

Monday, 23rd February, 1942

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

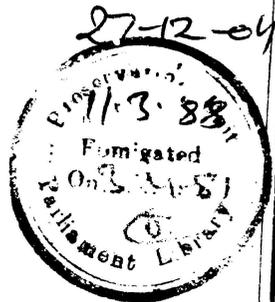
VOLUME I, 1942

(18th February to 2nd April, 1942)

ELEVENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1942



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COUNCIL OF STATE.

Monday, 23rd February, 1942.

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

QUESTIONS AND ANSWERS.

NAMES OF NEWSPAPERS THE EXPORT OF WHICH HAS BEEN PROHIBITED.

2. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state whether there are any Indian newspapers the export of which to foreign or neutral countries has been prohibited? If so, how many are they; and will Government lay on the table a statement showing the names of newspapers, the names of countries to which their export has been banned, and also the reasons for the same?

THE HONOURABLE MR. E. CONRAN-SMITH: The refusal or withdrawal of an export permit for newspapers to neutral countries is based solely on grounds of military security, the deciding factor being whether the newspaper in question publishes matter which would be useful to the enemy or to hostile elements in neutral countries. The control of export permits for newspapers the contents of which would be of use to the enemy is one of the functions of censorship, and the censorship regulations preclude the giving of publicity to the action taken in specific cases. I am, therefore, unable to lay on the table details of the newspapers for the export of which permits may have been refused or withdrawn. I wish to emphasise, however, that there is no restriction whatever on the export of newspapers from British India to the United Kingdom, to any part of the British Empire, or to North or South America, and in fact that no permit is required for export to any of these countries. The only possible exception is the case of three newspapers the export of which to Burma is useless as the Burma authorities refuse to admit them. The list of newspapers to whom permits are refused is under constant review, and immediate action is taken to renew the permit in any case where a change in circumstances or in the nature of the material published by any paper renders this possible. At present, export permits to neutral countries are refused in the case of 63 newspapers only; this represents interference with probably less than one-tenth of the circulation of some 1½ per cent. of the total number of newspapers published in this country.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Will the Honourable Member lay on the table a list of the newspapers the export of which is prohibited at the present time?

THE HONOURABLE MR. E. CONRAN-SMITH: I think, Sir, I covered that question in my reply when I said that I was not able to lay on the table details of the newspapers affected. The reason I gave was the censorship regulations which preclude the giving of publicity to the action taken in specific cases.

Questions against the Hon. Raja Yuveraj Dutta Singh were put by the Hon. Mr. V. V. Kalikar.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am not asking to know what was the matter published in those newspapers on account of which their export was prohibited. All I want to know is the names of the newspapers concerned, and if the Honourable Member gives that information surely he will not be giving publicity to any information valuable to the enemy.

THE HONOURABLE MR. E. CONRAN-SMITH : I will consider the Honourable Member's suggestion, but as I am advised at present the censorship regulations do preclude me from giving even the list for which the Honourable Member asks. May I express the hope that he will be satisfied with the very full explanation I have given which showed how minute is the degree of interference with the Press.

THE HONOURABLE THE PRESIDENT : Have you any objection to showing the list to the Honourable Member ?

THE HONOURABLE MR. E. CONRAN-SMITH : I believe, Sir, there would be no objection to that, but I should like to consider the matter.

THE HONOURABLE MR. P. N. SAPRU : Is the export of these papers also prohibited to the Soviet Union ? Are there any restrictions so far as the Soviet Union and China are concerned ?

THE HONOURABLE MR. E. CONRAN-SMITH : I thought I made that point also clear in my reply when I said there is no restriction on the export of newspapers to the United Kingdom, to any part of the British Empire or to North and South America. It follows from that observation that Soviet Russia is included in the countries to which export may be prohibited.

THE HONOURABLE MR. P. N. SAPRU : May I take it that they are included in the list of enemy countries to which newspapers cannot be sent ?

THE HONOURABLE MR. E. CONRAN-SMITH : Perhaps I should read again the portion of my reply in which I covered that question. I said, "the deciding point is whether the newspaper in question publishes matter which would be useful to the enemy or to hostile elements in neutral countries". It follows from that, and from what I said later as regards the countries in the case of which there is no restriction, that the export of a newspaper may be prohibited to any country other than those which I have specifically mentioned.

THE HONOURABLE MR. P. N. SAPRU : Are we to take it that there are hostile elements in the Soviet Union and China and therefore they have been excluded ?

THE HONOURABLE THE PRESIDENT : You are asking for the opinion of the Honourable Member. I disallow it. If you put that question in another form I may allow it.

THE HONOURABLE MR. P. N. SAPRU : Am I to understand that for some purpose the Honourable the Home Secretary regards China and the Soviet Union as hostile countries subject to propaganda which does not suit the British Government ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the export of Indian newspapers in general or of specific newspapers prohibited to the Soviet Union or to China ?

THE HONOURABLE MR. E. CONRAN-SMITH : That, Sir, I think would definitely be giving details the publicity of which is prohibited.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am not asking for the names of the newspapers. I am merely asking to know whether as a matter of fact the export of all newspapers or of a few newspapers is prohibited to those two countries ?

THE HONOURABLE MR. E. CONRAN-SMITH : I must ask for notice of that question.

THE HONOURABLE MR. P. N. SAPRU : Has the Government of India made any representation to His Majesty's Government that Sir Stafford Cripps should be removed from office ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am sorry, Sir, I find great difficulty in hearing what the Honourable Member is saying.

HINDUSTAN AIRCRAFT FACTORY.

3. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state whether the Hindustan Aircraft Factory is in full working order and how many aircraft approximately are turned out every month by the Factory ?

THE HONOURABLE MR. A. DEC. WILLIAMS : It is regretted it is not possible to give the information asked for. It is not in the public interest to do so.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it even contrary to the public interest to say whether the factory is in full working order ?

THE HONOURABLE MR. A. DEC. WILLIAMS : Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Government interested in the business of this company ?

THE HONOURABLE MR. A. DEC. WILLIAMS : Yes, Sir.

THE HONOURABLE MR. M. N. DALAL : Have Government any agreement to guarantee purchase of a certain number of aircraft before or after the war ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I am not prepared to give detailed information, Sir.

MILITARY TRAINING IN EDUCATIONAL INSTITUTIONS IN BIHAR.

4. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Was it proposed to introduce military training in the educational institutions in Bihar about two or three years back, but owing to certain objections by the Central Government the scheme could not take a practical shape at that time ? If so, what were those objections ?

(b) Are Government aware that military training on a very modest scale will be introduced in Bihar from July next, but there is no provision

for rifle practice? If so, what is the brief outline of the scheme, and why have Government not sanctioned the introduction of rifle practice?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): (a) A scheme for starting a military college for instructors, who could train students in schools and colleges and later citizens in general, was received from the Government of Bihar in 1939. The proposal was the subject of correspondence between the Central and Provincial Governments up to the outbreak of war, when it was dropped.

(b) The Government of India are not aware of any such proposal.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask whether it was dropped by the Provincial Government or under instructions from the Centre?

THE HONOURABLE MR. A. DEC. WILLIAMS: No instruction was given to drop it, but it was dropped by the Provincial Government for the reason that it was initiated by the Provincial Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Was it dropped because of the attitude of the Government of India?

THE HONOURABLE MR. A. DEC. WILLIAMS: I am unable to say, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Has the Honourable Member looked into the matter or not?

(No reply was given.)

CORRECTNESS OF THE CENSUS FIGURES IN ASSAM.

5. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH**: Has the attention of Government been drawn to the following resolution passed by the special Conference of the Assam Provincial Hindu Mahasabha held under the presidency of Mr. V. D. Savarkar, on the 21st and 22nd November, 1941 (*vide the Amrita Bazar Patrika*, dated the 27th November, 1941):—

“Whereas the Assam census figure for 1941 reveal that the Hindus who numbered over 52 lakhs in the last Census have been reduced to a little over 45 lakhs; and whereas the average increase of the population in Assam in present Census is 18 per cent., the Hindus ought to have exceeded 61 lakhs; similarly the Christians who were 2½ lakhs in 1931 have fallen as low as 67 thousands, and the Buddhists have shown a decrease from 15 to 8 thousands and, on the other hand, the Muslims have increased from 27 lakhs and 80 thousands in 1931 to 39 lakhs now, indicating a rise of about 25 per cent. while the Tribals have grown up from 10 lakhs to about 28 lakhs, recording an increase of 180 per cent., and whereas the whole thing has been deliberately planned with a view to undermine the strength and unity of the Hindus; and whereas the contentions of Sir Reginald Maxwell, the Indian Government's Home Member recently made on the floor of the Central Assembly to the effect that the calculations on this occasion have been made on the basis of ‘community’ is wholly fallacious as evinced in its application to the Muslims, this conference therefore demands that the figures published in the *Assam Gazette*, dated the 6th August, 1941, should be

rejected by the Government of India, and open resorting and recounting be directed to remove public suspicion" ?

What steps, if any, have been taken or are proposed to be taken in this connection ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes. The Honourable Member's attention is invited to the reply given by the Honourable the Home Member on the 17th November, 1941 in the Legislative Assembly to clauses (b) and (c) of Mr. Ananga Mohan Dam's question No. 184. I have nothing to add to the statement made therein.

CENSUS FIGURES OF TRIBESMEN OF ASSAM.

6. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Has the attention of Government been drawn to the following Resolution passed at the special Conference of the Assam Provincial Hindu Mahasabha held on 21st and 22nd November, 1941, at Gauhati (*vide the Amrita Bazar Patrika*, dated the 27th November, 1941) :—

" That whereas the tribal people are an integral part of the Hindu community, and whereas in pursuance of the policy of 'divide and rule' attempts are recently being made to wean them away from Hindu fold, this conference strongly condemns the move of the present Government in pursuing this gravely unfair and ruinous policy " ?

Have Government made any impartial enquiry into the above allegation, and what are the true facts in this connection ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes. From the scientific standpoint the tribal community form a separate community irrespective of the religious divisions among them. The last census did not attempt to classify them according to religion but only as a community and any inference from those operations, to the effect that attempts were being made to affect the religious allegiance of the tribesmen is entirely devoid of factual basis. The correct position has already been stated in another place by the Honourable the Home Member on the 17th November, 1941 in reply to clauses (b) and (c) of Mr. Ananga Mohan Dam's question No. 184, to which the attention of the Honourable Member is invited.

POST-WAR POLICY IN REGARD TO INDIAN SHIPPING.

7. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that the requisitioning of vessels of Indian shipping companies by the Government of India took place over two years ago, but such questions as the rate of hire payable for running the vessels, or rate of compensation in the event of loss of vessels, replacement costs of vessels, etc., still remain to be settled ? If so, when will they be settled ?

(b) What is the proposal with regard to the long range and post-war policy of Government in respect of Indian shipping ?

THE HONOURABLE SIR ALAN LLOYD : (a) The reply to the first portion is in the affirmative. As regards the second portion Government are unable to state when the matters will be settled but are doing whatsoever is possible to expedite disposal.

(b) The attention of the Honourable Member is invited to the reply given by the Honourable the Commerce Member to (b) of starred question No. 239

asked by Mr. Akil Chandra Datta in the Legislative Assembly on the 3rd March, 1941. The matter will be brought to the notice of the appropriate Reconstruction Committee.

MOVE OF GOVERNMENT TO SIMLA.

8. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that the Government of India propose to acquire the site and buildings of Grand Hotel, Simla, and some other places for the accommodation of their staff and their officials ? If so, what is the approximate financial outlay involved in the scheme ? Why do not Government cut out the "Simla exodus" altogether ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : Yes, the site and buildings of the Grand Hotel and "Chadwick" are being purchased. Other accommodation is either being leased or requisitioned to accommodate new Honourable Members and officers only. The approximate financial outlay involved is Rs. 12,85,000 (part of which will be recovered from the Defence Services Estimates). In addition, an expenditure of Rs. 10,35,000 is likely to be incurred in the construction of 80 flats at the Grand Hotel.

The question of abandoning the move to Simla on account of the war situation was considered by Government and after a very careful examination of all its aspects it was decided to continue the move in the interests of administrative efficiency. But I can assure the Honourable Member that Government are closely watching the situation and public interest will continue to be the deciding factor.

THE HONOURABLE MR. P. N. SAPRU : Will the Honourable Member give us, apart from the general outlay, the price paid for the purchase of the Grand Hotel ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : I have not the figures with me, but if I recollect rightly—I should not depend on my memory—something like Rs. 5 lakhs was the price paid for the Grand Hotel inclusive of all the buildings. If you want exact figures, I shall need notice of that question.

ENLISTMENT OF AFRIDIS IN THE INDIAN ARMY.

9. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has enlistment to the Indian Army been thrown open to the Afridis ? If so, how many of them have so far been recruited ?

(b) Is there any section or community in India who are debarred from enlistment as soldiers in the Indian Army ? If so, which are they ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : (a) Enlistment of Afridis has been open for many years and about 500 are now serving in the Indian Army.

(b) The answer to the first part is no. The second part does not, therefore, arise.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask if Sayyeds are eligible for enlistment now ?

THE HONOURABLE MR. A. DEC. WILLIAMS : What is the intimate connection between them and the Afridis ?

THE HONOURABLE MR. HOSSAIN IMAM : It arises out of part (b).

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If it has always been open to Government to recruit Afridis, why was it announced only about three or four weeks back that the recruitment to the army had been thrown open to the Afridis ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I am not aware of that announcement, but if, as the Honourable Member says, it was made it must have related to the Tirrah Afridis who, as they were connected with the Peshawar disturbances in 1930, were for a considerable period debarred from recruitment. It is now proposed to form a garrison battalion of Tirrah Afridis.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it intended to include the Afridis ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I said so, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the reason then for recruiting a large number of men from across the border instead of recruiting them in India itself ?

THE HONOURABLE MR. A. DEC. WILLIAMS : We want as many men as we can get.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is there any difficulty in obtaining men ? You say you have no difficulty in obtaining recruits and that you are getting 50,000 recruits a month.

THE HONOURABLE MR. A. DEC. WILLIAMS : I cannot see that recruiting other tribes in any way detracts from the need for recruitment of Afridis.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the reason for recruitment of men for the Indian Army from across the border and not recruiting them completely within the borders of India ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I presume the Honourable Member would wish to exclude the Gurkhas from the Indian Army ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member will remember that I protested against the Government of India sending Indian troops out and bringing in Gurkhas in their place. If they want help from Nepal they can send Gurkhas outside India and on the same principle I ask that Afridis should not be recruited when plenty of men are available in this country.

THE HONOURABLE MR. A. DEC. WILLIAMS : I think these things do not arise out of the question if the Honourable Member will look at it again.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I did not hear the Honourable Member's reply.

THE HONOURABLE MR. A. DEC. WILLIAMS : It does not arise in my opinion, Sir. The question is regarding the recruitment of Afridis.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. A. DEC. Williams) : You would shorten the debate if you simply remained silent and did not answer such questions.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it also a fact that Punjab States are being allowed to recruit people from trans-border tribes ?

(No reply was given.)

NUMBER OF INCOME-TAX ASSESSMENTS PENDING ON 31ST DECEMBER 1941.

10. THE HONOURABLE SIR SHANTIDAS ASKURAN : (1) Will Government state—

(a) the number of income-tax assessments, with separate figures classified according to provinces, pending for—

(i) the assessment year 1936-37,

(ii) the assessment year 1937-38,

(iii) the assessment year 1938-39,

(iv) the assessment year 1939-40,

(v) the assessment year 1940-41, and

(vi) the assessment year 1941-42 ;

(b) the total amount involved in each case ; and

(c) the particulars for each of the years as to the reasons for the delay in completion of the assessments, *i.e.*, whether due to administrative causes or due to causes such as legal proceedings, points of dispute, etc. ?

(2) (a) Will Government state what portion of these arrears has been included as realisable while framing the budget estimates for 1941-42 ?

(b) If the same has not been so included, do Government propose to consider the desirability of making adequate provisions for the same in framing the budget estimates for 1942-43 ?

(3) Do Government propose to take steps to expedite the disposal of these pending assessments ?

THE HONOURABLE MR. C. E. JONES : (1) (a) A statement is laid on the table of the House.

(b) The information cannot be collected without a detailed examination of all the pending cases which will involve an expenditure of time and labour incommensurate with the results obtained.

(c) Various reasons such as adjournments for production of accounts, correspondence with assessees on points of dispute, assessments in partners' cases being held up owing to non-completion of the firm's assessment, calculation of written down value, pending appeals, etc., have contributed to the delay.

(2) (a) and (b). The Honourable Member can rest assured that these factors are taken into account in framing the budget estimates.

(3) Steps have already been taken to expedite the disposal of pending assessments.

Statement showing the number of assessments pending on 31st December, 1941.

Commissioner's Province.	1936-37.	1937-38.	1938-39.	1939-40.	1940-41.	1941-42.
Punjab, N. W. F. P. and Delhi		5	24	111	752	16,703
United and Central Provinces . . . . .	..	20	43	216	841	16,835
Bombay (Central)	1	89	151	214	472	598
Bengal	5	46	216	831	3,074	34,981
Calcutta (Central). . . . .	..	9	25	77	304	409
Bihar and Orissa	1	1	3	389	365	6,694
Madras		26	99	175	938	16,957
Assam . . . . .		..	..	..	17	1,873
Bombay, Sind and Baluchistan . . . . .	..	18	284	1,616	7,913	61,370
TOTAL	7	214	845	3,629	15,576	1,56,420

MILITARY TRAINING AT BENARES HINDU UNIVERSITY.

11. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Have Government refused sanction to military training in the Hindu University, Benares? If so, why?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): No, Sir. A unit of the University Training Corps already exists at the Benares Hindu University.

WAR RISKS INSURANCE SCHEMES.

12. THE HONOURABLE MR. M. N. DALAL: (1) Have Government under consideration a compulsory war risk insurance scheme for—

- (a) (Real Property) property, houses, buildings?
- (b) (Business Scheme) for movable property, plant, machinery?
- (c) (Special Scheme) for farmers and agriculturists?

(2) Have Government considered the advisability of a voluntary war risk insurance scheme for private chattels?

(3) If the reply to (1) or (2) is in the affirmative, will Government lay a full statement on this question on the table of the House?

THE HONOURABLE SIR ALAN LLOYD: (1) The only compulsory war risks insurance scheme which Government have actively under consideration is that relating to plant and machinery in factories as defined under the Indian Factories Act and certain buildings appertaining to factories. The details of the scheme have not yet been finally settled.

(2) Yes, but such a scheme has been found to be impracticable in India.

(3) Government have no further statement to make.

THE HONOURABLE MR. M. N. DALAL : In the event of the enemy landing in some part of India, we may be compelled to blow up some of our vital factories to follow a scorched earth policy. In that case will Government compensate factory owners after the war ?

THE HONOURABLE SIR ALAN LLOYD : I will see that that point is given careful consideration in the working out of the War Insurance scheme applicable to factories.

THE HONOURABLE SIR SHANTIDAS ASKURAN : How long will this scheme be considered and when will it come into practice ?

THE HONOURABLE SIR ALAN LLOYD : Within a very few days, I hope, Sir.

WAR TRANSPORT BOARD.

13. THE HONOURABLE MR. M. N. DALAL : (a) What is the function, personnel and administration of the War Transport Board ?

(b) How is this Board connected with the Department of Communications ?

(c) Do the activities of these two Departments overlap ? If so, how ?

THE HONOURABLE SIR LEONARD WILSON : (a) The War Transport Board consists of representatives of the various Departments of the Government of India which are concerned with the use of transport in relation to the war. It is presided over by the Honourable Member in charge of the Communications Department. An Under Secretary in the Department of Communications is *ex-officio* Secretary to the Board. The Board is concerned with transport conditions as affecting and affected by the prosecution of the war.

(b) Its office is an Attached Office under the Communications Department, but the Board itself is designed to co-ordinate the activities of the various departments, including the Communications Department, concerned in transport for war needs.

(c) The Board is, of course, concerned with some of the activities of the Communications Department in so far as they affect transport, but such action as may be required in respect of subjects falling within the sphere of the Department is taken by the Department and not by the Board.

THE HONOURABLE MR. P. N. SAPRU : Are we to take it that the composition of the Board is purely official ?

THE HONOURABLE SIR LEONARD WILSON : Yes.

SUPPLY DEPARTMENT.

14. THE HONOURABLE MR. M. N. DALAL : What is the total value of orders executed by the Supply Department during the year ending 31st December, 1941—

(a) On behalf of India ?

(b) On behalf of Great Britain ?

(c) On behalf of the various countries of the Eastern Group ?

THE HONOURABLE MR. A. DEC. WILLIAMS : The total value of orders placed by the Supply Department during the calendar year 1941 was approximately Rs. 150 crores. It is not possible to classify this total in the way desired by the Honourable Member as the heads of account proceed on a different basis and adjustments have to be made in some cases after the close of the year.

