the grant of supplementary petrol?

(d) If so, what were those instructions?

(e) Have the Government of India any control whatsoever over the distribution of petrol by military authorities to military contractors and others?

(f) In view of the fact that the position in 1945 is very different from the position in 1941 with regard to the Indian Ocean and the Mediterranean, will Government indicate when, by what stages and in what manner they propose to relax the provisions regarding the consumption of petrol by the civil population, and to ease the situation by increasing the basic grant?

**The Honourable Sir Edward Benthall:** (a) For security reasons I am unable to furnish the information asked for.

(b) The assumption in the first part of the question that the quantity imported in war time has any direct relation to normal peacetime consumption is incorrect. The principle followed by Government in rationing supplies of petrol

for private vehicles has been to conserve petrol to the maximum possible extent compatible with the essential needs of the civil population.

(c) and (d). The grant of supplementary rations to individual consumers is left to the discretion of the local rationing authorities who have been instructed in the sense I have mentioned in reply to part (b).

(e) Yes.

(f) Government are unable to say at present when the general position with regard to the availability of petrol for civil use is likely to improve and they regret that they see no prospect of relaxing the restrictions on the consumption of petrol or of increasing the basic ration in the near future.

**Mr. Manu Subedar:** Have Government considered that the owner of a private car, on the basis of the petrol supplied as basic ration, can hardly warm up the engine in this cold weather?

**The Honourable Sir Edward Benthall:** The Honourable Member must have a very peculiar car.

**Mr. Manu Subedar:** When do Government propose to alter or ease the situation a little in view of the fact that the war conditions have now become easier in the Indian Ocean?

**The Honourable Sir Edward Benthall:** The position as regards petrol has unfortunately not become easier, owing of course to the large military demands.

**Sardar Sant Singh:** May I ask if he will be pleased to tell us whether all the Provincial Governments apply this control uniformly or whether there are special restrictions for the Punjab alone?

**The Honourable Sir Edward Benthall:** No; there are no special restrictions for the Punjab alone; but of course there is some slight difference between the rigidity with which the scheme is applied in different provinces and states.

**Sardar Sant Singh:** What is the reason why in the Punjab the rigidity is more severe than in other provinces?

**The Honourable Sir Edward Benthall:** I am not aware that that is the case.

**Mr. Manu Subedar:** Has the Honourable Member considered the superfluous use of petrol by military contractors and even by military lorries who come down from Nasik to Bombay to buy a fan?

**The Honourable Sir Edward Benthall:** I have given a reply to that in my reply to part (e).

**Mr. Manu Subedar:** What about the waste of petrol by military lorries which is obvious to anybody who cares to see it? There is enormous waste. In view of this waste, will the Honourable Member institute an inquiry in order to see that some further assistance may be given to the civil population?

**The Honourable Sir Edward Benthall:** That is a question which I think should be directed to the War Department.

**Mr. K. C. Neogy:** Is it a fact that the more enterprising among the civilian population can get almost limitless supplies of petrol from the black market in every province and in every town?

**The Honourable Sir Edward Benthall:** If the Honourable Member will give me the information, I shall be very glad to have it.

#### STEPS RE POST-WAR ROAD DEVELOPMENT

**142. \*Sardar Mangal Singh:** Will the Honourable Member for War Transport please state:

(a) what steps have so far been taken by the Government regarding post-war road development; whether the Policy Committee on Transport has submitted any report; and

(b) whether the reports of the Post-war Planning Committee will be made available to the members of this House from time to time?

**The Honourable Sir Edward Benthall:** (a) and (b). The report known as the "Nagpur Plan" drawn up by the conference of Chief Engineers at Nagpur, which recommended the outlines of a plan of road development throughout India at a cost of 450 crores of which 320 crores would fall upon British India, was circulated to Provincial Governments with the request that they should prepare project

estimates on the basis of the rough yardstick contained in it. These estimates are now being prepared and examined. The Nagpur report has been generally approved as a basis of planning by the Policy Committee, a copy of whose proceedings will be placed in the library of the House in due course.

**Mr. N. M. Joshi:** May I ask whether copies will be circulated to all Members of the Assembly?

**The Honourable Sir Edward Benthall:** There are a large number of post-war policy committees dealing with a large number of subjects, and I think that is a question which should really be directed to the Honourable Member for Planning and Development, because if Honourable Members are to receive copies of all of these reports, it may require a large quantity of paper.

**Mr. N. M. Joshi:** May I ask whether the Government of India have taken any steps to see that labour will be properly represented on these transportation committees?

**The Honourable Sir Edward Benthall:** Yes; the Honourable Labour Member tells me that labour is represented.

**Mr. N. M. Joshi:** May I ask whether the Government of India will inquire and make sure that labour is represented?

**The Honourable Sir Edward Benthall:** Yes; I will look into that again

#### SUBSIDIES TO MISS PAMELA HANKSON FOR INDIAN PROPAGANDA IN AMERICA

**143. \*Mr. K. S. Gupta:** Will the Foreign Secretary please state if it is a fact that Miss Pamela Hankson was receiving subsidies from the Government of India and His Majesty's Government during her stay in America for addressing a large number of organizations on the social aspects of life in India? If so, what is the total amount of money paid to her from the Indian treasury?

**Sir Olaf Caroe:** Government understand there is a lady named Miss Pamela Hinkson, not Hankson. She is not employed by them nor has any subsidy been paid to her.

**Mr. Sri Prakasa:** What was the occasion for the Government of India to have knowledge of the existence of this lady when they seem to be so indifferent to her activities?

**Sir Olaf Caroe:** I believe that the Secretary of another Department was in Washington and learned her name.

#### SIDE-TRACKING OF INDIAN OFFICERS POSTED TO FRONT LINE

**144. \*Maulana Zafar Ali Khan:** (a) Will the Honourable the Railway Member please state if it is not a fact that during the difficult situation in 1942-43 European and Anglo-Indian Officers objected to being posted to front line and only Indian Officers carried on the work under great hardships?

(b) Is it not a fact that after the transportation work on the districts had been carefully organised by the Indian officers they were replaced by European and Anglo-Indian officers?

