

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 31st MARCH, 1943

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY

Wednesday, 31st March, 1943.

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. John Philip Sargent, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PURCHASES BY INDIA UNDER LEND-LEASE ARRANGEMENT.

445. *Dr. Sir Zia Uddin Ahmad: (a) Will the Honourable the Finance Member please mention the value of purchases made by India under the lend-lease arrangement?

(b) How much of this material was utilised by the Indian Industries?

(c) How much of this material was consumed outside India?

(d) How much money did India spend on the reciprocal lend-lease arrangement?

(e) Under what head was the amount debited?

The Honourable Sir Jeremy Raisman: I would refer the Honourable Member to paragraph 26 of my budget speech and the statement I made on this subject on the 17th March, in my reply to the general discussion on the Finance Bill.

SMALL COINS IN CIRCULATION.

446. *Dr. Sir Zia Uddin Ahmad: Will the Honourable the Finance Member please state the total value of small coins now in circulation, and the value of such coins now in circulation?

The Honourable Sir Jeremy Raisman: The information is not available.

Dr. Sir Zia Uddin Ahmed: May I know whether the Honourable the Finance Member has got any information about the number or value of coins in circulation, assuming that all the minted coins are in circulation?

The Honourable Sir Jeremy Raisman: I am afraid we have not got that information. After all, many of the small coins now in circulation have been in circulation for a very long time. We only know the output of the mints in recent years, but we do not know the total amount that was in circulation before.

Sardar Sant Singh: May I know the numbers which have been issued during the last six months—roughly?

The Honourable Sir Jeremy Raisman: I gave some information about that at the time of the debate in this House on this subject. I do not think I have got the figures with me just now. I have given them and I have published them more than once. I think we indicated some months ago that we had already put out an additional 1,800 million pieces since the beginning of the war.

Dr. Sir Zia Uddin Ahmed: Is it not a fact that these coins come back to the Imperial Bank or the Reserve Bank and then they are melted and fresh coins are minted?

The Honourable Sir Jeremy Raisman: No. It is not a fact that they are melted when they come back. The only coins that are withdrawn from circulation are coins which are so defaced that they are unfit for further currency, but coins which are quite usable are returned to circulation when they come to the treasuries or to the banks.

Dr. Sir Zia Uddin Ahmed: The Honourable Member is aware that the business has increased about three times owing to the increase in the wages of labourers. Has the Honourable Member taken any action to increase the minting of these small coins?

The Honourable Sir Jeremy Raisman: Yes; I have taken every possible action. The mints are working night and day, and we are constructing a third mint.

Dr. Sir Zia Uddin Ahmed: What is the value of the coins which are minted every day and circulated?

The Honourable Sir Jeremy Raisman: I gave statistics of that when I last spoke on the subject: I have some figures here. I stated that the output of the two mints had been stepped up from 16 million pieces per month at the beginning of the war to 70 million pieces per month last summer and has now reached the rate of 125 million pieces per month. Thus, both the mints are working 24 hours a day; that is the rate at which we are now putting them out—125 million pieces a month; and I can only say that if these things have any meaning, then within a reasonable time an impression must be produced; and when the hoarder realises that small coin is no longer to be an article of scarcity, he will also pour out his hoards and the country should be swimming in small coin.

Dr. Sir Zia Uddin Ahmed: Will the Honourable Member be pleased to give the figures of the newly-coined one-pice coin, with a hole in it?

The Honourable Sir Jeremy Raisman: At the time when this note was written, we were minting 10 million single pice coins, a month. I would point out that it is not desirable to increase the minting of single pice coins at the expense of other small coin, because the object is to put out sufficient small coins to mobilise all the small transactions that are necessary and if you concentrate entirely on the smallest unit of currency then the effect of the increase of output is less than if you also provided half annas and one annas and so on.

Dr. Sir Zia Uddin Ahmed: May I know whether these pice pieces are actually in circulation or are they only kept in the banks, because I have not seen this coin except with the Honourable Member and a member of the Reserve bank?

The Honourable Sir Jeremy Raisman: I have already said that it takes some time before any new coin which is issued percolates to all parts of the country.

PREPONDERANCE OF EUROPEAN OFFICERS IN ORDNANCE INSPECTION DEPOT, LAHORE CANTONMENT.

447. *Bhai Parma Nand: (a) Will the War Secretary be pleased to state if it is a fact that there are various Ordnance Inspection Depots for inspection of war material manufactured by Indian contractors?

(b) Is it a fact that the biggest Ordnance Inspection Depot of the Northern India is at Lahore Cantonment?

(c) Is it a fact that the Ordnance Inspection Depot, Lahore Cantonment, is controlled by European Officers?

Mr. C. M. Trivedi: (a) Inspection Depots exist for the inspection of stores ordered on behalf of the War Department, whether the contractor is Indian or European.

(b) No. The biggest Depot is at Delhi.

(c) No; in the Ordnance Inspection Depot, Lahore Cantonment, there is one Major in command who is a European, three Captains, one of whom is an Anglo-Indian and the rest Europeans and two Lieutenants, one of whom is an Anglo-Indian and the other a European.

PREPONDERANCE OF EUROPEAN OFFICERS IN ORDNANCE INSPECTION DEPOTS.

448. *Bhai Parma Nand: (a) Will the War Secretary please state if it is a fact that almost all officers in the Ordnance Inspection Depots drawing salaries of more than Rs. 300 are Europeans?

(b) Is it a fact that highly qualified technical supervisors of Indian nationality are working under European Sergeants without any technical qualifications?

(c) Is it a fact that the number of Indian and Anglo-Indian officers drawing more than Rs. 400 as salary in the various Ordnance Inspection Depots of Northern India is only three?

(d) Is it a fact that Indian and Anglo-Indian officers working in these Depots have made representations with regard to their promotions?

(e) Is it a fact that great distinction is made between the European Officers and the Indian and Anglo-Indian officers in these Depots?

Mr. C. M. Trivedi: (a) Yes, but I would add that the number of officers employed in India under the Controller General of Inspection and drawing more than Rs. 300 is, Europeans 231, Indians 235 and Anglo-Indians 11.

(b) No.

(c) No; the number is actually four within the Northern India Area. I would add that the numbers of officers in the Punjab under the Controller General of Inspection drawing more than Rs. 400 are: Europeans 29, Indians and Anglo-Indians 25.

(d) and (e) No.

HINDUSTANI EXAMINATION FOR INDIAN AND ANGLO-INDIAN OFFICERS OF ORDNANCE INSPECTION DEPOTS.

449. *Bhai Parma Nand: (a) Will the War Secretary please state if it is essential for the Indian and Anglo-Indian officers in the Ordnance Inspection Depots to pass an examination in Hindustani?

(b) Is it a fact that the Indian and Anglo-Indian officers working in these depots have made representations that they should be exempted from such an examination?

Mr. C. M. Trivedi: (a) The rules governing the qualification in Urdu which officers must possess are laid down in I. A. O. 1261/1941.

Under this Army Order, Indian officers whose mother tongue is Urdu are automatically exempt from the necessity of passing a qualifying examination.

(b) Individuals may apply for exemption from the examination under the conditions laid down in I. A. O. 1261/1941. All applications so far received have been dealt with by the authority for granting such exemptions, namely, the Headquarters of the Command concerned.

TREATMENT METED OUT TO CONTRACTORS IN ORDNANCE DEPOTS.

450. *Bhai Parma Nand: (a) Will the War Secretary please state if it is a fact that no chairs are offered to the contractors working under the Depots of Northern India when they go to see the European Officers?

(b) Is it a fact that meetings of the contractors of these depots are held in the beginning of every month?

(c) Is it a fact that only five per cent. of the contractors are encouraged to attend the meetings?

(d) Do Government propose to make enquiries to the effect why contractors do not care to attend such meetings?

(e) Is it a fact that the Indian and Anglo-Indian officers of most of the depots have made representations for a Court of Inquiry with regard to the treatment meted out to them?

Mr. C. M. Trivedi: (a) No. Standing Orders for Inspection lay down that the visitors' waiting room should be furnished with a table and chairs; and that lights, fans and drinking water should be provided.

(b) No. Meetings are held at convenient intervals.

(c) No.

(d) Does not arise.

(e) No, except in the case of one officer under adverse report.

NON-PROMOTION OF CERTAIN QUALIFIED CIVILIAN SUB-DIVISIONAL OFFICERS IN THE MILITARY ENGINEERING SERVICE.

451. *Mr. H. A. Sathar H. Essak Sait (on behalf of **Hajee Chowdhury Muhammad Ismail Khan**): With reference to the replies to starred question No. 264, dated the 9th March, 1943, will the War Secretary please state:

(a) the number separately of the civilian Sub-Divisional Officers, permanent and temporary, with foreign University qualifications promoted as Assistant Engineers during the last six months.

(b) the number of the civilian Sub-Divisional Officers (permanent) with no University qualifications whatever, promoted as Assistant Engineers during the same period;

(c) the number separately of the civilian Sub-Divisional Officers, permanent

and temporary, with foreign University qualifications and at least with one year's approved service still awaiting promotion;

(d) the time it will take to absorb such foreign University qualified subordinates not yet promoted as officers;

(e) whether he is aware that very few such qualified subordinates have been promoted as compared to the large number of unqualified permanent subordinates;

(f) if this is due to the fact that the latter are given priority over the former in the matter of promotion; if so, why, in view of the replies already given to parts (b), (f) and (g) of starred question No. 264, this is so; and

(g) whether he proposes to consider the desirability of stopping further direct recruitment of officers to the Military Engineering Service in order to absorb the qualified departmental subordinates as Assistant Engineers or, alternatively, if he proposes to consider any scheme for giving promotion to such deserving subordinates in view of their high technical qualifications and great demand everywhere; if not, why not?

Mr. C. M. Trivedi: (a) and (c). One permanent civilian sub-divisional officer with foreign university qualifications has been promoted as Assistant Engineer during the last six months and two, with at least one year's approved service, are awaiting promotion. The cadre of permanent sub-divisional officers includes seven subordinates with foreign university qualifications and three with Indian university qualifications. Of these, five and two respectively have been promoted as temporary Assistant Engineers since the outbreak of the War. Information concerning temporary sub-divisional officers is not available, and its collection would involve an amount of time and labour which would not be justified in wartime.

(b) Eleven.

(d) This would depend upon the vacancies which occur and whether these persons are found suitable for selection.

(e) No, Sir. It will be seen from my reply to parts (a) and (c) of this question that a large number of permanent sub-divisional officers with university qualifications have been promoted as temporary Assistant Engineers.

(f) Does not arise.

(g) No, Sir; Government is satisfied that the present system of promotion to the posts of Assistant Engineers does adequate justice to the legitimate claims of permanent qualified departmental subordinates.

COMPLAINTS OF CERTAIN CIVILIAN OFFICIALS IN THE MILITARY ENGINEERING SERVICE.

452. *Mr. H. A. Sathar H. Essak Sait (on behalf of **Hajee Chowdhury Muhammad Ismail Khan**): (a) With reference to the reply to starred question No. 265, dated the 9th March, 1943, will the War Secretary please state the authority under which the appointing authority of a temporary or permanent (separately) civilian officer or civilian subordinate in the Military Engineering Service can reduce the pay solely on account of his having been declared medically fit for 'C' category instead of 'A' or 'B' to which he belonged when entering service, although he is considered to be efficiently performing the same duties after his categorisation?

(b) Have any instructions been issued which restrict the further advancement of such individuals? If so, does he propose to place a copy of such instructions on the table of the House?

(c) Is he aware that due to hard conditions and work the health of the individuals is bound to be affected during the war?

(d) Does he propose to consider the desirability of amending such restrictions so as to allow the individuals who are later on placed in the 'C' category to advance to the rank, the duties of which they are physically capable of performing? If not, why not?

(e) Does he propose also to consider the desirability of exempting such individuals from the operation of the Essential Services Ordinance in order to let them better their prospects anywhere else if they cannot be given promotion in the Military Engineering Service? If not, why not?

Mr. C. M. Trivedi: (a) No orders have been issued providing for a reduction in the basic pay of civilian employees of the Military Engineering Service who are placed in medical category "C".

(b) The rules under which advancement is withheld on account of medical unfitness for field service are contained in A. I. (I.) No. 375 of 1940, a copy of which has been placed in the library of the House.

(c) Yes, in a certain number of cases.

(d) During the existing emergency, the orders contained in the Annexure to A. I. (I.) No. 375 of 1940, which provide that an individual who has been found repeatedly unfit for field service will be brought before a Medical Board with a view to his being invalided out of the service, have been modified by a provision that such persons may be retained in the service if declared fit for garrison duties in India. Moreover, unfitness for field service in the case of individuals who have 20 years' continuous and pensionable service under Government does not constitute a bar to further promotion, provided they are certified to be fit for duty in cantonments. Again, provision is made in the Instruction for special consideration of cases of individuals whose unfitness for field service is the result of illness contracted on field service. It is not proposed to relax the conditions further.

(e) The reply to the first part is in the negative. These persons are governed not only by the Essential Services Ordinance but also by the terms of their agreement which prevent them from leaving the Military Engineering Service while the country is at war.

WORK DONE BY THE NATIONAL WAR FRONT ORGANISERS.

453. *Mr. Ananga Mohan Dam: (a) Will the Honourable Member representing the Information and Broadcasting Department be pleased to make a brief statement or lay a statement on the table on the work done by the National War Front Organisers in different provinces up to February 1943?

(b) Do the National War Front Organisers also work as Recruiting Officers? If so, how many recruits have been enlisted in the province of Assam, and how many of them are Hindus and Muslims?

The Honourable Sir Sultan Ahmed: (a) The National War Front aims at keeping up public morale, discouraging the spread of rumours and generally stimulating the War effort. In pursuance of these aims all the usual forms of propaganda are employed. Very large numbers of meetings have been addressed by non-official speakers, posters and other forms of pictorial publicity have been widely displayed, considerable use has been made of propaganda cinema vans and pamphlets and leaflets have been distributed on a large scale. The organization of these is in the hands of Provincial Organizers the Central Organization being responsible only for suggesting policy and for providing propaganda material. In some Provinces village defence parties or similar bodies have also been organized by the National War Front. Exact figures showing the volume of work done have not been collated but the scale of propaganda has been considerable.

(b) No.

POSTS RESERVED FOR SCHEDULE CASTES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

454. *Bhai Parma Nand: (a) Will the Honourable the Home Member please state whether there are posts in the Government of India Secretariat and attached offices which are reserved for Schedule Castes? If so, how many, and in which offices?

(b) Were any posts reserved for Schedule Castes filled by Muslims since 1938? If so, why? What is the percentage of Muslims in the grades in which such posts were filled by Muslims on the dates when such appointments took place?

The Honourable Sir Reginald Maxwell: (a) Not at present but the question of reserving a definite proportion of vacancies for members of the Scheduled castes in Central Services is under consideration.

(b) Does not arise.

HARDSHIPS FELT BY GOVERNMENT SERVANTS IN NEW DELHI DUE TO SHORTAGE OF SMALL COINS.

†455. ***Bhai Parma Nand:** (a) Will the Honourable the Finance Member please state whether he is aware that Government servants living in New Delhi are experiencing considerable difficulty and sometimes are put to very great inconvenience due to the shortage of small coins?

(b) Is he aware:

(i) that when they want to purchase postage stamps, etc., or to send a money order or a telegram, the postal and telegraph counters refuse to accept their indents unless they pay the small change that may be due;

(ii) that the school authorities in New Delhi refuse to accept fees from students unless they give small change, where necessary;

(iii) that the postal and telegraph counters and the school authorities never pay any change themselves;

(iv) of what happens to the large quantity of small change that these various authorities go on accumulating;

(v) that the said Government servants cannot purchase daily necessities of life, e.g., vegetables, etc., unless they have small change; and

(vi) that regular shop-keepers refuse to sell their wares if they are called upon to return any small change?

(c) Are any banks or currency offices issuing any small change from where these Government servants can get it?

(d) If the reply to part (c) be in the negative, how are these Government servants to carry on their daily purchases?

(e) Can these Government servants refuse to take their pay if they are not paid sufficient small change? If not, why not?

(f) Do Government propose to pay to these Government servants some change every month as a part of their pay, basing the amount of change to be given on some percentage or other system?

The Honourable Sir Jeremy Raisman: (a) to (d). The small coin situation has already been discussed in the House on the 10th of February, 1943, in connection with Babu Baijnath Bajoria's adjournment motion and subsequently with reference to starred question No. 58, on the 12th February, 1943. Government are aware of the difficulties and inconvenience from which Government servants in New Delhi are suffering in common with the rest of the community as a result of the present shortage of small coin. The small coin depot at the Reserve Bank of India, Delhi, issues small coin in limited quantities to the public and Government cannot contemplate discrimination in favour of their servants in the matter of such supplies.

(e) and (f). Government servants cannot refuse to take their pay if they are not paid small change to the extent desired by them since notes are legal tender to any amount whereas small coin are legal tender only to the limit of one rupee. If Government servants were afforded special treatment in the manner suggested it would result in invidious discrimination in their favour *vis-a-vis* the general public.

PROPAGANDA PROGRAMME OF THE NATIONAL WAR FRONT.

456. ***Mr. K. C. Neogy:** (a) Will the Honourable Member representing the Information and Broadcasting Department be pleased to state, separately, the broad details of the programme of the National War Front for the year 1943-44 in respect of provinces and Centrally Administered Areas?

(b) What will be the nature of publicity and propaganda to be directly undertaken by the Central Organisation?

(c) Is the National War Front going to undertake any propaganda directly or indirectly relating to post-war economic, fiscal and financial matters? If so, with what object?

(d) Is it a fact that the services of economists, including a professor from the Madras University, have been engaged on behalf of the National War Front? If so, with what object?

†Answer to this question laid on the table, the questioner having exhausted his quota.

The Honourable Sir Sultan Ahmed: (a) It is not possible to enumerate, within the compass of a reply to a question, the various propaganda schemes in force in the Provinces. It may however be stated that the aims of the National War Front will continue to be as before namely, the maintenance of public morale, discouraging spread of rumours and generally stimulating the War effort and that in pursuance of these aims all the usual forms of propaganda will be employed. Particular use will be made of meetings, posters, cinema vans, pamphlets and leaflets. The themes treated through these different media will vary from time to time and will be selected according to circumstances as they arise.