THE HONOURABLE MR. HOSSAIN IMAM : Can the Honourable Member give approximate figures ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I said "approximately", Sir.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

15. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : (a) Is the contract for catering the Hindu travelling public at Delhi Junction Station on the North Western Railway given to one Ballabhdas Eshwardas ?

(b) Is it a fact that one of the terms of the contract is that the North Western Railway will nominate an ex-employee of that Railway to be employed by the contractor ?

(c) Did the contractor employ one Mr. Ryan an ex-employee of that railway and that Mr. Ryan is now succeeded by one Mr. Trein Dod also an ex-employee of that Railway ?

(d) What was the object of employing a non-Hindu for supervising catering for Hindus ?

(e) In what capacity have both the ex-employees been employed by Ballabhdas Eshwardas and on whose recommendations ?

THE HONOURABLE SIR LEONARD WILSON : (a), (b), (c), (d) and first part of (e).—I would refer the Honourable Member to the reply given in the Legislative Assembly to Dr. Banerjee's unstarred question No. 29 of the 5th of November, 1941. As regards the concluding portion of part (e), Government has no information.

THE HONOURABLE MR. V. V. KALJKAR : Can a contractor under the rules of the contract employ any employee who is found suitable for the work ?

HONOURABLE SIR LEONARD WILSON : Yes, Sir.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

16. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : On what conditions and considerations are the passes for the first, second, inter and third classes issued to Ballabhdas Eshwardas referred to in the preceding questions and his servants or employees ?

THE HONOURABLE SIR LEONARD WILSON : I would refer the Honourable Member to the reply given in the Legislative Assembly to Pandit Nilakantha Das's unstarred question No. 57 of the 25th of February, 1941, parts (a) and (c).

Questions against the Hon. Haji Syed Mohamed Husain were put by the Hon. Mr. Hossain Imam.

THE HONOURABLE MR. HOSSAIN IMAM : Was the question in the other House identical to the present question ?

THE HONOURABLE THE PRESIDENT : The Honourable Member has not answered any question. He only refers to that question. You must presume that it must be identical.

THE HONOURABLE MR. V. V. KALIKAR : Do the Railways issue passes to other contractors also or only to Ballabhdas Eshwardas ?

THE HONOURABLE SIR LEONARD WILSON : They give passes to other catering contractors also.

THE HONOURABLE MR. HOSSAIN IMAM : Do they give the same number of passes to other contractors as to Ballabhdas Eshwardas ?

THE HONOURABLE SIR LEONARD WILSON : I require notice of that question.

THE HONOURABLE MR. P. N. SAPRU : Is the number of Hindu, Muslim and Christian contractors equal ? I mean there are other Hindu contractors also.

THE HONOURABLE THE PRESIDENT : Order, order. Next question please.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

17. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** (a) Has the contract for catering Hindu travelling public on the East Indian Railway been given to one Ballabhdas Eshwardas terminating at stations :—

- (i) Hardwar on Hardwar-Dehradun Section ;
- (ii) Laksar on Moghalsarai-Saharanpur Section ;
- (iii) Moradabad on Delhi-Moradabad Section ;
- (iv) Aligarh on Moghalsarai-Delhi Section ;
- (v) Kieul on Moghalsarai-Asansol Section ; and
- (vi) Gaya on Moghalsarai-Dhanbad Section ?

(b) Are passes issued in favour of Ballabhdas Eshwardas and his servants or employees by the East Indian Railway permitting journey up to Delhi ?

(c) Is the section between Ghaziabad and Delhi under the East Indian Railway for catering the travelling public and for purposes of the issue of passes for contractors serving under the North Western Railway ?

THE HONOURABLE SIR LEONARD WILSON : (a) I would refer the Honourable Member to the information laid on the table in the Legislative Assembly in reply to Maulvi M. A. Ghani's starred question No. 207 of 28th February, 1941.

(b) I understand this is so.

(c) No. I understand that the North Western Railway does all station vending on this section. Passes for their respective dining car contractors and servants are, I believe, issued by each—the North Western and the East Indian Railways.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

18. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** (i) Does Ballabhdas Eshwardas enjoy almost a monopoly of catering the Hindu travelling public on the East Indian Railway ?

(ii) Will Government state—

- (a) the total number of contracts of eatables on the East Indian Railway held by Ballabhdas Eshwardas including fruits, tea stalls, sweetmeats and milk with the names of stations ;
- (b) the total number of other contracts and the nature of articles held by Ballabhdas Eshwardas ; and
- (c) the names of stations where there are two or more contractors to sell fruits and where Ballabhdas Eshwardas is one of the contractors and those where he is not ?

THE HONOURABLE SIR LEONARD WILSON : (i) The firm holds a large share of the catering business of the East Indian Railway, but certainly not a monopoly.

(ii) (a) I would refer the Honourable Member to the information laid on the table in the Legislative Assembly in reply to Maulvi M. A. Ghani's starred question No. 207 of the 28th February, 1941. Further details are not available with Government.

(b) and (c). I regret the information is not available with Government.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

19. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** When will the contracts with Ballabhdas Eshwardas be terminated on the East Indian and the North Western Railways ?

THE HONOURABLE SIR LEONARD WILSON : With your permission, Sir, I propose to reply to this and the next question together.

Government has no information as to when the contracts are likely to be terminated. The termination, continuation, or disposal of such contracts is entirely within the competence of the Railway Administrations concerned.

THE HONOURABLE MR. HOSSAIN IMAM : Do the Agents consult the Local Advisory Committee in giving contracts ?

THE HONOURABLE SIR LEONARD WILSON : I should require notice of that question, Sir.

THE HONOURABLE MR. N. K. DAS : If the work of the contractor is satisfactory and he is otherwise fit, would it not be reasonable to extend his contract for another term of years ?

THE HONOURABLE SIR LEONARD WILSON : Yes, Sir.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

20. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** How do Government propose to dispose of the contracts on termination with Ballabhdas Eshwardas on the East Indian and the North Western Railways ?

(See reply to question No. 19.)

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

21. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : In or about September, 1941, did the General Manager, East Indian Railway, give Ballabhdas Eshwardas the monopoly of the opening of grain shops on the Railway ; if so, on what conditions and for what consideration the addition is made to former contracts with Ballabhdas Eshwardas ?

THE HONOURABLE SIR LEONARD WILSON : The reply to the first part is in the negative, the latter part does not arise.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

22. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : Did the General Manager, East Indian Railway, advertise the contract for opening the grain shops on the Railway prior to its execution with one Ballabhdas Eshwardas ; and did he invite applications from persons in that trade in the local area where the shops are opened ; if not, why not ?

THE HONOURABLE SIR LEONARD WILSON : The reply to the first two parts is in the negative ; as regards the last part, it was not considered necessary.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

23. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : Will Government lay on the table of the House a statement of the passes issued to Ballabhdas Eshwardas by the East Indian Railway Administration showing :—

- (i) the class of the travelling accommodation ;
- (ii) the pay of the employee in whose favour it is issued ; and
- (iii) the reasons for issuing passes for employees whose pay does not exceed Rs. 176 and Rs. 75 for second class and inter class, respectively ?

THE HONOURABLE SIR LEONARD WILSON : (i) I understand the contractor himself is given a 1st class pass, his supervisory staff 2nd class passes, and his servants third class passes.

(ii) and (iii). Government has no information as to the salaries paid by the contractor to his employees.

THE HONOURABLE MR. HOSSAIN IMAM : Is there any rule about the class of passes given to Government servants drawing certain pays ?

THE HONOURABLE SIR LEONARD WILSON : Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Is that rule applicable to the contractor as well ?

THE HONOURABLE SIR LEONARD WILSON : No, Sir.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

24. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** Will Government state the reasons for renewing the contracts with Ballabhdas Eshwardas year after year on the East Indian and the North Western Railways and not inviting applications from other persons in the trade in the local areas ?

THE HONOURABLE SIR LEONARD WILSON : Particulars of the contracts are not maintained by the Government of India or the Railway Board. The only contract available here is one of indefinite duration. It does not require any renewal, but is terminable by either party on giving six months notice of termination. In accordance with the accepted recommendations of the Central Advisory Council, contractors or vending licensees, who have rendered, or are rendering satisfactory services are not being replaced.

BALLABHDAS ESHWARDAS, CATERING CONTRACTOR, N. W. R. AND E. I. R.

25. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** Will Government lay on the table of the House a statement showing the nature of complaints made against the catering of Ballabhdas Eshwardas on the East Indian and the North Western Railways during the preceding four years with the action taken thereon and the names of the officials who investigated into the complaints ?

THE HONOURABLE SIR LEONARD WILSON : I would refer the Honourable Member to the reply given in the Legislative Assembly to part (c) of Qazi M. A. Kazmi's unstarred question No. 44 of 10th November, 1941.

THE HONOURABLE MR. N. K. DAS : Will Government please place on the table letters of appreciation received by this contractor in respect of his satisfactory catering ?

THE HONOURABLE SIR LEONARD WILSON : Government has no such information, Sir.

REPORT ON CATERING ON THE N. W. R. BY THE LOCAL ADVISORY COMMITTEE.

26. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** Has the North Western Railway appointed the members of the Local Advisory Committee to enquire into the working of the catering on the stations ; if so, will Government lay on the table of the House the report submitted by the members and the orders passed thereon by the Railway Administration ?

THE HONOURABLE SIR LEONARD WILSON : The answer to the first part of the question is in the affirmative. The report has not been received by Government or the Railway Board and as it relates to a matter of local interest I do not propose to lay it on the table.

THE HONOURABLE MR. HOSSAIN IMAM : Have Government received that report ? Has the report been submitted ?

THE HONOURABLE SIR LEONARD WILSON : I have replied to that, Sir.

TERMS FOR RETIRED RAILWAY OFFICERS, ETC., TEMPORARILY RE-EMPLOYED DURING THE WAR.

27. THE HONOURABLE HAJI SYED MOHAMED HUSAIN: Will Government state the terms and conditions on which the gazetted staff are re-employed on the East Indian Railway up to the 31st October, 1941 ?

THE HONOURABLE SIR LEONARD WILSON: I am not aware of the re-employment of any gazetted officer on the East Indian Railway prior to the 1st November, 1941 but the terms for retired officers and other staff temporarily re-employed during the war, are contained in Railway Board's letter No. E41WA272/2, dated 2nd October, 1941, a copy of which I lay on the table of the House.

Copy of letter No. E41WA272/2, dated the 2nd October, 1941, from the Railway Board, Simla, to the General Managers, E. B., E. I., G. I. P. and N. W. Railways.

