

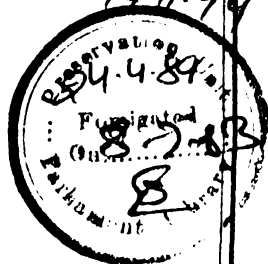
29th July 1943
TO
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1943

(26th July to 25th August, 1943)

EIGHTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1943



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LEGISLATIVE ASSEMBLY.

President :

The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President :

Mr. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

[From 27th July to 19th August, 1943.]

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. K. C. NEOGY, M.L.A.

Mr. HOOSEINBHOY A. LALLJEE, M.L.A.

Sir HENRY RICHARDSON, M.L.A.

[From 20th August, 1943.]

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Dr. P. N. BANERJEA, M.L.A.

Sir F. E. JAMES, M.L.A.

Secretary :

Mian MUHAMMAD RAFI, Barrister-at-Law.

Assistants of the Secretary :

Mr. M. N. KAUL, Barrister-at-Law.

Khan Bahadur S. G. HASNAIN.

Marshal :

Captain Haji Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

Mr. AKHIL CHANDRA DATTA, M.L.A., *Chairman*.

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. M. GHIASUDDIN, M.L.A.

Sardar SANT SINGH, M.L.A.

Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY

Thursday, 29th July, 1943.

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

MEMBER SWORN:

Mr. Amnebal Vittal Pai, O.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPATRIATED INDIAN PRISONERS OF WAR.

96. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable the Defence Member be pleased to state the total number of Indian prisoners of War upto May 31st, 1943?

(b) How many of them have been repatriated so far?

(c) Is it a fact that in comparison with the British and Dominion prisoners the number of Indian wounded prisoners, who have been repatriated, is small?

The Honourable Malik Sir Feroz Khan Noon: (a) The total number of Indian personnel who have been notified as prisoners of war upto 31st May, 1943, is 12,777.

(b) 138 Indian prisoners of war have been repatriated from Italy. No wounded and sick have so far been repatriated from Germany or Japan.

(c) There has been no exchange of Prisoners of War as such. The only prisoners who have been repatriated are sick and disabled—irrespective of their nationality. Under Article 69 of the Prisoners of War Convention any prisoner of war has a right to demand examination by a Mixed Medical Commission, consisting of two neutral and one national doctors.

Only those prisoners have been repatriated who have been recommended by this Mixed Medical Commission.

Mr. Lalchand Navalrai: May I know if there were any Sindhi prisoners? I believe there are some prisoners of war from Sind. Have they been repatriated; and, if so, how many?

The Honourable Malik Sir Feroz Khan Noon: I realise fully that I should have known how many Sindhi prisoners of war were there, but I am afraid I have not the information.

Mr. Muhammad Nauman: Will the Honourable Member say whether the number of British and Dominion prisoners of war who have been repatriated was more than the number of the Indian prisoners of war?

The Honourable Malik Sir Feroz Khan Noon: Their number is larger than that of the Indians repatriated but they have all been recommended by that Medical Commission on account of sickness and not because of their nationality.

Mr. K. C. Neogy: With reference to the information given by the Honourable Member that one national doctor is included in the Medical Commission, will he be pleased to state whether an Indian doctor can be insisted upon to participate in the work of the Medical Commission when the case of an Indian prisoner of war is considered?

The Honourable Malik Sir Feroz Khan Noon: The word 'national' in that case means belonging to the nation who holds the prisoners of war.

BAN ON BROADCASTS OF URDU TALKS BY THE ALL-INDIA RADIO.

97. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state if it is a fact that the All-India Radio does not accept any talk if the broadcaster wants it to be broadcast as an Urdu talk?

(b) Is it a fact that Sir Tej Bahadur Sapru has never been invited to broadcast, because he insists on broadcasting in Urdu and not in the so-called Hindustani?

The Honourable Sir Sultan Ahmed: (a) No.

(b) No.

BAN ON BROADCASTS OF URDU TALKS BY THE ALL-INDIA RADIO.

98. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state how many Urdu talks

have been broadcast from Delhi and Lucknow since the installation of these stations?

(b) Is it a fact that although Delhi and Lucknow are the centres of Urdu, yet the All-India Radio authorities insist on broadcasting from these stations in the so-called Hindustani? If so, why?

(c) Does the Honourable Member propose to suggest to the Controller of Broadcasting to have separate broadcasts in pure Urdu and Hindi from these stations as an experiment and collect statistics as to the number of respective listeners?

The Honourable Sir Sultan Ahmed: (a) The information asked for is not readily available as no statistics are kept and its collection would involve an amount of time and labour that would not be justified in war time.

(b) The term Hindustani is used because it conveniently covers both Urdu and Hindi and under this title many talks both in Urdu and Hindi have been broadcast.

(c) Talks in Urdu and Hindi are already being given. As regards news, Government consider that the proposed step would unnecessarily restrict the number of listener to each bulletin. The concluding part of the question does not arise.

Mr. Muhammad Nauman: With reference to part (b) of the question, may I ask whether any particular definition has been prescribed for Hindustani, Urdu or Hindi? If so, who has prescribed that definition?

The Honourable Sir Sultan Ahmed: I am going into this question myself very carefully and I hope I will be in a position to come to a definite decision as regards this matter. There have been questions raised in the House as well as outside on this subject and it had been a problem which is to be solved and I hope I will be able to solve it.

Dr. Sir Zia Uddin Ahmad: Will the Honourable Member either issue a statement or lay a statement on the table on the conclusion arrived at by him?

The Honourable Sir Sultan Ahmed: Most certainly.

Sardar Sant Singh: May I know if any talk has been broadcast from All-India Radio station in the Punjabi language?

The Honourable Sir Sultan Ahmed: I have no information.

Sardar Sant Singh: Will the Honourable Member make inquiries if it is not tabooed?

Maulana Zafar Ali Khan: May I bring to the notice of the Honourable Member that the simultaneous use of the expressions Hindustani and Urdu for the same idea causes very inconvenient confusion. Will the Government once for all issue a statement declaring that Urdu should be used in respect of the language which is called Hindustani?

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

THE GWYER-ALL-INDIA RADIO INCIDENT.

99 ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will the Honourable Member for Information and Broadcasting be pleased to state the terms of contract between a broadcaster and the All-India Radio?

