

Tuesday, 10th March, 1942

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

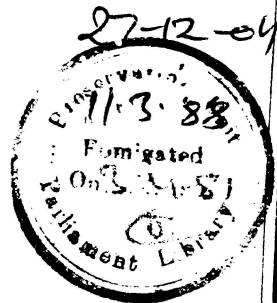
VOLUME I, 1942

(18th February to 2nd April, 1942)

ELEVENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1942



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COUNCIL OF STATE.

Tuesday, 10th March, 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.

OIL SUPPLY.

116. THE HONOURABLE MR. G. S. MOTILAL: (a) Where are the oil wells situated in Burma ?

(b) How much oil supply from Burma will be cut off on account of this war ?

(c) How much more of it is expected to come from Iran and Syria ?

THE HONOURABLE SIR ALAN LLOYD : (a) In Yenangyaung, Yenangyat, Singu and Minbu oilfields.

(b) and (c). It is not in the public interest at the present time to furnish the information asked for.

INDIAN TRADERS IN GARHWAL, ETC.

117. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Is it a fact that Indian traders of Garhwal, Almora, Ladak, Kashmir, Nepal and other places have trade marts reserved for them in Western Tibet ?

(b) Is it a fact that in summer last a gang of robbers, numbering about 6,000 committed depredations causing serious loss to the trade between India and Tibet ? If so, what steps have Government taken or propose to take to stop the threatened danger to Indian trade with Tibet ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : (a) By virtue of Article II of the Convention of 1904 and the Anglo-Tibet Trade Regulations of 1914 Indian traders have the right to trade in Tibet at three recognised trade marts, namely, Gartok, Gyantse and Yatung.

(b) The Honourable Member is referred to the reply given by the late Right Honourable Sir Akbar Hydari to his question No. 132 asked on the 18th November, 1941. The Kazaks were at first placed in a camp at Muzaffarabad in Kashmir State but, under arrangements made by the Government of India with the North West Frontier Province Government are now being moved to the Hazara District of the North West Frontier Province. They no longer constitute any threat to Indian trade with Tibet.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why have these Kazaks been allowed an asylum in India ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : What would you do with them ? Shoot them ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That is for the Government to decide. We do not want such people in our territory. Is not it the duty of the Government to push them back beyond the border ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : They are in Kashmir which is outside the jurisdiction of the Government of India and they are refugees from their own country and it has taken them weeks and weeks and months and months to come. They had originally 28,000 head of cattle out of which about 6,000 or 8,000 are left. Even if you put 3,000 or 4,000 refugees in aeroplanes and throw them across the border, you could not convey cattle by aeroplanes. It is ordinary international law when people from one country move into another because of oppression in their own country, they are received with some sort of civilised and humanitarian feelings of sympathy and friendliness and the people of India cannot turn round against the people and begin to shoot them down.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Who suggested that these people should be shot down ? Did the Honourable Member hear me make that remark ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : If they do not go, how can you get rid of them ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It is for the Government of India to drive them out.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : What does that mean ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are the Government of India so helpless ? And have they satisfied themselves of the character of the people whom they have retained in this country ?

THE HONOURABLE MR. HOSSAIN IMAM : Mr. President, with your permission, I will ask a supplementary question. Do the Government contemplate making any arrangements for their settlement ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : So far what the Government have done is that they have made arrangements for them to be given an asylum in British territory in the North West Frontier Province and when once they have arrived there, no doubt then we shall think of dealing with them in a permanent way. Government would naturally want these people to go back to their own country if we can possibly manage it, but since these people are refugees from persecution in their own country, thousands of miles away by road, it is almost impossible to think that these people will be willing to go back. If they are willing, we shall certainly let them go back. But Government are not willing to force them to go back against their will and therefore when they have found an asylum in British territory the next step would naturally be for Government in collaboration with those who have any sympathy with them to try and settle them permanently. They come from a climate which is cold and you cannot dump them into a hot climate where they may die. A great many of them have died in Kashmir on account of the cold and camp life ; and a goodly part of their cattle are dead ; about one-quarter are perhaps left alive. As soon as they are settled in the Frontier, you can rest assured the Government will do their utmost to treat them in as humane a manner as possible.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I ask, Sir, whether Government are doing anything in connection with the settlement and future living of the evacuees from Burma and Malaya ? I venture to put this question in view of the concern of the Government for these people who do not belong to India at all and who happen to come here as refugees, whose character we are not at all sure of.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : The Honourable Member may rest assured that the Government will discharge their duties towards all people, and particularly towards their own citizens, when they come to this country.

THE HONOURABLE MR. HOSSAIN IMAM : Do the Government contemplate to expedite this settlement ?

THE HONOURABLE MALIK SIR FIROZ KHAN NOON : All steps are being taken to expedite the moving and settlement of these people in the North West Frontier Province. Once they are in British territory, we shall be able perhaps to act more quickly. But I know that there are other organisations also interested in the welfare of these people. I have personally had several talks with Shaikh Muhammad Abdulla, the Muslim leader of Kashmir ; the Mussalmans of Kashmir are themselves taking an interest in the welfare of these people. They have collected tents and food and they are helping them. I know that there are other Muslim organisations also which are wanting to help these people. The Muslims on the Frontier I am told are eager to take all these people into their villages and give them asylum. Eventually the thing will be solved and as many as are left alive when they reach British India will be helped.

MR. WILLIAM BULLITT.

118. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that Mr. William Bullitt, the United States Special Envoy, has visited or is planning to visit India in connection with American aid to India ? If so, will Government give some details of the object of his visit without detriment to public interests ?

THE HONOURABLE MR. A. DE C. WILLIAMS : *First part.*—Government are aware of reports to the effect that Mr. Bullitt was about to visit India. To the best of their belief, he has no intention of visiting India at present.

Second part.—Does not arise.

THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that Colonel Lewis Johnson is coming in his place and what arrangements have Government made for him ?

(No answer was given.)

INDIANS IN HONG KONG.

119. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state approximately the total number of Indian subjects in Hong Kong before the outbreak of the Japanese war, the number evacuated before the surrender, the number of Indians killed, wounded or imprisoned by enemy action as well as the number of Indians finally repatriated, if any ?

THE HONOURABLE MR. G. S. BOZMAN : The Indian population in Hong Kong was estimated at 4,735, including 1,270 in the Defence Forces at the end of 1931. I regret that information on other matters referred to by the Honourable Member is not hitherto available.

THE HONOURABLE MR. HOSSAIN IMAM : Have Government taken any steps to find out other particulars asked for in the question ?

THE HONOURABLE MR. G. S. BOZMAN : Yes, Sir. Steps are being taken. Government are attempting to establish means of communication with territories now over-run or occupied by the Japanese.

THE HONOURABLE MR. HOSSAIN IMAM : Who is the Protector of Indians in Hong Kong ?