SUBJECT.—*Terms for retired officers and non-gazetted staff on temporary re-employment during the war.*

The Railway Board have had under consideration the terms and conditions of service which should be applicable to retired gazetted and non-gazetted staff who may be offered temporary re-employment during the war. They have now decided that such staff should be employed on the terms indicated in Form No. 11 appearing in Appendix XXIV, page 377 of the State Railway Establishment Code, Volume I, headed 'Form of Declaration to be signed by temporary Engineers'. All employees should sign a suitable Declaration of this type.

2. As regards the pay and allowances to be drawn by such staff, I am to communicate the sanction of the Governor General in Council to the following—

- (i) A retired railway servant offered re-employment should be given the pay of the post to which he is appointed. If the post to which he is appointed is on an incremental scale of pay identical with that attached to the substantive post from which he retired, he should be given pay equal to his substantive pay at the time of retirement and an increment on completing twelve months' service after re-employment. If the incremental scale of pay attached to the post to which he is appointed is lower than that of the post he held substantively at the time of retirement, he will draw the maximum of the lower incremental scale.
- If the post to which he is appointed is a temporary one and is borne on the cadre of an existing railway service, it will carry the scale of pay (old or revised) to which the re-employed officer would have been entitled prior to his retirement.
- (ii) *Pensionable staff.*—General Managers may at their discretion fix the pay of individual employees on their re-employment in accordance with the principles laid down in Article 521 of the C. S. R., *vide* Rule 2611 of the State Railway Establishment Code, Volume II, taking into consideration the pay drawn by each employee prior to his retirement.
- (iii) *Allowances.*—Re-employed staff will also be eligible for such compensatory and house rent allowances as may be admissible to other railway servants.

PROCEDURE OF ENQUIRY INTO COMPLAINTS IN RESPECT OF CATERING ON RAILWAYS.

28. THE HONOURABLE HAJI SYED MOHAMED HUSAIN: (a) Will Government state the procedure prescribed for enquiring into the complaints in respect of catering on railways ?

(b) Is the complainant asked to substantiate the complaint ?

(c) Who is competent to hold an enquiry against the catering of Hindu travelling public of Ballabhdas Eshwardas on the East Indian and the North Western Railways ?

THE HONOURABLE SIR LEONARD WILSON : (a) and (b). The procedure of enquiry must depend on the nature of the complaint which will also determine whether it is desirable to ask the complainant to substantiate it.

(c) Those competent to hold enquiry may include senior subordinates, divisional officers or officers of the headquarters.

FAKIR-JO-GOTH INCIDENT.

29. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement relating to the alleged attack by some military soldiers on villagers of Fakir-jo-Goth in Karachi district (Sind), about the 14th December, 1941, in course of which the villagers, both male and female, are said to have been assaulted and maltreated? Has any enquiry been made, and, if so, by whom? What are the facts, and what steps have been taken, in that connection?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : A statement has been laid on the table.

Statement re the Fakir-jo-Goth incident.

Under the order of the Government of Sind, a special investigation has been made personally by the Superintendent of Police, Karachi and Tatta Districts, and the facts ascertained are as follows :

Some officers of the armoured division at Malir went out to a pig-sticking camp at Hira Bagh, about four miles from Fakir-jo-Goth, in Tatta Taluka. Captain Ingham of the Royal Deccan Horse, who had been detained at Malir, set out at about 9-30 P.M. on the 13th December 1941, to join his brother officers in camp. He was accompanied by three other ranks of his unit and each of these took it in turn to drive the motor truck in order to acquire experience of driving by night. Neither Captain Ingham nor the men who accompanied him had been to the site, where the camp was located, prior to December 13th.

The party arrived at Tatta between 1 A.M. and 2 A.M. on December 14th and took the road leading to the ferry. They appear to have turned down the road leading to Chach Soomarki, but missed the turning leading to Hira Bagh and appear to have driven straight on to the "bund" where they turned left. They proceeded along the "bund" for six or seven miles after which they concluded that they had lost their way and decided to return along the "bund". As they approached Fakir-jo-Goth, they heard dogs barking and Captain Ingham halted near the old P. W. D. hut in order to enquire the way to the camp.

Leaving one of the men in charge of the truck he and the remaining two men entered the village and approached the nearest house which happened to be that of Amoo, son of Haji. They shouted to the inmates, who, it seems, mistook them for thieves or dacoits and straightaway attacked them with lathis and other similar weapons. One of the men was felled by a lathi blow on the head and it was fortunate that he was wearing an army "safa" which prevented him from suffering a severe injury. Captain Ingham struck out with his fist and punched Amoo in the jaw, dislocating two of his teeth. The second man seems to have fled in panic, while the first who was knocked down also beat a hasty retreat and rejoined his comrades. Captain Ingham struggled with his assailants and eventually tried to shake them off and seek assistance in the main part of the village, but he was pursued and overtaken. His captors beat him further and brought him back to a bush close to Amoo's house where they secured him with ropes. At this stage the villagers appear to have realised their mistake and found that their captive was a military officer. They consulted Pir Maluk Shah, a prominent villager, who advised them to set him at liberty and after some considerable hesitation Captain Ingham was taken in

the direction of the camp. Meanwhile, the three men had proceeded along the "bund" in the truck and had met some people about half a mile further on and had been shown the way to the camp. On arriving there, they reported the event of the night, so far as was within their knowledge to their officers, who immediately set out to rescue Captain Ingham. Seeing the headlights of the approaching vehicles Captain Ingham shouted to attract their attention, and two villagers, who claim to have been accompanying him, made themselves scarce. Captain Ingham was picked up by the rescue party and they all returned to the camp.

Captain Ingham and the three men who had set out with him from Malir then went to Tatta, where they arrived at about 7-30 A.M. and reported the incident to the Police.

Captain Harper of the Royal Deccan Horse, who was the senior military officer present in the camp, set out at the same time, with four other officers, seven orderlies, three syces and a "shikari" in two trucks for Pir-jo-Goth. On arrival, there he told off three parties to place a cordon round the village. He then endeavoured to find some responsible person in the village in order to get a complete narrative of the happenings of the early hours of the morning. Thereafter, he conducted a house-to-house search in order to collect all the able-bodied men of the village. Captain Harper and Captain Hook did enter six or seven houses in order to ascertain if any men had concealed themselves. All the men of the village were collected in an open space in the village and shortly after this was completed, the Sub-Divisional Magistrate arrived and commenced enquiries. Captain Harper's sole object was to prevent any of Captain Ingham's assailants from escaping and there was no intention or attempt on his part or of any of the officers and men who were with him to beat or injure any villager in retaliation for what Captain Ingham had suffered. The villagers complained that their houses were broken open, that some of them, including an old woman, were roughly handled and that their pots and pans were broken by the intruders. A few broken earthen vessels and chatties were shown to the Superintendent of Police and an inventory was made. The total value of the damage is almost negligible. Under instructions from the Sub-Divisional Magistrate, the Police registered offences under sections 324 and 342, Indian Penal Code, on the information given by Captain Ingham. The police also registered an offence under section 325, Indian Penal Code, on the complaint of Amoo, and a further offence under sections 147/342/448 of the Indian Penal Code. The allegation that a woman was beaten is, according to the District Superintendent of Police, entirely unfounded.

The report of the Superintendent of Police is at present under the consideration of the Government of Sind with a view to decide the action to be taken.

It will be seen from what I have stated, that there is no basis whatsoever for the many alarming reports and grossly incorrect and misleading allegations to which currency has been given by certain sections of the press. As the matter has been the subject of police investigation and is at present under the consideration of the Sind Government, there are no grounds for the Central Government to take any action in the matter.

AFFRAY AT THE BRISTOL HOTEL, CALCUTTA.

30. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the facts and circumstances relating to the incident in which an Indian lady was molested by some military soldiers near Bristol Hotel, in Calcutta, on or about the 25th December last, resulting in an unpleasant affray? What steps have been taken in this connection?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): A thorough investigation has been made both by the police and the military authorities into the alleged incident. There appears to have been an affray at about 7 P.M. on the 25th December opposite the Bristol Hotel in Chowringhee in which a large crowd was involved. On the arrival of the police the crowd was dispersed and ten persons were arrested but were subsequently discharged. Notices have been published in the daily newspapers requesting the guardians of the ladies said to be involved in this incident to get into touch with the local police for the purpose of a proper enquiry into the matter. So far no one has come forward and no trace of the lady or ladies or of their companions has been found.

THE HONOURABLE MR. M. N. DALAL: Are Government aware that a series of such charges of molestation have been made by Mrs. Malati Bedekar of Poona in the *Lokshakti* of 24th December, 1941?

THE HONOURABLE MR. A. DEC. WILLIAMS: I should require notice of that, Sir.

ASSAULT BY BRITISH SOLDIERS ON LABOURERS IN CAWNPORE CANTONMENT.

31. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Is it a fact that sometime back a number of British soldiers in a drunken condition killed three persons and injured many others in Cawnpore? If so, what are the full facts of the occurrence? What steps have been taken to punish the culprits, to compensate the families of the victims, and to prevent a recurrence of such cases?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief): Sometime after midnight of 2nd January, in Cawnpore Cantonment, three Indian labourers were killed and four injured, one of whom died subsequently. The police arrested six British soldiers, two of whom having established an alibi, have been released. The remaining four are under police custody and will take their trial in due course in the civil courts.

Adequate steps, including the removal from Cawnpore of the detachment to which the arrested men belong, have been taken to prevent a recurrence of such cases.

The question of compensation to the families of the deceased does not arise at present as the case is *subjudice*.

THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that cases of this nature have occurred in other cantonments and military stations too?

THE HONOURABLE MR. A. DEC. WILLIAMS: There have been reports of similar occurrences and recently orders have been issued from General Headquarters to all Commands to take all steps necessary to avoid a repetition of these occurrences.

THE HONOURABLE MR. HOSSAIN IMAM: Will the cost of defence of these four British soldiers be paid by the Defence Department?

THE HONOURABLE MR. A. DEC. WILLIAMS: I am afraid I do not know, Sir. I will find out if the Honourable Member is really anxious to have an answer to that question.

STATEMENT BY THE RAJA OF SARAWAK ON BRITISH MILITARY POLICY IN MALAYA.

32. THE HONOURABLE MR. M. N. DALAL: (a) Are Government aware of the Raja of Sarawak's statement on British Military Policy in Malaya, which, he says, lulled the people into a false sense of security?

(b) If so, what action have Government taken now to restore confidence in the people of the East, and allay fear, doubts and misgivings of the people of India?