(b) Is the All-India Radio bound to broadcast a talk after the contract is signed?

(c) Can the All-India Radio authorities delete any portion from a talk without showing any reason?

(d) If the reply to (c) is in the affirmative, why was an enquiry made in the Gwyer-All-India Radio incident?

The Honourable Sir Sultan Ahmed: (a) I presume the Honourable Member is referring to the terms of the contract with talkers. If so, a copy of the contract form in question is placed on the table of the House.

(b) No.

(c) Yes.

(d) The discretion allowed by Government to a subordinate authority is always subject to the general superintendence, direction and control of the Government of India.

Telegrams :—" AIRVOICE."

A. I. R. I.

ALL INDIA RADIO,

CONDITIONS REFERRED TO IN THE PRECEDING LETTER.

STATION.

A.I.R. 1.

ALL INDIA RADIO,

STATION.

TALKS BRANCH.

TALKS BRANCH.

No.

No.

Date.....19

Date.....19

TO

TO

DEAR MADAM,
SIR

DEAR MADAM,
SIR

We shall be pleased to broadcast your talk(s) on the subject, date, and time detailed below upon the conditions printed overleaf. We shall be obliged if you will kindly sign and return the attached confirmation sheet, duly completed not later than the 19

We shall be pleased to broadcast your talk(s) on the subject, date, and time detailed below upon the conditions printed overleaf. We shall be obliged if you will kindly sign and return the attached confirmation sheet, duly completed not later than the 19

Title.....

Date(s).....

Time of Broadcast.....

Duration.....

Place of Broadcast.....

Fee.....

We would particularly ask you to assist us by complying with the condition that the manuscript of the talk should be in the hands of the Director not less than ten days before the date fixed for the broadcast. The normal routine of the station is seriously hampered if this condition is not observed.

We would particularly ask you to assist us by complying with the condition that the manuscript of the talk should be in the hands of the Director not less than ten days before the date fixed for the broadcast. The normal routine of the station is seriously hampered if this condition is not observed.

Yours faithfully,

Yours faithfully,

Accepted.....

Declined.....

A 2

Director,

Director.

For and on behalf of the
Governor-General-in-Council.

For and on behalf of the
Governor-General-in-Council.

Note.—For payments exceeding Rs. 20 it is necessary that a one anna revenue stamp should be affixed to the receipt. In order to enable prompt payment you are requested to bring with you either one anna in cash or a one-anna revenue stamp.

REPLY SHEET**CONDITIONS REFERRED TO IN THE
PRECEDING LETTER.**

1. In the event of a signed acceptance not being received by the date stated, All India Radio reserves the right to withdraw the offer.
2. The contract is subject to acceptance of the final manuscript(s) by the Director and the manuscript(s) should be in the hands of the Director not less than 10 days before the date fixed for the broadcast. Manuscript(s) if accepted shall be the property of AIR.
3. The talk(s) as broadcast shall conform with the manuscript(s) as approved by AIR.
4. The fee for the contract includes the broadcasting right in English and Indian languages and the right to make a mechanical reproduction of the talk(s) as broadcast for subsequent broadcast reproduction as well as the exclusive right of publication in English and Indian languages for distribution in India and Overseas of either a part or the whole of the talk(s).
5. AIR shall have the right to determine the contract at any time subject only to payment of a fee in proportion to the work already done at the date of termination or to offer an alternative engagement as AIR alone shall decide. In the event of the speaker being unable to broadcast the talk(s) on account of illness or any other cause AIR may broadcast the talk(s) subject to payment to the speaker of such proportion of the fee as AIR may decide.
6. In the event of the talker being a Government servant the broadcast of his talk(s) and the payment to him of the fee shall be subject to his obtaining the sanction of the head of his office or Department to this effect and this sanction should be forwarded to the Station Director, along with the manuscript(s) of the talk(s).

Note.—For payments exceeding Rs. 20 it is necessary that a one-anna revenue stamp should be affixed to the receipt. In order to enable prompt payment you are requested to bring with you either one anna in cash or a one-anna revenue stamp.

TO

THE DIRECTOR, ALL-INDIA RADIO,

DEAR SIR,

In reply to your letter dated 19

I undertake

I am unable to undertake } to broadcast the Talk(s) on

Title.....

Date(s).....

Time of Broadcast.....

Duration.....

Place of Broadcast.....

Fee.....

upon the conditions printed overleaf.

I am/am not a Government servant.

Yours faithfully,

Date.....

Mr. Lalchand Navalrai: With reference to part (c) of the question, may I ask on what grounds portions are deleted?

The Honourable Sir Sultan Ahmed: Condition 2 of the contract with the talkers states:

"The contract is subject to acceptance of the final manuscripts by the Director and the manuscript should be in the hands of the Director not less than 10 days before the date fixed for the broadcast. Manuscripts if accepted shall be the property of the All-India Radio."

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

APPROVED LISTS OF NEWSPAPERS FOR GOVERNMENT ADVERTISEMENTS IN THE DELHI PROVINCE.

100. *Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will the Honourable Member for Information and Broadcasting be pleased to state if it is a fact that in the Delhi Province Government advertisements are only given to the newspapers which are on the approved list, maintained by the Chief Commissioner?

(b) What are the rules regulating this approved list?

(c) Why is this list maintained?

(d) Is it a fact that the name of any paper criticising the policy of the Chief Commissioner or the Local Government is not placed on the list, or if it is already on the list, it is removed?

The Honourable Sir Sultan Ahmed: (a) Yes.

(b) There are no special rules. The main criterion in deciding whether a newspaper should or should not be included in the list is its circulation.

(c) To ensure that the advertisements are sent to those newspapers which are the most suitable for Government advertising, suitability being determined principally by circulation.

(d) No.

PERSONS CONVICTED UNDER DEFENCE OF INDIA RULES DECLARED *ULTRA VIRES* AND UNDER SPECIAL COURTS / ORDINANCE.

101. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state the number of persons kept in confinement; province by province, under the Defence of India Rules which were declared *ultra vires* by the Federal Court? How many of them have been released, and how many have been kept in confinement as security prisoners in different places? How many have been rearrested under Regulation III of 1918?

(b) How many special courts have been abolished as a result of the finding of the Federal Court?