THE HONOURABLE MR. G. S. BOZMAN : I am not certain that there is a protecting power so far as Hong Kong is concerned. The position is not entirely clear. But, as I have already stated, the Japanese Government have agreed to Switzerland being the protecting power for Occupied China. Whether Hong Kong is considered to be Occupied China or not by the Japanese Government I am afraid I am not in a position to say.

INDIANS IN BURMA.

120. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state approximately the total number of Indians in Burma before the outbreak of the Japanese war, the number of Indians killed, wounded or imprisoned by enemy action, the number of Indians evacuated to this country since then, and the total number of Indians now remaining in Burma ?

THE HONOURABLE MR. G. S. BOZMAN : The population of Indians in Burma was 10,17,825 according to the 1931 Census, but no estimate of the Indian population now in Burma is available.

Regarding air raid casualties in Burma, reports received show that 1,102 persons were killed and 1,650 injured in the two heavy air raids on Rangoon, and that 38 persons were killed and 80 injured in Moulmein. The majority of them are believed to have been Indians. The number of Indians evacuated from Burma by sea as well as by the land routes before the middle of February was estimated at about 65,000.

IMMIGRATION RESTRICTIONS ON THE ENTRY OF INDIANS INTO ADEN.

121. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state approximately the total number of Indians in Aden before the outbreak of the German war, the number of Indians evacuated since then, and the number of Indians now remaining in Aden ? Has any restriction been recently imposed on the entry of Indians in Aden ; if so, to what extent and why ?

THE HONOURABLE MR. G. S. BOZMAN : A statement showing the restrictions imposed on the immigration of Indians into Aden as recorded in Minute 3 of the meeting of the Executive Council of Aden, dated 26th September, 1941 and as amended by Minute 4, dated 31st December, 1941, is placed on the table of the House.

The restrictions are of general application and are intended purely as a temporary measure for the present emergency. The restrictions apply equally to all British subjects. The Governor of Aden has explained that when the period of danger has passed Indians will once again be welcome to Aden but that for the present it is necessary to restrict the population in the Colony so as not to aggravate war-time problems of food supply, air raid precautions and so forth. Information regarding the number of Indians in Aden before the outbreak of the war, the number evacuated since then and the number now remaining in Aden has been called for and a statement will be laid before the House when it has been obtained.

Extract Minute 3 of Executive Council Meeting of 26th September, 1941, embodying the amendments recorded in Minute 4 of Executive Council Meeting of 31st December, 1941.

(a) That new-comers should not be permitted to come to Aden for the purpose of starting a new business unless it is approved by the Government as contributing to the war effort ; the term " new-comers " to include those whose businesses have been closed and stocks disposed of.

(b) That employees not normally resident in Aden should not be permitted to come to Aden unless replacing employees leaving the Colony either for good or on leave or unless their services are for work approved by the Government as contributing to the war effort, and that the employer must sign a bond binding himself to ensure that the person being replaced leaves Aden forthwith, the amount of the bond to be forfeited if he fails to leave.

(c) That joint managers of businesses, or partners not normally resident in Aden, should not be permitted to come unless (1) replacing another partner going on leave, or (2) visiting their business for a stated period not exceeding six months.

(d) Rescinded.

(e) That employers must sign a bond for an amount sufficient to pay for the employee's repatriation if he is required to leave the Colony and if the cost of repatriation is irrecoverable from the Government of India.

(f) That the employer and the employee not normally resident in Aden and who arrived after the date of this restriction (26th September, 1941) should be given to understand that in the event of the employee ceasing to be employed by him he will be required to leave the Colony forthwith, and not permitted to take employment elsewhere.

(g) That new-comers may not bring with them any dependents; residents may bring back their wives and children but no other relatives unless they are of Aden registration and are incapable, either on account of age or proved disability, of supporting themselves and the fact of their being obliged to remain in India would involve expense and consequent hardship to the person in Aden on whom they are dependent. After six months' residence applications from new-comers to bring wives and children will be considered in the light of the military situation.

(h) The application of these restrictions to persons coming from India will be dealt with by a Board consisting of the Passport Officer, the Commissioner of Police and the Chief Indian Magistrate.

(i) That the existing condition, that Government be re-imbursed for any expenditure on the evacuation of any applicant, should be retained.

LENGTH OF RAILWAY LINES DISMANTLED FOR PURPOSES OF THE WAR.

122. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state approximately the total number of miles of Indian railways dismantled for war purposes up to date, and the capital value of the same?

THE HONOURABLE MR. S. N. ROY: As regards the length of lines the Honourable Member is referred to the speech of the Chief Commissioner for railways in presenting the Railway Budget. Excluding a line in an Indian State and a forest tramway, the construction cost was about Rs. 6½ crores.

THE HONOURABLE MR. HOSSAIN IMAM: What part of this has been recovered from the War Office or the India Office?

THE HONOURABLE MR. S. N. ROY: I am not quite sure, Sir, what amount has been recovered but the dismantled lines which have been sold to the Defence Department are estimated to realise about Rs. 128 lakhs.

THE HONOURABLE MR. HOSSAIN IMAM: May I know, Sir, the price per ton that has been fixed.

THE HONOURABLE MR. S. N. ROY: I am afraid I have not got the information, Sir.

BRITISH CURRENCY, ETC., IN JAPANESE OCCUPIED TERRITORIES.

123. THE HONOURABLE MR. M. N. DALAL: (a) Will Government state what action has the Japanese Government taken with respect to local British currency, local British Government securities, and bullion possessed by Indian nationals in Japanese occupied territories?

(b) Have the Japanese enforced the conversion of the above into Japanese currency? If so, at what rate of exchange?

THE HONOURABLE MR. G. S. BOZMAN: Government have no information.

EMPLOYMENT OF WOMEN IN PUBLIC SERVICES BY THE MADRAS GOVERNMENT.

124. THE HONOURABLE SIR DAVID DEVADOSS: Will Government state—

- (i) whether any petition was received in August, 1940, from Sri M. A. Janaki, B.A., B.L. and Sri M. A. Krishnammal, B.A., B.L., Advocates, Madras, regarding the employment of women in public services ;
- (ii) whether the same was returned to the petitioners on the ground that it should be submitted through the local Government ;
- (iii) whether Government is aware that when the petitioners submitted the petition to the local Government to be forwarded to the Central Government, the local Government withheld the same ;
- (iv) whether it was with the approval of the Central Government, express or implied, that the Madras Government refused to forward the petition to the Central Government ; and
- (v) whether there is a general bar in Madras against the employment of women in public services except with regard to specific services or posts ?

THE HONOURABLE MR. E. CONRAN-SMITH : (i) to (iii). Yes.

(iv) No.