(b) The Central organisation will continue to provide propaganda material to the Provincial organisations but as explained in answer to part (a) the themes to be treated will be selected from time to time in the light of changing circumstances.

(c) The National War Front itself does not undertake, directly or indirectly, propaganda relating to post-war economic, fiscal and financial matters though it does try to inculcate the view that just as we are fighting for victory now, so we must fight for India's prosperity and greatness in the post-war period. Some of the officers of the National War Front are in other capacities, directly concerned with stimulating public interest in post-war economic, fiscal and financial problems. One organisation formed for this purpose is that known as the New India Planning Groups. About 100 of these Groups have already been formed. They are autonomous bodies which frame their own rules, select their own subjects for discussion and are entirely non-official in character. The Central organisation of the New India Planning Groups is responsible for suggesting subjects for discussion (though the Groups may or may not accept these subjects) and for putting out facts and figures to assist these Groups in their discussions. The Central organisation is wholly precluded from expressing opinions or in any way seeking to influence the opinions of the Groups.

(d) The services of Prof. P. J. Thomas of the Madras University have been engaged, not on behalf of the National War Front, but on behalf of the New India Planning Groups. He has been appointed as Director of Research and he is responsible for preparation of the objective pamphlets referred to in answer to (c).

Mr. K. C. Neogy: Is the new National Planning Group movement an integral part of the National War Front?

The Honourable Sir Sultan Ahmed: I understand that it is absolutely different from the National War Front.

Mr. K. C. Neogy: Is it going to be financed out of the funds which Government have provided for the National War Front?

The Honourable Sir Sultan Ahmed: I want notice of that question. I have no idea.

Dr. P. N. Banerjee: I did not follow exactly what the Honourable the Law Member said, but do I understand that propaganda work is to be the main function of this body and of the expert appointed by the Government?

The Honourable Sir Sultan Ahmed: Not at all. I repudiated that suggestion. It is more or less in the form of a study circle—preparation of what should be done after the war. There are plenty of groups working on those lines, and if they want materials from the centre they are given. But they are an absolutely autonomous body, and the idea is to appoint, if possible, a non-official chairman. We are on the look out for a non-official chairman.

Dr. P. N. Banerjee: Will this Assembly be represented on this organisation?

The Honourable Sir Sultan Ahmed: I have no idea at all. The matter has never been considered.

Mr. N. M. Joshi: May I ask whether Professor Thomas's salary is paid out of the National War Front's funds, or out of the funds of some other department?

The Honourable Sir Sultan Ahmed: No cost is incurred on account of local groups themselves, but Government bears the expenditure on account of the research directorate, that is, of Dr. Thomas's appointment.

Mr. K. C. Neogy: When was this New India Planning Group movement first initiated, and where were these hundred groups formed?

The Honourable Sir Sultan Ahmed: I cannot give the date because I have not got the materials relating to the same, but I can supply all those materials in the form of a statement to be laid on the table of the House.

Mr. K. C. Neogy: Is there any literature available on the subject from which one can gather details of the scheme?

The Honourable Sir Sultan Ahmed: Perhaps there may be. If there is any, I will lay it on the table.

Mr. N. M. Joshi: In view of the fact that those groups are going to consider plans for post-war period, will they prepare plans for an independent India, or for an India under the British Government or the present Government of India?

The Honourable Sir Sultan Ahmed: It has got nothing to do with politics. It will prepare the materials in the interests of India alone. It has got nothing to do with politics.

Mr. N. M. Joshi: My question is, if the groups are going to make any plans regarding post-war period, they will have to take note of the Government that may exist at that time, and I wanted to know whether those groups will visualise India as an independent India, or as on the lines of the present Government of India?

The Honourable Sir Sultan Ahmed: I understand that they are going to discuss post-war problems and not to lay down plans. They are going to discuss and come to certain conclusions. They are not a body which can come to final decisions on any point.

Sir F. E. James: I take it that they will discuss problems, whether they are political or economic or social?

The Honourable Sir Sultan Ahmed: Yes, certainly, but they will not come to any final decision which will be binding on anybody.

Sardar Sant Singh: What will be the value of those conclusions? They will be recommendations to Government, or mere advice tendered? What will be the nature?

The Honourable Sir Sultan Ahmed: No. They will come to certain conclusions themselves. It will be more or less educative.

Dr. P. N. Banerjee: What is the connection of the Government with those groups?

The Honourable Sir Sultan Ahmed: None whatsoever, as I have already explained in my answer to part (c) of the question.

Mr. T. T. Krishnamachari: May I ask whether Government will determine the nature and scope of the discussions that will take place?

The Honourable Sir Sultan Ahmed: No.

Mr. T. T. Krishnamachari: Am I to understand that Government is spending all this money merely for the purpose of allowing people to indulge in desultory talks without determining the nature and scope of the discussions?

The Honourable Sir Sultan Ahmed: It is the objective of the Government to see that these matters are seriously considered by different groups and different classes of people, and to that end Government is deeply interested, but no more. The groups are autonomous bodies absolutely. They will come to their own decisions. They will consider the problems very carefully and give us the benefit of their own decisions. But Government are not bound by their decisions. It is necessary that it should be done because it is done in every country.

Mr. K. C. Neogy: Who actually selects members for the individual planning groups?

The Honourable Sir Sultan Ahmed: I think they form themselves. Certain directions are given to the provinces in the sense that they are asked to have groups; and that is all. They form themselves.

Mr. P. J. Griffiths: Is it not a fact that any person is at liberty to form a group without any permission from anybody at all?

The Honourable Sir Sultan Ahmed: Yes.

Sardar Sant Singh: May I ask if the Government of India will pay for the chairman or secretary of any group which is formed?

The Honourable Sir Sultan Ahmed: The idea is to have a non-official honorary chairman.

Mr. K. C. Neogy: Have the objects of this group been widely advertised at the instance of the National War Front or any other authority?

The Honourable Sir Sultan Ahmed: I think so. I think there are pamphlets which have been issued.

Mr. K. C. Neogy: Inviting people to form themselves into groups of this character?

The Honourable Sir Sultan Ahmed: I think so. That is my impression. If my Honourable friend will put down a question, I will lay on the table of the House a statement.

Sardar Sant Singh: Who finances this venture?

The Honourable Sir Sultan Ahmed: Of course, Government. The House should give us credit for that—we think that everybody should consider these post-war questions. They are very important.

Dr. P. N. Banerjee: Was this matter placed before the Standing Finance Committee since this is a new demand?

The Honourable Sir Sultan Ahmed: I have no knowledge of that.

MACHINE-GUNNING ON A MOB FROM AIR NEAR RANAGHAT IN BENGAL.

457. *Mr. K. C. Neogy: (a) With reference to the mention made by the Deputy Commander-in-Chief of an instance of machine-gunning on a mob from the air near Ranaghat in Bengal, in reply to question No. 66 in the Council of State on the 25th September, 1942, has the attention of the War Secretary been drawn to the following statement made by the Chief Minister of Bengal in the course of a debate in the Bengal Legislative Council on the 2nd October, 1942:

“As regards the Ranaghat incident which my friend Sir Bijoy Prasad Singh Roy has referred to, the facts are that there was an Army reconnaissance and they mistook some coolies working on the lines as people who were out for purposes of sabotage on the railway lines. Bombs were dropped but fortunately there was no casualty. Far from this being done at the instance or knowledge or consent or connivance of the Bengal Government, we came to know about this incident only the day before yesterday, when news came to us in the ordinary course conveying the information”?

(b) Is the instance mentioned by the Deputy Commander-in-Chief the same as that referred to by the Chief Minister of Bengal? If so, does the Honourable Member propose to make a comprehensive statement of all the circumstances relating to the incident, giving particularly the date of the occurrence and the date on which the Government of Bengal or any responsible officer of that Government was first informed about it?

(c) Did the Air Force act in co-operation with the civil authorities in such cases in August and September last? Was any liaison maintained between them and the authorities of the Government of Bengal at the time when the incident took place near Ranaghat, or was the Air Force expected to act independently and to use its discretion in dealing with such supposed cases of sabotage?

(d) What instructions were actually issued to the Air Force for dealing with such cases: by whom were they issued and under what provisions of law?

Mr. C. M. Trivedi: Information to enable me to answer all parts of the question is not readily available. It is being collected and will be laid on the table of the House in due course.

Mr. K. C. Neogy: Which part of the question cannot be answered without further enquiry?

Mr. C. M. Trivedi: Part (b).

Mr. K. C. Neogy: What about part (a)?

Mr. C. M. Trivedi: I would prefer not to give an incomplete answer.

Mr. K. C. Neogy: If the Honourable Member is in a position to answer certain parts of the question, then the House is entitled to hear the reply to those parts.

Mr. C. M. Trivedi: My point is that all the parts are more or less interconnected.

Sardar Sant Singh: Does the Honourable Member know that his department gave an answer in the Upper House to a similar question?

Mr. C. M. Trivedi: This question is not exactly the same as the question to which a reply was given in the other House.

Sardar Sant Singh: What has the Honourable Member to say to the reply given in the Bengal Legislative Assembly, which is quoted?

Mr. C. M. Trivedi: I understand the quotation is correct.

Sardar Sant Singh: If the quotation is correct, do the Government of India agree with the contents of that quotation?

Mr. C. M. Trivedi: The answer to that would depend upon the further inquiries I am making with regard to part (b) of the question.

DESIRABILITY OF GIVING HIGHER CLASS TO MAULANA HUSAIN AHMAD MADANI A DETENU.

458. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Home Member please state if it is or it is not a fact that Maulana Husain Ahmad Madani, Principal of Darul-Ulum, Deoband—the premier institution of Arabic learning in India—and President of Jameetal-ul-Ulema-i-Hind, was convicted under rule 38 of the Defence of India Rules on the basis of a speech and sentenced to 2 years rigorous imprisonment about June 1942, which sentence was reduced to 6 months rigorous imprisonment by the Court of appeal?

(b) Is it or is it not a fact that Maulana Husain Ahmad Madani occupies a very prominent position in life both as a learned divine and a politician and was given 'A' Class on his conviction?

(c) Is it or is it not a fact that on the expiry of the term of imprisonment the said Maulana Sahib has been detained under rule 126 of the Defence of India Rules? If so, under the orders of which Government has he been so detained?

(d) Is it or is it not a fact that now Maulana Husain Ahmad Madani Sahib has been transferred to 'Q' class which is considered to be equivalent to 'B' class? If not, what is the real situation?

(e) If the answer to part (d) be in the affirmative, do Government propose to consider the advisability of persuading the Provincial Government to transfer him at least to the first class detenus, in view of the status and position in life of Maulana Husain Ahmad Sahib?

The Honourable Sir Reginald Maxwell: The Government of India have issued no orders in respect of Maulana Husain Ahmad Madani and are not aware of the circumstances of his detention. I might, however, point out that the treatment given to the two ordinary classes of security prisoners is generally superior to that given to the corresponding two classes of convicted prisoners and that a security prisoner of Q class, which is intermediate between the two ordinary classes would probably approximate more nearly to that of an "A" or "B" class convicted prisoner, than a "C" class convicted prisoner.

Qazi Muhammad Ahmad Kazmi: May I know if Q class prisoners are the people who were already in the A class? Maulana Husain Ahmad Madani was in A class when he was a convicted prisoner and where was the necessity of bringing him to this new class?

The Honourable Sir Reginald Maxwell: I think the Honourable Member has misunderstood the position. Q class applies to security prisoners detained in connection with the present Congress movement and has nothing to do with the classification of convicted prisoners.

Qazi Muhammad Ahmad Kazmi: If a person has been recognised to be entitled to A class treatment as a convicted prisoner, what is the reason for keeping the same person in a lower class as a security prisoner?

The Honourable Sir Reginald Maxwell: I explained that there is no comparison between the classification of ordinary prisoners and the classification of security prisoners. Each has its own independent standard of treatment and the treatment of security prisoners is as a rule superior to that of the corresponding class of convicted prisoners. It is a wrong inference to suppose that a person who has been convicted and placed in a certain class should also be placed in that particular class as a security prisoner.

Sardar Sant Singh: May I know what is the difference in the treatment of persons placed in the A class and the Q class?

The Honourable Sir Reginald Maxwell: The exact difference would take a long time to explain. The details of the treatment of various classes are matters for the provincial regulations and they differ in each province. If necessary, I could lay a statement on the table giving such differences as we are aware of. We have not got absolutely full information as what the various provinces are doing.

Maulana Zafar Ali Khan: What does the letter 'Q' stand for?

The Honourable Sir Reginald Maxwell: 'Q' means neither 'A' nor 'B'.

Qazi Muhammad Ahmad Kazmi: What is the reason why people who have been convicted actually and found guilty are treated in a better way, so far as maintenance allowance is concerned, than those persons who have not been found guilty of any offence but there is only suspicion against them?

The Honourable Sir Reginald Maxwell: The facts are not as stated by the Honourable Member.

RECRUITMENT OF INDIAN CHRISTIANS IN THE AUXILIARY FORCE (INDIA), DELHI CONTINGENT.

†459. ***Bhai Parma Nand:** (a) Will the War Secretary be pleased to state if it is a fact that only Europeans and Anglo-Indians are recruited in the Auxiliary Force (India)?

(b) Is it a fact that in the Auxiliary Force (India), Delhi Contingent, Indian Christians are also being taken? If so, what is their number, and is the Honourable Member prepared to allow non-Christians to join the Auxiliary Force (India)?

(c) Does the Honourable Member propose to inform the House of the nationality and race recorded by the Indian Christians, who are already in Government service, on their enrolment forms of the Auxiliary Force (India), Delhi Contingent?

Mr. G. M. Trivedi: (a) Yes, Sir, only Europeans and Anglo-Indians are eligible for recruitment in the A. F. I.

(b) Government have caused enquiries to be made and no Indian Christians have been recruited as such into the Delhi Contingent.

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

WITHHOLDING OF CABLEGRAMS FROM MAHARAJ-KUMAR SIR VIJAYA OF VIZIANAGRAM TO PRESIDENT ROOSEVELT.

460. ***Mr. K. C. Neogy:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that two cablegrams addressed to President Roosevelt were received from the Maharaj-Kumar Sir Vijaya of Vizianagram by the Telegraph Offices, one bearing No. 1, dated the 12th April, 1941, of the Benares Head Post Office, and the other bearing No. NCRB 30, dated the 19th August, 1942, of the Madras Central Telegraph Office?

(b) Were these cablegrams duly despatched to the addressee? If not, under whose authority were they withheld, and for what reasons?

(c) Is it a fact that these cablegrams contained a request to President Roosevelt to use his influence in bringing about a settlement of the political deadlock in India?

(d) Was the sender informed by the postal authorities at any time that the two cablegrams had been withheld? If so, when?

(e) What were the amounts paid in respect of the two cablegrams? Were the amounts refunded to the sender? If so, when?

The Honourable Sir Reginald Maxwell: I regret that no information can be given regarding telegrams stopped, delayed or otherwise dealt with in the course of censorship.

Mr. K. C. Neogy: Is the Honourable Member not prepared to answer even part (e) of the question, as to whether the amounts that were paid in respect of these cablegrams have been refunded to the sender?

†Answer to this question laid on the table, the questioner having exhausted his quota.

The Honourable Sir Reginald Maxwell: I have already answered the question.

UNSTARRED QUESTIONS AND ANSWERS.

ALLOCATION OF WAR EXPENDITURE BETWEEN INDIA AND BRITAIN, ETC.

93. Mr. K. C. Neogy: Will the Honourable the Finance Member be pleased to make a statement showing:

(a) the total amount of War expenditure incurred in 1940-41, 1941-42 and 1942-43, respectively (approximate figures being supplied for 1942-43), charged to Indian Revenues and to His Majesty's Government, respectively, inclusive of capital, revenue or suspense accounts:

(b) the total expenditure on construction of aerodromes and air-fields in 1940-41, 1941-42 and 1942-43, respectively. (approximate figures being supplied for 1942-43), and what proportion of it is charged to civil and military heads, respectively, and whether any proportion of the military expenditure on this account has been charged to His Majesty's Government or the American Government, and if so, what; and

(c) the approximate total amount to be charged to India for acquiring capital assets for war industries, under the proposal referred to by the Honourable the Finance Member in paragraph 25 of his Budget Speech, and what approximate proportion thereof may reasonably be expected to be recovered from private industrialists who are supplied with such assets?

The Honourable Sir Jeremy Raisman: (a) The net expenditure charged to India and His Majesty's Government in the books of the Military Accountant General was as follows:

	(Lakhs of Rs.)	
	India.	H. M. G.
1940-41	73.61	53.35
1941-42	103.93	193.53
1942-43 (Revised Estimates)	238.89	337.05

The basis of the Revised Estimates for 1942-43 has been indicated in my Budget Speech, and further details cannot be furnished at the present stage.

(b) The total expenditure on the construction of aerodrome and air-fields during the three years in question was 46, 1,07 and 63,27 lakhs respectively. Of this 16 lakhs will be charged to civil estimates during 1942-43, the rest being a Defence liability. No portion of this expenditure has been charged to the Government of the United States of America. The amounts borne by His Majesty's Government were 46 and 25 lakhs, respectively, during 1940-41 and 1941-42. As regards the expenditure in 1942-43, I would refer the Honourable Member to para. 24 of my Budget Speech to which I have at present nothing to add.

(c) I have no information later than that given in my Budget Speech. It is impossible to say at this stage what portion of this expenditure will be recoverable from private industrialists after the war.

DOUBLE INCOME-TAX RELIEF GRANTED BY INDIA.

94. Mr. K. C. Neogy: (a) Will the Honourable the Finance Member be pleased to state the amounts of double income-tax relief granted by India, under section 49 of the Indian Income-tax Act, under arrangements with the Governments of the United Kingdom, Ceylon, Burma, Aden and Indian States, for the years 1937-38, 1938-39 and 1939-40?

(b) Have the Indian companies incorporated in India and operating in the United Kingdom received any double income-tax relief under similar provisions of the United Kingdom Income-tax Act? If so, will the Honourable Member be pleased to state the amount of relief obtained by Indian companies from the United Kingdom for the respective years mentioned above?