(c) Is it not a fact that by a subsequent ordinance persons kept in confinement and who were tried by Special Courts, have been given the right of appeal? If so, what facilities have been given to them for filing such appeals? Did they apply for bail? Will Government allow them to interview their relations and lawyers freely for making arrangements for appeals? Why do not Government release and try them in the ordinary Courts under the Criminal Procedure Code?

The Honourable Sir Reginald Maxwell: (a) The Honourable Member appears to be under a misapprehension regarding the effect of the ruling of the Federal Court to which he refers. The ruling disclosed a discrepancy between the wording of Defence of India Rule 26 and the wording of the Rule-making power in the Defence of India Act, as a result of which the Rule was held to be *ultra vires* of the Act. But this did not mean that all persons detained under the Rule were to be automatically released. The technical flaw was corrected at once by a validating ordinance, and it is only the Calcutta High Court that has held that ordinance itself to be invalid. An appeal against that ruling is now pending in the Federal Court and is due to be heard shortly. Meanwhile I understand that as a result of *habeas corpus* applications in the Calcutta High Court certain security prisoners in that Province have been released,

some of whom have been re-arrested under Regulation III. But I have no information as to the precise numbers involved; nor of course is there any question of similar releases or similar re-arrests in Provinces outside the jurisdiction of the Calcutta High Court.

(b) The special Criminal Courts Ordinance was repealed on 5th June, 1943, with the result that all Special Courts set up thereunder were abolished from that date.

(c) Yes. These persons have the usual facilities for filing appeals. I have no information whether they have applied for bail, but there is no reason to believe that adequate facilities for consultation with their legal advisers have not been granted. In view of the opportunity now given to each such person to appeal against his conviction under the Special Criminal Courts Ordinance, the Government's view was that re-trials were unnecessary.

Sardar Sant Singh: May I know, if before passing that Ordinance setting up special courts, the Government consulted their Law Department and were satisfied that they were doing what was strictly legal?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Sardar Sant Singh: May I know where did the flaw come in that the Federal Court had to find out that it was *ultra vires* legislation?

The Honourable Sir Reginald Maxwell: It was the Calcutta High Court. I think, that held so, not the Federal Court.

Sardar Sant Singh: In view of the fact that certain legislation passed hurriedly by means of Ordinance is found to contain provisions which are *ultra vires*, will the Government see the advisability of consulting the Legislature before passing such repressive Ordinances in future?

The Honourable Sir Reginald Maxwell: The Legislature is not our advisory authority in legal matters.

Qazi Muhammad Ahmad Kazmi: With reference to part (b), the Honourable Member was pleased to say that a mere declaration of a rule as *ultra vires* would not invalidate the rule itself and still the detention under that rule would be legal. Is that the position taken up by the Honourable Member?

The Honourable Sir Reginald Maxwell: I am not able to argue matters which will shortly come before the Federal Court.

IMPERIAL SECRETARIAT JAMADARS AND PEONS ASSOCIATION'S RESOLUTION ON NON-REVISION OF THEIR SCALES OF PAY.

102. ***Mr. Lalchand Navalrai:** (a) Has the attention of the Honourable the Finance Member been drawn to the resolution recently passed by the Imperial Secretariat Jamadars' and Peons' Association expressing their disappointment at the scales of their pay not having been revised by Government in view of the prices of all articles having risen abnormally? If so, what relief do Government propose to give to these Government servants?

(b) Is it a fact that it is not possible for these servants to meet the bare necessities of life even on Rs. 1-8-0 a day and that the smallest wage earned in the market is at least one rupee a day? If so, do Government propose to increase their salaries, and arrange for them to get cheap foodstuffs? If not, why not?

The Honourable Sir Jeremy Raisman: (a) and (b). Government have seen the Resolution referred to. After a careful examination of the question, Government decided in June 1943 that the revision of basic pay rates could not be considered. Temporary relief to meet high prices has however been given by means of dearness allowance (which now amounts to Rs. 8-8-0 for the staff in question) and by a scheme for the concessional supply of wheat and rice in Delhi and Simla. The net benefit of this concession, at the time of issue of orders, was estimated at Rs. 9 a month for a family consisting of two adults and two children. Government consider that these temporary measures,

afford substantial relief to inferior servants. It may be true that casual labour can earn at least a rupee a day in present conditions but I would ask the Honourable Member in making comparisons to bear in mind that apart from permanency of employment and the temporary benefits I have mentioned the class of Government servants under reference is eligible for certain other concessions, e.g., housing, clothing, pensions for which ordinary labourers are not.

Mr. Lalchand Navalrai: May I know if after the revision was made, there has been again representation to the Honourable Member that the provision relating to revision has not been sufficient for them?

The Honourable Sir Jeremy Raisman: I dare say that is so.

Mr. Lalchand Navalrai: Is the Honourable Member aware that they contemplate to go on strike?

The Honourable Sir Jeremy Raisman: I am not aware of that.

DESIRABILITY OF GRANTING EXTRA ALLOWANCES TO MINISTERIAL STAFF ENGAGED ON WAR WORK.

103. *Sardar Sant Singh: (a) Will the Honourable the Home Member please make a statement whether he is prepared to recommend extra allowances to the Ministerial staff engaged on war work in consideration of the loss of holidays and the extra hours of work they are daily required to put in?

(b) Is it not a fact that the existing salaries and allowances of the Ministerial establishment are not sufficiently attractive to induce the right type of candidates to take up service in the Departments, and are not the Departments of Government feeling considerable difficulty in filling these vacancies?

The Honourable Sir Jeremy Raisman: (a) No, Sir. Under Fundamental Rule 11, unless in any case it is otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him.

(b) The Departments of Government are finding some difficulty in filling the vacancies referred to. The war has resulted in a great expansion of both Government and private clerical establishments and there is a general shortage of qualified clerical personnel. Government believe that the recruitment difficulty is due to this shortage rather than to the nature of the terms offered.

Sardar Sant Singh: May I know from the Honourable Member whether the holidays notified in the Gazette are not to be availed of by persons who are employed in the Government of India as of right?

The Honourable Sir Jeremy Raisman: No, Sir. I do not think they can be availed of as of right. I think it depends upon the state of business in the Departments.

Sardar Sant Singh: Even gazetted holidays?

The Honourable Sir Jeremy Raisman: Yes, even gazetted holidays. It may interest my Honourable friend to know that I have not enjoyed a single free Sunday for possibly over a year.