(c) Is it not a fact that the number of Americans who are working in the American Zone is only 600 as compared with 12,000 Civilian Transportation Officers of the Bengal and Assam Railway?

(d) Is it not a fact that the Engineering Department which disallowed movement of heavier engines under civilian administration has now permitted much heavier engines to move under the same condition?

**The Honourable Sir Edward Benthall:** (a), (b) and (d). The reply is in the negative.

(c) I regret the information asked for cannot be supplied for reasons of security.

**145. \* [Not put.]**

#### DEFENCE OF INDIA CORPS ON BENGAL AND ASSAM RAILWAY

**146. \*Maulana Zafar Ali Khan:** (a) Will the Honourable the Railway Member please state the strength of the Defence of India Corps on the Bengal and Assam Railway?

(b) How many civilian officers from Bengal and Assam Railway have joined this Corps?

(c) Is it necessary to appoint some officers from the Army who have not got Railway experience to join this Corps?

(d) Are the officers in this Corps directly under the General Headquarters?

(e) How many officers and subordinates have been tried in the court for making money by selling wagons during the war emergency?

**The Honourable Sir Edward Benthall:** (a) and (b). I regret that this information cannot be given for reasons of security.

(c) Officers from the Army are attached to the Corps mainly for duties in connection with military training and organization.

(d) Commissioned officers of the Defence of India Corps are under the administrative control of the General Manager.

(e) So far as the Bengal and Assam Railway is concerned the answer is 13 subordinates but I have no information as to how many, if any, were members of Defence of India Units.

#### PRICE INDEX OF COAL, ETC.

**147. \*Sir Muhammad Yamin Khan** (on behalf of **Dr. Sir Zia Uddin Ahmad**):

(a) Will the Honourable the Supply Member be pleased to state the price index of coal, assuming the price in August 1939 to be 100?

(b) What are the reasons for the shortage of coal, particularly steam coal for kitchen?

(c) Is it due to the shortage or the difficulties of labour?

(d) Has the Honourable Member taken any steps in nationalising the coal industry?

**The Honourable Sir Sultan Ahmed:** (a) Assuming the price in August 1939, to be 100, the present price index of coal in the principal coalfields is 300.

(b) and (c). The main reasons for the shortage of coal have been shortage of labour and lack of machinery. The various measures taken by Government to overcome these difficulties are described in the answer given in this House on the 1st November 1944, to Question No. 17. With regard to the shortage of steam coal for the kitchen, I may mention that this kind of coal is particularly in short supply and the present output is not sufficient to meet the full requirements of essential consumers.

(d) No.

**Mr. K. C. Neogy:** Is it not a fact that when there are wagons there is a shortage of coal and when coal raisings improve there is a shortage of wagons?

(No reply.)

**An Honourable Member:** No reply has been given.

**The Honourable Sir Sultan Ahmed:** No reply is needed.

**Mr. N. M. Joshi:** Is it not a fact that the shortage of labour in the mining area is due to the shortage of wages which are paid to the miners?

**The Honourable Sir Sultan Ahmed:** I am not aware of it.

**Mr. N. M. Joshi:** Will the Government inquire?

**The Honourable Sir Sultan Ahmed:** Government have inquired and they are satisfied that that is not the reason for the shortage of labour.

**Sir Muhammad Yamin Khan:** Is not the shortage of labour due to wages being inadequate?

**Prof. N. G. Ranga:** Is it not a fact that the increase in the wages of labour is not in proportion to the 300 per cent. increase in the price of coal?

**The Honourable Sir Sultan Ahmed:** There has been quite adequate increase in the wages.

**Prof. N. G. Ranga:** What is meant by 'adequate'? Is it adequate in comparison with the rise in the price of coal?

**The Honourable Sir Sultan Ahmed:** The Government of India think that the payment is quite adequate. It is sufficient under the circumstances of the case.

**Mr. T. Chapman-Mortimer:** Is it not a fact that one of the reasons for the shortage of labour was the large amount of diversion by Government, of labour in other directions.

**The Honourable Sir Sultan Ahmed:** I am not aware of that.

**Mr. N. M. Joshi:** Will the Government of India arrange that questions of this nature should be replied to by the Honourable the Labour Member?

**The Honourable Sir Sultan Ahmed:** If the question had been addressed to the Labour Member, I am sure he would have replied.

#### COMMUNAL COMPOSITION OF RAILWAY BOARD STAFF

148. **\*Mr. Piare Lall Kureel:** Will the Honourable the Railway Member be pleased to state:

(a) the total number, separately, of permanent and temporary gazetted and non-gazetted officers of the Railway Board and how many of them are Scheduled Castes, Hindus, Muslims, Sikhs and others; and

(b) whether Government are satisfied with the present representation of the Scheduled Castes in the Railway Board; if not, what practical steps do they propose to take to secure their due representation in the Railway Board?

**The Honourable Sir Edward Benthall:** (a) I lay on the table of the House a statement giving the required information.

(b) Government are satisfied that the representation of scheduled castes in the Railway Board's office cannot at present be increased due to the non-availability of candidates with the necessary qualifications.

*Statement showing the total number, separately, of permanent and temporary gazetted and non-gazetted officers of the Railway Board and their distribution community-wise*

(Position as on 5th February, 1945)

	Gazetted	Non-Gazetted
Permanent . . . . .	17	117
Temporary . . . . .	47	309
Scheduled Castes . . . . .	1	7
Hindus (other than Scheduled castes) . . . . .	26	286
Muslims . . . . .	7	100
Sikhs . . . . .	2	18
Others . . . . .	28	15
<b>TOTAL</b> . . . . .	<b>64</b>	<b>426</b>

**Prof. N. G. Ranga:** Is there any member of the Scheduled Castes working in the Railway Board?

**The Honourable Sir Edward Benthall:** Yes.

**Mr. Piare Lall Kureel:** Does the Honourable Member propose to reduce the educational qualifications for various posts in the case of the Scheduled Castes in view of the fact that they took to education very late and cannot at present compete with other communities?