THE HONOURABLE MALIK SIE FIROZ KHAN NOON : (a) There have been brief references in a few newspapers to a statement alleged to have been made by the Raja of Sarawak. Government have not seen the complete text.

(b) Government do not believe that the confidence of the people of India in ultimate victory has been shaken, and they try never to lose an opportunity of making clear the grounds on which this confidence can be firmly based.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask that questions Nos. 33 and 34 of Mr. Mohamed Husain be postponed to the next sitting ?

THE HONOURABLE THE PRESIDENT : What is the reason for the postponement ?

THE HONOURABLE MR. HOSSAIN IMAM : I am not prepared for them.

THE HONOURABLE THE PRESIDENT : I cannot allow that.

THE HONOURABLE MR. HOSSAIN IMAM : Then I will ask them, Sir.

RULES AND ORDERS APPLICABLE TO RIGHT OF APPEAL BY INCOME-TAX OFFICERS.

33. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : With reference to the directions contained in their Government of India, Home Department Office Memo. No. F. 9/9/35-Ests., dated the 30th April, 1935, will Government state whether all the rules and orders in existence on 26th May, 1930 and applicable to rights of appeals of Income-tax Officers are still so applicable ? If not, when and by what orders were they cancelled, modified or withdrawn ?

THE HONOURABLE MR. C. E. JONES : No. The directions contained in Government of India, Home Department Office Memorandum No. F. 9/9/35-Ests., dated the 30th April, 1935, do not apply to Income-tax Officers since they have not been wholly excluded from the scope of the Classification Rules. The orders referred to by the Honourable Member, however, were superseded by the relevant provisions of the Civil Services (C. C. A.) Rules which came into operation, so far as Income-tax Officers are concerned, on 6th April, 1932, the date on which these officers were included in a Class II Central Service.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member lay on the table those two notifications to which he referred ?

THE HONOURABLE MR. C. E. JONES : I have no objection, Sir, if we find that they are not available to Honourable Members already.

RULES AND ORDERS APPLICABLE TO RIGHT OF APPEAL BY INCOME-TAX OFFICERS.

34. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : With reference to Civil Services (C. C. A.) rule 5 will Government state the various authorities so far as the gazetted officers of the Income-tax Department appointed by the United Provinces, Government in 1921 are concerned ?

THE HONOURABLE MR. C. E. JONES : The only authority in relation to the permanent gazetted officers of the Income-tax Department though

they may have been originally appointed by the Government of the United Provinces in 1921 is the Central Government.

RULES AND ORDERS APPLICABLE TO RIGHT OF APPEAL BY INCOME-TAX OFFICERS.

35. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : With reference to the provisions of Civil Service (C. C. A.) rules 7, 8 and 9 and section 241 (3) of the Government of India Act, 1935, will Government state whether the gazetted officers of the Income-tax Department appointed in 1921 by the United Provinces Government have still right of appeal to that Government ?

THE HONOURABLE MR. C. E. JONES : No.

RULES AND ORDERS APPLICABLE TO RIGHT OF APPEAL BY INCOME-TAX OFFICERS.

36. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : (a) Will Government state whether the Local Government has any concern with or control over matters affecting Deputy Collectors who are still serving in the Income-tax Department ?

(b) Have such officers rights of appeal and representation to the Local Government ? Does any difference exist between such Income-tax Officers and Income-tax Officers who were appointed as Assistant Income-tax Officers by the Local Government in 1921 ? If so, what are the reasons of such differentiation ?

THE HONOURABLE MR. C. E. JONES : (a) and (b). A Provincial Government has no concern with or control over officers of the Income-tax Department, whether Income-tax Officers or Assistant Income-tax Officers, who formerly belonged to a Provincial Service prior to the centralization of the Department in 1922. Such officers have no rights of appeal or representation to the Provincial Government.

RULES REGULATING THE CONDUCT OF MEMBERS OF THE CENTRAL SERVICES, CLASS II.

37. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : With reference to Civil Services (C. C. A.) rule 42 will Government state the rules made by them for regulating the conduct of members of the Central Service, Class II, and where are such rules contained ?

THE HONOURABLE MR. E. CONRAN-SMITH : The reference to Civil Services (Classification, Control and Appeal) rule 42, which applies to the appointment and conditions of service of specialist officers is not understood. The rules regulating the conduct of members of the Central Services, Class II, are contained in the Government Servants' Conduct Rules, a copy of which will be found in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM : By which rule are they governed ?

THE HONOURABLE MR. E. CONRAN-SMITH : The question referred to the rules regulating the conduct of members of a Central Service, Class II. My answer is that the rules regulating the conduct of members of that service are the Government Servants' Conduct Rules.

PROCEDURE FOR THE IMPOSITION OF PENALTIES ON GOVERNMENT SERVANTS.

38. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** With reference to Civil Services (C. C. A.) rule 49 will Government state whether the good and sufficient reasons and the facts on which they are based are duly communicated to the members of the services and opportunities for explanation are given to them before the imposition of efficiency bar? What rules of procedure are observed before the imposition of each kind of penalty?

THE HONOURABLE MR. E. CONRAN-SMITH : As a matter of practice but not of statutory right the reasons for the imposition of the penalty of stoppage at an efficiency bar generally are or have been communicated to the officer concerned and he is given or has had an opportunity of tendering his explanation before the punishment is awarded.

The procedure to be observed in the case of the penalties of reduction, removal and dismissal is that laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules. No similar procedure is laid down in respect of the other penalties, but the Honourable Member's attention is invited to the reply given on the 2nd December, 1940, to his starred question No. 99.

DELEGATION OF POWER TO COMMISSIONERS OF INCOME-TAX TO IMPOSE PENALTIES ON INCOME-TAX OFFICERS.

39. **THE HONOURABLE HAJI SYED MOHAMED HUSAIN :** Will Government state the conditions prescribed by them under Civil Services (C. C. A.) rule 53 (C) in connection with the delegation of power to Income-tax Commissioners to impose the penalties specified in C. S. (C. C. A.) rule 49 upon Income-tax Officers specially the penalty of stoppage at an efficiency bar? Have they prescribed any rules [as contemplated in C. S. (C. C. A.) rule 54] for services other than subordinate services? What rules govern the procedure in penal action by Income-tax Commissioners specially stoppage at an efficiency bar?

THE HONOURABLE MR. C. E. JONES : The conditions subject to which the power to impose all the penalties mentioned in rule 49 of the Civil Services (Classification, Control and Appeal) Rules has been delegated to the Commissioners of Income-tax are those laid down in the Government of India, Home Department, Notification No. F. 9/2/33-Ests., dated the 9th January, 1934, published in the Gazette of India.

The Honourable Member's assumption in part 2 of the question that Classification, Control and Appeal rule 54 contemplates the prescription of rules for services other than subordinate services is incorrect. Such rules are not necessary, since the Classification Rules and the delegations made thereunder fully provide for matters in regard to which, in respect of the subordinate services, Classification rule 54 contemplates subsidiary rules.

The reply to the third part is that Classification rule 55 lays down the procedure to be followed by Income-tax Commissioners before an order of dismissal, removal or reduction is passed. It is not necessary, however, that this procedure should be followed in a case where it is proposed to stop an officer at an efficiency bar, though as a matter of practice but not of statutory right he is generally given an opportunity of tendering his explanation before the penalty is imposed.

THE HONOURABLE MR. HOSSAIN IMAM : Who is the competent authority to dismiss an Income-tax Officer ?

THE HONOURABLE MR. C. E. JONES : Normally the Commissioner of Income-tax, Sir.

RIGHT OF APPEAL BY INCOME-TAX OFFICERS AGAINST ORDERS PASSED BY THE COMMISSIONERS OF INCOME-TAX.

40. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : With reference to Civil Services (C. C. A.) rule 58 (2) proviso, will Government state whether Income-tax Officers who had been appointed as Assistant Income-tax Officers by the United Provinces Government in 1921 have a right of appeal to that Government against orders passed by the Income-tax Commissioner, United Provinces ?

THE HONOURABLE MR. C. E. JONES : No.

SUBMISSION BY COMMISSIONERS OF INCOME-TAX OF APPEALS WITHHELD BY THEM.

41. THE HONOURABLE HAJI SYED MOHAMED HUSAIN : Will Government state whether Income-tax Commissioners submit to them lists of appeals withheld by them under C. S. (C. C. A.) rule 67? Do Government examine such lists and the withheld appeals, etc., pass orders regarding their admissibility or inadmissibility and communicate the same to the appellants ? Will they give details of the procedure in the matter ?

THE HONOURABLE MR. C. E. JONES : Yes. The lists are scrutinised, the appeal and connected papers being called for in cases in which the validity of the order withholding the appeal is considered doubtful. Where the further examination of the appeal results in the modification or withdrawal of the Commissioner's order, the Government's decision is communicated to the appellant.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. G. S. BOZMAN (Secretary for Indians Overseas) : Sir, I lay on the table a copy of the notification of the Government of India in the Department of Education, Health and Lands, No. F. 69/41-O. S., dated the 13th December, 1941, making certain amendments in the notification of the Government of India in the Department of Education, Health and Lands, No. F. 144-1/38-O. S. (C.), dated the 21st July, 1941, prohibiting the emigration of unskilled labourers from British India to Burma.

No. F. 69/41-O. S., dated the 13th December, 1941.—In exercise of the powers conferred by sub-section (1) of section 30A of the Indian Emigration Act, 1922 (VII of 1922), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Education, Health and Lands, No. F. 144-1/38-O. S. (C.), dated the 21st July, 1941, namely :—

In the said notification, for the words " by special order " the words " by general or special order " shall be substituted.

G. S. BOZMAN,
Secretary to the Government of India.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary) : Sir, I lay on the table the information promised in reply to question No. 43 asked by the Honourable Rai Bahadur Sri Narain Mahtha on the 11th November, 1941

The yield per acre of sugarcane (in tons) was as follows :—

Year.	Madras.	Bombay (including States).	United Provinces (including States).	Bihar (including Orissa upto 1934-35).	All-India.
1930-31	27.77	26.34	10.59	10.31	11.50
1931-32	27.26	25.66	13.97	10.39	13.36
1932-33	27.62	26.19	14.57	10.37	14.12
1933-34	27.03	26.21	14.82	14.91	14.73
1934-35	26.31	23.33	14.93	15.12	14.69
1935-36	27.65	25.90	14.83	14.21	14.70
1936-37	27.79	24.31	15.12	10.72	14.62
1937-38	28.47	24.50	14.37	10.63	13.36
1938-39	27.96	24.04	8.20	9.84	10.23
1939-40	27.12	25.27	11.37	10.43	12.81
1940-41	29.75	25.00	11.28	10.18	12.54

(1) In the absence of accurate figures, which can only be obtained from the results of crop cutting experiments, the figures given above have been calculated on the assumption that 1 maund of gur represents 10 maunds of sugarcane. Any conclusions arising out of these figures have therefore to be treated with reserve.