(v) The Provincial Governments are empowered to specify, by any general or special order, any services or posts under their control for appointment to which women may be declared ineligible. Government of India are not aware of the services or posts in Madras for appointment to which women are ineligible as the matter is one entirely for the Provincial Government to decide.

EMPLOYMENT OF WOMEN IN THE JUDICIAL DEPARTMENT OF THE MADRAS GOVERNMENT.

125. THE HONOURABLE SIR DAVID DEVADOSS: Will Government state whether it is aware that the Advocates' Association, High Court, Madras, has passed a resolution on 9th December, 1941, to the effect that ladies having been admitted into the legal profession, there should be no objection on principle to their being appointed to the posts of District Munsiffs or other offices in the Judicial Department on the ground of their sex ?

THE HONOURABLE MR. E. CONRAN-SMITH : Government have no information.

ISSUE OF DIRECTIONS TO PROVINCIAL GOVERNMENTS IN THE MATTER OF EMPLOYMENT OF WOMEN IN PUBLIC SERVICES.

126. THE HONOURABLE SIR DAVID DEVADOSS: Will Government state whether it has issued any general instructions to the Provincial Governments with the object of giving full effect to section 275 of the Government of India Act ? If it has not been done, do they contemplate doing so at least to Provincial Governments functioning under section 93 of the Act ?

THE HONOURABLE MR. E. CONRAN-SMITH : The Government of India have not issued any general instructions in the matter to Provincial Governments nor have they any authority to do so.

INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

127. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Is it a fact that candidates appearing at the competitive examination for the Indian Audit and Accounts Service cannot offer Politics, Hindi, Urdu and Law as their optional subjects under the rules ?

(b) Are these subjects allowed to be taken up by candidates for the I.C.S. examination ?

(c) Do Government contemplate allowing these subjects to be taken up by candidates appearing for the Indian Audit and Accounts Service examination ?

THE HONOURABLE MR. C. E. JONES : (a) Yes.

(b) Yes.

(c) Government have already considered on several occasions in the past, in response to requests from various bodies and individuals, the question of adding further subjects, including Politics, Law, Hindi and Urdu, to the syllabus of the examination for the Indian Audit and Accounts and allied Services. It has been decided in consultation with the Federal Public Services Commission, that no additional subjects should be brought on to the syllabus unless they are of special use in testing the suitability of the candidates for the Services which are recruited through this examination. In the light of this decision it does not appear to be necessary to add these subjects to the syllabus.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are subjects like Chemistry and Physics likely to enable the Government to test the ability of the candidates for the work that they will be called upon to perform ?

THE HONOURABLE MR. C. E. JONES : Broadly speaking, Sir, the subjects included in the syllabus are regarded as suitable for testing the suitability of a candidate for these services.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask, Sir, if any other modern language is included in the syllabus than English ?

THE HONOURABLE MR. C. E. JONES : I am sorry, Sir, I have not the syllabus with me to refer to ; so I am not able to speak with any authority.

THE HONOURABLE MR. HOSSAIN IMAM : Do we take it, Sir, that Government is not prepared even to examine the question whether all the subjects which are necessary are included ?

THE HONOURABLE MR. C. E. JONES : I do not know what the Honourable Member quite means, but the position is, as I have said, that there is a very broad syllabus already which is considered suitable for testing the suitability of the candidates who are recruited through this examination, and that it has been considered undesirable to swell the syllabus further except for special reasons.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : On what grounds have Government come to the conclusion that subjects such as Chemistry and Physics provide a better test of the ability of the candidates than subjects like Politics and Law ?

THE HONOURABLE MR. C. E. JONES : I am not prepared to answer that question, Sir, because if you apply a microscope you will always find border-line cases. The syllabus is a very broad one. It is so comprehensive that it stretches the resources of the Commission to the full to hold this examination. Any increase would add to the complexity and expense of holding this examination, and it is not

considered desirable to swell the syllabus further except for the addition of any particular subject which is considered especially suitable for the examination.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the number of candidates for this examination larger than for the I.C.S. examination ?

THE HONOURABLE MR. C. E. JONES : Considerably larger, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member give us comparative figures ?

(No reply was given.)

THE HONOURABLE MR. HOSSAIN IMAM : Is it a fact that this examination is a combined examination with other examinations as well, or is it held only for the Audit and Accounts Service ?

THE HONOURABLE MR. C. E. JONES : I think the Honourable Member knows the answer to that question. It is an examination for the Indian Audit and Accounts Service, the Military Accounts Department, the Imperial Customs Service, the Railway Transportation Department, the Railway Accounts Service and the Postal Superintendents' Service.

EXTENSIONS OF SERVICE GRANTED TO RAILWAY OFFICERS.

128. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Is it a fact that several officers on the E.I.R. and N.W.R. who will attain the age of 55 this year have been allowed to continue in service ?

(b) If so, will Government give the names, designation and salary of such officers, the date on which they will retire, the period of extension of their service and their salary during the period of extension ?

(c) Have Government considered the effect such extension will have on the prospects of the officer still in service ?

THE HONOURABLE MR. S. N. ROY : (a) Yes.

(b) I lay on the table a statement giving the information required.

(c) Yes, but as against 41 officers of State-managed Railways to whom extensions have been granted, more than 150 officers have had to be released for war service. It is evident that the grant of extensions to selected and experienced officers, in such circumstances is unavoidable, if the efficiency of the administration is to be maintained.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, may I know whether these officers have been allowed to retain their old status or whether they will be asked to work in a position of less importance ?

THE HONOURABLE MR. S. N. ROY : They have been granted extensions of service in the positions which they hold.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Do the Government propose to give extension to those officers who would retire after one year and would have been benefited if the gentlemen who retire had not been given extension ?

THE HONOURABLE MR. S. N. ROY : I regret, Sir, I cannot answer a hypothetical question of that kind.

THE HONOURABLE MR. HOSSAIN IMAM : May I point out, Sir, that if a man is retained in a position while he also gets an extension as a compensation for—

THE HONOURABLE MR. S. N. ROY : I do not think, Sir, because the criterion is to keep a particular officer in employment in the interest of efficiency, and when the Honourable Member has seen the statement which I am proposing to lay on the table he will be able to see how these extensions have been given.

THE HONOURABLE MR. HOSSAIN IMAM : May I know, Sir, whether the people just below are inefficient and they cannot hold the post which is being held by the incumbent ?

THE HONOURABLE MR. S. N. ROY : I do not think that is a fair inference to draw from what I have said. There is no question of the person down below being inefficient. It is a question which arises with reference to each case as to whether that person should be continued in the service because of his experience and whether the efficiency of the service would be maintained thereby. That is the only criterion against which these cases are examined.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Would the Government be prepared to compensate those people who would have benefited by the retirement of the present officers in cases where they have given them extensions ?