**The Honourable Sir Edward Benthall:** That is the policy of Government.

#### COMMUNAL COMPOSITION OF DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OFFICE STAFF

149. **\*Mr. Piare Lall Kureel:** Will the Secretary for Posts and Air be pleased to state the communal representation including that of the Scheduled Castes on the gazetted and non-gazetted staff of the office of the Director General of Posts and Telegraphs?

**Sir Gurunath Bewoor:** I lay on the table a statement giving the information required by the Honourable Member.



Statement showing the communal composition of the staff as on 1st February 1945 functioning in each cadre (Whether permanent, officiating or temporary) of the office of the Director General, Posts and Telegraphs

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Name of service, etc.	Euro- peans	Hindus		Minority Communities Recognised for Purposes of Communal Representation.					Other commu- nities	Total	
		Hindus other than Depressed Classes	Depressed Classes	Muslim	Domiciled Europeans and Anglo- Indians	Sikhs	Indian Christians	Parsis			
<i>Superior Non-Gazetted Staff</i>											
1. Chief Superintendents . . . . .	Nil	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2
2. Superintendents . . . . .	Nil	15	1	3	Nil	Nil	Nil	Nil	Nil	Nil	19
3. Accountants Superintendents . . . . .	Nil	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2
4. Stenographers . . . . .	Nil	17	Nil	7	2	Nil	1	Nil	Nil	Nil	27
5. Accountants . . . . .	Nil	10	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	11
6. Assistants . . . . .	Nil	55	Nil	23	Nil	1	Nil	Nil	Nil	Nil	79
7. II Division clerks . . . . .	Nil	62	1	32	1	4	3	Nil	Nil	Nil	103
8. III Division clerks . . . . .	Nil	56	4	27	1	4	Nil	Nil	Nil	Nil	92
9. Draftsmen . . . . .	Nil	2	Nil	5	Nil	Nil	Nil	Nil	Nil	Nil	7
10. Tracers . . . . .	Nil	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil	Nil	2
11. Building Overseers . . . . .	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	1
12. Assistant Secretary . . . . .	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1
13. Sorting Inspector . . . . .	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1
14. Motor Driver . . . . .	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1
15. Carpenter . . . . .	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	1
16. Engineering Supervisor . . . . .	Nil	2	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	3
Total . . . . .	Nil	226	6	101	4	11	4	Nil	Nil	Nil	352
<i>Gazetted Staff</i>											
Total . . . . .	9	20	Nil	7	9	Nil	Nil	Nil	1	Nil	46
Grand Total . . . . .	9	246	6	108	13	11	4	Nil	1	Nil	398
<i>Inferior Staff</i>											
Total . . . . .	Nil	114	Nil	69	Nil	1	1	Nil	Nil	Nil	

LEGISLATIVE ASSEMBLY

[12TH FEB. 1945]

## COMMUNAL COMPOSITION OF EXTERNAL AFFAIRS DEPARTMENT STAFF

150. \*Mr. Piare Lall Kureel: (a) Will the Secretary for External Affairs be pleased to state the total number of gazetted and non-gazetted posts, both temporary and permanent, in the External Affairs Department?

(b) How many of these posts are held by Scheduled Castes, Hindus, Muslims, Sikhs, Christians and others?

Sir Olaf Caroe:

	<i>Permanent</i>	<i>Temporary</i>
(a) Gazetted posts . . . . .	10	7
Non-gazetted post . . . . .	86	92
(b) <i>Gazetted Posts</i>	<i>Number</i>	
Scheduled castes . . . . .	<i>Nil</i>	
Hindus . . . . .	6	
Muslims . . . . .	<i>Nil</i>	
Sikhs . . . . .	<i>Nil</i>	
Christians . . . . .	1	
Others . . . . .	10	
<i>Non-gazetted posts</i>		
Scheduled castes . . . . .	4	
Hindus . . . . .	89	
Muslims . . . . .	35	
Sikhs . . . . .	9	
Christians . . . . .	3	
Others . . . . .	23	
Vacant . . . . .	15	

Sardar Sant Singh: Will the Honourable Member state the reasons why there is no representation of the Sikhs for the gazetted posts under him?

Sir Olaf Caroe: Until a year ago, there was one but none happen to be coming up just now.

Mr. N. M. Joshi: What special steps are the Government of India taking to secure adequate representation of the Scheduled castes in regard to all these appointments?

Sir Olaf Caroe: As regards gazetted posts, there is no question of appointments on a communal basis, because promotion does not go on a communal basis. As regards non-gazetted posts, if adequate candidates offer themselves they will of course be considered.

Sardar Sant Singh: Government is always pressing upon this House that there is no communal consideration in the case of the gazetted posts for selections but in practice one minority community gets all the consideration from the hands of the Government, while Sikhs and others are not given consideration.

(No answer.)

Mr. N. M. Joshi: Is the Government of India aware that there is great difficulty in the matter of proper representation of the Scheduled castes in these services and will the Honourable Member take special steps to secure adequate representation of the scheduled castes?

Sir Olaf Caroe: There are a number of members of the Scheduled Castes in non-gazetted posts in the Department.

## MOTION FOR ADJOURNMENT

## FAILURE TO APPRISE THE GOVERNOR GENERAL ABOUT SITUATION RE RECRUITMENT TO INDIAN CIVIL SERVICE AND INDIAN POLICE SERVICE

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Nawab Siddique Ali Khan. He wishes to discuss a definite matter of public importance, namely, the failure of the Government of India to apprise the Governor General with the correct situation regarding the Indian Civil Service and the Indian Police Service to enable him to review the

[Mr. President]

question of recruitment to these Services and recommend to the Secretary of State for India to stop recruitment of non-Indians to the Indian Civil Service and Indian Police.

How does the Honourable Member know that as a matter of fact the Government of India failed to apprise the Governor General as regards the matter he complains of?

**Nawab Siddique Ali Khan** (Central Provinces and Berar: Muhammadan): In view of the reply given by the Honourable the Home Member the other day . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Have you got the answer?

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): I remember the Home Member distinctly said that they had made no representation to the Governor General on the subject.

**Mr. President** (The Honourable Sir Abdur Rahim): Then the next difficulty is—are the Government of India under any obligation to give advice to the Governor General in the matter?