(2) The increase in yield cannot be attributed exclusively to the introduction of improved varieties of cane as other factors, such as methods of cultivation, manuring, irrigation and measures for combating diseases and pests, also affect the yield. Information as to the extent to which each factor has contributed to the improvement in yield is not available.

(3) The decreases in the yields per acre during 1937-38 and 1938-39 were due to heavy damage by droughts, floods, frost and insects, and the failure to effect complete recovery in subsequent years is in part to be attributed to the crops having been raised from setts obtained from the disease-affected crops of the previous seasons.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Indian Penal Code which was passed by the Legislative Assembly at its meeting held on the 18th February, 1942.

DISCUSSION OF THE WAR SITUATION IN SECRET SESSION.

THE HONOURABLE MALIK SIB FIROZ KHAN NOON (Leader of the House) : Sir, I understand that there is a strong feeling in this House for the holding of a secret meeting of the Council to discuss the present war situation

with greater freedom than would otherwise be possible. I therefore take this opportunity to assure the Honourable Members that should you, Sir, be prepared to exercise your power under Standing Order 35 to order the clearing of the Galleries during the discussion of a formal Motion for the consideration of the war situation, and also to direct under Standing Order 72 that no report of the proceedings on that Motion should be prepared or published, I propose to table such Motion for discussion on a convenient day.

THE HONOURABLE THE PRESIDENT : I shall give my orders on the day when the Motion is made. I will suspend both Standing Orders 35 and 72 on that day.

THE HONOURABLE MR. P. N. SAPRU : What is the date the Honourable the Leader has in mind ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : The date has not been fixed. We shall have to fix it in consultation with the Honourable the President and I must also consult the Defence Member, who is mainly concerned. But now that the Honourable the President has given his consent to the holding of the meeting I shall get on with the details. I understand that the House wants it held as quickly as possible and I shall bear that in mind.

THE HONOURABLE MR. HOSSAIN IMAM : After the Holi.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : When is the Holi ?

THE HONOURABLE MR. P. N. SAPRU : We do not know. We should be prepared to sit on the Holi if necessary.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas) : Sir, I beg to move :—

“ That this Council do proceed to elect, in such manner as the Honourable the President may direct, four non-official members to serve on the Standing Committee on Emigration during 1942-43.”

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I should like to take this opportunity of referring to some of the questions which affect Indians in Malaya and Burma. I shall first refer to the effect of the present war on the position of Indians in Burma. As the Honourable Mr. Bozman knows, owing to the state of things prevailing in Burma Indians find themselves compelled to return to their country. I understand that about 40,000 Indians have already come back from Burma. Most of them have returned by sea, but as Japanese submarines and warships are operating in the Bay of Bengal I am afraid that the sea route will soon be completely closed. It is necessary therefore that Government should develop an alternative route in order to enable such Indians as wish to come back to India to do so. My information is that the route through Assam is being surveyed, but I refer to this matter today because it is necessary that the question should be regarded as urgent and that all possible steps should be taken without any avoidable delay to provide Indians who wish to return to India with a safe route. I hope that the Honourable Mr. Bozman will be able to assure us that Government are alive to the importance of this question and have already adopted such measures as are necessary to open up the route that I have referred to as quickly as possible.

[Pandit Hirday Nath Kunzru.]

I have already stated that about 40,000 Indians have returned to this country from Burma. Most of them landed probably in Calcutta or Madras. Now I have received complaints from Madras that the committee concerned with the reception of the evacuees is not informed beforehand of their arrival and is therefore not able in all cases to make adequate arrangements for their reception. We all know that it would be unsafe if Government published information relating to the sailings and arrivals of ships. But perhaps it will be possible for them to send information confidentially with regard to the arrival of a boat to the Governors of the provinces concerned and ask him to let the Chairmen of the Committees concerned, who are probably the Mayors of their Corporations, know, say, a day beforehand, of the arrival of the evacuees. I hope that there will be no difficulty in carrying out this suggestion as the Mayors may be trusted to keep the information given to them by the Governors secret.

Another point to which I should like to direct the attention of the Government is the need for strengthening the staff of the Protector of Emigrants. He is at present supplied with clerks belonging to different departments as the need for their help arises. The result is that there is no permanent trained staff at the disposal of the Protector of Emigrants. It has been suggested to me that it would be better if in place of the present system Government deputed a certain number of clerks permanently to the office of the Protector of Emigrants. When I say permanently I mean for as long as their services might be needed by the Protector of Emigrants. They will then know what their duties are and perhaps be able to despatch their business more quickly than clerks that are new to the work. Apart from this, the position of the Protector of Emigrants himself should be strengthened. I understand that he has to make many references to superior officers before he can incur expenditure or deal with urgent cases. For instance, he is unable to pay the cart hire for transporting the luggage of the evacuees without reference to the Local Government. If the information that I have received is correct, the situation requires an immediate remedy. This is no time for red tape delay, the procedure should be simple and should enable the Protector to take action when required as speedily as possible. The expenditure involved can not be very large; but even if it is, it must be small in comparison with the assistance that Government are giving to evacuees in respect of the supply of food after their arrival and the purchase of railway tickets.

I trust that this matter will be attended to without delay so that the evacuees may be put to as little inconvenience as possible.

I have spoken so far, Sir, of the arrangements made for the reception of the evacuees but even when all the points that I have mentioned have been dealt with there will remain a much bigger problem to be considered both by Government and the people. The Indians who return from Burma, whether of the labouring classes or not, will require a great deal of sympathy, encouragement and help in this country. Many of them may be unable to start life afresh unless they receive some help from Government in the matter of colonization or rehabilitation in any other way.

THE HONOURABLE THE PRESIDENT: Honourable Members, don't you think it is advisable to put off this bigger question for some other occasion when you can bring in a Resolution or anything you like. It is not customary on

Motions for election to refer to other matters though I have allowed you to do so as a special case. I think, however, that these are matters which can be brought in later either by a Resolution or anything like that open to you.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have ventured to deal with these things because full latitude was given for their discussion in the other House owing to their urgency. I know it is not customary either in this House or in the other to deal with important questions on a Motion like this. I think however that we are living in rather exceptional times and problems relating to Indians without our borders who come back to India have to be dealt with without delay. I trust, therefore, Sir, that you will show a little more indulgence.

THE HONOURABLE THE PRESIDENT : I will show you indulgence but—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I have been as brief as I could be considering the urgent matters to which I have had to draw the attention of Government. These are questions that are exercising the public mind and I have heard from more than one person asking me to bring them to the notice of the Government with as little delay as possible.

I am not suggesting any particular measures for the colonization of the people who return or for their rehabilitation. It will in the first instance be the duty of the Provincial Governments to look after the people who have come back from Burma and Malaya or who may in future come back from Burma, but if the Central Government take up the matter and just draw the attention of the Provincial Governments to this important question perhaps it will receive more attention than it would otherwise do.

Lastly, Sir, I should like to refer to the case of the dependants of Indians in Malaya or in the Japanese-occupied parts of Burma. Some of these dependants are students at the various Universities. I know some Indian young men who have come for their education from Malaya and Burma. Their guardians are unable to come back and they are therefore in an extremely difficult position. This is a matter which requires immediate attention. Some of them may be able to get help from their relatives or friends here but others who find themselves in this country in completely new surroundings may be unable to secure the means for carrying on their education. I hope that their cases will be looked into by Government and treated sympathetically. As I have already said, our countrymen who have suffered heavily in Burma and Malaya deserve our sympathy and support in the fullest measure and I have no doubt that the Government of India will do their utmost to alleviate their troubles in this country and to make their position and the position of their dependants as easy as it can be made in the circumstances.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : I just want to bring something to the notice of the House. With your permission, Sir, I will just mention one or two things.

In addition to what my Honourable friend Dr. Kunzru has said I should like to bring to the notice of the House that not only are the Reception Committees not informed of the exact time and date of the arrival of these evacuees but also they are not informed even of the exact number. About twenty or twenty-five days ago when some of these evacuees returned to Madras we were told that about 300 persons were expected to land in Madras, but actually more than 3,000 people came there. You can imagine how difficult it was for

[Saiyed Mohamed Padshah Sahib Bahadur.]

the Reception Committee to make all the necessary arrangements for the comforts of those people. It is necessary, it is really essential that correct information should be given at least to the Mayor, who is the Chairman of the Reception Committee, so that all the necessary arrangements for the reception of these people might be made at the ports at which they arrive. Another thing, Sir, as Dr. Kunzru has just said, is that Government should take steps to see that the land route, which happens to be in Assam, is developed at once so that it is available for the use of the people who have got to come from Burma. It is no time for all the formalities of red-tapism to be gone through and every possible means should be adopted to see that this route is made available for the people who want to use it.

THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official) :
And for the enemy.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : May I just say a few words, Sir ? I have met some evacuees who have come back from Burma and they tell me that there is great insecurity of person and property and that Government there has not been helping them to the extent that it should so far as their person and property is concerned. They have complained to me bitterly as regards the attitude of the Burmese Government towards the Indians. Particularly on days on which the air raid occurred they felt that enough protection had not been provided for them. Therefore, I hope, Sir, that the Government of India will do something for the protection of the person and property of such Indians as cannot leave Burma. I understand, Sir, that so far as our Agent is concerned he has acquitted himself well ; that is what some of the evacuees who have returned from Burma have told me.

Another question, Sir, that I should like to ask is this : Malaya has for the time being been over-run by Japan. Part of Burma too has been over-run by Japan and Hong Kong has been over-run. Under whose charge are Malaya and Burma now ? Are they under the charge of the Honourable Mr. Aney, who is the Indians Overseas Member or are they under the charge of the External Affairs Department ? I hope, Sir, that the Honourable Mr. Bozman will enlighten us on this point also.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, may I ask one question ? I have also a grievance to ventilate. I understand that even the ticket charges which are given to these evacuees are not given free by the Government. They are only an advance to be recovered from the evacuees when they reach home. Is that the treatment which a mother country should mete out to her people who have come into such difficulties ? We have heard an ugly rumour regarding discrimination meted out to our Indians in Malaya in the matter of evacuation. There was racial discrimination of the worst kind, and neither money nor position could win the Indian a place in evacuation, and only white skin could get it. In Burma too there are rumours that this sort of thing is happening, though on a restricted scale. Things like this ought not to happen in this year of grace 1942, but we are in such a pass. I hope that Government will assure us that everything possible is being done. We may forget the past but the future must be better than the past.