THE HONOURABLE MR. S. N. ROY : I do not think that question arises, Sir, because so far as the appointments are selection appointments nobody has a right to be appointed to those particular posts. So far as the other categories are concerned, as a result of the deputation of a number of people to war service the general prospects of the men down below have been improved. Actually, there are many more people drawing senior scale pay at the present moment than would have been possible had there been no war.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask the Honourable Member to lay on the table a list of those officers who have been placed on war service ? That will show something.

THE HONOURABLE MR. S. N. ROY : There are 150 of them. If the Honourable Member will put down a question, I will look into that.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Do Government consider the desirability, while retaining the services of these men, of removing them from their present position so that they will not be a bar to the promotion of other people ?

THE HONOURABLE MR. S. N. ROY : In one or two cases that has been done. But, of course, as I explained before, we have to consider with reference to the particular post which he has held whether it is necessary to continue him in it and public interest must come first.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that Government came to the conclusion that none but the persons whose periods of service have been extended could be employed in the posts held by them consistently with efficiency ?

THE HONOURABLE MR. S. N. ROY : I prefer to put it in my own way, namely, that in the general interests of efficiency, in these particular cases it was thought necessary to continue them in their posts to obtain the advantage of their experience.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that no experienced and efficient servants who could take their places were available ?

THE HONOURABLE MR. S. N. ROY : In certain cases there were, in certain cases there were not. I am not prepared to give a categorical answer to that particular question.

THE HONOURABLE HAJI SYED MUHAMMAD HOSAIN : In cases where they were available has extension been refused ?

THE HONOURABLE MR. S. N. ROY : I should think so. I cannot speak for each individual case but I think, generally speaking, it is correct to say that an officer has only been kept on when it has been felt that his experience was necessary and efficiency would be reduced if he were allowed to go and were replaced by another junior officer.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Will Government be prepared to examine such cases to see whether in the interests of efficiency there will be no harm done if extensions are not given ?

THE HONOURABLE MR. S. N. ROY : That is considered, Sir, in every case and the decisions taken are as the result of a careful consideration of all these factors.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Could the Honourable Member give us a little more information about the method adopted by Government than he has done ? Do Government, when considering the case of an officer, merely say, " He is an able man ; he should be retained " or do they compare his qualifications with those of the other men below him who might have hoped to succeed him in the ordinary course ?

THE HONOURABLE MR. S. N. ROY : I have said that full consideration is given to all these factors. There is no mathematical formula which one can apply.

Statement showing the names, designation and salary, etc., of officers who will attain the age of 55 during the year 1942 and who have been granted extension of service.

Names of officers.	Designation.	Salary on 31-12-41.	Date of retirement.	Period of extension.	Salary during the period of extension.
		Rs.			Rs.
<i>North Western Railway.</i>					
1. Mr. K. B. Hira	Executive Engineer	1,325	28-2-42	One year	*1,375
2. Mr. L. R. Stephens	Junior Assistant Commercial Officer (L. G. S.).	800	14-3-42	Do.	800
3. Khan Sahib Niamat Ullah.	Offg. Assistant Bridge Engineer (L. G. S.).	560	15-3-42	Do.	*590
4. Mr. A. Booker	Assistant Mechanical Engineer.	625	21-3-42	Do.	*675
5. Mr. W. Petrie	Senior Assistant, Fuel	1,275	4-6-42	Do.	1,275
<i>East Indian Railway.</i>					
1. Mr. P. J. Hadley	Assistant Superintendent, Transportation (Traffic) and Commercial Department (L. G. S.).	800	15-2-42	Do.	800

* These will be drawn by the officers concerned from the dates of their next increment which vary with each officer.

Name of officers.	Designation.	Salary on 31-12-41.	Date of retirement.	Period of extension.	Salary during the period of extension Rs.
<i>East Indian Railway—contd.</i>		Rs.			
2. Mr. M. N. Ghatak	Assistant Superintendent, Transportation (Traffic) and Commercial Department (L. G. S.).	650	16-4-42	One year	*680
3. Mr. N. C. W. Bennett.	Assistant Superintendent, Transportation (Traffic) and Commercial)	900	9-5-42	Do.	900
4. Mr. F. N. Bose	Executive Engineer	1,375 +300	10-5-42	Do.	1,375 +300
5. Mr. S. H. Kennedy	Offg. Assistant Engineer (L. G. S.).	650	8-6-42	Do.	*680
6. Mr. M. Robertson	Deputy General Manager	1,950	15-6-42	Do.	1,950
7. Mr. G. St. Leger	Assistant Superintendent, Transportation (Power) and Mechanical Department (L. G. S.).	800	21-6-42	Do.	800
8. Mr. A. C. Dunsdon	Deputy Chief Engineer	2,150	28-6-42	Do.	2,150
9. Mr. J. C. Gibson	Divisional Superintendent	2,150	28-7-42	Do.	2,150
10. Mr. A. O. Evans	Divisional Superintendent	2,150	26-8-42	Do.	2,150
11. R. B. N. K. Mitra	Chief Engineer	2,750	4-9-42	Do.	*2,875
12. Mr. R. E. Marriott	General Manager	3,500	15-10-42	Do.	3,500

* These will be drawn by the officers concerned from the dates of their next increment which vary with each officer.

NUMBER OF APPEALS DISPOSED OF BY THE INCOME-TAX TRIBUNAL FOR ORISSA.

129. THE HONOURABLE MR. N. K. DAS : Where have the appeals to the Income-tax Tribunal from Orissa been heard so far and has the Tribunal ever been to the Provincial capital of Orissa ?

THE HONOURABLE MR. C. E. JONES : The Tribunal has so far disposed of only four appeals from the Province of Orissa and all of them were heard at Calcutta. The reply to the second portion of the question is in the negative.

HARASSMENT CAUSED TO ASSESSEES OF ORISSA.

130. THE HONOURABLE MR. N. K. DAS : Is Government aware of the harassment caused to the assessees of Orissa in coming over with their books of accounts to the Special Circle created at Patna ?

THE HONOURABLE MR. C. E. JONES : With your permission, Sir, I will reply to questions Nos. 130, 131, 132, 133, 134 and 137 together. The information required by the Honourable Member has been called for and the replies will be laid on the table of the House in due course.

THE HONOURABLE MR. HOSSAIN IMAM : May we hope that it will be before the end of the session, Sir ?

THE HONOURABLE MR. C. E. JONES : I hope so, Sir.

NUMBER OF APPEALS FROM ORISSA RECALLED TO PATNA BY THE SPECIAL INCOME-TAX CIRCLE.

131. THE HONOURABLE MR. N. K. DAS : Will Government lay a statement on the table showing the number of Orissa cases recalled to Patna by the Special Income-tax Circle ?

(See reply to question No. 130.)

VISIT OF THE EXCESS PROFITS APPELLATE ASSISTANT COMMISSIONER.