The Honourable Sir Jeremy Raisman: (a) The amount of double income-tax relief granted by India was:

	1937-38.	1938-39.	1939-40.
	Rs.	Rs.	Rs.
United Kingdom	84,85,529	1,31,21,914	44,45,005
Ceylon	65,387	98,843	88,587
Burma	1,72,175	1,71,515	42,00,856
Aden	45	1,193	830
Indian States	2,80,264	5,98,925	5,75,242

(b) Companies incorporated in India and operating in the United Kingdom are entitled to double income-tax relief in the United Kingdom under section 27 of the United Kingdom Finance Act, 1920 on that part of their income which has been taxed both in the United Kingdom and in British India. Government have no information as to the amount of such relief granted in the United Kingdom.

ELECTION OF MEMBERS TO THE COMMITTEE APPOINTED TO CONSIDER THE CONVENTION REGARDING THE RAILWAY FINANCE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Railway Finance Convention Committee:

1. Sir Cowasjee Jehangir, 2. Dr. Sir Zia Uddin Ahmad, 3. Mr. K. C. Neogy, 4. Mr. Jamnadas M. Mehta, 5. Sir Muhammad Yamin Khan, 6. Sir F. E. James, 7. Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, 8. Maulvi Syed Murtuza Sahib Bahadur, 9. Sardar Sant Singh.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, two messages have been received from the Council of State. The first message reads as follows:

"The Council of State at its meeting held on the 28th March, 1943, agreed, without any amendment, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 20th March, 1943, namely:

1. A Bill to provide for the imposition and collection of excise duties on tobacco.
2. A Bill to provide for the imposition and collection of an excise duty on vegetable product."

The second message is as follows:

"The Council of State at its meeting held on the 30th March, 1943, agreed, without any amendment, to the Bill further to amend the Indian Tea Control Act, 1938, which was passed by the Legislative Assembly at _____ held on the 24th March, 1943."

THE TRADE MARKS (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the further consideration of the motion moved by Mr. Pillay:

"That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration."
(No Honourable Member got up to speak.)

The question is:

"That the Bill further to amend the Trade Marks Act, 1940, be taken into consideration."
The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The House will now consider the Bill clause by clause. Clause 2

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

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:

'and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function'."

Sir, the reason why we move this amendment is, first, that in the original 1940 Bill the proposal was that the office should be centralised in Calcutta with a Branch for textiles in Bombay. In the 1941 (Amendment) Act that position was altered and a dual administration was set up. That has been proved very unsatisfactory and Government have now brought forward their present Bill to centralise control not in Calcutta but in Bombay. Now, Sir, in Calcutta it is perfectly true that, according to the figures given the other day by the Honourable Member in charge of the Bill, the number of marks applied for in that centre are less than in Bombay. But at the same time they are very considerable in number and it also is a matter of importance to provinces like Assam, Bihar, Orissa and the United Provinces that they should have facilities, if necessary, to apply to the Branch in Calcutta, and the object of this amendment which I have now moved is to provide such facilities for eastern India. I understand Government are prepared to accept my amendment; so, I do not think it is necessary for me to take up the time of the House by arguing it further.

Sir, I move.

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

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:

'and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function'."

Mr. T. S. Pillay (Government of India: Nominated Official): Sir, on behalf of Government, I am prepared to accept this amendment.

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

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (2A) the words 'in relation to trade marks' be omitted and the following be added at the end of the sub-section:

'and any reference in this Act to the Registrar shall include a reference to the Deputy Registrar when so discharging any such function'."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof'."

This amendment is consequential on the amendment which the House has just accepted. It is clearly necessary that if facilities are to be provided for applications, etc., for trade marks in Calcutta there should be at that centre a copy of the list maintained by the Registrar. For that reason, this amendment becomes necessary in view of the acceptance by the House of my first amendment.

Sir, I move.

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

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof'."

Mr. T. S. Pillay: Sir, I am prepared to accept this amendment.

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

"That after clause 2 of the Bill, the following new clause be inserted:

"2A. After section 4 of the said Act, the following section shall be inserted, namely:

"4A. *Branch of Trade Marks Registry*.—(1) There shall be established at Calcutta for the purpose of facilitating the registration of trade marks a branch of the Trade Marks Registry.

(2) There shall be kept at the said branch a copy of the Register and the Refused Textile Marks List, and the said copies shall at all convenient times be open to the inspection of the public in the same manner as the originals thereof'."

The motion was adopted.

New clause 2A was added to the Bill.

Clauses 3 to 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. T. S. Pillay: Sir, I move:

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

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

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

Mr. T. Chapman-Mortimer: Sir, I would like to say a few words about this Bill before it is finally passed by the Assembly. The Honourable the Mover of the Bill in his speech explaining the necessity for it gave certain undertakings which we from Bengal very much appreciate. Notably, he gave us the undertaking that the Registrar or Deputy Registrar, as the case might be, would make very frequent visits to Calcutta. He might make even fairly prolonged visits to Calcutta for the purpose of despatch of business in that centre and for the hearing of cases. I should like just to take this opportunity to

express our appreciation of those promises which we have been given and to thank the Honourable Member in charge of the Bill for the very helpful spirit in which, throughout, he met the protestations of, and gave consideration to the claims of Bengal.

Mr. Hooseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I should like to congratulate Government for bringing this Bill, specially the Member in charge, because better late than never. Sir, we have heard that for years and right until 1940 no Province even got any such facilities as what my Honourable friends from Bengal are now being offered, although we were crying hoarse for all those facilities. Even in 1940 when a Bill was moved an half-hearted attempt was made, with due deference to my Honourable friends from Bengal, and in 1941 an amendment was passed. But, Sir, I tell you that when 95 per cent. of the trade marks with regard to the textile and others are being registered in Bombay and no less than one hundred and fifty thousand applications are there who can fairly deny that Bombay is the right centre. I am glad that the Government of India have after all been pleased to accord facilities to Bombay as also to the Bengal people. We on our part will never grudge any such facilities to business and commerce wherever they be in India. But I do hope my European friends from Bengal will extend the same to us, hereafter and will consider the best interest of the country above their own.

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

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

The motion was adopted.

THE WAR INJURIES (COMPENSATION INSURANCE) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal, N. Chandavarkar, Mr. N. M. Joshi, Mr. Jaminadas M. Mehta, Mr. D. S. Joshi, Mr. Hooseinbhoy A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presense shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member given the names?

The Honourable Dr. B. R. Ambedkar: Sir, I will hand over the list now.

Mr. President (The Honourable Sir Abdur Rahim): The names ought to have been given earlier.

The Honourable Dr. B. R. Ambedkar: Sir, I do not think it would be necessary for me to take much time of the House in order to commend this measure to the Honourable Members. The main provisions of the Bill are three. The Bill seeks to give compensation to workmen who may become victims of war injuries; secondly, the Bill seeks to make employers liable for such compensation; and thirdly, the Bill seeks to compel employers to insure against liabilities imposed upon them.

Now, taking the question of compensation, the point to which I wish to draw the attention of the House is that this Bill is a linked measure. It is linked to the War Injuries Ordinance of 1941. On the other hand, it is also linked to the Workmen's Compensation Act. Now, Sir, the relationship of this Bill to the War Injuries Ordinance to which I have made a reference is plain. As Honourable Members will recall, the War Injuries Ordinance, 1941, defines what is called the qualifying injuries. Those injuries are classified in that Ordinance. What the present Bill does is to adopt in the main the scope and limits of the qualifying injuries as has been defined in the War Injuries Ordinance. As to the question of relationship of the present Bill to the Workmen's Compensation Act that will be clear to the Honourable Members from the fact that the amount of compensation which has been fixed in this Bill for the victim of war injuries more or less follows the scale that has been fixed in the Workmen's Compensation Act.

[Dr. B. R. Ambedkar.]

Now, Sir, the reason for bringing this measure is this: After the War Injuries Ordinance was passed in 1941 a question was raised, a question which is of substance and if I may say so, of some importance and that question is whether the payment made to a workman who unfortunately happened to sustain what is called the qualifying injuries should be a sort of relief or should be compensation. The difference between relief and compensation is quite obvious. Relief is merely to help a person to get over the difficulties to which he might be reduced by reason of the incapacity which he suffers by a war injury and which prevents him from earning his normal wages. Compensation, on the other hand, according to the terms of the Workmen's Compensation Act, seeks to make payment which compensates him fully for the loss which he incurs. When this question was raised a reference was made to the conditions that were prevailing in England and it was found that the British Parliament passed an enactment which is known as the War Injuries Miscellaneous Act of 1936. On examination of the provisions of this English law it was found that the payments which were allowed under that Act amounted to compensation and not merely relief. Obviously the question arose whether it was not desirable for the Government of India to follow the principle which was laid down in this English Statute. Secondly, some of the employers, on their own accord after the passing of the War Injuries Ordinance of 1941, addressed a letter to the Government of India stating that from their point of view the provisions made in the War Injuries Ordinance were not sufficient for the maintenance of the morale of labour and that compensation should be paid in order that the labourers working in disturbed areas may remain steady at that work. From both these points of view the Government of India accepted the principle of giving compensation to workmen in place of what was originally thought to be only relief.

On examining the provisions of the War Injuries Ordinance, it was found that at a level of about Rs. 24, the payments made under the War Injuries Ordinance constituted not only relief but also compensation. What is therefore necessary to do is to give the workman drawing a salary above Rs. 24 additional rebate which will make payments made to him amount to compensation; that is to say to supplement what he gets under the Ordinance so that what he will get will also amount to compensation. This measure therefore is a measure which is a supplementary measure, which supplements the provisions of War Injuries Ordinance of 1941.

Having explained to the House the main provision, namely of compensation and how the Bill was linked up to the War Injuries Ordinance as well as to the Workmen's Compensation Act and having explained to the House the reason which led the Government of India to bring in this supplementary legislation, I will proceed to explain the second main provision of the Bill, namely to make the employer liable for such compensation. It might be said that while under the provisions of the War Injuries Ordinance, it was Government which was undertaking the liability to pay relief, the Government also should undertake similar liability for making compensation to those to whom this present Bill applies. It is quite obvious that it is not possible for Government to undertake the liability which under the circumstances of the case may almost amount to anything because if India remains as safe as it is, there may be no liability arising out of this. Or, if the situation worsens, the liability may be quite indefinite and having regard to the capacity of the Government of India, it is quite obvious that the Government cannot be asked to undertake such indefinite liability. Secondly, I do not think that much can be made of the fact that Government is not undertaking liability in this matter for it will be realised that whatever amount of compensation the employer may be called upon to pay under the liability which we are imposing upon him, it would no doubt be regarded as an admissible revenue expenditure under E.P.T., and consequently in the main the burden would ultimately fall upon the Treasury.

I might also mention that while the Government of India is seeking to impose this liability upon the employers, the Government of India is not forgetting its

the employer is liable for the presence of a fleet of hostile aircraft over his factory. I will not argue that point further now, but I would like to point out that the rate of compensation in the Workmen's Compensation Act differs very widely both in scale and in principle from the rate of compensation in the War Risks Ordinance. In the Workmen's Compensation Act, the rate of compensation is much more generous. It is paid on the principle of a lumpsum payment and that payment varies according to the earning power of the workman concerned.

Now, Sir, since under this Bill the employer is required to pay compensation to the extent of the difference between the scale laid down in the Workmen's Compensation Act and that in the War Risks Ordinance, it has become necessary to find a point of comparison between the two and that is by no means an easy task because the two differ completely both in scale and in principle. However, Government has, as the Honourable Member has remarked, reached the conclusion that the compensation under the War Risks Ordinance approximates to the compensation afforded to a workman earning between Rs. 21 and Rs. 24 under the Workmen's Compensation Act, and from that point it is easy to draw a comparison between the scale of compensation which will be paid under the new Bill to the workman and the scale which is being paid to the ordinary citizen. Thus in the event of permanent total disablement, the ordinary person, or the "gainfully occupied" person, can only receive a lumpsum of Rs. 1,008; in the event of his death his next-of-kin can only receive a sum of Rs. 720. That compensation cannot vary. But in the case of a workman earning between Rs. 35 and Rs. 40, the sum received would be Rs. 1,200 as against Rs. 720, and Rs. 1,680 as against Rs. 1,008. In the next category, i.e., the Rs. 50 salary category, the figure goes up for the workman to Rs. 1,500 and to Rs. 2,100, that is more than double the compensation to the man in the street: a workman earning between Rs. 70 and Rs. 80 would receive considerably more than treble the compensation awarded to the ordinary citizen: and when you get to the highest scale of all, i.e., the Rs. 200 mark, then your workman's compensation is between five and six times that which is awarded to the man in the street under the War Injuries Ordinance.

Moreover, Sir, it appears to be the intention of the framers of the Bill to include in the workman's salary all temporary benefits which he is receiving under the war emergency. Well, it is really a question for the Select Committee whether the principle of awarding permanent compensation upon the basis of a temporary benefit is, or is not, permissible, and moreover there will be extreme difficulty in calculating the workman's pay, because so much of these temporary benefits are not paid in cash but are paid in kind, and very often in kind at a price which is enormously below the market price. But leaving that point for the moment, if you are going to include these war benefits in the workman's salary, then I believe, Sir, that I am right in saying that so far as the textile mills of Bombay are concerned, every man, woman and child employed therein will in the event of war injury receive double the compensation awarded to any one else.

Now, I think I have said enough to prove that there is in this measure discrimination in a very marked degree in favour of the workman against the "gainfully occupied" person, and the next step is to ascertain whether that discrimination is justified by the greater risk which the workman runs: if so, well and good. Naturally one must turn to Government for proof of that contention, but the trouble is that having turned to Government there is no proof forthcoming, because all that Government say in paragraph 2 of the Statement of Objects and Reasons is that there is probably more danger to employees in factories and other industrial concerns (which may be a target for enemy attack) than there is elsewhere. In other words, one is forced to the conclusion that the whole structure of the Bill is based on that word 'probably', but surely, Sir, we can have better information. At the beginning of this Session in this House we were given figures of air raid casualties in India. Surely these figures can be diagnosed to prove or disprove this contention that the workman is in greater danger than the ordinary citizen. If the contention cannot be proved,

[Mr. C. C. Miller.]

then, Sir, you are brought up against two inescapable alternatives—either you are paying the ordinary citizen too little, or else you are going to pay the workman too much. Well, there again, one does not get much help from Government. What about the rates in the War Injuries Ordinance? Are they fair, just and equitable? All that Government say is that it is impossible for Government themselves generally to increase the scales of relief under the War Injuries Ordinance. They just say it is impossible. They say you must do one thing but is quite impossible for us to do the other.

In the absence of definite proof, we are inclined to think that the workman does not face this extra degree of danger as compared to the “gainfully occupied” person, because the tactics of our enemy so far have been aimed at “terror bombing”, i.e., bombing congested areas rather than the much more difficult “precision bombing”. If Government themselves maintain that the rates of compensation suggested for workmen are just and reasonable, then it surely must follow that the rates of compensation which exist for other persons are unjust and parsimonious, and that seems to me to be logical.

What we feel is that we must really have more data on the subject of this discrimination before the Bill can be properly considered. I am not asking the Honourable Member to substantiate his statements here and now but, I am asking him with as much emphasis as I can command, to provide the Select Committee with much more detail than has so far been vouchsafed: and if he still refuses to increase the rates under the War Injuries Ordinance, to give detailed and definite reasons for his refusal. I may say, Sir, that I have heard that the War Injuries Ordinance rate bears some relation to the pension awarded to Indian soldiers, but I think we can hardly take that into consideration. From one point of view it is a *reductio ad absurdum* of the worse degree to contend that labour is facing two, three, four or five times the danger that the man at the front is facing: but in any case the pay and pensions of Indian soldiers does not come within the purview of this House and therefore we cannot consider it. We can however consider this question of compensation to non-combatants.

Lastly, I would remark that in our opinion at least, this question of a higher rate of payment for steadying labour morale is a myth. I can quote an instance which occurred to me in the early days of danger in Calcutta. Some of my neighbours collected their domestics together and obtained the services of an A. R. P. expert to instruct them about what to do in the event of air raids. About the second day all the domestics, but one, went home. They said quite frankly, and I think logically, that they had been told that if in the event of a man losing both his legs, he would get a pension, but they preferred to have both legs and no pension: so they went home. My experience with labour has been this. When in the outset something new and terrible occurs, labour for the time being, at any rate, panics, nor for one moment do I blame them—after all, in Calcutta, some two or three hundred thousand citizens of affluence and standing panicked over the most wretchedly feeble display of an air raid ever seen.—I do not therefore blame labour if it did panic at first, after a little bit however they find, as many of us have found, that prolonged and continued discomfort is rather worse than intermittent danger. Then the question comes in as to what protection the employer provides for his labour. If he is providing good protection, they will in all probability come back. That has been our experience; but it has not been our experience that when air raids are on, the workman says “Well, if I remain here now I am going to get so much more and so I think I will stay.” He just goes.

I have spoken at some length on this question of discrimination because it does appear to us to be the most salient feature in the Bill and I think it needs very careful consideration before the Select Committee passes it.

But there are one or two points in connection with the Bill itself which I would rather like to refer to now. The first is that in connection with the proviso to clause 6(5)(e) of the Bill. That is the clause by which Government

own obligations to its own employees. Honourable Members will find a clause there stating that this Bill does not apply to servants of the Crown or to employees of the Federal Railway. But that does not mean that these employees are not going to get the benefit similar to those which we are providing in this Bill. I should like to inform the House that the Federal Railways as well as the Government of India have informed their employees that they would be prepared to extend the provisions of extra pensions which are contained in the Civil Service Regulations and in the Statutory Rules governing the employment of railwaymen.

Now, Sir, the third provision which seeks to compel the employer to ensure the liability imposed upon him is, I claim to be, a very necessary and a very salutary provision. The object of making this provision is to ensure that the workmen at all time will get the compensation for which this Bill seeks to make provision. It may be, as the House may well realise, that if a factory is bombed or demolished the assets of an employer are destroyed and if any provision of the sort that is sought to be made in this Bill is in existence, notwithstanding the liability and notwithstanding the benefit which the Act extends to the workmen, it may in the final analysis leave the workmen where they are without any opportunity of getting compensation which is provided for. Insurance therefore is guaranteed to the workman that in all circumstances the benefits which this Bill seeks to give him will be there for him, if he is so unfortunately situated as to receive the war injury. The working of the system will be somewhat as follows. The payment will be made by the employer to the employee in the first instance in regard to the terms of the Bill. The employer will be reimbursed out of an insurance fund which may be managed by the Government. The employer will contribute to this insurance fund the premium which will be settled at the end of the war when the total liability will be known. In the meanwhile, Government will be recovering advances from employers against the final premium which will be settled after the war. The quantum of advance will vary from quarter to quarter. In the first quarter the advance will not exceed eight annas per 100 of the Wage bill. For subsequent quarters it will change depending upon the liability that may be outstanding. It may be that there have been no casualties in the preceding quarter. If that is so, it is obvious that no advances will be recovered from the employer. As I said, the advantage of the insurance scheme is that it ensures the workmen a payment, secondly, the risk is distributed—safer areas which are not exposed to any attack will also be contributing towards the payment of compensation to workmen living and working in areas which have been attacked. Thirdly, the burden is proportionate because it is based upon the Wage bill of each employer.