**Nawab Siddique Ali Khan**: I believe it is the primary duty of the Honourable Members sitting on those Benches to advise the Governor General and to keep him informed on these matters, with regard to public opinion in the country.

**Mr. President** (The Honourable Sir Abdur Rahim): I think the Honourable Member is referring to section 244. That is a matter in which the Governor General acts in his discretion in giving information to the Secretary of State. I want to know whether the Government of India is under any obligation to give any advice or give any information to the Governor General in this matter.

**Nawab Siddique Ali Khan**: That is the normal obligation of the Honourable Members to advise the Governor General. They are his advisers.

**Mr. President** (The Honourable Sir Abdur Rahim): What is the meaning of his acting in his discretion? The Honourable Member is raising a very important question. It really affects the entire scheme of the Government of India Act of 1935.

**Nawab Siddique Ali Khan**: Sir, it is the duty of the Honourable Member to give advice; and it is for the Governor General to accept it or not.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I shall make a very brief submission on this point. I am perfectly aware of the distinction made in the Government of India Act as regards the powers of the Governor General which he has to exercise at his discretion, and the other class of powers, but I have before me a copy of the draft Instrument of Instructions to the Governor General which was laid before the Parliament. In clause 17 of that Instrument of Instructions this is what I find:

“Although it is provided in the said Act that the Governor General shall exercise his functions in part in his discretion and in part with the aid and advice of Ministers, nevertheless it is Our will and pleasure that the Governor General shall encourage the practice of joint consultation between himself, his Councillors and his Ministers.”

This injunction applies to the powers of the Governor General to be exercised at his discretion. I should like to know whether this particular provision is being carried out in its spirit.

**Mr. President** (The Honourable Sir Abdur Rahim): I should like to know what the Government Member has to say in the matter.

**The Honourable Sir Francis Mudie** (Home Member): As regards the last point, the Instrument of Instructions to the Governor General, I understand that what was read out was the draft Instrument of Instructions on the assumption that Federation had come into full force. Leaving out that point, the point that has been raised by Mr. Neogy makes it very clear that the intention of this motion is to censure the Governor General. (*Voices of “No, no”*.) Mr. Neogy quotes the Instrument of Instructions from His Majesty to the Governor General and from that he assumes that the instructions are to us, which obviously is not the case. If Mr. Neogy's case is to be based on the Instrument of Instructions

then clearly the case must be against the Governor General. (*Voices of "No, no"*.) As regards section 244(4) of the Act, as you yourself pointed out, Sir, it is perfectly clear from sub-section (4) that a duty is imposed on the Governor General in his discretion and not on the Governor General, *i.e.*, the Government of India. It is quite clear that the object of Parliament was that this function should not be performed either directly or indirectly by the Governor General in Council. Sub-section (4) reads:

"It shall be the duty of the Governor-General to keep the Secretary of State informed as to the operation of this section, and he may after the expiration of such period as he thinks fit make recommendations for the modification thereof.

In discharging his functions under this sub-section, the Governor-General shall act in his discretion."

The intention of the adjournment motion is clearly to censure the Governor-General for not having made a particular recommendation to the Secretary of State under this sub-section. That is the clear intention, though the drafting may be otherwise, and I submit that it will be quite impossible to discuss this motion without in fact bringing in the action of the Governor General. That, as you know, Sir, is ruled out by Standing Order 29, which says:

"(1) The matter of every speech shall be strictly relevant to the matter before the Assembly.

(2) A member while speaking shall not—

(iv) reflect upon the conduct of His Majesty the King or the Governor-General . . . . ."

I maintain that it would be quite impossible to discuss this motion without introducing arguments reflecting on the conduct of the Governor General. That is clearly shown by Mr. Neogy's argument.

**Mr. President** (The Honourable Sir Abdur Rahim): This motion of adjournment raises a very important question, as to whether this Assembly can by a motion of this character censure the Government of India for having failed to advise the Governor General as regards a matter which under the Government of India Act lies in his discretion. I am fully aware that the subject-matter to which this motion relates is one of considerable importance, that is, the recruitment to the Indian Civil Service and the Indian Police, but the difficulty is that these are services to which recruitment is made by the Secretary of State, and as regards any review or re-consideration of the position in respect of these services, the Governor General, acts in his discretion to keep the Secretary of State informed as to the situation. Now, if a motion like this were to be admitted, it would be tantamount to the Assembly expressing its opinion on whether the Governor General did or did not act properly with respect to his obligation to keep the Secretary of State informed regarding the situation. This would be calling in question the action or the omission to act on the part of the Governor General in a matter in which he is to act in his discretion. The position is made still more clear by Standing Order 29 which prohibits any speech in the Assembly reflecting on the conduct of the Governor General. Under these circumstances, I must hold that this motion is not in order.

#### THE INDIAN TEA CONTROL (AMENDMENT) BILL

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): Sir, I move:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Sir, very few words are needed from me to explain the objects of the Bill. The Statement of Objects and Reasons attached to the Bill shows that certain difficulties have arisen in the working of the Act, and this amending Bill is brought forward to provide for a more equitable distribution of quota. Sir, I move.

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

"That the Bill further to amend the Indian Tea Control Act, 1938, 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 the Preamble were added to the Bill.

**The Honourable Sir M. Azizul Huque:** Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

### THE INDIAN COMPANIES (AMENDMENT) BILL.

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): Sir, I move:

"That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration."

Sir, the object is merely to put into the Act clearly the intention which was originally behind the legislation. It has been interpreted that the provisions of the Act preclude the withdrawal from a provident fund, and it is merely not to affect the right of an employee under the rules of the provident fund to withdraw money that we thought this necessary change should be made. Sir, I move.

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

"That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration."