* Not corrected by the Honourable Member.

THE HONOURABLE MR. G. S. BOZMAN : Sir, the House will I believe have welcomed the opportunity afforded to them to have an outline of what has been happening with regard to Indians in the countries occupied by Japan. It is a matter which has raised a great deal of public interest and I am very grateful to the Honourable Pandit Kunzru for the terms in which he spoke. There are one or two small points of fact which I would place before the House before dealing with the actual suggestion that has been made. To begin with, the figures which were given the other day in another place with regard to Indian evacuees from Burma were, of course, only approximate, and since these figures were given, we have reason to believe that not less than 65,000 Indians have now left Burma. As the Honourable Pandit Kunzru pointed out, in the first stages of evacuation, the main route was by sea. Now the land route is becoming the main route, and that brings me on to the point which he himself raised, namely, the development of the land routes. There are two main land routes, one comes out through Chittagong in Bengal and the other through Manipur in Assam. The land route to Chittagong is partly by land and partly by sea. That is to say, when the refugees have crossed the hills to the west coast of Burma, some of them can come up by boat and some can make their way by foot. The route to Assam is, of course, entirely by land except that the rivers can be used for considerable distances up into the north of Burma. Both these routes, about which there has been a good deal of discussion in the Press, are fully open to the use of all evacuees ; that is to say, no restriction is placed upon their use by the Burma Government or by the Government of India. The fact, however, is that the routes are such that there are bound to be difficulties. The distance between Sandoway and Akyab is not easy to cross. Similarly there is a difficult piece of country to cross just inside the border of Manipur. Over both these routes officers have been deputed by the Government of Burma and in the case of Manipur also by the Government of India to make such arrangements as are possible. I should like to state very briefly the sort of arrangements we have in mind for the assistance of refugees along the routes. What they need mostly is shelter at convenient stages. They need foodstuffs collected where the shelter is provided and arrangements for water. They need temporary arrangements for sanitary purposes at these particular centres and they need medical arrangements to be made easily available. These are the main points which we are trying to provide along the routes upon which we can expect the refugees to come. It will be appreciated that particularly in the sort of country through which the routes pass, we must have men with local knowledge who can decide where the camps can best be sited, where to collect the food that is required for the camps and so on. But these arrangements are not pious hopes on our part. These arrangements are now being put into train mainly through the assistance of the Provincial Governments.

Then comes the question of the reception of these unhappy people when they arrive in India. I have listened with a good deal of interest to what the Honourable Pandit Kunzru had to say about the reception arrangements in Madras. As I think the House knows, we deputed an officer very recently to visit Madras, Calcutta and Chittagong to examine what arrangements had been made. He himself was present at Madras when an unexpectedly large number of refugees arrived in the course of one day. I think it was possibly the number to which the Honourable Mr. Padshah referred. The report our officer gave was that so far as the committees in Madras were concerned and so far as Government arrangements were concerned, every possible effort was made to give assistance to these people, but under the strain of a very large influx, the arrangements were not as fully effective as it was.

[Mr. G. S. Bozman.]

hoped they would be. In Calcutta a similar Committee has been formed and excellent arrangements are made for the supply of free food on arrival and for the assistance of refugees in temporary shelters. The large committee has resolved itself into a number of small committees according to community. The Marwari community have a sub-committee there, which has done excellent work. The Anglo-Indian community have a sub-committee, the Gujarati community have a sub-committee, and so on. In Chittagong the arrangements are rather more difficult for various reasons which I need not go into now, and we ourselves are in process of making special arrangements of our own to assist the Government of Bengal at Chittagong.

Now I should like to go one by one over the particular points that have been made, because I think the House is entitled to know what our view is and what we are doing. The first point made was the question of giving information as to the arrival of ships. I happen to have a certain amount of experience because I have been dealing also with the Haj, and I can assure Honourable Members that there is no disinclination on our part to inform all those concerned as soon as they can be informed that a ship is going to arrive. But the fact remains that nobody knows when a ship is going to arrive. The best that we can do is to inform them, in strict confidence, of course, of the date when a ship has left, and that has been our object throughout. There have been one or two cases in which a telegram has been delayed. There have been one or two cases in which the numbers, as my Honourable friend Mr. Padshah observed, have been wrongly predicted. But those were, I believe, only mistakes. We are informed, when a ship has left—whatever the port it sails from—of the numbers on board—the number of deck passengers, the number of cabin passengers and so on—and this is the information that we pass on and it is left then to the Provincial Government or the other authorities concerned, in conjunction with the naval authorities, to make the shrewdest guess they possibly can as to when that ship is likely to arrive. But I can say this, that there are times when the naval authorities themselves are not aware that a ship is going to arrive until she appears on the horizon.

Then Pandit Kunzru spoke about the strengthening of the Protector of Emigrants' staff and also of giving the Protector greater financial powers. So far as the staff is concerned, I am quite sure that the Provincial Governments will have no reluctance whatever in giving the Protector such staff as he requires to deal with the refugees who arrive, and I cannot see the slightest reason why any reference with regard to provision of free transport should be required from the Protector of Emigrants. Those are matters which will of course be considered very carefully by ourselves, but I see no reason why any difficulty should be experienced on that account; nor is it our intention—and I am sure it is not the intention of the Provincial Governments—that any obstruction should be put in the way of these people when they arrive. The main object when they arrive is to disperse them as rapidly as possible because their main desire is to get home.

Pandit Kunzru also spoke of the problem of finding means of employment and subsistence for these people when they get back to India. He himself pointed out that this is largely a matter for Provincial Governments, but I can assure him that it is an aspect of this problem which has not escaped the Government of India and it is one in which we are in full sympathy with the feelings he has expressed, that these people will need attention, care and some provision for their future livelihood.

He spoke also of dependants in India of Indians who are in occupied territories. That is a matter which we have already taken up—whether the Provincial Governments or the Central Government will deal with it I am not in a position to say—but I have no doubt that arrangements will be made to provide maintenance for these people where no other funds can be found.

My friend Mr. Sapru spoke of the insecurity of Indian life and property in Burma. A number of reports have come in from Burma of what has happened to Indians there. It would not be correct on my part to confirm or deny those reports. Many of them are of a vague and indefinite nature. That there have been cases of looting and of violence I have little doubt. That there have been equally cases of hospitality and courtesy I have little doubt, and I think it would not be fair at this stage to level any general charge to the effect that these unfortunate people are being maltreated before they leave Burma. As for those who stay in Burma, the Burma Government are making every possible arrangement they can for protection. But everybody will admit, I think, that in modern warfare protection is not an easy matter for large numbers of people. Shelters and so on are provided in the towns. Labourers are taken away from vulnerable areas after their day's work in free transport and provided with shelter outside those areas, being taken back in free transport the following morning. My point is that we have no reason to believe that the Burma Government are either not doing their best to provide shelter or are showing any discrimination in the provision of shelter.

I must also refer to Malaya. One or two Honourable Members have spoken about Malaya. I had hoped to be able to give figures this morning of the number of Indian evacuees who had reached India from Malaya. I regret to say I am unable to do so. We have made inquiries from Provincial Governments and from the ports where these people arrive, but all replies have not yet been received and I think it would be misleading to give figures now which might prove to be incorrect at a later date. I know that only the other day, I think yesterday, a certain number arrived. I have not got the figures as to how many are Indians, how many Chinese and so on. But a charge was made that in Malaya in particular there had been grave racial discrimination and that something of the same sort was possibly happening in Burma. It is not my duty to defend the Malayan Government or any other Government, but I would only say this, that I think it would be wiser to reserve our opinion until we have been able to establish what the facts are. I should like to point this out also, that some of the information that has come to us with regard to happenings in Malaya comes from sources which are definitely tainted. We know that the Penang radio has been broadcasting under Japanese hands; we know that Singapore will be broadcasting under Japanese hands, and I for one am not prepared to take for gospel any information which comes through those routes. I would prefer to treat them with the greatest care and reserve. I am not at this stage able to confirm or deny the charge that the administration in some places broke down.

I was asked whether Malaya and occupied Burma came under the charge of the Honourable Member in charge of this Department or under the External Affairs Department. The answer is they come unfortunately under the Japanese Government and hitherto no neutral Power has been agreed upon for those areas as has been the case in certain other areas occupied by the Japanese. I mention this because I should like to state here very briefly what has been done with regard to obtaining information about the welfare of the Indian community in general and individuals in particular in the areas occupied

[Mr. G. S. Bozman.]

by the Japanese. For Japan itself, where there are so far as we know at the moment 54 Indians, the Argentine is the protecting Power; for occupied China, Indo-China and Thailand, Switzerland is the protecting power. I believe, though I shall have to verify this, that Switzerland is also the protecting power for the Philippines. Now, we have received a number of individual inquiries as to the welfare of Indians who are in those areas. All inquiries with regard to Indians in any territories occupied by Japan, other than Malaya and occupied Burma, have already been forwarded to Geneva by the courtesy and generosity of the Indian Red Cross. The reason why inquiries with regard to Malaya and occupied Burma have not been forwarded is simply that there is no means of communication at present. But this Department, working hand in hand with the Red Cross, has lists ready of all these inquiries and as soon as any channel of communication is found these inquiries also will be forwarded.

I should like to say one thing in conclusion. I should wish to assure this House that it is the determination of this Department and of the Government of India to take every measure they can possibly take to assist the unhappy people who have come away from countries where they have lived, to ease their lot and to see that on arrival in India they feel they are coming to a home which is welcoming them.

THE HONOURABLE THE PRESIDENT: Motion moved :—

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, four non-official members to serve on the Standing Committee on Emigration during 1942-43.”

Question put and Motion adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on Thursday, the 26th February, 1942 and the date of election, if necessary, will be announced later.

WORKMEN'S COMPENSATION (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary): Sir, I move :—

“That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by the Legislative Assembly, be taken into consideration.”

This Bill, Sir, does not bring any new subject before the House. It deals with the regularisation of a position created by the war in respect of compensation for injury or loss of life to Indian seamen, the object being to replace the responsibility of shipowners under the Workmen's Compensation Act by the responsibility of the State for the payment of compensation on a more generous scale in the case of war injuries. As Honourable Members will see from reference to the Bill several compensation schemes are mentioned. Of these all but one represent compensation schemes made by His Majesty's Government and applied to the larger number of Indian seamen who are employed on ships of British registry. It remained for us, Sir, to introduce our own compensation scheme for Indian seamen employed on ships of Indian registry and that has now been done and it is mainly in consequence of that last action that it has been found necessary to introduce the present Bill.