It will therefore be seen, Sir, that the Bill is a very simple measure. I would also say that it is a non-controversial measure. The House would like to know that the idea of the Bill came from the Millowners Association in Bombay in the beginning of 1942. After the suggestion was sent to the Government of India, there was an informal conference held in April 1942 between the Secretary of the Labour Department, Sir Henry Richardson, Sir Frederic James, Mr. Haddow, Mr. Gwilt and Mr. Hooseinbhoj Laljee. On their suggestion, the employers were consulted, two employers organisations were approached and two All-India organisations of Industrial employers have completely supported the measure. With regard to employers Federation, that organisation unfortunately was divided. One section is in favour, and the other is not. So far as labour representations are concerned, the Standing Labour Committee unanimously recommended this measure. I do not think that anything more is necessary to enable the House to understand fully the provisions of this Bill. Sir, with these remarks, I move.

Mr. President (The Honourable Sir Abdur Rahim): Before I put the motion, I ought to mention to the Assembly that it is the practice of this House that names of Members chosen for the Select Committees should be supplied beforehand to the office, before the Honourable Member moves the motion and that practice, I must insist on being conformed to by all Honourable Members of the

[Mr President.]

House, Members of Government or Non-Official Members of the House.

Motion moved:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal N. Chaudavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hooseinbhoj A. Laljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. E. R. Gupta and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. C. C. Miller (Bengal: European): Mr. President, Sir. The European

12 Noon. Group support the reference of this Bill to a Select Committee to meet later in the year, but they would urge Government to use the occasion for two purposes. One is to place at the disposal of the Select Committee much more information than has been done hitherto, and the other is to very carefully consider, in the meantime, the provisions of the War Injuries Ordinance 1941 and the rates thereof because we consider that if that Injuries Ordinance remains unamended and if this Bill passes the Select Committee and subsequently the House in its present form, then the Honourable Member will become the parent of about as notable an instance of discriminatory legislation as is to be seen on the Statute book of any country.

I now wish briefly to refer to the theory of the Bill and the system which it outlines, and I hope the Honourable Member will correct me if I make a technical mistake.

Under this Bill, employers of factory labour, of labour in major ports, of mine labour and of essential services labour, are required to insure their employees against war risk injuries for the difference between the scale laid down in the War Injuries Ordinance and the scale laid down in the Workmen's Compensation Act. Government will act as sole insurers, but as insurers in a peculiar position. They take no risk and they quote no definite rate. They will receive from their clients premia in advance which they estimate will cover the risk over a certain period. The Honourable Member mentioned a quarter as the period, but I do not find 'a quarter' specifically mentioned in the Bill. That, however, is only a matter of minor importance, and I take it that if in a sudden catastrophe Government should exhaust the supply of money which they have in the shape of premia, they will immediately send round the fiery cross to employers and collect more premia, in other words they will always endeavour to be on the right side of the balance sheet with money in hand. I make a point of that because I want to allude to that a little bit later.

Now, Sir, since this measure, as the Honourable Member has stated, is so closely linked with the two existing measures, I would ask your permission to take a very brief glimpse at those two measures.

In the first place, we have the War Risks Ordinance. This is legislation of a type which, I think, finds its counterpart in every belligerent country within the danger zone of modern warfare in the world today, and the principle is that the whole country is facing a common danger and a common peril, and, therefore, there should be a common measure of relief or compensation according to the ability of the country to pay.

The relief in the War Injuries Ordinance for all major injuries takes the form of what one might call an exiguous over-all pension, bearing no relation to the earning power of the person who is known as the "gainfully occupied" person.

The Workmen's Compensation Act, on the other hand, is totally different legislation. The principle in that Act is, very rightly, that the employer is definitely responsible for conditions of danger which arise from dangerous machinery, or the handling of noxious products or anything of that nature, that is to say dangers which are incurred by workmen but which are not incurred by the ordinary citizen and for which the employer is liable. I do not think, however, that any Member of this House could possibly hold the view that

Mr. O. C. Miller: If I may interrupt my Honourable friend, I did not say that I objected to it, but I wanted proof that the danger to which the workman was exposed justified discrimination.

Mr. N. M. Joshi: My Honourable friend wanted proof for discrimination. I feel that you do not require much proof for discrimination between a person whose presence is necessary for production and a citizen whose work is not so essential. In the case of workman, he certainly undertakes greater responsibility when he agrees to stay in the factory and continue work even under great risk, even when there is the risk of air raid, or naval bombardment or any other operation of war. If the ordinary citizen undertakes work which is necessary, if Government carries on propaganda that he should stick to his work, then certainly he has a right to be compensated. But, as a matter of fact, what happens is that Government make propaganda that the workmen in industries should stick to their work, while they make propaganda that those people whose services are not very necessary may evacuate. So, I feel that there is a good case and justification for discriminating between those whose presence is necessary in a place which is in danger, in the war zone and those whose presence is not necessary. I go further and say that the Government of India places special responsibility on the industrial workman by making his leaving his work a penal offence. My Honourable friend, Mr. Miller, may evacuate Calcutta without taking any risk. The Government of India may perhaps be glad if he leaves, may even provide some help in doing so. But the Government of India, by several enactments, such as, the National Service Ordinance, the Essential Services Ordinance, and even by Rule 81A of the Defence of India Rules, forbid the workman from leaving his job without, in some cases, long notice, and in some cases without the permission of some Governmental authority. I hope that my Honourable friend, Mr. Miller, now sees the justification for the discrimination made by the Government of India between a workman and he himself, an ordinary citizen. The Government of India does not send an ordinary citizen to jail for leaving his work without the permission of certain authorities in Calcutta, as it does in the case of those who come under the National Service Ordinance, under the Essential Services Ordinance and Rule 81A of the Defence of India Rules.

I therefore hope that my Honourable friend Mr. Miller is now convinced of the justification of discrimination made between the workmen and what he calls the man in the street and an ordinary citizen.

At this stage I do not wish to go into the question whether the rates paid under the War Injuries Act are low and the rates paid for the workmen under the Workmen's Compensation Act are higher. We shall discuss that question in the Select Committee. My own view is that the rates paid both under the War Injuries Ordinance and under the Workmen's Compensation Act are very low and they require to be enhanced.

There is one discrimination which this Bill makes which my Honourable friend Mr. Miller should have brought out. In the first place the compensation is not given to all classes of workmen. I would have liked compensation to be given to all classes of workmen and not only to the classes of workmen who are provided compensation under this Bill by section 4. Not only the Government of India is not proposing to give compensation to particular classes of workmen but they do not propose to give compensation even to all those who come under the Workmen's Compensation Act. The Government of India is discriminating between different classes of workmen who come under the Workmen's Compensation Act. The Government of India is providing compensation under this Bill for workmen who come under certain Ordinances and also to those who come under the definition of factory, who come within the definition of a mine and people who work in major ports. Then the Government of India take power to themselves to apply the provisions of this Act to other classes of industries, which they may notify in the official gazette. I feel that the Government of India in the first place have omitted a large class of workmen who today are working under the risk of war injuries, several classes of work-

[Mr. N. M. Joshi.]

men who are working in Assam, for instance. Take the workman on a plantation. The Honourable the Labour Member the other day gave us some figures and the House knows that a very large number of workmen on the plantations of Assam whose number is more than eight hundred thousand or nine hundred thousand or about a million, are not mentioned in this Act at all. As a matter of fact, the greatest risk today is in Assam but the Government of India have taken care to omit them. I do not know why. It may be that the Government proposes to bring them under clause (e) by mentioning them or notifying them in the gazette. I do not know why they should have been dropped as a class in this Bill.

There are other classes of workmen but I do not wish to go into the details. I shall place my proposals before the Select Committee. But I would in this connection draw the attention of the Government to the omission of the mention of seamen, on sea-going vessels and coastal vessel and inland steam vessels. I know that the Government of India had informed this House that they propose to make some schemes for compensating the workmen for injuries suffered by seamen but I would have liked the Honourable Member to tell the House whether those schemes provide compensation which is equal to the compensation which is payable under the Workmen's Compensation Act. In any case I would like the Honourable Member to examine those schemes and see if the compensation paid under the schemes made by the Government of India for seamen is not less than the compensation payable under the Workmen's Compensation Act. If the compensation is less, they should bring that compensation at least to the level of what is provided in this Bill. When the question of compensation for war injuries suffered by seamen was considered, I suggested to the Honourable Member in charge of the Bill, the Honourable the Commerce Member that he should consult the representatives of the organisations of Indian seamen and hear them before those schemes were made final. The Honourable the Commerce Member promised me at that time that they would consult the representatives of the seamen's organisations. I am very doubtful if the Honourable Member had fulfilled that promise. I happen to be the President of one of the small organisations of seamen in Bombay. So far as I know, I was never consulted nor was my union consulted. I would therefore like the Honourable the Labour Member to study this question of seamen and if the compensation given to the seamen is not equal to the compensation paid under this Bill then make some provision for the payment of compensation to seamen and he should also try to convey to his colleague in the Commerce Department that the promise made by him when the question of compensation to seamen was discussed in this House that he would consult the representatives of the seamen's organisations has not yet fulfilled.

I do not wish to go further into this question at this time but I would like to state here that I approve of the principle of compulsory insurance which has been introduced in this Bill. I would like this principle of compulsory insurance to be adopted not only for the period of the war but for ordinary times also. We have passed the Workmen's Compensation Act but there are occasions when the employers find it difficult to make the payment of the compensation, because they have not got the resources to pay the compensation. It is therefore necessary that this principle of compulsory compensation should be introduced in the ordinary legislation for compensation.

I do not wish to go into the other points which were raised by the Honourable Member in charge of the department and the two other speakers who have spoken before me. Sir, I support the motion for sending this Bill to the Select Committee.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Syed Ghulam Bhik Nairang (one of the Panel of Chairmen).]

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, in supporting this motion I have only one word to say and that is that the Select Committee, when it will consider the clauses of the Bill, will take into account the grievances which have been referred to by my Honourable friend Mr. Joshi.

take power to collect from employers as the first instalment of premia a half per cent. of wages over a given period. The Labour Member has informed us that that period is a quarter, and the total premium would be very large because it would include factory labour, mine labour, dock labour, and essential services labour. I cannot make even an approximate guess at it, but I should think that that first premium might well amount to something between 20 and 30 lakhs of rupees; and this has an intimate connection with clause 10(3) because if I read that clause correctly, Government intend,—at the end of the hostilities when the whole thing is cut and dried and all the liabilities are known,—they intend simply to take over themselves any excess which may be found in the funds of the account. If I may say so, that seems to me to be a most extraordinary proceeding. Government can collect monies under this Bill to any degree they like, and they know from whom they collect those monies; they must have their lists; but why should they keep the money at the end? The money is collected against a contingency which has failed to materialise. I think probably the Select Committee will have something to say to that, because at the moment it presents the appearance of legalised highway robbery, if I may say so.

Just one last point, and I shall not detain the House further. That is with reference to clause 6 and its many sub-clauses. This clause 6 enables Government to put into operation a scheme on the lines of the War Risks Ordinance, but that scheme is the whole kernel of the Act and if one looks at clause 6(4) one gets this little innocent sub-clause: "The Scheme may be amended at any time by the Central Government." It rather looks to me as if the Government was offering the Select Committee of the House an orange and saying: "Now you take the skin and I will take the rest of it." In fact it bears the suggestion that this Bill was an Ordinance concealed rather thinly under the disguise of legislation. That again, I think, the Select Committee will look into. I will not trespass on the time of the House further beyond a remark that I think, though it is a short Bill, the Select Committee are likely to have a very arduous time of it.

Mr. Hoosseinbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to welcome this Bill. It is a fact that the Bombay Mill-owners' did request Government to give necessary relief or, more than relief, some compensation; and I am very glad that the Honourable the Labour Member has at once kindly brought this Bill before us. I must also congratulate him on placing this Bill before us because I know very well that he could have got this by Ordinance. My friend from the European Group who spoke just now doubted whether some portion of this Bill should or should not be considered as part of an Ordinance. Therefore, in the first instance for placing the same before us we are very much obliged to the Honourable the Labour Member. My friend has rightly pointed out two important facts; those are, that a certain amount will be taken from the employers by the Labour Department every quarter and the basis will be fixed by the Labour Department. I submit that if that is done, it must be done in consultation with the industries who are primarily responsible; and furthermore I wish also to join my friend in drawing the Honourable the Labour Member's attention as to the final disposal of the surpluses, if any. They should certainly be given back to the parties from whom they were recovered—and certainly far more justified is the desire when they have offered voluntarily to contribute. I do not agree with my friend in this respect that the War Injuries Ordinance does give sufficient sum, and I do feel that as the Honourable the Labour Member has pointed out, our financial conditions, even though some people say there is prosperity in the country due to war, I feel we are really speaking unable to pay to our people compensation on the scale that other countries have been giving or what they are really entitled to; and therefore when the industries do make some money, I do feel that a reasonable compromise between the relief and compensation be made and not altogether as put by the Honourable the Labour Member, would like to do but a fair thing must be done. Whether we should give, as against the relief

[Mr. Hooseinbhoj A. Lalljee.]

further all the compensation that has been awarded under the Compensation Act is a question into which we shall look certainly in detail in Select Committee.

Then I should also like to point out, that so far as the question goes that the workmen's morale is affected by the increase in compensation, it is a fact that nowadays in India the workmen are fortunate enough to have leaders like my friend, Mr. Joshi, and if I may say so with the permission of the Honourable the Labour Member, they know they have got a Labour Member who is very sympathetic to them; and if they are assured by them that when they have to work in a factory and when they have to get compensation they would get a reasonable sum of money, surely their morale will help them to sustain the working under war conditions or even of bombing. It is said that the workmen's morale in India is not affected by money, it may be to a certain extent. The workmen in India, I must admit to our shame, are in a very very straitened circumstance, and whatever is given to them they cannot refuse in any circumstances. But that does not justify that morally they are only entitled to that. I am very glad that some more compensation is to be given. I do admit that we will have to consider in greater detail some of the points which my Honourable friend has pointed out, as affecting industry and also the future betterment of labour. I must also tell the Honourable the Labour Member when he says that a large portion will come from E. P. T., that he is not correct. Not all factories pay E. P. T. If the Government's contention is correct, then Government could make some arrangement with those who have got to pay E. P. T., when this proposal is only applied to them. I am not going into details, but there ought to be a scale. If Government honestly and sincerely wish to subscribe to these war injuries compensation, they should come forward and say, only E. P. T. payer will pay a certain percentage and not others. If not, whatever industrialists have to pay, they have to pay as all other citizens. With these words I welcome this Bill and hope that in the Select Committee the many important points that have been raised will be gone into and we shall be able to bring out a Bill which will be satisfactory both to employer and the workman.

Mr. N. M. Joshi (Nominated Non-Official): I join in welcoming the motion made by the Honourable the Labour Member. The principle which he enunciated is that if during air raids or naval bombardment or in other operations of war the workman suffers injuries, it is necessary that in order that the morale of workmen may be maintained, the workmen should be compensated for the injuries that they suffer. The Honourable Member made some difference between relief and compensation. Personally, I feel that the State or the employer should take responsibility for compensating and not relief. Government spend a lot of money in propaganda asking people not to be panicky, and they make a special propaganda among the working classes telling them that as their work is necessary for the war effort they should stick to their work. In these circumstances I feel that it is the moral obligation either of the employer or of the Government to compensate fully the workman who undertakes the risk and suffers injuries on account of any of the war operations. Here I would like to correct one of the statements made by the Honourable the Labour Member. He said that the Workmen's Compensation Act compensates fully the workman for the injuries which he suffers. That is not so. The Workmen's Compensation Act gives a very small compensation for the injuries that the workman suffers. If you look into that Act and look into Schedule IV, you will find that in the case of a workman getting a certain amount of wages, say not more than Rs. 10, his family gets Rs. 500 as compensation for the loss of his life. I know that life in India is considered very cheap, but even in India the life of a human being and a workman need not be so cheap that his family should be considered to be fully compensated if they receive Rs. 500. I do not want to raise that question; I only wanted to correct a misconception of the Honourable Member. My Honourable friend, Mr. Miller, said that this Bill discriminates between an ordinary citizen and a workman, and he objects to that discrimination.

(liability be referred to a Select Committee consisting of Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hooseinbhoj A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Imaail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presense shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

The motion was adopted.

THE DELHI UNIVERSITY (AMENDMENT) BILL.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands):

Sir, I move:

"That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee consisting of the Honourable the Law Member, Nawabzada Muhammad Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, Dr. P. N. Banerjea, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. Chairman (Syed Ghulam Bhik Nairang): Motion moved:

"That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee consisting of the Honourable the Law Member, Nawabzada Muhammad Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, Dr. P. N. Banerjea, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have an amendment. May I move it now.

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member can move his amendment now and speeches can follow later on.

Mr. Lalchand Navalrai: Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1945."

Mr. Chairman (Syed Ghulam Bhik Nairang): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1945."

Mr. J. D. Tyson: Sir, I feel I owe an apology to the House for confronting it with such a formidable-looking Bill at the end of the Session. Though we are anxious to get the Bill through quickly, we have attempted to soften the blow and have contented ourselves with moving for its reference to Select Committee, instead of taking it on the floor of the House. I should like to explain also the form of the Bill. Unless the Select Committee or the House itself wishes to make it so, the Bill is not really nearly so formidable as it might appear from its bulk. If the number of changes proposed in the Bill is the criterion, thirteen pages out of 14½ represent the Schedule and the Schedule contains all the Statutes. We have only proposed changes in eight out of the thirty-six Statutes.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): The number of changes is ten.