SIKHS DETAINED IN THE PUNJAB UNDER DEFENCE OF INDIA RULE 26.

104. *Sardar Sant Singh: Will the Honourable the Home Member be pleased to state:—

(a) the number of Sikhs detained in the Punjab under rule 26 of the Defence of India Rules?

(b) how many of them are members of the Shromani Gurudwara Prabhandak Committee and Shromani Akal Dal;

(c) the period of their detention; and

(d) whether their cases were ever reviewed since their detention; if so, when they were last reviewed?

The Honourable Sir Reginald Maxwell: (a) I have no information as to the number of Sikh security prisoners detained under the orders of the Punjab Government. There are 10 Sikh security prisoners detained under the orders of the Central Government or of the Chief Commissioner, Delhi, who are at present accommodated in jails in the Punjab.

(b) I have no information.

(c) One has been detained since November 1940; two since February and March 1941; one since March 1942; two since August 1942; and four since the earlier months of the current year.

(d) All such cases are frequently considered.

Sardar Sant Singh: May I know if the Honourable Member cannot get the information from the Provincial Government?

The Honourable Sir Reginald Maxwell: The Honourable Member, if he wants to know it, can have a question put to the Provincial Government.

Sardar Sant Singh: May I remind the Honourable Member that when such questions are put to Provincial Governments, they refuse to reply under the plea that it is not in the public interest? Under the circumstances, may I ask him to get this information?

Mr. President (The Honourable Sir Abdur Rahim): It is a reflection on the Provincial Governments. Next question.

NON-COMPLIANCE OF ASSURANCE GIVEN TO LEGISLATIVE ASSEMBLY *re*
INTERVIEWS TO SECURITY PRISONERS.

105. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state if his attention has been directed to the current comment in the *Hindustan Times* of the 1st July, 1943, inviting his attention to the non-compliance of his assurance given to the Legislative Assembly that security prisoners detained in connection with the recent disturbances are, however, not allowed interviews but are permitted to write two and receive four letters per week only?

(b) Has he made any enquiry into these allegations? If so, is he prepared to issue instructions to all jails in India to carry out the above undertaking given to the Legislative Assembly?

The Honourable Sir Reginald Maxwell: (a) Yes. I would, however, remind the Honourable Member that my reply of March 17th last to Qazi Muhammad Ahmad Kami's question, an extract from which is quoted in the *Hindustan Times*' comment, referred only to security prisoners actually detained in Chief Commissioners' Provinces.

(b) No.

Mr. Lalchand Navalrai: May I know if there are prisoners from the Centrally Administered Areas who have been sent to the Punjab and are in Ferozepore jail?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Mr. Lalchand Navalrai: May I know if it is a fact that they are not allowed to write two letters and receive four letters as was the understanding given by the Honourable Member. Is it a fact that they are allowed to write one letter and receive one letter?

The Honourable Sir Reginald Maxwell: As I explained to the House in the debate on Tuesday last, we are in correspondence with all the Provincial Governments as regards uniformity in matters of that kind.

Mr. Govind V. Deshmukh: May I know so far as these detenus from the Centrally Administered Areas are concerned, whether the Provincial Governments over-ride the instructions laid down for the detenus who are detained by the Central Government?

The Honourable Sir Reginald Maxwell: Yes, Sir. Under sub-rule 5(a) of Defence Rule 26, the power of determining the conditions of detention of security prisoners rests with the Provincial Government of the Province in which the prisoner is detained, regardless of whether the order of detention was made by the Provincial or the Central Government.

Mr. Govind V. Deshmukh: May I take it that they can over-ride the instructions of the central authorities in matters such as interviews, letters, food and everything?

The Honourable Sir Reginald Maxwell: There is no question of over riding instructions. The prisoners while they are in charge of Provincial Governments are subject to the Regulations which they themselves have made.

ANTI-CORRUPTION COMMITTEE.

106. *Sardar Sant Singh: (a) Will the War Secretary please state since when the Anti-Corruption Committee has come into existence?

(b) What is the present personnel of the Committee, and what is the qualification of each member?

(c) How many cases of corruption were investigated by the Committee since its existence? Against how many action was taken, and with what result?

(d) How many of the persons thus proceeded against were Europeans, Anglo-Indians, Hindus, Muslims, Christians and Sikhs?

Mr. O. M. Trivedi: (a) and (b). There is no Anti-Corruption Committee, but there is a Special Anti-Corruption Police Staff working under the War Department.

(c) 227 cases have been investigated. Of these, 122 cases were put into court, with the following results:

Convicted	55	Pending	56
Acquitted	11		

78 cases are under investigation.

(d) Number of persons proceeded against in court or departmentally:—

Europeans, Anglo-Indians and Indian	56	Muslims	53
Christians	56	Sikhs	37
Hindus	204		

Sardar Sant Singh: What is the reply to part (b)?

Mr. O. M. Trivedi: As I have already said, there is no such committee and therefore the question does not arise.

Mr. Lalchand Navalrai: May I have the figures separately for Europeans and Anglo-Indians proceeded against?

Mr. O. M. Trivedi: I have not got the figures separately.

SUPERSESSION OF SENIOR INDIANS IN INDIAN MEDICAL SERVICE BY JUNIOR EUROPEAN OFFICERS.

107. *Mr. Govind V. Deshmukh: Will the War Secretary please state:

(a) if senior Indians in the Indian Medical Service have retired as a protest against unfair treatment; if so, how many;

(b) if senior Indians in the Indian Medical Service have been superseded by junior European officers for commands and special jobs; if so, what the reasons were for their supersession; how many such supersessions were made;

(c) if junior European Captains and Majors have been promoted to special jobs as Lieut.-Colonels and Colonels; if so, how many;

(d) in such cases of promotion to special jobs if no Indians who were senior to them with better service records and better qualifications, were available; and

(e) if senior Indian Majors and Lieut.-Colonels are being asked to do minor work which the junior officers do; if so, how many?

Mr. O. M. Trivedi: (a) The answer to the first part is in the negative; the second part does not arise.