132. **THE HONOURABLE MR. N. K. DAS :** Has the Excess Profits Appellate Assistant Commissioner been to Orissa ? If not, where have the appeals been heard ?

(See reply to question No. 130.)

NUMBER OF CASES IN WHICH DEPOSITS IN PERSONAL ACCOUNTS WERE ASSESSED AS UNDISCLOSED PROFITS AND REVENUE DERIVED THEREFROM IN THE BIHAR AND ORISSA CIRCLE.

133. **THE HONOURABLE MR. N. K. DAS :** Will Government state what is the number of cases in which deposits in personal accounts were assessed as undisclosed profits and what is the revenue derived therefrom in the Bihar and Orissa Circle in the assessment year 1940-41 and 1941-42 ?

(See reply to question No. 130.)

NUMBER OF CASES IN WHICH PENALTY UNDER THE INCOME-TAX ACT, 1922, WERE IMPOSED IN THE BIHAR AND ORISSA CIRCLE AND REVENUE DERIVED THEREFROM.

134. **THE HONOURABLE MR. N. K. DAS :** What is the number of the cases in which penalty under section 28 of the Indian Income-tax Act, 1922 (XI of 1922), were imposed in the B. and O. Circle in the years 1939-40, 1940-41 and 1941-42, and what is the revenue derived therefrom ?

(See reply to question No. 130.)

CREATION OF A NEW INCOME-TAX CIRCLE IN BIHAR AND ORISSA.

135. **THE HONOURABLE MR. N. K. DAS :** (a) Is it a fact that a new Circle has been created in B. and O. and an Appellate Assistant Commissioner posted at Bhagalpur ?

(b) Why the Headquarters of this Appellate Assistant Commissioner were not made at the Provincial capital of Orissa ?

THE HONOURABLE MR. C. E. JONES : (a) and (b). The new circle has been created as a temporary measure with a view to clearing arrears and is likely to be abolished on the 31st August, 1942. The headquarters of this charge could not be located at the provincial capital of Orissa since it did not include any of the income-tax circles in Orissa.

DISCHARGE OF TWO INCOME-TAX OFFICERS IN THE BIHAR AND ORISSA CIRCLE.

136. **THE HONOURABLE MR. N. K. DAS :** (a) Is it a fact that two Income tax officers have been discharged from service in B. and O. Circle in 1941-42- and if so, for what fault ?

(b) Were not two of the colleagues of these officers retrenched in 1933 ? Why were not these officers retrenched then ?

(c) Is it a fact that one of these retrenched officers has surrendered his entire pension to Viceroy's War Fund in protest against the injustice done to him ?

(d) Do Government propose to reappoint such young retrenched officers during the present war instead of appointing new hands and paying the old ones their pension ?

THE HONOURABLE MR. C. E. JONES : (a) Yes, on charges of dishonesty and incompetence.

(b) The answer to the first part is in the affirmative. The answer to the second part is that as these two officers were not, at that time known or considered to be inefficient or dishonest, the question did not then arise.

(c) The Government have no information.

(d) No.

THE HONOURABLE MR. N. K. DAS : With reference to (c), Sir, do Government propose to inquire into the cases of and remedy the injustice done to these retrenched officers ?

THE HONOURABLE MR. C. E. JONES : The Government are not aware of any injustice, Sir.

THE HONOURABLE MR. N. K. DAS : Were their services retrenched because they were in any way inefficient or because of any fault of their own ?

THE HONOURABLE MR. C. E. JONES : May I ask if the Honourable Member is referring to the two officers whose services have now been dispensed with or the two officers that were retrenched in 1933 ?

THE HONOURABLE MR. N. K. DAS : I am referring to those that were retrenched in 1933.

THE HONOURABLE MR. C. E. JONES : I think they were retrenched then in pursuance of the retrenchment policy of Government at the time and in accordance with the principles laid down by the Government in that regard.

THE HONOURABLE MR. HOSSAIN IMAM : Is there any appeal pending before the Government in the case of the two officers who have been discharged ?

THE HONOURABLE MR. C. E. JONES : The officers are entitled to appeal to the Governor General in Council. No appeal has yet been received but the limitation period has not yet expired.

THE HONOURABLE MR. N. K. DAS : May I know, Sir, how many Income-tax Officers have been appointed since these officers were retrenched in 1933 ?

THE HONOURABLE MR. C. E. JONES : I am afraid I must ask for notice, Sir.

TAXATION OF AN ASSESSEE IN THE CUTTACK CIRCLE.

137. **THE HONOURABLE MR. N. K. DAS :** Is Government aware that in a case in Cuttack Circle where an assessee was taxed to more than Rs. 100 the movables distrained did not fetch more than Rs. 15 ?

(See reply to question No. 130.)

MOTION FOR ADJOURNMENT *RE* EVACUEES FROM BURMA.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I beg to move an Adjournment Motion—

THE HONOURABLE THE PRESIDENT : You have not given any notice. I have received one notice from the Honourable Mr. Hossain Imam—

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : I have signed that. It is signed by me and also by Mr. Hossain Imam.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received the following notice of Adjournment Motion :—

“ I beg leave to move the following Adjournment Motion at today's Council meeting as the matter is of great urgency and public importance ”.

The Motion runs thus :—

“ That the House do adjourn to consider the urgent matter of public importance, namely, the plight of Indian evacuees from Burma and the causes of destruction of their property in Rangoon ”.

I must admit that this Motion is of very great importance, but there are certain difficulties in my way in this matter. This Adjournment Motion consists of two parts. The first is about the plight of Indian evacuees and the second is about the destruction of their property in Rangoon. As regards the latter point, namely, the destruction of their property, the Governor General in Council has nothing whatsoever to do with it and as such that portion of the Motion is entirely out of order. As regards the evacuees, I must say I have some difficulty in the matter. The Indians Overseas Department has got the care and protection of the evacuees and I understand that the Honourable Mr. Aney, on a cut Motion this afternoon, is going to give an explanation on the first part of this Adjournment Motion. Will that not be sufficient for you ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : In that case, we will wait and see what explanation he gives and to what extent he refers to this matter.

THE HONOURABLE THE PRESIDENT : Then would you renew your application at the next meeting ? For tomorrow, I understand, there is no business ; so do you agree to postpone the Motion to the next meeting day ? So far as I am concerned I have advised the Honourable Member for Government not to take any objection on the score of urgency.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan) : May I just have a point cleared up. You referred to the responsibility of the Burma Government and not that of the Government of India for the destruction of the property of Indians in Rangoon. But this is a matter in which the Government of India can make representations to the Government of Burma, particularly so far as the protection of property in future is concerned. I hope therefore that you will not rule out all the remarks bearing on this question, because I believe we have a right to draw the attention of the Government of India to the condition of our nationals wherever they may be living at the present time.