Mr. J. D. Tyson: I think, eight in the Statutes and some changes in the Bill. It may be ten in the Statutes.

Now, Sir, clause 9 of our amending Bill read with the note on the clause explains why we have put all the Statutes into the Schedule. Honourable Members will remember that the parent Act enacted what were termed the First Statutes of the University. The object was to enable the University to start straightaway with a body of Statutes which the University itself could amend or add to, as occasion arose, by the machinery provided. Now, Sir, to some extent we are making a fresh start, at this stage, in the career of the University. The object is to make a statutory provision for changing the degree course from two years to three years. The changes that are necessary must be made both in the parent Act and in the Statutes as they exist at the present moment. We have thought it best, therefore, to ask the Legislature to present the University with Statutes which embody the necessary changes as

[Mr. J. D. Tyson.]

well as with amendments in the parent Act. For that reason if our Bill is accepted the existing section of the Act which refers to the "First Statutes of the University" will simply refer to "the Statutes". But in order to do that we have had to put them all into the Schedule. I mention this in order to explain the bulk of the document which I have at this late hour placed before the House.

The necessity for legislating at all to amend the Delhi University Act arises out of the history of the University itself. There has been a steady development in the University. To mention only one feature,—when the University first began its work, there were no Professors at all. Today, there are five professors and we hope that in the very near future there will be six or seven. As there were no Professors at first,—I presume that was the reason,—there was no provision made for the representation of the Professors on the Executive Council. But we feel that it is not right that, when there are Professors, the Executive Council of the University should be deprived of the advice which might come to them from the Professors and we have, therefore, proposed to add two Professors to be elected by their colleagues to the Executive Council. Another reason why legislation is necessary is the reform to which I have just alluded, the very important educational reform,—educational experiment we may call it, perhaps,—of increasing the degree course, the real University training, from two to three years. Certain changes are necessary both in the Act and more particularly, I think, in the Statutes to give effect to that reform which has been accepted in principle by the University.

Dr. P. N. Banerjea: You call it reduction?

Mr. J. D. Tyson: No, I call it an increase, really. The present degree course is two years, because the first two years are spent in Intermediate work, which is really properly speaking the kind of work which should be done in the high school. It is now proposed that the degree part of the course should be three years. I call it an increase from two to three years.

The third factor of which we must take note and for which changes in the Act and Statutes are necessary arises from the fact that there have been changes in the conditions of Government grant to colleges. These, then, are the reasons why legislation is necessary and the opportunity has been taken, as is stated in the Statement of Objects and Reasons, to cover a few other points which are overdue for amendment. From what I have said already and from a study of the Bill Honourable Members will realise that the Bill before them consists partly of some inter-related clauses and partly of clauses which stand by themselves and I do not propose, therefore, to go into detail about matters which obviously would more fittingly be discussed at the Select Committee stage. I would like, however, to advert to two or three of the proposed changes

Dr. P. N. Banerjea: What are the one or two matters which are overdue for amendment?

Mr. J. D. Tyson: "Professors", for example, is certainly overdue.

Dr. P. N. Banerjea: That you mentioned already.

Mr. J. D. Tyson: I propose to advert to two or three of the proposed changes which appear to be of special importance or which are likely to attract special attention. The first is the proposal that the University should have power to have a wholetime paid Vice-Chancellor. As I have already said, the University has developed and the time must come, if it has not already come, when its chief executive officer can no longer be as in the past a gentleman who, while actively pursuing a profession, is willing out of public spirit to devote his leisure to the work of the University. The development of the University and the carrying out of the scheme for its improvement into a model University calls for the services of an educationist who can devote his whole time to the task. It has been the University's good fortune to have had during the earlier stages of the transition to the three years degree course

He pointed out that some classes of labourers have been omitted from the purview of this Bill. It may be said that those classes will be brought into the scheme by rules, but that would not be quite a satisfactory method of dealing with the matter. It will be better to provide for compensation being granted to the labourers of these classes mentioned by Mr. Joshi in the Bill itself. I welcome the Bill and have great pleasure in supporting the motion moved by my Honourable friend Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar: Sir, I am glad to find such a general support accorded to the measure which I had the pleasure of moving this morning. The words of criticism which have emerged are indeed surprisingly few and most of them came from my Honourable friends, Mr. Miller and Mr. Joshi. My Honourable friend, Mr. Miller, said that it was necessary that the Government should give more information with regard to the measure. I shall always be glad to give him whatever information he wants if he would kindly let me know the points which are troubling his mind. With regard to the other question which he raised, namely, that in his mind there appeared a certain discrimination between the rates we were paying under the War Injuries Ordinance and the rates we proposed to pay under the present measure, I fear he is labouring under a misapprehension because, as I tried to make out, the object of this measure is really to equalise the position of those who are covered by the War Injuries Ordinance and of those who are going to be covered by the present measure. As I pointed out, on examination of the rates we offered to the war injuries victims, we found that those who drew Rs. 24 and above only got relief and those who drew Rs. 24 and below got compensation. And what we propose to do now by this measure is to give compensation to those who stand above Rs. 24. Therefore, my Honourable friend will see that far from creating a position which will be called discriminatory, we are really equalising the position of all workmen to which both these measures are going to apply. I quite appreciate the point that my Honourable friend, Mr. Miller, made, namely, that this measure is restricted to a certain type of workmen or certain classes of workmen who are defined in clause 5. That is quite obvious from the provisions of the Bill itself. But, as I pointed out, having regard to two circumstances, firstly, that it is not possible for Government to undertake the liability of paying compensation to all workmen and, secondly, having regard to the fact that any scheme of insurance which Government can put forth must be administratively workable, it follows that Government cannot spread itself out to cover all sorts of workmen because, as I said, it would be too much of a liability for Government to take and the scheme will become administratively unworkable. In order that we may run the insurance scheme, it is quite obvious that we must be able to locate an employer on whom we can definitely place the liability and from whom we can recover the premium. In the case of general population it is not possible to locate someone on whom this liability could be imposed and from whom the premium could be demanded. That is certainly the reason why we have been required to limit the scheme to certain classes of workmen who have been defined in clause 5. My Honourable friend, Mr. Miller, said that we have given no justification for confining our scheme to the classes of workmen who have been defined in clause 5. Some of the answers which I could have given to him have already been given by my Honourable friend, Mr. Joshi, and I do not propose to repeat them. The answer really is to be found in the Statement of Objects and Reasons itself. The Statement of Objects and Reasons (paragraph 2) makes it clear that they are exposed to danger in factories and other industrial concerns. That, I submit, is as good a reason as any could be given for confining this measure to the classes of workmen who are defined therein. It cannot be denied that factories and industries are easy targets for enemy attack and the people working there are, therefore, more exposed to danger than the general population.

With regard to the question raised by my Honourable friend, Mr. Joshi, that this Bill does not apply to all workmen and he pointed out two particular

[Dr. B. R. Ambedkar.]

cases in which he desired that the provisions of this Bill should be extended, namely, to the labourers working in Assam on tea plantations and seamen, are, no doubt, cases which require some particular answer. Now, Sir, my general answer to the criticism of Mr. Joshi with regard to these two particular points is this, that Government is quite aware of what he has said and that is the reason why Government has introduced sub-clause (e) in clause 5, whereby Government has reserved to itself the power of extending the provisions of the Bill to other workmen employed in any employment. Government does not regard that the categories of workers defined are the final and that no occasion may arise to include others.

Dr. P. N. Banerjee: It is not exhaustive.

The Honourable Dr. B. R. Ambedkar: It is not exhaustive and, therefore, if a situation arises when it becomes clear to Government that the provisions of this Bill should be extended to workmen employed in other employments, Government will undoubtedly consider the matter.

With regard to the question of Assam, the only point I would like to make is this that, as I said, we are confining the measure to workmen who are living in what might be called exposed centres. To my mind and according to the information we have at present, it cannot be said that the tea plantations are exposed centres. If at any time the plantations do become exposed centres and subject to risk, there is no doubt about it that either Mr. Joshi may move in the matter or Government will take notice and see that the provisions of this Bill are extended to the labourers in Assam.

With regard to the seamen, I think the matter was brought forward by the Commerce Department and I understand that there is a measure already in existence whereby a provision, if not of the same force, at any rate, analogous to the scheme that we are having, is already in existence. If my Honourable friend, Mr. Joshi, thinks that it is desirable that the Select Committee should examine and make some provision, if that provision is not incongruous with the main features of the Bill, I certainly will raise no objection for his considering the matter in the Select Committee.

My Honourable friend, Mr. Miller, referred to one or two clauses in the Bill. The first was sub-clause 5 (e). To that I have given my reply that Government has deliberately introduced that sub-clause by way of caution because Government thinks that the expediency may arise whereby the provisions of this Bill may have to be extended.

The other section to which he referred was section 10 of sub-clause (3).

1 P.M. His point of criticism was that by this provision Government proposes that if any balance is left out of the fund the excess will be paid into the general revenues. I understood Mr. Miller to say that this policy of the Government of India was not justified by the circumstances of the case. But if Mr. Miller will bear in mind the fact to which I have already referred, namely, that a good part of the money which will be paid as premia by the employers to this fund will come out of the E. P. T., then it is only proper that Government should be the residuary legatee of such balance. Sir, I have nothing more to say.

Mr. E. L. C. Gwilt (Bombay: European): May I ask a question from Honourable Member? He said in his opening speech that it is the Millowners' Association that initiated the scheme.

The Honourable Dr. B. R. Ambedkar: They made a suggestion.

Mr. E. L. C. Gwilt: Did not they also make a suggestion that any money left in the fund after the compensation is completely paid should be devoted to industrial research and if so, will my Honourable friend give consideration to that suggestion?

The Honourable Dr. B. R. Ambedkar: I have no memory, but I will look into the matter.

Mr. Chairman (Syed Ghulam Bhik Nairang): The question is:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such

says it is not a formidable Bill. He only says that it is apparently formidable. In my humble opinion the provisions in this Bill lie under a cover. As the Bill has been presented, no one can understand what really is the substance of it. Looking at the Bill as it is, we find that the original Act has 48 sections, and this Bill makes amendments in 17 sections of that Bill. It goes further also to change the Schedule at least in eight places, as has been admitted by the Honourable the Education Secretary.

Now, Sir, to call such a Bill not formidable, or not very weighty, or not very important, is, I think, a misnomer.

Mr. J. D. Tyson: I did not say that it was not important. We attach the greatest importance to it.

Mr. Lalchand Navalrai: Apparently formidable: not formidable in substance. My attempt to show that it is important is with respect to the substance, and not on the face of it as it has been presented. If we look at the Bill as it is, what do we find? It only says in that section add only these words. But unless and until one goes through the whole Bill, with all the clauses, one (unless he is an expert, for the Bill is a very complicated measure) will not be able to find what is the object of this Bill.

In my humble opinion, as I have read the whole of it, and I have also had the advantage of being a member at present of the Court of Delhi, I submit that I can understand what really is the object and why these drastic measures are being made. Now, Sir, I would say that this Bill is too drastic, reactionary and revolutionary. The Bill gives autocratic powers instead of democratic which the University authorities enjoy at present. Now the powers are all being given to the Executive, and these powers are being given on the assumption that the Government is going to give a grant. Government has thought fit that this Bill should be passed and these provisions should be made, otherwise probably the grant money would not be granted to the University. I do not think it is fair, reasonable and equitable that this Bill should be moved into the House under that threat of grant being discontinued.

Sir, I am asking at present only for a certain motion, i.e., that circulation is very necessary in a Bill like this, not only from the complicated position that I have shown, not only from the complex provisions that are contained in it, but on other very weighty grounds. Besides, though I am a member of the Court of Delhi, still I never knew that a Bill of this kind was coming into the House.

Mr. K. C. Neogy: (Dacca Division: Non-Muhammadan Rural): Has the Court not been consulted?

Mr. Lalchand Navalrai: Not at all. Besides, I am going to tell you who were not consulted. To begin with, I cannot understand who conceived this Bill and where was it conceived. Who was then the person who said that there should be such amendments of this drastic kind? It is not known to us, nor to the educationists, nor to the public. Even my Honourable friend, Maulana Zafar Ali Khan, put a question, which shows that he also did not know that the Delhi University Bill was coming in to scrap more or less all the provisions of the former Act and to make absolutely a new Act suitable to the Government, suitable to the Executive, to give more powers to the Chancellor and to the Vice-Chancellor and to the Executive Council and so forth.

What I submit is this. We knew that this Bill had been born only a few days back when it was introduced in this House. It is a naked Bill. When Bills come into the House they are usually circulated. Opinions are collected: and we get to know that there is a certain amount of support or a divergence of opinion and it is on that

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): It is a Government Bill.

Mr. Lalchand Navalrai: Even if it is a Government Bill, if we are asked to vote on it we must have the different opinions placed before us, and we must also know what differences, if any, there are likely to be between this University and the other universities in India in this respect, lest there should be any clash with any other university. After all people get an education in all the

[Mr. Lalchand Navalrai.] universities. They acquire talent and education not only in Delhi but from all round. Even Delhi people who pass their examinations go to other places and they have to be in conformity with the provisions of the other University Acts too. Therefore, this is a naked Bill. There ought to be opinions called for, and not only that opinions should be called for, but there should be no haste in passing a Bill like this. At this time of war we are asked not to be in a hurry even where our food is concerned, but here, simply because the Government wants to give certain powers to certain persons in whom they may be interested, they want us to hurry on on the plea that they are giving a grant to the University, I ask, is that not a clear reason for circulating this Bill? I was asked if the Court was not consulted on this Bill. This Bill was introduced here only a few days ago, and we do not find there was any consultation with the Academic Council; we do not know whether there was any consultation with the Executive Council, but I can assert that the Bill never came before the Delhi Court in my presence. There is an Educational Conference or Committee where questions concerning all universities are considered; but even that conference or committee was not consulted about this. All of a sudden, one day the Honourable the Secretary for Education comes here and says "I introduce the Bill", and within a few days he says "send it to the Select Committee direct, do not think of anything else." What purpose can be served by such a Bill? I think this Bill which is being adopted in its nakedness by the Honourable the Secretary for Education must not be considered unless and until it gets the support of educationalists and other universities and also the college authorities for whom it is intended. All these must be consulted. Ordinarily, when a Bill is brought, we know what the public opinion is before we proceed with it; people must be consulted, but that has not been done here. We are simply told "This must go to Select Committee because we are giving a grant to this University and we want you should hurry up and, therefore, a measure of this kind should be sent to Select Committee forthwith." So far as circulation is concerned, the matter is very clear. Members of this House, who do not know what the public opinion is on this Bill, and who have only read this Bill now, cannot be asked or told "Accept the principle of the Bill now." At this moment we are being asked to consider the principles. How are we to consider the principles unless we look into this Bill critically? One Honourable Member will find out something here, others may find out something there; but unless we know what public opinion is we cannot really contribute anything useful. Therefore, this Bill should be circulated, especially when it is said that the Select Committee is not going to be called in a hurry. If it is not so, why is it that the same principle that was adopted in the case of the Hindu Law Bill is adopted here? It may be said that there is time to think over it; but we want public opinion; and the Honourable Member will not bind himself and say that in the meantime he will circulate it and get opinions—so that the two things can go on together; he will not accept that. Therefore, there should be no haste in sending this Bill to Select Committee.

As for the principles of this Bill, they are not only important but they revolutionise the whole system of education. I will show that this three years' degree course is unprecedented, it does not exist in any university in India; it is absolutely a new conception; it has not got the blessing of any other university or of any educational authority of high merit. It is only a Bill which some officers of the Council—I may say, the Vice-Chancellor of the University—are interested in. As I was in the University one day when a meeting was going on, I saw the haste with which this three-year course was being proceeded with. I may say that I wanted that this proposal should be placed before the Court before it was considered by the Executive Council, and the Vice-Chancellor who is the Chairman of the Executive Council and also of the Court. I sent in my resolution to that effect—for what purpose? For the purpose only that before statutes are passed or ordinances are passed, the matter should come to the court. My point was that according to the Act, if this Bill comes with statutes and ordinances passed by the executive council,

a part-time Vice-Chancellor who was able in fact to devote a very great deal of time to the University.

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

The Assembly then adjourned for Lunch till Half Past Two of the Clock. Syed-Ghulam Bhik Nairang (one of the Panel of Chairmen) in the Chair.

Mr. J. D. Tyson: Sir, I was observing when we adjourned that it was the good fortune of the University to have had during the earlier stages of the transition to the three years degree course a part-time Vice-Chancellor who was able in fact, to devote almost whole-time service to the University, but that was a chance on which the University cannot count every time.

Now, Sir, there is nothing in the Act to prevent the person selected as Vice-Chancellor from devoting his whole time to University work. But generally if you want whole-time services and want to be in a position to insist on whole-time service, you must be prepared to pay a salary and there is nothing in the present Act which would enable the University to pay a salary to its Vice-Chancellor. There is provision for paying a salary to the Treasurer, but there is nothing in the Act which would enable the University to pay a Vice-Chancellor. In fairness I ought, perhaps, to make it clear that if this Bill is passed into law, the present Vice-Chancellor has made it clear that he would not seek to take advantage of that provision.

Honourable Members will notice that we have left intact the present procedure for appointing an unpaid Vice-Chancellor. The present arrangement is that the Vice-Chancellor is appointed by His Excellency the Chancellor on the recommendation of the Executive Committee. But we seek to prescribe a new procedure, to be applicable only for the appointing of a whole-time, and presumably paid, Vice-Chancellor. Under this procedure, the Chancellor is to make the appointment after such consultation with the Executive Council as he thinks fit. The Chancellor will also decide whether a whole-time Vice-Chancellor is necessary, and I have no doubt that in coming to that decision also he would consider the views of the Executive Council.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Why this new procedure? Any reason for it?

Mr. J. D. Tyson: I am coming to that.

Honourable Members will recall that the Chancellor has already a number of important duties under the existing Act, and we have preferred making him the arbiter in this matter of whether there should be a paid Vice-Chancellor—a whole-time Vice-Chancellor—to leaving it to the unfettered decision of either of the parties who are primarily interested in this matter, namely, the University or the Central Government—I want to make that perfectly clear that the Central Government has a vital interest in that matter. The interest of the Central Government arises from the fact that in spite of the war, the Central Government has put up and is putting up considerable sums of money to finance the development of the University on certain very definite lines. Government want to see that that development is steadily and consistently taken through to a conclusion. I would like to add that Government have had this particular amendment in view for two or three years,—in fact, ever since the present financial arrangements were agreed to. It is no new idea.