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, we are in agreement with the purpose of the amendment incorporated in the Bill. The purpose of the amendment is to enable an employee to take money from his provident fund. The provident funds were instituted under certain conditions in certain companies for their servants. Some of the servants who were subscribing to the provident fund wanted to take money out of the fund. Certain Registrars of Joint Stock Companies objected to this and held that there was no provision in the Companies Act for such withdrawal. The proposed amendment wants to allow the company's servants who want money out of their provident fund to get it. The only object with which I stand up to speak on this motion is to point out that the amendment which the Government have brought forward in this Bill does not actually serve that purpose. Usually provident funds are meant for the protection of the individuals concerned in the latter portion of their life when they retire. Provident funds are usually instituted in the absence of pensions, and for temporary accommodation, loans are given out of the provident fund, subject to certain restrictions and subject to repayment. In the proposed amendment, the word used is 'withdraw'. Now, Sir, I submit that the word 'withdraw' does not mean that it must be paid back. The word 'withdraw' does not mean 'advance', nor does it mean 'borrow'. 'Withdraw' means you take money which may or may not be put back. But that is not the intention with which the provident fund system was introduced in companies. I do not think it is necessary for me to labour the point. From provident funds, withdrawals are made only finally when the man retires from the company's employment. It is always borrowing or advances. In the General Provident Fund Rules, instituted by the Central Government, this meaning is clearly brought out in the Rules. Rule 16 says:

"An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct."

I therefore submit that the word to be put in the amendment is not 'withdraw', but 'borrow'. If the Honourable Member wants, I can give him the dictionary meaning of the word 'withdraw'.

The next point which I should like to say about the amendment is this. This amendment does not put any restrictions on the amount to be withdrawn. In every provident fund whether it is instituted by Local Governments or private educational institutions or even by the Central Government, always these 'advances', as it has been stated here, are subject to certain restrictions. He is not entitled to withdraw all the amount in his name, because it may happen

that in the urgency of the moment, he may withdraw the whole amount and suffer later on in life. That will not be 'provident', but 'improvident'. Therefore, restrictions are absolutely essential in order to regulate borrowings subscribed to the provident fund. Even under the rules governing the General Provident Fund Central Services Rules, there is this restriction:

"An advance shall not except for special reasons exceed three months pay or half the amount at the credit of the subscriber to the fund."

So, I find that in every provident fund, there have been rules for regulating and restricting the amount that the subscriber borrows. Secondly, it is 'borrowing' and not 'withdrawing'. Borrowing means returning back the money. Withdrawal does not mean putting back the money. For these reasons, I hope the Honourable Member will accept the amendment which I have given notice of expressing this intention clearly, and I do hope the Honourable Member does not differ from the views expressed by me.

**The Honourable Sir M. Azizul Huque:** Our object is quite clear. We want to give effect to the rules of the provident fund, not only to withdraw finally, but also to withdraw temporarily.

**Mr. T. S. Avinashilingam Chettiar:** "Withdraw" does not mean—take money temporarily.

**The Honourable Sir M. Azizul Huque:** After all, "borrow" is one term of "withdrawal".

**Mr. T. S. Avinashilingam Chettiar:** "Withdraw" does not mean—pay back, while "borrow" means—pay back.

**The Honourable Sir M. Azizul Huque:** The language "withdraw" is in all provident fund rules and it means "withdraw" both temporarily and permanently. As I say this is a question of interpretation and I am advised that the word "withdraw" really includes both. If I find there is any difficulty in the actual operation of this provision, I should have no hesitation in coming again to this House to remove the difficulty.

**Mr. T. S. Avinashilingam Chettiar:** Why don't you make it clear here and now. Why do you wait till a difficulty arises?

**The Honourable Sir M. Azizul Huque:** I think it is already clear. It is very risky to incorporate words in a statute without getting proper legal advice. That is my difficulty. I am entirely at one with my Honourable friend. That is my intention. I feel that the present language, as I am advised at present, is enough. But if at any time, I find that that is not enough, I will certainly bring in another amendment. That is all I have to say.

**Mr. Bhulabhai J. Desai** (Bombay Northern Divisions: Non-Muhammadan Rural): I wish to point out that it is not a matter of such simple interpretation. It is perfectly obvious that unless there is withdrawal with an obligation to repay, *prima facie*, it means money to that extent is reduced. I think in a matter of this kind, there ought not to be any room for doubt left. I have no objection to the retention of the word "withdraw" provided you add the words "repayable within a period of three or six months". It is perfectly wrong simply to say "withdraw". So far as I know the language, if you say "withdraw", there is no obligation to repay.

**The Honourable Sir M. Azizul Huque:** It is not simply "withdraw", it is "withdraw" according to the rules. When he "withdraws" he has to put it back.

**Mr. T. S. Avinashilingam Chettiar:** "Withdraw" does not necessarily mean put it back.

**Mr. Bhulabhai J. Desai:** That is precisely what we want. Make it "withdraw" with an obligation to pay back.

**The Honourable Sir M. Azizul Huque:** "Withdraw" covers, "withdraw" under the rules and pay it back. Pay it back is also under the rules. So when he withdraws under the rules, he has to put it back also under the rules.

**Mr. Bhulabhai J. Desai:** You cannot interpret an Act by reference to the rules.

**The Honourable Sir M. Azizul Huque:** The language of the amendment is clear. "Nothing in sub-section (2) shall affect any rights of an employee under the rules of the provident fund to withdraw". Under the rules, he has the right to withdraw not only finally but also temporarily and then put it back.

**Mr. Bhulabhai J. Desai:** I have never known an Act which is to be interpreted with reference to the rules made thereunder. We insist on the amendment being made clear so as to make it obligatory on the employee to put back what he withdraws.

**The Honourable Sir M. Azizul Huque:** I am afraid my Honourable friend has misunderstood the scope of the section. The scope of the section is to give effect to the rules of the provident fund. Therefore if the rules are to be given effect to this Act is to be interpreted with reference to those rules, and whatever those rules are—which we do not know—we say that it does not affect the rights of any person under those rules. I can assure the House that if there is any difficulty in interpretation I will have no hesitation in changing it.

**Mr. T. S. Avinashilingam Chettiar:** If there are rules to withdraw temporarily there is no need for this amending Bill at all and the Registrars of Joint Stock Companies will not object to it. The fact that they did object to it itself means that their rules are not clear, and that is why they have come to the Legislature. But it will only make it worse if you put in that word.

**The Honourable Sir M. Azizul Huque:** What I am prepared to do is this. After this consideration stage is finished the clauses may be left over. In the meantime I will take legal advice and if any amendment is necessary I will suitably change it.