(b) 220 European officers have been granted acting promotion during the present emergency as against 264 Indian I.M.S. officers. Information regarding the reasons for supersession in each individual case is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

(c) and (d). 45 European Captains and 47 European Majors have been promoted as Lt. Colonels and 10 European Majors and 4 Captains have been promoted as Colonels. I may add that 14 Indian Captains and 27 Indian Majors have been promoted as Lt.-Colonels and 3 Indian Majors have been promoted as Colonels. The proportion of European to Indian Regular Officers, (from among whom such promotions are made), is approximately 16 to 9.

The policy is to select for special appointments the most suitable officers irrespective of race or seniority.

(e) There are 21 senior officers of the Indian Army Medical Corps who do not hold appointments commensurate with their seniority. Of these 8 are Europeans and 13 are Indians. Of the Indians, 2 hold responsible Specialist Appointments from which they cannot be spared and the remaining 11 are in medical category 'C'.

Mr. Govind V. Deshmukh: Have any Indians in the I.M.S. resigned?

Mr. C. M. Trivedi: No Indian Officer of the I.M.S. has resigned as a protest.

Mr. Govind V. Desamukh: Have any senior Indian I.M.S. officers resigned at all?

Mr. C. M. Trivedi: Yes; 32 senior Indian I.M.S. officers has retired during the war. Of these, 9 retired before attaining the age of superannuation and the reason in each case was invalidment. The rest retired after attaining the age of superannuation.

Mr. Hooseinbhoy A. Lalljee: Was any medical examination made of those who were invalidated?

Mr. C. M. Trivedi: It must have been made.

Mr. Lalchand Navalrai: Is it a fact that Indian Majors and Lieutenant-Colonels were made to do minor work which is usually done by junior officers?

Mr. C. M. Trivedi: Yes Sir. I have said that there are certain officers who do not hold appointments commensurate with their seniority.

Dr. Sir Zia Uddin Ahmad: With regard to part (c), has the Honourable Member included the personnel in the Supply Department holding ranks of Colonels and Majors who are not only promoted but also demoted there?

Mr. C. M. Trivedi: No, because this question relates only to the Indian Medical Service.

SILVER RUPEES IN CIRCULATION.

108. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state the number of silver rupees in circulation in the years 1938 and 1939, immediately preceding the war?

(b) What was the number of silver rupees minted in those years?

(c) What was the average number of rupees minted in one year during the period of ten years preceding the war?

(d) Has there been any withdrawal of silver rupee from circulation since the beginning of war? If so, how much?

(e) What is the number of silver rupees withdrawn from circulation by the demonitization of the silver rupee of the time of Queen Victoria and King Edward VII?

(f) Were the coins so withdrawn melted? If not, what happened to them?

(g) If the answer to (f) be in the affirmative, were new silver rupees minted out of the silver so obtained? If so, what is their number?

(h) How many present silver rupees can be coined out of the one silver rupee of the time of Queen Victoria?

The Honourable Sir Jeremy Raisman: (a) The information is not available.

(b) and (c). No rupees were minted during the 10 years preceding the war.

(d) and (e). The information is given in the Reserve Bank's Annual Reports on Currency and Finance for 1940-41, 1941-42 and 1942-43; copies of which are available in the library of the House.

(f) Yes.

(g) Withdrawn coins are taken to Government's Stocks of silver from which silver is taken as and when required for coinage. Returns showing the number of quaternary rupees minted are published in the Reserve Bank's reports on Currency and Finance.

(h) Twenty-two quaternary rupees can be minted from 12 Queen Victoria rupees.

PAPER CURRENCY IN CIRCULATION.

109. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state the amount of paper currency now in circulation in India?

(b) What is the strength of the Reserve backing this paper currency?

(c) What used to be the average or normal amount of paper currency in actual circulation during the period of ten years preceding the war, and the strength of the Reserve backing that currency?

The Honourable Sir Jeremy Raisman: (a) and (b). The attention of the Honourable Member is invited to the weekly accounts of the Reserve Bank which are published in the Gazette of India.

(c) The information is available in statement XXXV on pages 82 and 83 of the Report of the Controller of the Currency for the year 1934-35 and statement XXIX on page 91 of the Reserve Bank's Report on Currency and Finance for 1941-42 copies of which are available in the library of the House.

Qazi Muhammad Ahmad Kazmi: Did the Honourable Member see these pages and volumes when preparing the reply?

The Honourable Sir Jeremy Raisman: Yes, and I have got them with me now.

Qazi Muhammad Ahmad Kazmi: Then why did he not quote these figures instead of referring to them?

The Honourable Sir Jeremy Raisman: Because I do not conceive it to be my business to give information which is available in regularly published returns.

Dr. Sir Zia Uddin Ahmad: Has the Honourable Member's attention been drawn to the fact that the momentum of these notes in circulation, i.e., the quantum multiplied by the velocity, is just the same today as it was at the beginning of the war, in spite of the inflation of notes?

The Honourable Sir Jeremy Raisman: I am afraid I have not made the precise calculations referred to by the learned Doctor but I believe there is considerable force in what he has said.

Dr. Sir Zia Uddin Ahmad: While discussing inflation and deflation here, did he not consider this question?

The Honourable Sir Jeremy Raisman: Yes, Sir; in the course of my budget speech I pointed out that a good deal of the currency which had been issued was completely immobilized in hoards and therefore it could not be said to exert any pressure on the price level.

Dr. Sir Zia Uddin Ahmad: Did he mention the speed of circulation in his budget speech?

The Honourable Sir Jeremy Raisman: Yes, Sir, I did refer to that specific point and I gave some figures of the relation of bank deposits to banks clearings.

STEPS FOR STOPPING INFLATION.

110. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state if it is or it is not a fact that the present high prices of commodities are mostly so in terms of the paper currency circulating in the country but are not so when compared *inter se*, with each other?

(b) Is it or is it not a fact that the rise in prices is mostly due to the fall in the value of the paper rupee? If not, what is the reason?

(c) What steps have Government taken for stopping the inflation and effecting deflation, and with what results?

The Honourable Sir Jeremy Raisman: (a) I am not sure that I understand what the Honourable Member means by his question, but I think I can best reply to the first part by stating the obvious fact that prices are by definition the values of commodities in terms of money; and to the second part by referring to the equally obvious fact that since the prices of some commodities have risen more than others the relative values of commodities *inter se* do not correspond to the pre-war parities.

(b) I would refer the Honourable Member to paragraphs 50-55 of my speech introducing the Budget for the current year.