THE HONOURABLE THE PRESIDENT : As regards the point made by you I must say that the destruction of property in Rangoon does not fall within the scope of the Governor General in Council's functions. He has nothing whatever to do with it. It is a separate Government. When Burma was part of India the Motion would have been quite in order as regards that part, but at present it cannot be. And properly a Motion of Adjournment is a vote of censure on Government. You cannot hold the Governor General in Council responsible or censure the Government of India for something done by a foreign Government.

However, Mr. Muhammad Husain, you say you agree to the adjournment of the Motion till the next sitting day ?

Mr. Bozman, I understand that you won't take objection on their ground of urgency ?

THE HONOURABLE MR. G. S. BOZMAN (Indians Overseas Secretary): That is correct, Sir.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: May I request that the discussion on this Motion be postponed instead of my renewing my application on that day.

THE HONOURABLE THE PRESIDENT: I will tell you my difficulty as regards that. Under the Standing Order when the Motion is once admitted I do not think the Chair has got any option but to fix four o'clock that afternoon for the discussion of the Motion. That is my difficulty.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Not even, Sir, with the consent of the House?

THE HONOURABLE THE PRESIDENT: I am very doubtful on that point as the wording of the Standing Order stands. But I am prepared to stretch a point if the Honourable Member in charge of this agrees to that.

THE HONOURABLE MR. G. S. BOZMAN: Whichever way the Standing Order goes, I understood we were going to discuss this Motion on the next meeting day of the Council.

THE HONOURABLE THE PRESIDENT: The Honourable Member's purpose would be fully served if that discussion takes place.

THE HONOURABLE MR. G. S. BOZMAN: That I understood to be the position. That is what Government are prepared to agree to.

THE HONOURABLE THE PRESIDENT: And you Mr. Muhammad Husain have agreed too?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Yes, Sir. Thank you.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. C. E. JONES (Finance Secretary): Sir, I lay on the table a copy of the Report * on the progress of the schemes financed from the grants for Rural Development for the period 1st December, 1939 to 31st March, 1941.

THE HONOURABLE MR. G. S. BOZMAN (Indians Overseas Secretary): Sir, I lay on the table a copy of the Report * of the Special Haj Inquiry by Mr. J. A. Rahim, I.C.S.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I move:—

“ That this Council do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official members from the Council who shall be required to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1942. ”

The Motion was adopted.

* Not printed. Copy placed in the Library of the House.

STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I move :—

“That this Council do proceed to elect in such manner as the Honourable the President may direct, three non-official members to serve on a Standing Committee to advise on subjects other than ‘Roads’, dealt with in the Department of Communications, during the year 1942-43.”

The Motion was adopted.

STANDING COMMITTEE FOR ROADS, 1942-43.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I move :—

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, three members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1942-43.”

The Motion was adopted.

STANDING COMMITTEE FOR THE DEPARTMENT OF SUPPLY.

THE HONOURABLE MR. A. DE C. WILLIAMS (Defence Co-ordination Secretary): Sir, I move :—

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects with which the Department of Supply is concerned.”

The Motion was adopted.

STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

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

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official members to serve on the Standing Committee to advise on subjects in the Department of Commerce.”

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the five Motions which have just been adopted by the Council, I have to announce that the date of nominations will be intimated later by circular, and the dates of election, if necessary, will be announced later.

INDIAN PENAL CODE (AMENDMENT) BILL.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I move :—

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

Sir, the object of this Bill is to insert in Chapter II of the Indian Penal Code a definition of the term “harbour”, which occurs in sections 130, 136, 157, 212, 216 and 216A of the Code. At present a definition in substantially the same terms

as now proposed is contained in section 216B of the Code; but this definition, Sir, is limited to sections 212, 216 and 216A only. This limitation has led to serious practical difficulties. For instance, a prisoner of war who escapes from custody, or a soldier who deserts from the army, may be held to have made good his escape by means which may not amount to harbouring in the ordinary sense. The intention is to stop this lacuna by inserting a definition which would cover not only the sections which are at present covered but also sections 130 and 136. The Bill as originally introduced sought to cover all the sections of the Code in which the word "harbour" occurs, but as a result of discussion in the other House section 157 was taken out of the scope of the definition and the definition was limited in its application in respect of section 130 to cases in which the harbour is given by persons other than the wife or husband of the fugitive. Honourable Members will thus realise, Sir, that the Bill in its present form is free from any objection that may have been urged to the Bill as it was originally introduced.

With these words, Sir, I commend the Bill to the House.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. SHAVAX A. LAL : Sir I move :—

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

The Motion was adopted.

COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) BILL.

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

"That the Bill further to amend the Cotton Ginning and Pressing Factories Act, 1925, as passed by the Legislative Assembly, be taken into consideration."

The object of this Bill, Sir, is to extend to cotton ginned by ginning factories the provisions which under the Act of 1925 require the submission of weekly returns of cotton pressed by cotton pressing factories. The Indian Central Cotton Committee are very anxious that the crop records should be completed by obtaining particulars of cotton ginned and not pressed as well as of cotton which is pressed. A part of the cotton ginned which is not pressed is used not only in spinning mills but also consumed for a number of domestic purposes, including hand spinning. The Indian Central Cotton Committee's recommendation had already been forestalled by actual provincial legislation in the Governments of Bombay and the Central Provinces, thus covering the most important part of the field. The subject of this Bill, Sir, is in the concurrent field. The primary object of the Bill, if it is made law, will be to enforce the provision for the submission of these returns in the Centrally Administered Areas. Opportunity has, however, been taken to give powers to Provincial Governments to extend the provisions of the Bill within their own provinces, thus relieving them of the necessity of promoting independent legislation in each province on the lines of that which has already been promoted in the province of Bombay and the Central Provinces. It is felt that these enabling powers will be a convenience both to the trade and to the Provincial Governments concerned.

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 PATENTS AND DESIGNS (EXTENSION OF TIME) BILL.

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

“ That the Bill to provide for the extension of the time limited by or under the Indian Patents and Designs Act, 1911; for the doing of acts thereunder, as passed by the Legislative Assembly, be taken into consideration.”

The object of this Bill, which is quite a simple one, is I think adequately explained in the Statement of Objects and Reasons and I therefore do not propose to make any further remarks in asking for consideration of the Bill.

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.

PROTECTIVE DUTIES CONTINUATION BILL.

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

“ That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, as passed by the Legislative Assembly, be taken into consideration.”