**Mr. Bhulabhai J. Desai:** I suggest a simple phrase,—“withdraw with liability to pay or reimburse within a period of three months”. After all it does not require any such very deep consultation, as far as I can see.

**Sir George Spence** (Secretary, Legislative Department): Sir, I do not think the amendment suggested by the Leader of the Opposition would quite do, for this reason that for precisely the same reasons as the Registrars held that it would be in violation of the existing section to let a man take what in common parlance is called a loan from the provident fund, they would be likely to say that he could not take out the amount at his credit when it became due for final payment. We should be careful that we are not precluding that. I think there is a case for letting the department concerned and the Government draftsman work out a suitable formula before an amendment is adopted.

**Mr. T. Chapman-Mortimer** (Bengal: European): Sir, I should like to make a few observations on this. First, I cannot understand why it is that—only in very recent days apparently—this point has been raised by some Registrars of Joint Stock Companies. I should like to know when they raised it; why it is that it has never been raised before; what was the position before they raised it; and who were the particular Registrars who did so. The second point is this. Am I to understand that the Honourable the Commerce Member is proposing that, having discussed this Bill at the consideration stage, the third reading should not be taken up today but later? Is that correct?

**The Honourable Sir M. Azizul Huque:** The clauses may be left over.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: “That the Bill further to amend the Indian Companies Act, 1913, be taken into consideration.”

The motion was adopted.

**The Honourable Sir M. Azizul Huque:** Sir, I suggest that further consideration may be left over for the time being and if there is a suitable draft we will consider the matter.

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

THE INDIAN MERCHANDISE MARKS (AMENDMENT) SUPPLEMENTARY BILL

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): Sir, I move:

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be taken into consideration."

The object has been made clear in the Statement of Objects and Reasons. There is a desire in a certain section of the House, which we have considered very carefully, that a Bill of this nature should at least go to the Select Committee. Therefore, without wasting the time of the House I merely move that the Bill be taken into consideration, but Government will be quite prepared to accept the suggestion that it should go to Select Committee.

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

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be taken into consideration."

**Mr. T. Chapman-Mortimer** (Bengal: European): Sir, I move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member . . . ."

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has not yet given the names. I have pointed out before that the names of members of the Select Committee should be supplied before the motion is moved. Therefore the motion will now stand over until the names are given in proper form.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I would offer only one suggestion in this matter. The purpose of Government has been to bring out for stamping different numbers, etc., on two new things, crochets and handicraft threads. It is good for the purpose of trade to get crochets and handicraft thread also stamped with the particulars. But the difficulty is this. Crochets and handicraft threads are manufactured in cottages as cottage industries; and if this is imposed upon cottage industries it will create a lot of trouble and hardship for thousands of workers in the villages. Government also recognise this difficulty but they have an odd way of trying to get out of the difficulty. They take power under the Act itself to say that all manufacture of crochet and handicraft thread along with others should be stamped, whether manufactured in factories or outside them. Previously the Act wanted a stamp-only on thread manufactured in the factories, but now by this amendment in Clause 2(a) (ii) they say: "in any premises not exempted by rules made under section 20 of this Act". That means that when this amendment becomes law; crochet and handicraft threads as well as sewing and darning threads wherever manufactured will be liable to stamping. And now they say they want to exempt cottage industries. And how do they propose to do it? They take power under the rules to exempt certain things. What I want to put before this House is that instead of leaving the rules to be made by the Central Government, why not put it in the Act? Why not you specify that crochet and handicraft threads, which are made in the cottage industries, are exempted from the operation of this section. Instead of taking powers under the Act to frame rules, you may put it in the Act itself. You will say that it is difficult to define it. If it is difficult to define it, we will help you. It is more convenient for 140 people, or more, to put it in the Act now, than to leave it to one Secretary to define the cottage industries later on.

I am glad that the Honourable Member has agreed to accept a motion for Select Committee when it will be moved by my Honourable friend later on. This is the main difficulty which we would like to meet and I would suggest that the Select Committee should go into this matter, make a proper definition, exclude the cottage industries from the operation of this section, and take off the clause which gives the Government the right to give exemptions.

Sir, I support the motion.

**Mr. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): First of all I would like to say that the Indian Merchandise Marks Act is extended so as to include two other items which were



[Mr. Ananthasayanam Ayyangar]

not there originally. Opinions have been received, as it is stated in the Statement of Objects and Reasons, and it is proposed that these items also ought to be included and an amendment ought to be made to the original Act. May I know from the Honourable the Mover in what quantities these articles have been and are being produced year after year, and how the non-inclusion of these is affecting or affects the production of other articles that have been marked or have been brought under this Act? Opinions there are, but may I know what is the nature of those opinions? Are those opinions expressed by persons who are the producers of the other items that they want to introduce these also so as to avoid competition amongst themselves and so that the other items that are included may not compete in the market with those items with respect to which the Act already applies. I would also like to know if it does not affect the hand-spinning industry. What is the object of making the provision relating to these things which are produced in the factories and extending the operation even to premises which are not strictly speaking factories, indirectly with the object of killing the hand-spinning industry?

Further, this Bill tries to introduce two very dangerous elements which have not yet crept into the original Act. They are taking power not only to make rules with regard to particulars which have to be put on by way of marks on these articles that are produced, but also for a general definition of premises and bringing under that item every kind of factory. It is open to the Executive to let their political considerations influence their judgment in many cases. Sometime ago we found that persons were charged for merely putting on Gandhi caps. The other day we read a news in the press that in Gorakhpur, Congress flags were used as dusters. They may say that you should not crop in a particular manner, and so on. Therefore we do not know what decisions Government may take in certain circumstances; they may prohibit the production of certain articles if it does not suit their taste, and therefore allowing such power to remain in the hands of the Executive is a dangerous precedent. Sir, I would oppose, whatever may be the reason and however convenient it may be, I would oppose granting powers to the Executive to frame rules so as to exempt or not to exempt and to include or not to include certain categories of premises within the operation of this Act.