(c) I invite the attention of the Honourable Member to the reply I gave to part (b) of Mr. Nabi Baksh Illahi Baksh Bhutto's question No. 5 on the 26th July, 1943. It is not possible to assess the result of each individual measure but the general effect will be apparent to the Honourable Member if

he will follow the course of commodity and bullion prices as reported in the press from day to day.

Dr. Sir Zia Uddin Ahmad: Is not stabilisation of prices one of the foremost duties of the Finance Member?

The Honourable Sir Jeremy Raisman: Yes, I agree.

Dr. Sir Zia Uddin Ahmad: Then what action has he taken as Finance Member in regard to foodstuffs?

The Honourable Sir Jeremy Raisman: There is a special Food Department to deal with the food question and it is a matter in which I naturally take an exceedingly active interest.

Dr. Sir Zia Uddin Ahmad: Will Government consider this fact that by raising the prices of wheat and rice they are devaluating the rupee on account of which the stabilisation of prices is disturbed and it seriously affects the monetary policy of the country, from which the Finance Member cannot keep aloof?

The Honourable Sir Jeremy Raisman: The Government has certainly done nothing to raise the price of wheat as far as I am aware.

Dr. Sir Zia Uddin Ahmad: If any of his colleagues take an action which is contrary to the established monetary policy of the country, then is it or is it not the duty of the Finance Member to step in as a representative of the taxpayer?

The Honourable Sir Jeremy Raisman: I am afraid I cannot discuss the exact relation of my colleagues and myself, but I can assure the Honourable Member that we do endeavour to keep in step in matters of this kind.

Dr. Sir Zia Uddin Ahmad: If the Honourable Member is not prepared to safeguard the interests of the taxpayer, I should like to have an opportunity to lodge a protest on behalf of the taxpayer.

(No answer was given.)

Qazi Muhammad Ahmad Kazmi: With reference to part (b), has the Honourable Member actually examined the rise of prices and has he come to the conclusion that the rise of prices is not at all due to the fall in the value of the rupee?

The Honourable Sir Jeremy Raisman: I think that a separate question has been asked on that point, but to say that the rise of prices is due to the fall in the value of the rupee or to say that the fall in the value of the rupee is due to the rise of prices are merely two ways of stating the same thing. It is the old story of the hen and the egg: which came first?

Qazi Muhammad Ahmad Kazmi: What I want to say is that the rise of prices of different articles is almost on the same level. Then so far as rupee is concerned, it must have fallen down in price.

The Honourable Sir Jeremy Raisman: That is what I deny. It is not the case that the rise of prices *inter se*, as my Honourable friend puts it, is on the same level. There are remarkable inequalities in the advance in prices, and, therefore, they cannot be uniformly attributed to a purely monetary cause. For instance, the rise in the price of tooth paste is very different from the rise in the price of sugar or kerosene.

Mr. Jamnadas M. Mehta: Face powder seems to be cheaper in Delhi.

Sir Cowasjee Jehangir: How do you know?

Mr. Jamnadas M. Mehta: Wherever I go I see many ladies using it so profusely and thickly that their skin cannot breathe fresh air.

NON-CONVERSION OF PAPER CURRENCY INTO SILVER RUPEE.

111. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Finance Member please state if it is or it is not a fact that during the last Great War (1914-18), the Government of India had taken steps to continue the conversion of the paper currency into silver rupee?

(b) Is it or is it not a fact that during the course of the present war that conversion has not been maintained? If not, how long was it maintained?

(c) What are the reasons for this departure?

(d) Have the high prices of commodities prevalent in the country been to any extent due to this inconvertibility? If so, to what extent?

(e) In view of the adverse effects of the inconvertibility on the prices of commodities, do Government propose to consider the advisability of taking steps for restoring it? If not, why not?

The Honourable Sir Jeremy Raisman: (a) Yes; currency notes remained convertible into silver rupees during the last Great War.

(b) and (c). Reserve Bank notes are still convertible into rupee coin. The Government of India one rupee notes are, however, legally the equivalent of rupee coin under the Currency Ordinance of 1940. It was decided to issue one rupee notes to supplement the rupee coinage, an increased absorption of which took place as a result of war conditions and to make them the legal equivalent of rupee coin in order to conserve stocks of silver, which has assumed far greater importance to war industries than during the last war.

(d) This is a matter of opinion. But I may say that Government do not consider that the price level has been affected to any appreciable extent by reason of rupee notes having been made the legal equivalent of rupee coin.

(e) Does not arise.

Qazi Muhammad Ahmad Kazmi: With reference to part (b), the Honourable Member has stated that notes above the value of one rupee notes are still convertible into silver rupee. May I know if the Reserve Bank is bound to give silver rupees in return for these notes?

The Honourable Sir Jeremy Raisman: I said no. For that purpose one rupee notes rank the same as rupee coins.

ADVISABILITY OF RESTORING OLD STANDARD TIME.

112. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Home Member please state which factories (and in which part of the country) were adversely affected by the former standard time which used to be observed in India?

(b) What is the number of such factories, and what is the estimated amount of loss to those factories caused by the keeping up of the standard time?

(c) Do Government propose to consider the advisability of restoring the old standard time? If not, why not?

The Honourable Sir Reginald Maxwell: The question should have been addressed to the Honourable the Labour Member.

WORKING OF THE INDIAN NATIONAL WAR FRONT.

113. ***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable Member for Information and Broadcasting please lay a statement about the working of the Indian National War Front?

(b) How much money did the Government of India spend on this National War Front?

(c) What has been its achievement?

The Honourable Sir Sultan Ahmed: (a) A statement regarding the work of the National War Front during its first year is being prepared and will be laid upon the table of the House shortly.

(b) The statement will also contain the amount spent.

(c) The achievement of the National War Front or any other propaganda organisation must necessarily be a matter of opinion on which Members should judge for themselves.

Dr. Sir Zia Uddin Ahmad: With reference to the reply given to the last part of my question, I would like to mention that every district officer has invented his own method of propaganda and some of these methods are very very intelligent. May I ask the Honourable Member whether he will not receive a report of the work done by various provinces and various district officers and then express his opinion as to which of them proved to be the most effective methods. In Aligarh I know the propaganda is being carried on by barbers and astrologers and that is much more effective than speeches.

(No answer was given).

Sir Cowasjee Jehangir: May I ask the Honourable Member whether it is not a fact that these War Fronts are non-official bodies?