I will only deal briefly with two other matters in the Bill. The Bill seeks to add four members to the Executive Council. The present strength of the Executive Council is, I think, 23—there is no Rector; if there were a Rector it would be 24—and the Bill seeks to add four members to that number. I have already mentioned the case of the professors. There were no Professors when the parent Act was passed, and I do not think there will be any disposition to question the provision whereby we seek to add two Professors to the Executive Council, to be elected by their colleagues—the other Professors. We also propose to empower the Chancellor to nominate four, instead of two members as at present, two of the four to be women. This is to facilitate the nomination of women to the Executive Council and, in view of our experience of lady

[Mr. J. D. Tyson.]

Members in this House, I am sure I can count on support for this proposal also.

Dr. P. N. Banerjee: You count on the support of the lady Member only?

Mr. J. D. Tyson: I hope I shall be able to count on the support of other Honourable Members also; I feel confident of it in spite of what my Honourable friend suggests.

The third point to which I wish to draw the attention of the House is our proposal that the Selection Committee to recommend recognition of teachers as teachers of the University should be cut down from its present unwieldy numbers of about 16 or 17 to the size and composition recommended by the Delhi University Enquiry Committee of 1927, which would be four—the Vice-Chancellor; the Educational Adviser to the Government of India, who is, of course, a member of the Executive Council; a member of the Academic Council,—who, of course, could be the Dean of the Faculty, but need not be; and one nominee of His Excellency the Chancellor. This, I may say, has been accepted by the Colleges and by the University in connection with the new conditions of Government grant.

Finally, Sir, a motion has been moved for circulation of this Bill. As regards circulation, Sir, I would submit we have got nothing to gain by it. We have embarked, in the case of the University of Delhi, on an educational experiment which is intended to give a lead to the Universities of India, and I do not understand how opinions related to conditions in other educational centres would be particularly helpful with respect to this Bill. There is, however, one fact of which I am prepared to take note: The Bill itself was placed before this House only a few days ago, as soon as it was printed, but the University has not seen it. It incorporates, as I have indicated already, many matters which have been considered and accepted by the University, but we should value the opinion of the University on the Bill—I am sure that the Select Committee would value the opinion of the University—and I would be willing to try to arrange for the Select Committee to defer its sittings till these views can be made available, if the University, for its part, will let us their views within a reasonable time. Sir, I move.

Dr. P. N. Banerjee: When will this Committee meet?

Mr. J. D. Tyson: We have not yet appointed a committee. The idea was for it to meet very soon, but, as I have just indicated, it will wait for the views of the University.

Dr. P. N. Banerjee: How long will that take?

Sir F. E. James (Madras: European): It may meet in June.

Mr. J. D. Tyson: It may have to meet before June. We should like to have the report of the Select Committee at the beginning of the next Session.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Has the opinion of the wider academic circles been elicited or invited?

Mr. J. D. Tyson: No, Sir. I tried to explain that we regard this as a matter affecting Delhi University. We have a plan for Delhi University which has been accepted, which does not at present apply to other Universities though we hope that some of them, in due course, seeing the success that it meets with here, will follow suit; but we doubt very much if anything is to be gained by circulating to Provincial Governments and through them to other Universities.

Maulana Zafar Ali Khan: Nobody knows anything about what is in this Bill even up to this time.

Mr. Chairman (Syed Ghulam Bhik Nairang): Order, order.

Mr. Lalchand Navalrai: This is a Delhi University Bill, which is amending an old and well considered Bill, the Act of 1922. Sir, that Bill was well conceived and well considered. Opinions were then invited and it was after very full consideration that that Bill became law. That Bill has remained in force and it is being used in the Delhi University. At present the Bill has been introduced by the Honourable the Secretary for Education, and he in his modesty, though I will not say that he is so simple as not to see through it,

then the court can only set it aside and reject it; therefore, I say that before these statutes are passed, because it becomes difficult afterwards when a matter is perfected by the Executive Council and then comes to the Court and the Court differs after the statutes have actually been passed. Therefore I put in a resolution to the effect that it should see the light of the Court, where we can look at it and see what it is; and it should not remain in purdah or in camera only with the Vice-Chancellor or the Executive Council. I was called to see the Vice-Chancellor and for about an hour I placed my case before him and asked him that my resolution may go to the Court. After all, he was kind enough—and, of course, no one could doubt his intelligence or his competency—he said it would be laid before the Court. But then some of the authorities were very much averse that the resolution should come before the Court and should succeed. Then I put my case before the Court and I saw all round there were teachers and principals and such like members of the Court and I argued my point and explained the necessity of its consideration before the Court and said that nothing would be lost by such a course; I also said that the Court is the highest authority of the University; it was contested whether it was the highest authority or not, but I said "After all the Court has to consider matters finally". I argued it in that sense. Then it came to voting. Very few hands were raised in my favour and the resolution was

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thus lost but I asked for a secret ballot. I understood that the consensus of opinion would really be in my favour if they were free to vote. So, I asked for a secret ballot, and the result was that I got a very great majority in my favour. The Vice-Chancellor complimented me but he said that the resolution may not be operated upon, and it never came before the Court as resolved upon by the Court. So, I submit that the Bill should have a wide circulation and a free circulation; in other words, undeterred by any influence, and that would only be when the Bill goes to other universities, when it goes to other educational societies and institutions which have nothing to do with the Delhi officers or the authorities of the Delhi University.

The change in the university course from four years to three years is an unprecedented thing. I think my Honourable friend, Dr. Banerjee, put a question whether it was a progressive reduction or increase. The Secretary for Education said that it was not decreasing. Let me explain to you the position. At present we have this. A student who has passed the matriculation can go directly to the college. He has two years in the intermediate and F. A. and another two years in the B.A. But under the new system proposed, what happens is this. At present there are seven standards on our side of the country and you have ten standards here. Under the proposed new system, there will be eight years in the High School on our side and 11 years here. Then they will have three years in the university to become a graduate. I submit you are revolutionising the whole system. Supposing one who has put in 11 years in the high school goes to the Bombay University or any other university, will he be accepted in the college for B.A.? No. They will say, "You have not passed the intermediate". It means you are trying to restrict students only to those residing in Delhi. At present, as a matter of fact, there are many students in the two or three colleges here, who have come from other provinces. You are trying to prevent them from reading in the Delhi University. This is a very important thing and you cannot allow the Bill merely to go to the Select Committee.

Now, with regard to the Vice-Chancellor's powers. The Vice-Chancellor at present is an honorary Vice-Chancellor; and all credit to the present holder and we hope that so long as he is there he will not ask for salary. So far, so good, but why should you make a provision in anticipation? You are giving more powers by this Bill to the Chancellor so that it may be easy to fix his salary, etc., and to determine on what salary he should be appointed and for what term he should be appointed—these are also questions that are more or less left to the Chancellor.

Now, Sir, with regard to that, I would say that under the amended Act the Vice-Chancellor may become a salaried officer and be appointed direct by the

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Chancellor who may only consult the Executive Council as he thinks fit. These are the important words. What is the present system? Who appoints now? You will see that in the original Act, the Vice-Chancellor is appointed by the Chancellor after considering the recommendations of the Executive Council. You see the difference now. In other words, it comes to this that when a Vice-Chancellor is to be appointed, the course would be that the Executive Council will appoint. The Executive Council having appointed will make a recommendation to the Chancellor to accept it or not. That makes a great difference, so much of difference that it will happen like this. He may consult hereafter the Executive Council but the Executive Council will have no power to create a Vice-Chancellor. Now, it would mean that the Executive Council is a democratic body, where there are educationists and persons belonging to the public. (*An Honourable Member*: "What is the elected element in the Executive Council?") That will be the next question. I will come to that. This clause remains in the amended Bill but may be superseded by the provision enacting the appointment of a paid Vice-Chancellor. Vice-Chancellors are whole time salaried officers only in certain universities. There are certain universities in which they are whole time. (*An Honourable Member*: "In all four universities.") Yes, I have got the facts here. I will be taking up too much time if I take up the case of each university. I have got facts here about every university. Each university has got its own provision and that provision is hedged by several limitations when it gives power not to the executive but to the Chancellor.

Then, I will come to the question of the term of office. You will find that the term of office is different and it is left indefinitely to the Chancellor. According to the original Delhi University Act, section 11, the Vice-Chancellor holds office for such term and subject to such conditions as may be prescribed by statute. Now, it is the statute that fixes the term and the relevant original statute lays down that the Vice-Chancellor shall hold office for a period of two years. The amended statute fixes the Chancellor's period of office at two years but in the case of the Vice-Chancellor he is a whole time officer. He should hold office for such time as the Chancellor may fix and would be paid salaries as the Chancellor may determine. It may be an indefinite term, for any number of years and several difficulties may arise on this account and this provision is also a retrograde one.

Under the original Delhi University Act the Vice-Chancellor's disciplinary powers are to be exercised in accordance with this Act. The powers are also limited under the statute. Under the amended Bill, these powers are intended to be made absolute and the words 'in accordance with this Act', as it is in the ordinances, are being omitted. This is what we find and this is a question on which we should have the opinion of educationists and other universities.

What is the effect of the omission of these words, which are included in all other University Acts? These words which enable them to make statutes and ordinances remain in other Universities but this University is showing itself to be a higher university. Is it progress or retrograde step? It is possible that such provisions may also lead to a conflict of the powers and duties of the Principal of a college who is responsible for discipline in his own college. This will be so, if the term University can be interpreted to include also a college.

I now come to the powers of the Executive Council and the Court. Even the powers of the Court are being decreased more or less. Even the few powers which the Court has, are sought to be taken away and as I explained to the House, it was actually contested that the Court was not the highest authority of the University and attempt is made to make it a nullity. Some of the powers of the Executive Council are to be increased but there again the powers will remain in the hands of the Chancellor and the Vice-Chancellor.

Under the amended Bill, the Executive Council becomes, for all practical purposes, the only authority in the University. Nor are some of its powers, especially, *vis-a-vis* the Colleges, subject to modification by a reference to the Court, as they are under the existing Act.

This power of the Executive Council relates particularly to the recognised colleges. Under the existing Act,* colleges are recognised by Statute S.2A and a statute is drafted by the Executive Council and made by the Court. Under the amended Bill, the Executive Council is given the power, subject to the Statute, "to recognise or withdraw recognition from a college or Hall not maintained by the University". But the expression "subject to the statute" does not mean that this power is vested in any other authority than the Executive Council. The amendment of section 28(g) of the Act lays down that statutes may provide for—

"the conditions for the recognition by the Executive Council of colleges and Halls not maintained by the University and the withdrawal of such recognition and the management of such colleges and Halls."

These conditions, under this section, are laid down under the new statutes 34 and 35. Hence, so far as the colleges are concerned, no reference to the Court is necessary. I have now shown sufficiently clearly that the powers of the Court are being kept down rather than being made progressively. The Executive Council can recognise even without recognition granted to a college and it is itself the judge whether a college complies with the conditions prescribed by the statute or the ordinance.

Now, Sir, I come to the constitution of the Executive Council. Under the original Act of 1922, the constitution of the Executive Council was liberally conceived. The only official, who was an *ex-officio* member, was the Superintendent of Education. About four years ago, the statute was amended to include another officer as an *ex-officio* member, namely, the Educational Commissioner with the Government of India. Only two members were to be nominated by the Chancellor. The amended Bill provides for four more members, two to be appointed by the Professors and two to be nominated by the Chancellor as now proposed.

Mr. J. D. Tyson: I think the Honourable Member is under a misapprehension. The first two that he spoke of are not nominated by the Chancellor; they are *ex-officio* members.

Mr. Lalchand Navalrai: I meant to say that they are *ex-officio* members.

Mr. J. D. Tyson: We do not propose to alter that. They will remain.

Mr. Lalchand Navalrai: And the two lady members will also be nominated according to the amended Bill. Would not the Chancellor nominate these two lady members? After all, we know the value of nominated members. We know what freedom they can exercise.

Kunwar Haje Ismael Alikhan (Nominated Non-Official): Sir, I strongly object to this remark of the Honourable Member about nominated members.

Mr. Lalchand Navalrai: But you cannot conceal facts and the practice that we have seen. But my Honourable friend may be an exception. Sir, I would like to hurry up and I now come to the other provisions of the Bill.

Honourable Members: Do not be in a hurry: take your own time. We are not in a hurry.

Mr. Lalchand Navalrai: Thank you. The Chancellor can nominate a number of women to the Court out of 15 members allotted to him in order to increase the number of eligible women for election from the Court to the Executive Council.

I will now like to place the facts of some other Universities in connection with this point. I will also show the number of Government officials, the nominees of the Chancellor and the members elected by the Court or the Senate to the Executive Council or the Syndicate in the different universities of India. The Agra University has one Government official and the Chancellor nominates six including two representatives of the affiliated colleges; the Board of Rajputana, Central India and Gwalior. There are 13 members elected by the Senate or the Court with not less than three or four graduate members. In the Aligarh University, there are no officials and none is nominated by the Chancellor and 20 members are elected by the Senate of the Court. This shows the democratic nature of the university. In the Allahabad University there is no Government official; three

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are nominated by the Chancellor and six are elected by the Senate of the Court. In the Annamalai University, there is one Government official, Chancellor's nominees are two and the number of those elected by the Senate is three. In the Benares University, there is no official and none is nominated by the Chancellor. The Chancellor of the Benares University is not a Government official and yet he has no power to nominate a member. The number of the members elected by the Senate of the Court is 15. In the Bombay University, there is one official and nobody is nominated by the Chancellor. The number of those elected by the Senate of the Court is nine. In the Calcutta University there is one official and none nominated by the Chancellor. Four members are elected by the Executive Council and one member is to be co-opted. In the Dacca University, there is one official and two teachers are nominated by the Chancellor and six are elected by the Senate of the Court. One member is to be co-opted. In the Delhi University, as at present constituted, there are two Government officials and four are to be nominated by the Chancellor.

Mr. J. D. Tyson: Two only are nominated by the Chancellor.

Mr. Lalchand Navalrai: There will be four nominated by the Chancellor now.

Mr. J. D. Tyson: But the Honourable Member said "as it is at present".

Mr. Lalchand Navalrai: And then five are to be elected by the Senate. In the Lucknow University, two are Government servants and four are nominated by the Chancellor and seven are to be elected by the Senate. In the Madras University, there is one Government official and three are nominated by the Chancellor; six are nominated by the Academy Council including three others. In the Nagpur University, there is no official, three are nominated by the Chancellor and five are elected by the Senate. In the Punjab University, there is one official and none is nominated by the Chancellor and 15 are elected by the Faculties and the Senate.

This comparative statement shows that the Delhi University Act is now going to be constituted in a manner which is absolutely unprecedented and which is absolutely different from the other Universities.

Now, Sir, I come to the Selection Committee. The constitution of this Committee on the recommendation of which alone can the teachers both of the colleges and of the University be recognised or appointed is a great departure from the original statute, which forms part of the Schedule annexed to the original Act. Under the old statute, after due consideration by the Government of India, colleges were given representation on the Selection Committee, as their own teachers were to be recognised on the recommendation of that Committee. So, they ought to have their representation and, therefore, they were given that representation. This representation has altogether been taken away—I hope I am correct in saying this—under the proposed amendment. And this Committee is now to consist of the Vice-Chancellor who may be a salaried officer appointed by the Chancellor at his discretion. The Educational Adviser to the Government of India an official nominee of the Chancellor and a member elected by the Academic Council, but not connected with any college. Even the Rector and Deans of Faculties are excluded and the Executive Council which has to make a formal appointment is denied representation. Is this fair? I ask.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): They will give only executive instructions.

Mr. Lalchand Navalrai: I will give you the details.

Pandit Nilakantha Das: Will they give instructions for every thing?

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Members should not carry on a conversation like that.

Mr. Lalchand Navalrai: Sir, I want to point out so far as this Selection Committee is concerned that in other universities these selection committees are differently constituted. But I do not want to go into the details because there are other Honourable Members who, if they think it fit, will show to the House how they are differently constituted.

Now, Sir, there are a number of Universities especially those which are teaching bodies and where a provision is made for selection committees. But nowhere is the constitution so drastic as is proposed to be made for the Delhi University. This is all the more difficult to understand as the vast majority of the teachers in Delhi colleges are appointed by the colleges and not under any recognised and specific regulations of the University. In the Aligarh University, there is a Committee of appointment consisting of Pro-Vice-Chancellor, the Chair of the Department of Studies concerned and three other persons appointed by the Academic Council. In Allahabad University, there is also a Committee of Selection consisting of the Vice-Chancellor, head of the Department of the Teaching and the Faculty concerned, two members of the Executive Council selected by the Executive Council, two members of the Academic Council selected by the Academic Council and one member, who shall not be an officer or teacher appointed by the Chancellor. Whenever an appointment is for the post of a Professor in any Department, one person is nominated by the Vice-Chancellor.

The Benares Hindu University has a Board of appointment consisting of the Vice-Chancellor, the Pro-Vice-Chancellor and eight members, two being elected by the Court, the Council, the Senate and Syndicate each.

The Dacca University has a Committee of Selection for the appointment of Professors and Readers only consisting of the Vice-Chancellor, one member of the Executive Council, two of the Academic Council, an officer of the local Government, and three persons appointed by the Chancellor.

The Lucknow University has a committee of Selection for the appointment of Professors and Readers only, one in India and the other in the United Kingdom. The former consists of:

"(1) The Vice-Chancellor, (2) The Dean of the Faculty concerned, (3) Two members elected by the Executive Council, (4) Two members elected by the Academic Council, (5) One member appointed by the Chancellor, and (6) One expert to be nominated, if necessary, by the Executive Council."

The Selection in the United Kingdom consists of one member appointed by the Academic Council, one by the Executive Council and one by the Chancellor.

The Nagpur University has similar Selection Committees to those of the Lucknow University, with almost a similar constitution.

The Madras University has a similar Committee consisting of the Vice-Chancellor, the Chairman of the Board of Studies concerned and four experts nominated by the Syndicate.

The Bombay University has a Selection Committee consisting of the Vice-Chancellor and four other persons, two selected by the Academic Council and two by the Syndicate.