Then, Sir, I would also like before the Bill goes to the Select Committee that a provision should be made to this effect: Rules which are framed under any particular Act ought to be submitted to the House for being scrutinized by a Standing Committee of the House relating to that Department. Rules ought to be placed on the table of the House and these should be examined by the Standing Committee appointed for the department concerned. The House has no time to look into these matters in detail. I think, Sir, that a provision must be made in this Act that the Standing Committee must look into these rules and unless and until they have passed those rules they should not be considered as final. That alone will be a wholesome provision, otherwise it will be a farce. Dummy rules will be framed and that will become law, and it will appear as if the Assembly has taken the responsibility of framing those rules. I therefore press that a provision ought to be made that the rules should be placed before the Assembly and scrutinized by the Standing Committee and unless and until the Standing Committee has had an opportunity to modify and pass them, they should not to be included in the Act.

**Sir Henry Richardson** (Nominated Non-Official): Sir, we in this Group with the support of other sides of the House have frequently brought to Government's notice the difficulties that are made not only for themselves but also for us when legislation is rushed through or endeavoured to be rushed through this House. We have a motto 'Marry in haste, repent at leisure'. I would suggest that it be changed for this purpose to 'Legislate in haste and legalize at leisure'! This Bill was published in the Gazette of India on the 1st of

February. Now, I think it was a year ago, at my suggestion, that Government accepted that Bills should, as far as possible, be published in the Gazette to enable us to have some opportunity of consulting our constituents on these measures before we meet, and they have, to a certain extent, followed out their acceptance which the Leader of the House kindly gave for doing that and we are grateful, but we do not want them to delay publishing these measures so late as has happened in this case. I have in my hand a telegram from a Calcutta constituent in which it says that the Gazette in question was received in Calcutta only on the 6th of February and here we are only six days later being asked to consider and pass an important measure. Government, I know, have their difficulties and it is not our desire in any way to do anything to delay the business of Government. If through their own delay in publishing what I do not think is a very difficult thing to do—after all it has to be considered by them and I do not see why it should not be published much earlier but they delay in doing so—then the delay in Government business cannot be laid at our door, and I do plead once again seriously to consider whether it is not possible to give far more time to us and to have these Bills published so that we may enable our constituents to consider them and give notice of any necessary amendments that may have to be made.

Another point is, that we are ourselves suffering at the present time from severe shortage of staff, owing to our having allowed our assistants and Europeans to go and help the war. Now it was bad enough three or four years ago when our effective personnel was reduced to 50 per cent. Now owing to deaths and illness that percentage is being even more lowered and therefore it is all the more necessary to give more time than was usual for us to have to consider these measures. I am very grateful to the Honourable the Commerce Member for his agreement to refer this matter to Select Committee if the motion is passed later on, and I would like also to say that he has to a certain extent, or intends. I believe, to a certain extent to meet us on the same points in regard to another Bill which is coming forward.

With these few remarks I do urge on Government to take notice of this protest of ours which is supported by our constituents and endeavour to give us as much time as possible in future.

**Mr. T. Chapman-Mortimer:** Sir, I move:

“That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Sir M. Azizul Huque, Dewan Abdul Basith Choudhury, Sir F. E. James, Mr. Ram Narayan Singh, Pandit Nilakantha Das, Mr. T. T. Krishnamachari, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

I understand that it is also necessary for me to mention the name of Mr. Y. N. Sukthankar, the Commerce Secretary, which was left out by mistake in this draft.

I need not add, in supporting this amendment, to what my leader has already said. We in this Group along with others in this House have protested many times at the attempts by Government to rush through important legislation without giving us adequate time to consider the matter, and for that reason we should like this particular Bill to be referred to a Select Committee. We understand that Government are agreeable to accept the motion.

Sir, I move.

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

“That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Sir M. Azizul Huque, Dewan Abdul Basith Choudhury, Sir F. E. James, Mr. Ram Narayan Singh, Pandit Nilakantha Das, Mr. T. T. Krishnamachari, Mr. Y. N. Sukthankar, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**The Honourable Sir M. Azizul Huque:** I have only to suggest to the Honourable Member to fix a definite date. Otherwise under the rules I cannot move it within time.

**Mr. T. Chapman-Mortimer:** We are quite prepared to do that and we suggest some date like the 5th of March: "with instructions to report by the 5th March".

**Mr. President** (The Honourable Sir Abdur Rahim): The amendment moved will now read:

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Sir M. Azizul Huque, Dewan Abdul Basith Choudhury, Sir F. E. James, Mr. Ram Narayan Singh, Pandit Niakantha Das, Mr. T. T. Krishnamachari, Mr. Y. N. Sukthankar, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, with instructions to report by the 5th March, 1945."

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): I am not at all happy at this suggestion that this Bill should be sent to Select Committee immediately. Unfortunately, as it so happens, these cottage industries and those people interested in them are not organised and therefore Government is not able to obtain their views: nor are the non-officials able to get their views from Provinces. I do not know, Sir, as my Honourable friend Mr. Ananthasayanam Ayyangar has said, who has suggested this particular alteration so soon after the previous Act of 1941. I have a fear that bigger people are interested somehow or other to rope in these cottage industry workers, so that it may be possible for them to escape from the competition of cottage industries or kill those industries. The mischief of this Bill is likely to affect a very large number of people in different Provinces. We gain an idea of the scope of this particular Bill from the power given to Government to give exemptions to certain premises. And what are these premises? They are premises used for the manufacture, bleaching, dyeing or finishing of cotton yarn and thread and so on. These premises number thousands in my own Province of Madras, and in Madura town alone there are hundreds of such premises. Do we understand that the Government is to be empowered to give exemption to everyone of these people? That means that every one of these people has to come to some specified officer of the Government of India to obtain some exemption.