As I have said, Sir, this matter has been before the House before. In September, 1939 the Workmen's Compensation Act was amended by Act No. XLII of 1939 so as to deal with compensation payable under the British Government schemes relating to British ships. Again on March the 12th of this year the Council of State approved of a Resolution which was the foundation for the drawing up of our own scheme for compensation of Indian seamen employed on Indian vessels. In these circumstances, Sir, I do not think that the House will require any details from me on the present occasion.

Sir, I move.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN LLOYD : Sir, I move :—

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

The Motion was adopted.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary) : Sir, I move :—

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

I am sure that the House will not feel that I am treating it with insufficient respect if I am even briefer than on the Bill which has just been passed, because this Bill may be regarded as the counterpart of the other one. This Bill deals with compensation for loss of effects to seamen ; the other Bill dealt with compensation for injury or loss of life.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN LLOYD : Sir, I move :—

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

The Motion was adopted.

INDUS VESSELS (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary) : Sir, I move :—

“ That the Bill further to amend the Indus Vessels Act, 1863, as passed by the Legislative Assembly, be taken into consideration.”

[Sir Alan Lloyd.]

Honourable Members will no doubt have read the Statement of Objects and Reasons and they will have understood from that statement without further explanation from me that this Bill merely proposes to cut out a piece of dead wood from the legislation. Local authorities have been pressing for removal of this useless element in the Indus Vessels Act for several years, but owing to the way in which the Act was passed, an Order in Council was passed in pursuance of the Government of India Act, 1935, making it necessary for the legislation to be central and not provincial. We wish, Sir, to comply with the wishes of the Government of Sind in this matter and it is with that object that the present Bill has been prepared.

Sir, I move.

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN LLOYD: Sir, I move :—

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

The Motion was adopted.

INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary): Sir, I move :—

“That the Bill further to amend the Indian Medical Council Act, 1933, as passed by the Legislative Assembly, be taken into consideration.”

In amplification of what has been set out in the Statement of Objects and Reasons, I have only to say this. One of the most important functions of the Medical Council is to provide for the inspection of the conduct and sufficiency of examinations held in the medical institutions of the country. Under section 16 of the Indian Medical Council Act it is the Executive Committee of the Council which appoints Inspectors for this purpose and the Inspectors are of course paid for their work and they report to the Executive Committee in the first instance. The Council has represented to Government that it would be advantageous if it could occasionally have the benefit of the advice of members of its own body on the conduct of these examinations. It is doubtful whether under the Act as it exists already the Council itself could appoint members of its own body as Inspectors, and even if this point were free from doubt, it would probably not be altogether seemly that the Executive Committee of the Council should appoint members of the parent body to hold the paid post of Inspector. In suggesting that they should be given power to appoint visitors who would work in an honorary capacity, the Council have in view the possibility of deputing members of their own body to watch the conduct of these examinations and to report directly to the President. In a matter of this kind, Honourable Members will, I am sure, agree that we should give the Medical Council the power which they, after some years of working of the present Act, regard as necessary for the implementing of their very important responsibilities. I commend the measure, Sir, to the House. I move for consideration.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadian) : While, Sir, I have no objection to the Bill I should like the Honourable Mr. Tyson to explain what the relation between the visitors and the Inspectors will be. As far as I have been able to understand him, the position would seem to be this : the visitors would be appointed by the General Council and they would be honorary ; Inspectors are paid servants appointed by the Executive Committee. Am I right ?

THE HONOURABLE MR. J. D. TYSON : Yes, Sir. The Honourable Member is correct. The Inspectors are *ad hoc* Inspectors. They are appointed for the inspection of a particular examination of a particular institution. They are paid for that particular work. There is no cadre of Inspectors ; they are paid for the work for which they are appointed from time to time.

THE HONOURABLE MR. P. N. SAPRU : So that perhaps the object is to enlist the co-operation of the other elements not represented by the visitors so far as medical institutions are concerned. The object is probably to see that the Medical Council has some direct touch with the medical institutions through visitors appointed by itself, and I should like the Honourable Mr. Tyson to enlighten us a little as to the relation that will exist between visitors and Inspectors. I have no objection to the Bill and that is all I should like to know.

THE HONOURABLE MR. J. D. TYSON : In reply, Sir, to the Honourable Mr. Sapru's question, I think I should explain that what sometimes happens is this. The Executive Committee appoints Inspectors ; Inspectors go and watch the conduct of examinations ; their reports are considered by the Executive Committee, of which of course they, the Inspectors, are not members ; and subsequently their reports and the recommendations of the Executive Committee thereon are considered by the Council itself. The Council has had the feeling, sometimes, that it would be advantageous to them if, in connection with certain points that have arisen, they could hold matters over for further inquiry. They want to be able to send one of their own members down to see for himself and come back and report to the Chairman of the Council direct, to help to clear up points that may have been raised in the reports of the Inspectors. Naturally the institutions themselves do not always like the reports of the Inspectors and the Council have felt that if they could only send one of their own members down, somebody in whose judgment for that particular subject they have complete faith, it might throw some light on the position and help them to a decision. That I understand is the principal reason why they have asked for this power. It is a power which is possessed by the analogous body in the United Kingdom.

THE HONOURABLE THE PRESIDENT : Motion moved :—

“ That the Bill further to amend the Indian Medical Council Act, 1933, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. D. TYSON : Sir, I move :—

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

The Motion was adopted.

INDIAN BOILERS (AMENDMENT) BILL.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Labour Member) :
Sir, I beg to move :—

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

Sir, the object of this Bill is to exempt from the Boilers Act the disinfectors and sterilizers under 20 gallons capacity which are ordinarily used in hospitals.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : Sir, I move :—

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

The Motion was adopted.

MULTI-UNIT CO-OPERATIVE SOCIETIES BILL.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary) : Sir, I beg to move :—

“ That the Bill to provide for the incorporation, regulation and winding up of Co-operative Societies with objects not confined to one Province, as passed by the Legislative Assembly, be taken into consideration.”

The purpose of this measure has been fully set out in the Statement of Objects and Reasons and I have very little to add by way of further explanation. As Honourable Members of this House are well aware, Co-operative Societies figure in the Provincial Legislative List II, item 33, of the Government of India Act ; but there have been for a long time in existence a number of Societies which serve the interests of members who are not in the Province in which their Society is registered. There are circumstances, particularly in connection with the all-India or at any rate multi-Province services like the Posts and Telegraphs and Railways, in which it is both fitting, and, I venture to think, inevitable, that Co-operative Societies should exist to serve, through one Society, people living in different Provinces but bound together by the common interest of all being telegraphists or postal employees or something of the kind. Such Societies, however, Societies with activities in more than one Province, are “ corporations ” within the meaning of Entry 33 in List I of the Seventh Schedule of the Act, that is to say they are corporations with objects not confined to one unit of the Federation, and the legislative and executive jurisdiction in respect of their incorporation, regulation and winding up vests exclusively in the Central Government. It follows that any provision of the Co-operative Societies Act, 1912,—that is our Central Act,—or of any provincial Co-operative Societies Act which has been passed since 1920, which may purport to vest legislative or executive jurisdiction in respect of any such multi-unit Society in a Provincial Government, can have no valid basis.

We have realised that this was the position for quite a long time and we referred the matter to the Conference of Registrars of Co-operative Societies in December, 1939. They referred it to a sub-committee presided over by a distinguished Member of this House whose authority on matters of co-operative societies, I think, we would all admit—the Honourable Mr. Ramadas Pantulu. Diwan Bahadur M. C. Gandhi, who is the President of the Bombay Co-operative Insurance Society, was a member and there were three Registrars of Provinces on it. That sub-committee unanimously recommended that legislation should be undertaken by the Central Government to validate the position of the existing societies and to make provision for the registration, regulation and winding up of any societies of the kind which might be formed in the future. The Bill follows the lines of the recommendations of that Committee. It is very largely a validating measure and in the machinery we seek to set up we try to upset existing arrangements as little as possible. The desirability of Central legislation on the lines laid down has been accepted in all essentials by all the Provinces and I hope, therefore, that Honourable Members will accept the necessity of this measure and give it their approval.

I move, Sir.

The Motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. D. TYSON : Sir, I move :—

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

The Motion was adopted.

COFFEE MARKET EXPANSION BILL.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary) : Sir,
I move :—

“ That the Bill to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the object of this Bill is to continue the life of legislation which has already been in existence for some time in the form of an Ordinance, the object being to help the coffee industry in the situation caused by the collapse of export markets after Germany had over-run the countries of Western Europe. This is not an industry in regard to which any short-term policy in the way of restricting production and going in for alternative crops is possible. The nature of the coffee plant is such that nothing of the sort can be done. It was, therefore, felt necessary to make arrangements under which the coffee available for internal consumption in India should be limited to the actual requirements in order to prevent a complete collapse of prices and the surplus production should be kept in a separate pool out of which exports to the extent that they remain would be made and the balance would be taken out of the markets. The industry was unanimously in favour of this proposal and the result was the Government Ordinance of December, 1940, with three amendments, one made in February, 1941, one in August, 1941 and one in

[Sir Alan Lloyd.]

December, 1941. It may be asked why after having gone on so long with the system of Ordinances, Government has now introduced legislation. The reason for this is that the Honourable the Commerce Member had, at one stage in the course of discussion in the Assembly, promised that the matter would be brought before the two Houses of the Legislature in the regular way and explained that the reason for proceeding by Ordinance in the earlier stages was due to the accident of dates. The date when action had to be taken in order to cover the particular crop season and the date when action became possible as the result of conferences with the industry—these dates fell outside the range when legislation in the regular way was possible. I wish to dispel, Sir, any suggestion that the object of finding a substitute for the Ordinance by a regular Act is to make this legislation a more permanent feature of the law than was originally contemplated. Some of the coffee interests, quite rightly, I believe, have made a point of that; they do not wish to be committed to Government control over their industry in peace time. It will be seen that the point is met by the inclusion in the Bill of clause 1 (3) which says that the Act shall cease to be in force at the end of the twelve months commencing on the 1st day of July subsequent to the termination of the present hostilities.

Sir, I move.

The Motion was adopted.

Clauses 2 to 5*v* were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN LLOYD : Sir, I move :—

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

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 24th February, 1942.