This, Sir, is a repetition of the task which fell to my lot on the 29th March, 1941 when I moved a similar Motion continuing protective duties in force without modification. The duties which are now due to expire on the 31st March of this year are the duties on wood pulp, paper, cotton and silk manufactures, sugar, what is popularly called gold thread, wheat and wheat flour. These cover by far the most important part of the field of protection. The object of the proposals that Government is placing before the Legislature can be simplified by saying that we propose to declare a moratorium to discussions of the details of tariff policy during the period within which it seems to us certain that it will be impossible to obtain any reliable data upon which to base proposals for a modification in any direction of the policy that was in force before. The idea of all the duties, except that on sugar, is to extend the period of protection by two years and to stabilise existing rates during that period. In the case of sugar it is slightly different, because, protection, by a separate Act, extends up to 1946—that is the Act mentioned in the third clause of this Bill—and all we have to do here is to determine the rate of duty at which that protection shall be applied. I think, Sir, it would be wasting the time of the House for me to

12 NOON. argue at length with specific instances the impossibility of obtaining any reliable data whatever upon which to base the proposals for changing in any way the existing rates of duty. Take the important case of iron and steel. Restrictions on exports from the only producing countries from which iron and steel can be obtained are a far more important factor in determining what can be imported into this country than any customs duty could be. The customs duty is completely ineffective in the sense that its existence or non-existence does

not in the present conditions make any difference to the volume of iron and steel, necessarily very limited, which can be imported, nor does the duty actually affect the internal price. The same *mutatis mutandis* is true of sugar, and I might go over the whole field and argue on similar lines. I feel, Sir, that the House will agree that it is not desirable for Government to attempt to formulate a policy which involved a departure in any way either from the lists of industries which are protected or the rates of duty under which protection is given without a formal inquiry for which there is absolutely no basis of actual data under the present conditions.

Sir, I move.

* THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, the Honourable Sir Alan Lloyd in conclusion has stated that the existence or non-existence of the duties has become immaterial and that the present condition is such that imports are either not available in many of the fields or if they are available they are of such urgency that their import has to be made. This argument, Sir, is more for removal of the duties than for their continuation. I find, Sir, that the duty on wheat, although fixed at Rs. 1-8-0 per cwt. was reduced and at the moment that small duty which was imposed on wheat has been removed. The result, Sir, of such an action could have been under ordinary circumstances that India would have been flooded with wheat, but as it is the shipping position is so difficult that even with the removal of the duty we have not been able to get any substantial amount of wheat from Australia. I remember, Sir, only last month—I think in February—we had an import of about 9,000 tons of wheat from Australia. That, Sir, the Government is able to reduce or even remove altogether the duty imposed on protective articles is a power which the Government of India enjoys. May I suggest, Sir, that we have suffered enough from high duties on protected articles like sugar and if the Government is unable to come forward with a definite proposal for the quantum of protection required for sugar at least they would consult the industry itself. I have been told, Sir, by very important sugar interests that the duty is at least 100 per cent. more than what is required at the present moment, and if you consider the further effect of the removal of Java as a competing factor in sugar you will agree with me that the very necessity of having a protective duty on sugar has been removed.

Now, Sir, the real reason why I stand up to speak on this Motion was to ask what measures the Government contemplate taking to ease the wheat situation at the present moment prevailing in the country and especially in the Centrally administered area of Delhi.

THE HONOURABLE THE PRESIDENT : Please speak on sugar. The question of the wheat position is not before the Council.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, you will find in section 3 of the Sugar Industry Protection Act of 1933 and therefore we are extending the protection given to the sugar industry, which was originally promised for 10 years only, to 12 years.

THE HONOURABLE SIR ALAN LLOYD : The Sugar Duties Act gives protection till 1946.

THE HONOURABLE THE PRESIDENT : You have already said so.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I was referring to the fact that we had in 1931 or 1932 originally contemplated to give them two periods of five years each and after that another period of partial protection, that is 10 years of full protection and then partial protection for subsequent period.

[Mr. Hossain Imam.]

I was referring to the wheat position and asking the Government to tell us if they contemplate taking any action to ease the wheat situation. I know the difficulties in which we are and one of the reasons why I brought this matter is that wheat is being exported from India for military needs. Can we not find some substitute so that wheat may be conserved in India? The position is really very precarious in Delhi. Last week, Sir, we could not get even a seer of flour in the market. It was only the energetic action which the Chief Commissioner took which prevented food riots. The position has deteriorated to such an extent and we are told that Punjab is holding large stocks of wheat and withholding it so that they may benefit by the removal of the present price limit placed on wheat. They were unable to get it at Rs. 4-6-0. I think the Government should do something. They should either make wheat available to us or increase the price and thereby make the wheat available. The present position is that a black market is selling it at 70 per cent. above the control price and it is for that reason that you are having all these troubles. There are enough stocks even in Delhi but the Government does not take, or perhaps it has not the power to take, drastic action. It ought to have the power to confiscate. Unless there is a danger that the whole stock will be confiscated as is done in the case of Sea Customs you will not force people to declare their stocks. I hope, Sir, that the Government will enlighten us on what steps they are taking.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadian) : I accord my support to the Motion moved by my Honourable friend Sir Alan Lloyd. My Honourable friend was careful enough to point out in his speech that this Bill was only of a temporary character. It prejudices no question of policy ; it merely continues the existing state of things, and I for one can therefore see no objection to it.

My Honourable friend Mr. Hossain Imam adverted to his favourite topic—the duty on sugar. He has spoken on this subject so many times without making the slightest impression on the House that I do not think I need take the trouble of answering his remarks today. It requires no little self-assurance for any one to get up in this House at the present time and to condemn the protective duty on sugar. It has been pointed out repeatedly that the present duty, instead of raising the price of sugar to the high level at which it might have stood, has produced consequences beneficial both to the agriculturist and to the country at large. The competition that exists in the country has to a substantial extent prevented the prices from rising unduly and the excise duty is an important source of income to Government. Apart from this, Sir, can any one who considers the present situation regret the fact that India is able to supply all her needs in regard to sugar? Had we been dependent at the present time on Java, what would our condition have been? We would have been deprived of a very essential article. I am, therefore, very glad indeed that the Government of India took steps about ten years ago to develop the sugar industry by granting it protection. As regards the future of this industry, as my Honourable friend Sir Alan Lloyd pointed out, the existing duties would be continued for a period of two years. It is obvious that no inquiries can be made at the present time, and if any inquiries are made, they will yield no reliable data. It is obviously necessary that any inquiry that it may be necessary to hold in regard to the continuance or abolition of the protective duties should be postponed till the return of normal times.

As regards wheat, Sir, although the position of the wheat duty is not as strong as that of the other duties, it should, I think, be continued. There is no harm whatsoever in continuing it. The continuance of the duty is not standing in the way of the import of wheat from elsewhere, because, in practice, there is no duty. All that the present law enables the Government of India to do is to exercise the power of imposing a protective duty in case of need. I cannot see really any ground on which any Member of this House could object to this permissive power. As

we do not know what the future conditions may be, I think it is elementary prudence on the part of the Government to desire that the existing state of things should continue so that they may have time to arrive at a considered conclusion later on. For these reasons, Sir, as I said at the outset, I accord my support to the Motion moved by my Honourable friend Sir Alan Lloyd.