**The Honourable Sir M. Azizul Huque:** No.

**Prof. N. G. Ranga:** My Honourable friend says, no. If so, what is the significance of this power? These people have to obtain exemption themselves. I certainly do not want all these people to be put to this particular trouble at all. What do they propose to do? They want to escape from the limitations placed on the Government of India by the Factory Act, 1934, and take for themselves the power to notify any premises, without any limitation of the number of workers employed therein. If Government feel that there are premises or factories or concerns in which more than twenty workers are employed, which ought to be brought within the mischief of that Bill, let them say so. Then we will know where we are. Instead of that, they take power to make rules and from the mischief of those rules various concerns are expected to escape by simply asking for exemption from Government. This sort of things is likely to create any amount of trouble for these workers who are not used to so much office work and running after these Government officials and getting these exemptions. If Government are really anxious to encourage cottage industries and not to throttle them, then they ought to come forward with more definite information and give a definite assurance to this House that this Bill or any such Bill is not expected to give any more trouble than what they are suffering from now, and that on the other hand every one of the legislative steps they propose to take is intended to help the cottage industry and not to create any more trouble. On the face of this, the present Bill seems to be going against cottage industries and I do not know how it would be possible for my Honourable friend to so amend it in the Select Committee as not to harm the interests of the cottage industries at all. And that is why I am not at all happy at the idea of this Bill being sent to the Select Committee and my fears are still increased from the fact that this motion of Select Committee has come from a quarter which has not been known

for its friendliness towards cottage industries. That particular quarter has been interested in developing factories in this country at the cost of cottage industries, and they have been committed to the idea that cottage industries must go to the wall, that only by developing factories and factory economics in this country it will be possible for people to be employed in better-paying employments and so on. We know for a fact that in this country with its four hundred million people full employment cannot be guaranteed by the development of this kind of factory system, to which my Honourable friends of the European Group have been committed for a long long time, almost for the last 150 years. On the other hand, full employment can be provided in this country mostly through cottage industries which can utilise labour capital to a much greater extent than cash capital or bank capital. Therefore I am extremely anxious that the Select Committee as well the Honourable Member should take special care to see that the interests of cottage industries are specially safeguarded. If by any means they find that it is not possible within the purview of this particular Bill to safeguard the interests of the cottage industries, I would submit to my Honourable friend, the Member in charge of this Bill, to withdraw this Bill, consider this matter more deeply and come back again to this House with a more helpful Bill for this purpose.

**The Honourable Sir M. Azizul Huque:** I can assure Prof. Ranga that it is really to help the cottage industries and other industries as well that I have thought it desirable to bring some of these pieces of legislation before the Assembly. It will be interesting to know that this originated from certain difficulties which were felt by those concerned in the sale of the cottage industry products as also the products of other industries and my friend will agree that that is a matter worth looking into. We have taken all possible steps. We did not rush. In fact I would ask my Honourable friend Sir Henry Richardson to look into the files of the Chamber of Commerce as to when we first consulted them as to what was their opinion on the matter.

**Sir Henry Richardson:** The rush was not there but it is here.

**The Honourable Sir M. Azizul Huque:** When we got a view which was generally supported by the Provincial Governments as also by the largest bulk of the Chambers of Commerce in this country, I thought that it was a matter which was worth looking into. As regards delay, of course I am not responsible for the Postal department. Neither am I responsible for the fixing of the dates.

**Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural):** Your Colleague!

**The Honourable Sir M. Azizul Huque:** To me it is quite indifferent whether it is taken early or late but the House had two days at its disposal and we thought that it would be better to bring the Bill before it now and not in the midst of the Budget Session, specially when the matter is practically of a non-contentious character. The suggestion was that at present the length was allowed to be marked. That is meaningless. We suggest that length should be allowed to be marked as an alternative to the weight of the thread. Under the Merchandise Marks Act the grist number should be given. That is a technical expression which is not used in the particular trade itself. So it is proposed to amend the Act to delete the expression 'grist number' and require such description as might be understood. After all this is not an original Bill. It is merely to give effect to the provisions of the Merchandise Marks Act that these changes are necessary.

As regards the power, of course I know that it is difficult to find out a formula by which you can altogether take away the power of the Government and leave it merely to the operation of the law. There is always a certain amount of power which has to be exercised by Government and if they exercise that power it is because it should be exercised in the interests of the people concerned. Our intention is that just as we have done with cotton textiles we want to exempt those products which are manufactured in cottages where a certain number of men are engaged. I do not think the idea of

[Sir M. Azizul Huque ]

getting a certificate of exemption from the nearest available District Magistrate or Sub-Divisional Officer ever came to our mind, because economic laws affecting the whole country cannot be administered, where everybody has to take a permission. Our intention was to exempt it by the operation of the law itself and then to allow the law to operate if anybody violates it. So I can assure my Honourable friend that our intention is not to ask anybody to get a certificate but generally, in the rules which will be published, to make a declaration that such and such categories are exempted. As I said before, there are one or two points which have been raised. I think that as the matter is going into Select Committee, the Committee might very well look into these matters there. I would say this much that in these days when, as Sir Henry Richardson said, there is such a shortage of staff, they will also realise our difficulties, if we have to carry on matters for two years and thereafter we found that we must wait for another three months. This matter began in June 1943. I have been consulting Chambers of Commerce and I have been consulting the Provincial Governments and I came to the conclusion, unfortunately just before the Session, that the matter should come before the Legislature but I can assure my Honourable friend that I myself am quite anxious to accommodate the Members of the House as much as possible in the matter of getting time for this piece of legislation. I fully support the motion for the Select Committee and Government have no objection to it.

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

"That the Bill to amend the Indian Merchandise Marks (Amendment) Act, 1941, be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Sir M. Azizul Huque, Dewan Abdul Basith Choudhury, Sir F. E. James, Mr. Ram Narayan Singh, Pandit Nilakantha Das, Mr. T. T. Krishnamāchari, Mr. Y. N. Sukthankar, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, with instructions to report by the 5th March, 1945."

The motion was adopted.

#### THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL

**The Honourable Sir M. Azizul Huque** (Member for Commerce and Industries and Civil Supplies): As regards the Bill further to amend the Indian Patents and Designs Act, 1911, I have been requested by the different sections of the House that it should not be taken up now, so that the Members may have time to study the provisions of the Bill. I have no objection and I do not propose to take it up today.

**The Honourable Sir Sultan Ahmed** (Leader of the House): I am afraid there is no business for tomorrow and I would request you, Sir, to cancel the meeting for tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): As regards the questions for tomorrow, according to usual practice, the answers will be printed in the Debates.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th February, 1945.