The Honourable Sir Sultan Ahmed: Yes.

Mr. H. A. Sathar H. Essak Salt: Arising out of part (b) of the question, can the Honourable Member tell us the amount spent on this National War Front?

The Honourable Sir Sultan Ahmed: It would be more useful if that was found in the statement. I can give the amount, not the details. The total amount is most likely—I am not quite sure—about 38 lakhs.

REPRESENTATION FROM INDIAN LIFE ASSURANCE COMPANIES FOR FIXATION OF A MAXIMUM TAXATION LIMIT ON INCOME.

114. *Mr. K. O. Neogy: Will the Honourable the Finance Member be pleased to state whether he has received any representation on behalf of the Indian Life Assurance Companies praying for the fixation of a maximum limit for the taxation of the income of such Companies for the duration of the present War? If so, what action is proposed to be taken thereon?

The Honourable Sir Jeremy Raisman: Yes. The matter is under my consideration.

Mr. K. O. Neogy: Has the Honourable Member's attention been drawn to the observation in *Capital* dated 15th July, 1943, that if the present rates of taxation continued, it would become difficult for the Companies to meet their obligations to their policy-holders?

The Honourable Sir Jeremy Raisman: I have seen that statement made in several quarters, and the whole question is at present under consideration.

Mr. K. O. Neogy: Having regard to the gravity of the matter, may I hope that the Honourable Member will arrive at a quick decision?

The Honourable Sir Jeremy Raisman: I hope to arrive at a quick decision, but I must point out that the matter is one which would require legislation in order to be adjusted; it could not be done at any moment.

POSTPONED QUESTION AND ANSWER

COLLABORATION BETWEEN THE CIVIL AUTHORITIES AND THE AIR FORCE EMPLOYED FOR MACHINE-GUNNING SABOTEURS OF RAILWAY LINES DURING LAST DISTURBANCES.

Postponed
from 26th
July 1943.

33. *Mr. K. O. Neogy: (a) Will the War Secretary be pleased to refer to the supplementary question, asked by me in the Legislative Assembly, in connection with starred question No. 67 of the 12th February, 1943, and state whether in so far as the Air Force was employed for the purpose of machine-gunning the saboteurs of railway lines during the disturbances in August 1942, as mentioned by the Honourable the Home Member, the Force was acting in collaboration with the civil authorities concerned?

(b) Will the Honourable Member be pleased to refer in this connection to the starred question No. 457, asked by me in the Legislative Assembly on the 31st of March, 1943, regarding machine-gunning on a mob from the air near Ranaghat Railway Station in Bengal and give a complete answer thereto?

Mr. C. M. Trivedi: (a) and (b). I would refer the Honourable Member to the statement which has been laid on the table in reply to his starred question No. 457 asked on the 31st March, 1943.

Mr. K. O. Neogy: I have seen that statement. Will the Honourable Member please enlighten the House on the question as to whether it is a fact that the magistrates have a definite part to play in connection with the employment of troops, particularly land troops, in aid of the civil power; and that the magistrates have absolutely no function to discharge if the air force is similarly employed in aid of the civil power?

Mr. C. M. Trivedi: That is correct.

Mr. K. O. Neogy: Has the legal aspect of the matter been examined?

Mr. C. M. Trivedi: Yes, Sir.

Mr. K. O. Neogy: And may I know what the opinion of the Law Department is on this particular point?

Mr. C. M. Trivedi: I think the procedure adopted is quite correct.

Mr. K. O. Neogy: Will the Honourable Member be pleased to lay on the table the opinion of the Law Department on this particular point?

Mr. O. M. Trivedi: I want notice of that question.

Pandit Lakshmi Kanta Maitra: The Honourable Member said that the District Magistrate had nothing to do with the Air Force in the matter of machine-gunning from above

Mr. O. M. Trivedi: Air action is taken on the request of the civil authorities. What I understood my Honourable friend, Mr. Neogy, to ask me was whether a magistrate would accompany an aircraft, and it was in that sense that I said that a Magistrate had no part to play in connection with aircraft action.

Pandit Lakshmi Kanta Maitra: What part do the liaison officers, to which reference has been made in his reply today in connection with this firing problem, play?

Mr. O. M. Trivedi: The air action to be taken was settled in consultation with the Civil Government and the Civil Government's Liaison Officer.

Pandit Lakshmi Kanta Maitra: But in the particular case firing was resorted to from the air and there is no indication in the reply to show that there was anything like consultation with the Civil Authorities either on the spot or at the headquarters in Calcutta.

Mr. O. M. Trivedi: Sir, Aircraft action was taken in consultation with the Civil Authorities.

Mr. K. O. Neogy: Does it not amount to this that the Air Force was given a blank cheque?

Mr. O. M. Trivedi: No, Sir. Definite instructions were issued to the Air Force, as I have already referred to these instructions in the statement I have laid on the table.

Mr. K. O. Neogy: Will the Honourable Member please state whether the Civil Authorities had any opportunity of going into the particular case referred to by me in my question, before the aircraft was permitted to fire upon an innocent crowd of people?

Mr. O. M. Trivedi: The aircraft took action in accordance with the general instructions issued in consultation with the Civil Authorities.

Mr. K. O. Neogy: That is what I mean by a blank cheque.

Pandit Lakshmi Kanta Maitra: Does a part of the general instructions include the firing on innocent coolies working on the railway lines? Will the Honourable Member say whether the Civil Authorities gave directions that coolies actually working on the railway lines should be fired at?

Mr. O. M. Trivedi: I have already quoted the instructions in reply to part (d) of question No. 457.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member got any details of the actual plans of the Civil and Military Authorities regarding the shooting by the aircraft and if such information is available has it been seen . .

Mr. O. M. Trivedi: I have already said that the general plan of action was settled by the Civil and Military Authorities.

Qazi Muhammad Ahmad Kazmi: Was that in writing or was that in words?

Mr. O. M. Trivedi: Instructions were issued in writing.

Sardar Sant Singh: With reference to the plan, was it recorded in some official record?

Mr. O. M. Trivedi: I have not seen the local official record.

Mr. K. O. Neogy: With reference to the statement made by the Chief Minister in the Bengal Legislature that he knew nothing about this incident until long after it had happened, will the Honourable Member be pleased to explain what he means when he says that the discrepancies in the Chief Minister's statement may be due to a misunderstanding of the material laid before him? Can the Honourable Member tell me whether any material was laid before him and what it was?