The Punjab University has a Selection Committee for the appointment of a Professor or Reader of the University, appointed by the Senate for the purpose, provided that there shall be at least four experts, at least two of whom shall be external. The appointment is to be made by the Senate on the recommendation of the Syndicate which shall consider the report of the Selection Committee similar to that proposed by the Delhi University.

Now, Sir, all these things that I have placed are only to show that in the first place this Bill is not so simple. This Bill has in it provisions which are very drastic and extremely revolutionary. With regard to the Selection Committees, from what I have said it has become quite clear that its constitution is very reactionary. Some change must be made because teachers and professors are to be appointed by this Committee. As I have explained to the House, no representation is given to the colleges on the Selection Committee. Teachers and Professors have got a right to be there. Therefore, Sir, it is absolutely wrong to extend the constitution in such a way as to give more powers to the Executive especially when they proposed to make three years degree course. My Honourable friend, Nawabzada Liaquat Ali Khan, put a question in respect of this three years degree course. It is because the Government is going to amend the Act. It seems to me that there is a dispute rather than disagreement in regard to the lowering of status and the merit of

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the Delhi University in so far as the adoption of this three years degree course is concerned. This Bill is designed simply to give more powers to the Chancellor and the Vice-Chancellor and to the Executive Council so that it may not be said that three years degree course is not based on reason and equity. The Government of India will supply the money and, therefore, they hold, and I think very rightly that they are the masters of the situation and they can do anything that can be accomplished but it will not be fair and reasonable.

Without taking any more time of the House, I say that I have made it clear to the House that this is not so simple a measure as it is supposed to be, and that it should not be sent straightaway to the Select Committee. If it goes directly to the Select Committee all these questions that I have placed before the House cannot be fully considered. The Select Committee Members might ask for opinions but nothing will be forthcoming. These are the handicaps for the Select Committee. Under these circumstances, I hope the House will be with me to ask for circulation. I hope the European Groups also will be with me. For this is not a matter where political questions are involved. It is purely an educational matter in which we should proceed in a manner which is most beneficial to educationists, beneficial to those who are being trained in these colleges. If you are going to pass this Bill straightaway, you are going to make this University an exclusive one which will not be touched by any other Universities, not even by the Aligarh University.

I submit this is a fit case in which the Bill ought to be sent out for circulation.

Maulvi Muhammad Abdul Ghani: Sir, the day when this Bill was introduced, I went through the provisions of the Bill and thinking that it was a drastic measure, I gave notice of a motion for circulation. All Government measures are usually hurried through the House. In the case of non-official Bills, even if a single word is put as an Amending Bill, the Government say it should go into circulation. Why should not the Government keep in mind the same principle which they apply in the case of non-official measures. They should be a little considerate. This Bill changes the whole aspect of the University of Delhi. It is not so innocent as it is made to look at a first glance of the provisions. The first thing that strikes me is that the Vice-Chancellor is going to be all-in-all. One amendment is going to be made in section 12(5) which says:

"the words 'in accordance with this Act, the Statutes and the Ordinances' shall be omitted."

The result will be that the Vice-Chancellor shall be the monarch over the whole University affairs. He shall not have to observe any rules or observe anything that is laid down in the statute or ordinance. Formerly the Vice-Chancellor had to refer now and then to the conditions laid down in the statutes and ordinances which are the creation of the court. Now the Vice-Chancellor is going to be given a free hand. He is going to be made absolutely free from the conditions to be imposed by the court through the statute or ordinances particularly in matter of university discipline. Furthermore, section 11 is going to have a proviso which says: "Provided that if the Chancellor is of opinion. . .

Mr. Chairman (Syed Ghulam Bhik Nairang): The Honourable Member is not in order in discussing the Bill clause by clause at this stage. He should refer only to general principles.

Maulvi Muhammad Abdul Ghani: Very well, Sir. The effect of the amendment will be that a proviso will be added to sub-section (1) of section 11 of the Act. That proviso is that the Vice-Chancellor should be appointed not on the recommendation of the Executive Council but directly by the Chancellor. That Executive Council used to attach much importance to the conditions laid down in the statute. Now, if the proviso is added that section will mean that in the first place the appointment of the Vice-Chancellor will be entirely in the hands of the Chancellor and he can appoint anybody he likes for any period and on any salary—and he may inform thereafter to the Executive Council.

He may consult the Executive Council also, but he is not bound to take their recommendation. The Executive Council will not have any opportunity to conform to the conditions laid down in the statute. That is, the Chancellor will appoint the Vice-Chancellor irrespective of any condition laid down in the statute. If this amendment is carried, the Executive Council will not carry any weight at all.

In section 22 of the Act, a new sub-clause (ff) is being added, and this means that the Executive Council shall have powers, subject to the statutes to recognise or withdraw recognition from a college or Hall not maintained by the University. This provision was not in existence before. This drastic power is going to be given to the Executive Council. After clothing themselves with this power, you come to section 34 where a new sub-section is to be substituted in place of sub-section (1). This amendment says:

"The colleges shall be such as may, after the commencement of the Delhi University (Amendment), Act, 1943, be recognised by the Executive Council in accordance with this Act and the statutes. . . ."

In my opinion they are going to be recognised afresh. If so, it is a drastic measure. They have already been recognised. What is the necessity of putting in an amendment like this that they will again be recognised. Again, section 28, clause (g) is going to be replaced by a new clause (g) which provides that "the conditions for the recognition by the Executive Council of Colleges and Halls not maintained by the University and for the withdrawal of such recognition, and the management of such colleges and Halls". In the original Act there was recognition but now the Government have gone a step forward and have put down the word 'conditions' of recognition.

Under Section 37 of the Act, formerly those who were not members of the University were given chances to become an examiner. Now, under this section it has been provided that teachers or other persons in the service of the University or a college will not have the privilege to become examiners. This provision singles out the teachers particularly and puts restrictions in their case. By this amending Act they are not going to be examiners on the ground that they are teachers or servants of the Delhi University.

Then, Sir, Government want to introduce that all the degree colleges shall be in close proximity to one another, i.e., in one place, except in the case of such a college which may ask permission which may or may not be given by the University, to remain in a separate area. In view of this, I feel, Sir, that there will be a very great danger to the Arabic College which is far away from the University area. That is the only flourishing college here in which many Muslim students take shelter and get degrees from there. I am afraid, Sir, there is a possibility of this college being disaffiliated on the ground that it is not close to the University Area. What a great misfortune it is that the Musalmans are denied affiliations of their colleges and schools to Muslim University.

These are the matters on which the opinion of those who will be affected by the provisions, which are going to be introduced by this amending Bill, is required. I think the Honourable Member in charge should not hurry up in this manner, as there seems to be no reason except that there may be somebody kept ready to be appointed as a Vice-Chancellor. Even in that case that gentleman, who may be in view, may wait for sometime although he will suffer some loss as a result of any delay which may occur in passing this amending Bill. But, I think, Sir, the House will agree with me that the Bill should first be circulated for eliciting opinion thereon.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I rise to support this motion for circulation of this Bill. I do not know why this customary practice has, in this particular Bill, not been followed.

From a cursory reading of this Bill, it is evident that the framers of this Bill wish to eliminate the popular control over the administration of the affairs of the University. Let me give an instance: The question of recognition and withdrawal of recognition of colleges depends on the sweet will of the Executive Council. The reason given is that in certain Universities, for instance, Nagpur, it is said "it is the Executive Council which recognizes or withdraws the recognition".

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[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Now, my Honourable friend is following that precedent, but I wish he would follow the whole of the precedent. The case is not on all fours. If my Honourable friend had looked up the particular clause which he wants to follow, he would have seen that the composition of the Executive Council of the Nagpur University and of the Executive Council of Delhi University which he proposes now are quite different. This is apparent from the composition of the Executive Council of the Nagpur University. It lays down: "Government officials—Nil. Nominated by the Chancellor—3. Elected by the Senate or the Court—5". So, it is evident that there is a very large popular control over the administration of the affairs of the Nagpur University. How do we stand so far as this Bill is concerned? I gather, Sir, from what has been referred to in this particular Bill that there are almost three Government officers, 4 *ex-officio* members, 9 members are elected, 4 are by nomination, and then *ex-officio* members. In other words, we have a very overwhelming majority of such persons who can drown the voice of those members who are elected. If you wish to follow the precedent of the Nagpur University, you had better follow, first of all, the principle of having a majority of elected members on the Executive Council. Let us not be under a delusion that because the Nagpur University is following a particular procedure we ought to copy it. We would have been too glad to do it if you had provided for a large measure of popular control. It is an ill wind which has been blowing recently from the other House to this which tries to eliminate the democratic control of the institutions which are being brought into existence for the benefit of the public. The institutions may be dealing with the relations of the Government and the governed, or may be the teaching class and the taught, attempts are made to eliminate popular control. But it seems to me that it is an ill wind that is blowing hard which wants to blow away this principle of democracy. Take the Madras University also. It will be evident from the composition of the Executive Committee of that University also that the voice of the people—the elected voice—is a preponderating element. So, before we are told that we should follow that example, it would be reasonable for my friend to tell us that

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he has also followed that principle, namely, of giving the elected members a greater voice in shaping the affairs of the Delhi University.

Now, Sir, let us see how this principle will affect the recognition and withdrawal of recognition of the colleges. In introducing this particular clause in the Bill, he has not told us why the old procedure of recognition of a college by Statute or legislation has to be given up. What was the difficulty? How did it fail? Why did it fail? Why do you think that this would be a better method than that? As a matter of fact, we see that you are trying to eliminate popular control. It would then be at the sweet will and pleasure of the Government, the Government officials, and the persons who would be nominated or appointed by Government to recognise a college or withdraw their recognition. Indeed, I would not have minded if you stated: "So far as the recognition of the college is concerned, it may depend on the Executive Council". As a matter of fact, it would be a hard case, because the Executive Council is not likely to confer recognition on any college. But the withdrawal of the recognition stands on a different footing. You see you may have your own reasons. It may be that you may be able to specify none. May be, that you may be able to say, 'Well, we are not in a position'; or to be frank, it may be for political reasons you may withdraw that recognition without specifically mentioning it. That is the danger which I see in this Bill. The power of the withdrawal of recognition of colleges to a body where the elected element is in a minority is a dangerous thing.

Mr. J. D. Tyson: I may point out that the elected element in a Council would be in a vast majority, and not in a minority.

Mr. Govind V. Deshmukh: Well, I have just scanned these provisions. You refer to No. 3 in the First Schedule, which refers to section 18(2). I have counted

the number of members and I find that there are only nine elected members under the heading 'Other members'. Now the *ex-officio* members, the appointed members, and all these members would be greatly influenced, if not led by the nose. They would be very greatly influenced by what the will of the Vice-Chancellor is. I do not think that they would be able to shake off the influence. May be it may not be a direct influence. It may be an indirect influence, may be moral pressure, may be anything else but direct pressure, but I do not think that they will be able to resist the atmosphere within which they will be, and vote for the popular cause: and these are dangerous times. The voice of the people is asserted in one way and the voice of the Government in another way. It is essential for the representatives of the people to be on their guard to see that in no institution popular control is so regulated or eliminated that the public will suffer.

Sir, so far as the nomination of women is concerned, it does not really matter very much to me whether all the four are nominated.

Mr. Lalchand Navalrai: You are for their rights.

Mr. Govind V. Deshmukh: I am for their rights, but I think the ladies have a steadying influence over discussions that go on in any assembly. Well, I am not quite at one with my friend, Mr. Lalchand Navalrai, who says the modern woman plays bridge, smokes, dances and jumps. They are given to serious thinking as well. They are given to serious thinking as much

Mr. Lalchand Navalrai: Not so much, I said.

Mr. Govind V. Deshmukh: So far as that particular class is concerned, I am not against it.

Then this course of three years. I do not know whether it is a fact, but it seems to me that it may be quite possible that the standard of a graduate coming out of the Delhi University could not be just as high and efficient as a graduate of any other university where a longer period is devoted for the student to get through his college course. Neither have I heard if they are going to reduce the period, nor that there is going to be any intensive training, by which I mean, the student has to put in every day more hours of work and the Professors more hours of work also. Even if that were possible, it would not be possible for the student to grasp and digest what is taught to him. Even on that basis, it appears to me that a three-year course would rather not be in the interest of the student who joins this college. So on that ground also, I would like to have more details.

It was said by the Secretary that they are wanting to carry out those particular lines on which they have struck. They want to carry on education on the lines they have in view. We have not heard a word about those lines, but merely heard that the Government had come to the conclusion that education should be carried on on those particular lines. We did not have any information. It would have been more reasonable for my friend, if no information was given in the Bill, or when there was no public opinion, to have given more information in his speech with which he introduced the motion. Therefore, we are groping in the dark. Whatever little information we can gather by reading this Bill leads us to the conclusion that it is a most reactionary measure. Therefore, it is very necessary that this Bill should be circulated for public opinion.

Sir, I think I have given in short the reasons which are cogent and strong enough to support the motion for circulating this Bill for public opinion.

Dr. P. N. Banerjee: Sir, we want to hear the Government before we say anything.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, it was not my intention to intervene in this debate, because I felt that such help as I may give in connection with this measure could be better given during the course of the Select Committee. But having listened to the discussion which has taken place, I am feeling a little afraid that in a mass of technical issues a very important educational principle may be overlooked. I have been for many years what is called an educationist, but I have only been or had the honour to be

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for a few hours a politician, and, therefore, I hope, I shall be forgiven both for my inexperience as a speaker and also for confining myself to the educational aspect of this measure.

It has been suggested by the Honourable the Mover of the amendment that this measure is at once revolutionary and reactionary—particularly, I gathered, because it would, he feared, or perhaps hoped, it would have the effect of making Delhi University different from most other Indian universities. I am old enough to know that because a thing is new it is not necessarily good; on the other hand it may not be a valid argument against this measure that it aims at creating in Delhi a University which is in certain ways different from the other universities of this country. It has been further suggested that we are guilty of trying to rush through at this late period of the Session a measure which has not received the consideration of, and possibly would not receive the approbation of, instructed educational opinion in this country. I hope, Sir, in that connection I shall be forgiven if I am for a minute or two historical and even egotistical.

When I came out to this country nearly five years ago, I attended in the early months of my service, two important educational meetings; the first was a meeting of the Central Advisory Board of Education on which all Provincial Governments, the Inter-University Board, this House, the Council of State and other bodies and persons who may reasonably be supposed to be instructed in education are all represented. If my memory is correct—and I can verify it from the papers—everybody there agreed as to the need for a reconstruction of the educational system in this country which would involve a three-years university course. A month later I attended a meeting of the Conference of Indian Universities at Bombay. Precisely the same resolution was passed, with a most interesting addendum, that the three years course should not be introduced until and unless it was practicable so to reconstruct the high school system that the change-over from a two years intermediate and a two years degree course to a three years degree course would not lead to any lowering of standards. On my return to headquarters, conceiving it to be my duty to endeavour to offer useful advice to Government as to possibilities of improving the educational system in this country, and believing from my previous experience that an ounce of practice is worth a ton of precept, I thought it desirable that we should begin with such funds as Government were able to place at our disposal, to make the so-called Centrally Administered Areas up to the limits of our powers, models on educational lines for other provinces and authorities to imitate. It is fair to admit—and I have always had this slightly on my conscience—that any builder should begin from the foundations. In Delhi, however, we decided to rebuild the house from the roof, for what I hope are good and satisfactory reasons. I found that my then Honourable Member attached great importance to this reconstruction of the educational system, and particularly in regard to the university end. We both felt that whereas other universities in other areas had shrunk from accepting desirable reconstruction because they regarded the task of reorganising their high school in such a way as would avoid any fall in educational standards as an almost impossible one, it was practicable, given good will and the necessary money, to carry out, side by side with the reorganisation of the university, the reorganisation of the high school system in Delhi. Thereby we hoped, so far from involving any reduction of standards by a three years course, to maintain from the beginning the existing standard, and ultimately to aim at raising the standard by absorbing in the high school system the whole of the intermediate work, where I am sure anybody who is familiar with schools, would say it ought to be.

That was implicit in the conception of the original Act by which the Delhi University was founded; and we agreed that the time had probably come, given Government's increased interest in education and given, as the Honourable Mover of the motion has said, by a concatenation of fortunate circumstances a man who was able, and had the knowledge and the interest and the influence to carry through such a scheme—for taking this reorganisation in hand.

That, as far as I know, is the genesis of the three years course in Delhi;

and I want to emphasise that so far as I am personally concerned, I believe—and my belief is supported, if Members will accept my word for it, by educational opinion in universities elsewhere—that this is a valuable method of raising university standards, and, what I regard as equally important, raising high school standards as well. That involves of course, as it has been said, at the moment the transference of the first year of the intermediate course to the high schools; but if such conditions are laid down as have been laid down already in the case of Delhi, that schools recognised for the 11th class, that corresponds to the 1st year intermediate, shall have to add to their staff teachers with the requisite qualifications, I am confident that in the course of time that will lead to an improvement in the whole standard of high school education which will be well worth while even though the university part of the scheme proved no better than the existing arrangements. I want just to emphasise the fact that educationally this is not a revolutionary nor a reactionary proposal which we are bringing forward. We are implementing a reconstruction scheme which has already received pretty substantial support from what I should call instructed educational opinion.