THE HONOURABLE SIR ALAN LLOYD : Sir, I suggest that on the question of the sugar duty I might leave the remarks made by my Honourable friend Mr. Hossain Imam alone after the comments that have been made by my Honourable friend Pandit Kunzru. I will only remark that the Government of India in the Department of Commerce do not stand alone in the view that in the case of the sugar duties, a postponement of the decision for two years is desirable. In this particular respect our proposal was based upon the unanimous recommendation of the first meeting of the Central Sugar Advisory Board which was held in the month of February of this year. As regards wheat, Sir, although the immediate position in Delhi and other places similarly situated is not affected in any way by the nominal protective duty on wheat which is at present under suspense, if you will allow me, Sir, I should like to say a few words in reply to the Honourable Mr. Hossain Imam's remarks. I wish to assure him that we are all fully conscious of the extremely difficult position that has developed in the various wheat-eating areas—in centres of Northern India, in particular, as also in Bombay and Calcutta—within the last few weeks, and we are doing all that we can think of to keep the position in hand until the new crop is due to come in a few weeks' time. My Honourable friend referred to large exports on account of the army. I am afraid I am not in a position to give any figures showing how much of the army purchases are exported overseas and how much are consumed by the army in India. But there is no doubt that the purchases for the army have been, and have had to be, on a very large scale and that is an inevitable incident of the very large scale of recruitment which has taken place. Also, although I am not fully in military secrets, I think I can say that the exports out of India of army wheat have been for the maintenance in the field of armies which are mainly composed of Indian soldiers. I think it is reasonable, even at the risk—a risk which has materialised in Delhi—of some disturbance to the normal arrangements by which the civil population obtains its requirements, that the Indian forces overseas should look to India for their food supplies. If, Sir, we had been all wise, we should probably have taken wheat under control at the beginning of the last season. We could have then kept under strict control the whole of the distribution from the start and would not have been overtaken quite so suddenly by the very unfortunate state of affairs that has now developed. I admit that the Wheat Commissioner was appointed only in January last, because it was only after the course of prices showed that the position was becoming dangerous that the necessity of appointing a Wheat Commissioner was really brought home to us. January is only two months ago and it would be quite unreasonable to expect the Wheat Commissioner to have in that short time a control over the distribution of this commodity which would have been fully effective. It is, however, our determination that next year the distribution and the movement of wheat in the country should be under close control from the very beginning of the season, and if the crop is as good as we hope it will be, and if there are no calamities, I think it is reasonable to hope that by judicious management we shall be able to distribute over the year in such a way as to tide this over without mishap till the next crop year begins.

As for the immediate period, my Honourable friend referred to the energetic measures which have been taken by the Chief Commissioner of Delhi. I should like to refer also to the energetic measures which have been taken by the district authorities in a number of towns in the Punjab where a very similar position developed. My Honourable friend spoke as if there were known to be large quantities in the Punjab which could not be enticed out. Well, Sir, there is in the nature of things no sure knowledge of the quantity of invisible stocks in the rural areas in the

[Sir Alan Lloyd.]

Punjab and it would I think be almost impossible ever to obtain a really accurate means of estimating the position in that respect. We must remember that in a province like the Punjab and the United Provinces all study of statistics shows that only about half the crop ever enters into what are called visible stocks. Visible stocks in the Punjab are already under complete Government control. At the moment that control has been enforced by the Government of the Punjab under powers which have been delegated by the Centre for use in emergency, but we are in very close touch with them with the object of securing that the distribution of what is available is made on a fair basis.

Another measure, which of course is being enforced in Delhi and in the Punjab and which we have commended to the notice of all authorities responsible for food supplies in various places, is to encourage the use of alternative foodgrains and in particular the dilution of wheat with such things as barley, so long as wheat is short. That, Sir, is not the sort of measure that is likely to be popular, but it will be more popular than having to do without food at all.

Finally, Sir, we are making inquiries as to the extent to which, if necessary, foodgrains of a kind to which these particular populations are not accustomed may have to be required and what arrangement by Government will have to be taken in order to secure that at least a substitute, unsatisfactory as it is, may be available.

I repeat, Sir, that the position is one that is causing us great anxiety. It is one to which we are devoting our entire attention and candidly, the moment I leave this House I shall get back to it. That is one reason why I do not want to make a very long speech; I have very urgent things waiting to do in that very connection. The Government as a whole will continue to give it their most earnest attention.

THE HONOURABLE THE PRESIDENT : Motion moved :—

“ That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, as passed by the Legislative Assembly, be taken into consideration.”

Question put and Motion 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 HONOURABLE MR. HOSSAIN IMAM :** Sir, I am very grateful to the Honourable Sir Alan Lloyd for having clarified the situation as regards wheat. May I just draw his attention to the facts as regards his saying that it is impossible to find out invisible stocks, and that it is only the visible stocks, for instance, those in Banks, which can be tackled.

THE HONOURABLE THE PRESIDENT : He referred to the invisible stocks in rural areas.

THE HONOURABLE MR. HOSSAIN IMAM : Yes, in the rural areas; and in the market towns you have got many private houses, just as you have in Delhi, and the difficulty is that the police are not prepared to co-operate with the Department and unless you employ C.I.D. people or people of that kind you will never be able to find out stocks even when the new harvest is collected. The new harvest may also go underground if you are not careful and take full measures to control it.

* Not corrected by the Honourable Member.

With reference to sugar, Sir, the Honourable Mr. Kunzru has got a particular phobia sometimes I think.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : No phobia. We are all in favour of it.

THE HONOURABLE MR. HOSSAIN IMAM : You see the sugar duty does not stand at the limit at which it was and it will not stand at the limit at which it is today. I only drew the attention of Government to the fact that once you have taken a step in the right direction of reducing the duty you ought to continue the step.

I also drew attention to the fact that with the removal of Java there can be no objection. Duty or no duty will have no effect. That is what you will find in my speech. I did not ask the Government to take any specific action about the sugar duty and only said that the sugar duty has ceased to function and I took my cue in that from the statement of Sir Alan Lloyd.

Sir, I have nothing further to add.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, my Honourable friend has flogged this dead horse so often that it has ceased even to be amusing. The sooner therefore we deal with the serious business of the House the better.

THE HONOURABLE THE PRESIDENT : Motion moved :—

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

Question put and Motion adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House) : Sir, tomorrow is fixed for non-official business but I understand that none of the items of non-official business on the agenda for tomorrow is going to be moved. It is not, therefore, necessary to meet tomorrow and I suggest that we adjourn till Wednesday, the 18th. If a meeting is fixed in the meanwhile for official business Honourable Members will be informed accordingly by circular.

The Council then adjourned till Eleven of the Clock on Wednesday, the 18th March, 1942.