Now, in connection with the scheme, I am afraid, I must again take a certain amount of responsibility for an aspect of this measure which is admittedly controversial and which has been referred to by all speakers today; that is the proposal that the Act should be amended to permit, when necessary, of the appointment of a paid Vice-Chancellor. I can confirm the fact that this question was discussed at least four years ago, when the question of proceeding with this reorganisation first came up, but for reasons which I have already referred to,—that is, the presence in our midst of the present Vice-Chancellor—it was thought unnecessary to trouble this House with the necessary legislation at that time. But if any Member will take the trouble—I have no doubt some have—to read the Delhi reorganisation scheme in its fulness, to read the ordinances and other arrangements which are necessary to carry it into operation he will appreciate that a scheme of this kind cannot be implemented except by somebody with a very wide educational background, and what is still more important, the necessary time to give to what I do not think anybody will deny is a whole-time job. Now, although I must plead guilty to having been a bureaucrat for a good many years, I have learnt in that time to be as nervous of bureaucracy as most people. So far from this proposal, being a bureaucratic one, it seems to me that it would probably save the university from a much worse alternative, that is that I myself should be continually poking my nose into their affairs to see if they are carrying out the scheme which has received the approval of Government. But it is not merely a question of the scheme having received the approval of Government. Members do not perhaps realise that, in spite of the war, Government have been able to find a very substantial sum of money for carrying out the scheme. Towards its cost the Government will have put down by next year Rs. 8 lakhs of non-recurring expenditure—I admit that is only a part of what would be required to complete the whole scheme. They have also increased their grant to the University and to the colleges, in each case, by 150 per cent. The colleges are now receiving Rs. 2½ lakhs or will be within the next financial year, and the University are receiving an approximately similar amount; and that, I believe,—I am speaking subject to correction—represents a much larger proportional contribution by Government towards the total cost of a University than can be found elsewhere in this country. For that reason it was important—I think everybody who looks at the administration of education from a practical point of view will admit this—it was important to provide that in case it is not possible to find in Delhi a gentleman with the energy and the leisure which would enable him to carry to a successful fruition what I regard as an educational experiment of the highest value not only to Delhi but to this country as a whole—we ought to be in a position to search the whole of India in order to find a proper person, and what is more, to offer such salary as would attract him. I think the amendment which has come before you now is one which we might have had to bring forward some time ago but for the fortunate circumstance which I have already referred to twice.

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It has also been suggested that this is a measure which, as a whole, has not received the consideration either of other Universities and responsible educational authorities elsewhere or, of the various bodies concerned with the administration of the Delhi University itself. I happen to be a member of practically all the bodies of the Delhi University in my official capacity, and I know there are other members present now; I think they will agree that during the course of two or three years during which we have been discussing in the Academic and Executive Councils the carrying out of the reorganisation scheme, attention has been called very frequently to the need of revising both the Act and the Statutes, which obviously in the beginning contemplated rather a different kind of university, in order to bring them into line with the requirements of the new scheme. I would like to emphasise this, that the Court of the Delhi University itself, at its meeting in July last, in a very full House, received without objection, or perhaps I should say did not reject, the necessary ordinances for carrying out the three years scheme. Subsequent to that, Government imposed certain conditions in regard to their grants to colleges. Those again have been recently accepted and this appeared to be the appropriate opportunity of carrying out such necessary revisions of the Acts and Statutes as would bring them into line with the new conditions.

I have very little more to say. I have explained my attitude towards the question of a paid Vice-Chancellor. It appears to me purely a matter of educational efficiency, a power which will be exercised only if the demands of educational efficiency should call for it. I think there is one other matter I might refer to. There appears to be some little misapprehension about the Recognition Committee. Members seem to feel uncomfortable lest power is being taken away and concentrated in the hands of two or three people, who like myself are officials. But actually the intention of the amendment is quite otherwise than that. The facts are as follows. The teachers of the colleges have complained quite justly for a long time that they were not getting sufficient representation in the ranks of university teachers. It is intended that under the new conditions far more teachers, in fact, a great majority of college teachers will in future be recognised as teachers of the university. That I think is a move which everybody would endorse as being an act of justice to the college teachers and a means of bringing the colleges and the university into closer and more harmonious relationship. The question then arises of finding a reasonably expeditious way of dealing with the number of applications which will come up. It is quite clear that if it is a question of recognising college teachers as teachers of the university, you will have to put all the colleges or none on the Recognition Committee. It was cogently argued in the report drawn up by the Enquiry Committee which was considering in 1927 what may yet become a possibility in Delhi,—the taking over of the organisation of teaching by the university—that it would be desirable to have a small body which whatever else it might be suspected of, would not be suspected of bias towards any particular college in the allocation of recognition as university teachers. That part of the measure arises purely from the desire to provide an impartial and expeditious method for dealing with the increased number of recognitions which are coming along.

I hesitate to take more time of the House. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not curtail his speech. There is no time limit to speeches on Bills.

Mr. J. P. Sargent: It has been suggested, that I should add one word in justification of the three years course itself. It is quite clear I think that in general experience a young man should be of a reasonably mature age when he enters the gates of the university. It is desirable, quite apart from academic grounds, having got into the university he should remain there long enough to acquire a feeling of close association and loyalty to that institution. It is also desirable that he should be there long enough to attain what, I am afraid, a number of our students in Indian universities do not attain, and that is a close personal relationship with his instructors, whether they be lecturers or tutors. From the moral

point of view there is a great deal to be said for providing that the university course should not last less than three years. From the point of view of the amount of learning, again, it has been the common experience that to cover a co-ordinated and comprehensive course of study, and particularly to facilitate an honours course and higher courses of study after graduation it is desirable that universities should be able to concentrate their attention on the man, as I say, of maturer age and maturing mind and not to be worried with what you frequently see, boys who would be better looked after and better taught if they were in high schools, subject to the safeguard which I have mentioned. It is tempting as an educationist to deliver an educational lecture, but I can assure my Honourable friends that if they would be good enough to read accounts of the discussions in the two university conferences to which I have referred and the discussions of the Inter-University Board and of the Central Advisory Board of Education, they will find that the case for the reorganisation of the later stages of education into a higher secondary school course of three years followed by a university course of three years, is interesting, instructive and I think utterly convincing.

I must apologise for I ought to have been more brief. I do not think there are any more main points to be dealt with. I am sure the Honourable Mover of this motion will deal with the detailed points much better than I can. I do however wish to emphasise, whether the method in which we are doing it is right or wrong, this is really a very desirable educational experiment which we are trying to carry out in the Delhi University, and I do hope that people won't be deterred from giving all their sympathy and support simply because in certain respects the amendments now being suggested to the original Act may make the Delhi University seem different from the other universities in this country.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): On a point of information, Sir. Are we to understand that instead of a four years course in the college department it is to be reduced to three years, and that one year is to be added to the high school or secondary course?

Mr. J. P. Sargent: Yes.

Nawabzada Muhammad Liaquat Ali Khan: Sir, the motion that has been moved by the Education Secretary is for reference of this Bill to a Select Committee. Since then, my Honourable friend, Mr. Lalchand Navalrai, has moved his motion that the Bill be circulated for eliciting public opinion by the 1st July, 1943. The Mover of the Bill was apologetic for not having been able to supply the Members of this House with the copies of this Bill earlier than the 23rd March and he himself felt that perhaps the time allowed for the consideration of this measure may be regarded as insufficient but he consoled us by stating that the Government, out of mercy for the Members of the House—and we must be thankful for small mercies—had, instead of rushing through this measure this Session consented to refer it to a Select Committee. I would like to know from the Honourable the Mover of this Bill why is it that this Bill took so long in preparation. The Honourable Educational Commissioner has just told us that as far back as July, 1942, this three years scheme of university education was agreed to by the Court of the Delhi University. Then what was there that took the Government nearly 8 months to prepare a Bill and they could not place it in the hands of Members and before the country at large before the 23rd of March. That shows, Mr. President, that when the Government with all their machinery have taken 8 months in preparing a Bill it could not possibly be so simple as the Honourable the Mover tried to make it out to be.

As regards the three years course, my Honourable friend Mr. Sargent has given us some historical background of this question. It is a matter where there is very strong opinion that the reorganisation of the University education on the lines suggested by the Delhi University will improve the educational standard of the students who are to undergo training in that university. On that point, I am prepared to try the experiment, because it must be the desire of every one of us that if anything can be done to improve the educational standard we should certainly try and make an experiment. But if that was

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the only reason, then instead of coming forward before this House with a Bill consisting of 36 clauses, the Government could have come forward with an amending Bill, to amend clause 36—I think it is clause 36—of the Delhi University Act. That would have been sufficient to give the Government and the Delhi University the power to introduce and experiment upon the three years' degree course.

Then, Sir, my Honourable friend, Mr. Sargent, while discussing the question of the appointment of a paid Vice-Chancellor stated that it had been under the consideration of the Government for some time and but for the fact that the present Vice-Chancellor was able to give more of his time and was qualified to push through this three years' course, the Government would have come earlier before this Honourable House for providing for a paid Vice-Chancellor. That, I am afraid, is no argument against the circulation motion that has been put forward by my Honourable friend, Mr. Navalrai, because the present Vice-Chancellor is there for two years and the circulation motion is only for circulation till July, 1943. So, that also is not an argument which is against the circulation motion.

The Honourable the Mover of this Bill stated that the statutes could be amended by the Court of the University but it was considered advisable for reasons best known to the Government that this could be done more speedily in a Legislative Assembly. I was under the impression, Mr. President, that the passing of a Bill or legislation was more difficult and more cumbersome process than passing statutes by the Court of a University. One cannot help feeling—is it because a large section of the non-official Members of this House are absent that the Government feel that they can push through any legislation with the votes that they have at their beck and call? If that is so, then it is, to put it very mildly, very deplorable, if not indecent. As far as the amendment of the Act was concerned, the Government could not go anywhere but to come to this House but for the amendments of the statutes which can be done and have always been done by the Court, to come to this House over the head of the Court, is a proposition which it is very difficult for the Honourable Members of this House to understand. The Honourable the Mover of this Bill told us that neither the Executive Council nor the Court of the Delhi University was given an opportunity of considering this measure. This again, if I might say so, is an example of indecent haste in coming up with a measure of such great importance, as I will show to this Honourable House in a minute, without getting the consent or even the approval or even the opinion of the Court and the Executive Council of the University, which bodies are most closely connected with this matter.

I do not object to the appointment of a paid Vice-Chancellor if it is considered necessary but I do object to the method which has been provided in this Bill for such an appointment. It has been left to the Chancellor to appoint a paid Vice-Chancellor for such time as he considers proper and on such salary and allowances as he may think suitable. This, Sir, is a very retrograde step. No university in India has a provision of this kind and I very much doubt if my Honourable friend, Mr. Sargent, can give me the name of any university in the world where a provision of this kind exists, where a Vice-Chancellor is appointed without the approval, without the expression of opinion, without the recommendation of either the Executive Council or the Court which are ultimately the bodies responsible for administering the University. This, to my mind, is a very objectionable feature. Do not let people get the idea that by this method it is the intention of the Government to provide suitable and comfortable berths for some of their people. There are other universities where there are paid Vice-Chancellors. Why cannot you adopt the method which prevails in those other universities? Why must it be different from those other universities? To that, no reply has been given by either the Honourable the Mover or the Educational Commissioner. Then, the Vice-Chancellor is to be entrusted with very wide powers. In fact, the powers that will be enjoyed by

the Vice-Chancellor either implicitly or explicitly will turn him into a sort of a dictator. The method of his appointment, the composition of the Executive Council, the powers that are to be transferred to this Executive Council,—all these taken together will make the Delhi University as a toy in the hands of the Vice-Chancellor.

Now, it might be suggested why should not the Government, because they give such large sums of money to this University, convert this University into a department of their own as it will be nothing else under this Bill than one of the departments of the Government of India? My objection to that is that if the Delhi University is run as an appendix of the Education Department, then, we, the Members of this House, will be precluded from discussing any matter connected with the University because of the fact that it is an autonomous body. Had it not been for that, I would have welcomed the University to be converted into a Government Department because in that case we on the floor of this House would have had probably better opportunities than those poor members in the Court have for showing up the irregularities and the inefficient manner in which sometimes the affairs of the University are managed. My objection to this system is that the Government want to convert the University into a department of their own without giving the Members of this House the right of discussing the affairs of the University. The whole scheme has been prepared and is based on this conception of the Government that the University must be run by such people as they think fit to run that University and in such manner as the Government may like. I strongly object to this procedure. The Executive Council has been given very wide powers not only regarding the recognition of the colleges but the disaffiliation of the colleges. And it is stated in the Statement of Objects and Reasons that these powers are enjoyed by at least the executive bodies of two other universities, the Madras University and the Nagpur University. I am afraid I cannot congratulate the Government on suppression of certain facts. These powers are not enjoyed by the executive bodies of these two universities in the manner in which they are provided in this Bill. Every action of the Executive Council or the Syndicate, as they are called, of these two universities is subject to revision by the Court and, therefore, this wide power is not enjoyed, I contend Mr. President, by the Executive Councils of these two universities. The Government should, in fairness to the Members of this House, have stated more elaborately and more fully the position as it exists in these two other universities.

Sir, there are at present six colleges that are affiliated to the Delhi University. These colleges have been built up by the endeavours, by the financial help and by the sacrifices of the citizens of Delhi and others, and now what the Government propose to do is to inject slow poison into these colleges. You do not allow them a free hand. The Vice-Chancellor, if he is displeased because the governing body of a certain college does not consider the principal to be suitable, can come down on that college and say: Mr. so-and-so, if you do not have him or if you do something contrary to my wishes, I will disaffiliate you. I think that is a very obnoxious principle underlying this Bill, that you are really making the Vice-Chancellor all-in-all and the Executive Council supreme. And when I say that the Vice-Chancellor will be all-in-all, I would like you to consider the constitution of the Executive Committee. There are to be 4 nominated members; there are to be 2 officials, *ex-officio*; there are to be 2 professors and if they value their job they will have to keep the Vice-Chancellor *khush*; there are to be certain principals from the various colleges and if they value their jobs, they will have to keep the Vice-Chancellor pleased. Then, there are others who dare not say anything against what the Vice-Chancellor chooses to put forward. And these are not imaginary things. It has happened actually. My Honourable friend, Mr. Lalchand Navalrai, gave us an instance of what happened in a meeting of the Court of the Delhi University. He moved a certain resolution which the Vice-Chancellor did not approve of. The votes were taken and Mr. Lalchand Navalrai's resolution was defeated

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by the show of hands. Then Mr. Lalchand Navalrai claimed a secret ballot and his resolution was carried by an overwhelming majority by the same gentlemen who were present in that meeting. This is proof positive that we must safeguard against such things happening. You will really, by placing all these powers in the hands of a single individual, be tempting him to act as a dictator and I strongly object to this provision of the Bill.

I am just stating before this Honourable House certain main features and main principles of this Bill. There is a proposal regarding the recognition of the teachers of the various colleges. My Honourable friend, Mr. Sargent, said and I think the Honourable the Education Secretary also said that this Committee which is provided in this Bill was agreed to by the various colleges at a Conference. I think it would be better, Mr. President, if I did not go into that and if I did not say anything in detail about it. It is perfectly true what Mr. Sargent has said that it was one of the conditions that were laid down by the Government for giving grants and the colleges have accepted that condition. But not freely neither willingly. Most of those conditions that are laid down, if we were to get free consent of colleges without hanging this threat over their head that if they would not accept they would not get Government grant, may be that one college might accept, but all the other colleges will refuse. It is under duress, and any consent under duress should not be stated as an argument in support of any proposal that you may put forward before this House. All that I feel about this Bill is that this Bill will convert the Delhi University into a play thing in the hands of one single individual whoever he may be. The way in which you have suggested the constitution of the Executive Council, appointment of Vice-Chancellor and the powers of the Executive Council all go to show that later on if we are unfortunate in having a man who is not worried very much by scrupulousness or anything of the kind he could play havoc with all the institutions that are attached to this University. I want that these colleges should be free to develop themselves in accordance with the instructions of the University and that they should be allowed to have a free hand.

Now, another power has been given to the Vice-Chancellor that in matters of discipline he can exercise his powers as he may consider proper. Before this his powers were curtailed by statutes, ordinances or rules. It is said in the present Delhi University Act that the Vice-Chancellor will exercise powers of discipline in accordance with the statutes and ordinances and such other rules as there may be. Now, these few words are to be taken away. It means that the Vice-Chancellor is given the fullest discretion to do as he pleases. Sir, all these objections that I have placed before this Honourable House are against this Bill. The motion that has been moved by my Honourable friend, Mr. Lalchand Navalrai, is a very modest one: and the fact that so far not one Honourable Member of this House has stood up to support the motion which has been moved by the Honourable the Education Secretary shows the opposition that is felt by every section of this House against the provisions of this Bill. I would suggest to the Government to reconsider their position, and not to take advantage of the depleted condition of this House. Whatever they want to do should be done in a fair manner and not in an indecent haste. Sir, I support the motion that has been moved by my Honourable friend, Mr. Lalchand Navalrai.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Kural). Sir, I stand to support the motion for circulation. In the Statement of Objects and Reasons it is said that the object of the Bill is to amend the Delhi University Act, 1922, to provide for the introduction of three years degree course, which is an essential feature of a scheme for the development of the University prepared by the present Vice-Chancellor, Sir Maurice Gwyer. Sir, this question of three years degree course has practically been accepted and it might be accepted as suggested by previous speakers. But I find in the second paragraph it is proposed to make a provision for the appointment of a whole-time paid Vice-Chancellor. Sir, I do not know how the neces-

sity of a whole-time paid Vice-Chancellor arose and how it has been decided, and nothing has been said in this respect by the Honourable Member who moved the motion for reference to Select Committee. We have got universities all over India working for about a century and only three of them have got paid Vice-Chancellors. Apart from that the whole Bill is meant to create a control on the Educational system which will be carried on under the Delhi University. Sir, control of education by Government through universities is absolutely undesirable. Sir, I am not at all enamoured of the system of education and I have not seen any charm in the system of education which we have got, still we cannot do away with it, it is unavoidable but it must be controlled by ourselves. There may be many defects in the management of colleges, there may be grievances of professors against the management, but, Sir, on that account we should not be party to a Bill which will take away all powers from the people with a view to control education. I personally have no objection to three years degree course. I fully approve that there should be an additional class after the matriculation classes. I have no quarrel over this question of three years degree course. But I thoroughly disagree with the clause of the Bill of which the whole object has been to create a complete control over the educational system if it is to be given to Delhi.

5 P. M. **Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member will continue his speech tomorrow.

STATEMENT RE THE STANDING COMMITTEE FOR THE FOOD DEPARTMENT

The Honourable Sir Sultan Ahmed (Leader of the House): With reference, Sir, to the short notice question asked yesterday by the Honourable Dr. Banerjea we have been given to understand that the constitution of a Standing Advisory Committee for the Food Department would be generally welcomed. It would clearly be impossible to get a committee constituted in the course of the current Session by an election following the adoption of the usual motion and in the circumstances it has been suggested that, pending the election of a separate Committee for the Food Department, the Committee already constituted for the Commerce Department should serve also as a Committee for the Food Department. Government are glad to adopt this suggestion which I understand, will be generally acceptable.

Some Honourable Members: Yes. Yes.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): I only wish to say that this Committee will always be kept in touch with the department and that the grievances of the consumers will be properly heard.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st April, 1943.