Mr. O. M. Trivedi: Sir I have based this part of my answer on the report received from the Bengal Government.

Mr. K. O. Neogy: We know that there has been a dual Government in Bengal and its black portion does not know what the white portion does.

THE INDIAN BOILERS (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

This measure is a very simple measure. It is a non-controversial measure and it does not involve any matter of principle. Having regard to these considerations, I do not propose to deal at any very great length in explaining the provisions of the Bill. It will be sufficient if I tell the House the circumstances which have led Government to bring in this amending Bill. Briefly, the circumstances are these.

On the 23rd February 1942 there occurred in a mill in Bombay a boiler accident which resulted in a very serious loss of life. When this accident occurred an enquiry was made by the Government of Bombay in order to ascertain the cause of this accident. It was found as a result of the enquiry that the explosion was due to something that was wrong in the apparatus which is called an "economiser". To put it specifically, it was pointed out that the tubes of the economiser, which I understand are technically called "feed pipes", had been weakened as a result of long internal corrosion. This result of the enquiry came as a matter of surprise to Government because under the Indian Boilers Act, 1923 there is a provision made for the Boiler Inspector to regularly inspect boilers and issue certificates that the boilers were in working order. The question arises as to how the Boiler Inspector permitted himself to issue a certificate, knowing that the feed pipes of the economiser had become unfit for work. It was then found out that having regard to the regulations issued under section 28 of the Indian Boilers Act, it was not the duty of the Boiler Inspector to examine the feed pipes or any other auxiliary apparatus that was connected with the boiler, and it is because of this fact that the feed pipes were not examined in the case of this particular boiler which exploded. It is to remove this lacuna that the present amending Bill has been brought in.

The present Bill makes two amendments. The first amendment is to introduce a new clause (cc) to section 2, which is an interpretation clause. It adds a new term called "feed pipe" and defines what is a feed pipe. The second amendment is to enlarge the scope of what is called a "steam-pipe". According to the law as it stands to-day, the steam-pipe means the main pipe only and under the amendment the steam-pipe will now include not only the main pipe but also the feed-pipe. After this amendment has been carried, it would be possible for Government to amend the regulations framed under section 28 in order to make it obligatory upon the Boiler Inspector not only to examine the steam-pipes but also the feed-pipes. It is because of this that the present Bill has been brought in. Sir, I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

Mr. O. C. Miller (Bengal: European): There is one small point on which I would seek enlightenment from the Honourable Member. It relates to the system of feed-pipes known as the economiser. This is an adjunct to but not an essential part of a boiler and I take it that the Inspector would not be legally entitled to refuse a certificate for a boiler being in good condition because of there being some defect in the feed-pipes provided the owner undertook to disconnect the feed-pipes?

The Honourable Dr. B. R. Ambedkar: My friend will understand that it is not possible for me to give a categorical answer, but as I am advised, he is quite correct in making the assumption that he has made.

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

"That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: I move that the Bill be passed.

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

"That the Bill be passed."

The motion was adopted.

THE RECIPROCITY (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Dr. Khare—Item No. 3.

Sir Henry Richardson (Nominated Non-Official): Sir, I rise to a point of order before the Honourable Member moves the motion standing in his name. We have received last night at 10 o'clock certain amendments to the Bill the consideration of which the Honourable Member is about to move. I want to know whether these amendments were received in the office at the proper time, which I think should be 10 o'clock on Tuesday morning, that is to say, 32 hours before we actually received them.

Mr. President (The Honourable Sir Abdur Rahim): I think the Standing Orders require two days notice. I suppose the amendments were circulated within less than two days time.

Sir Henry Richardson: The amendments were circulated at 10 o'clock last night.

Mr. President (The Honourable Sir Abdur Rahim): Which amendments is the Honourable Member referring to?

Sir Henry Richardson: There are five of them and we received them last night at 10 o'clock.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I just point out that the Bill was introduced on the 26th.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the amendments were only received yesterday in the office, some time yesterday.

Sir Syed Raza Ali: The Bill itself was introduced on the 26th July, 1943. My Honourable friend, Sir Henry Richardson, knows but too well that an important meeting of the Committee that was called . . .

Mr. President (The Honourable Sir Abdur Rahim): Notice of the amendments might have been given on the 27th.

Sir Syed Raza Ali: When the Session is just starting it is very difficult. May I suggest a way out? My Honourable friend, Sir Henry Richardson, would, I hope, be only too willing to waive the plea of want of time, but if he is not prepared to do so and if he insists on his pound of flesh, the best thing would be to adjourn the debate to-day and take up the Bill on another day. Some of the amendments of which I have given notice raise questions of substance.

Mr. President (The Honourable Sir Abdur Rahim): I quite follow. If it is going to cause any inconvenience to the House, because they are all substantive amendments, I think the House ought to have time. Unless the House is prepared to go on with the Bill now, I would not waive the Standing Order myself.

The Honourable Dr. N. B. Khare (Member for Indians Overseas): I stood up in time as regards the point of order. I submit whether an amendment is in order or not can only be considered when the amendment is actually moved and not before that. I have risen only to move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): I suppose there will be time when the amendments are moved.

The Honourable Dr. N. B. Khare: I have not yet brought in my motion that the Bill be taken into consideration, and before that, the Honourable Member got up and raised this point of order.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The Bill itself has not been before the House for five days which is the usual rule. If that defect is condoned, I do not know whether the other defect should not be condoned.

Mr. President (The Honourable Sir Abdur Rahim): When was the Bill introduced?

Dr. P. N. Banerjee: On the 26th July.

Sir George Spence (Secretary, Legislative Department): Only three days are required.

Sir Henry Richardson: The Bill that is coming up before the House—the reason for it is because of bad drafting. But the Honourable Member wants to run the risk again. My whole point is that the amendments must be in time.

Dr. P. N. Banerjee: In that case you ought to have objected to the Bill being taken up for consideration before five days are over.

Mr. President (The Honourable Sir Abdur Rahim): Under the circumstances, as objection has been taken I think the motion must stand over. Honourable Dr. Ambedkar.

THE MOTOR VEHICLES (DRIVERS) AMENDMENT BILL.

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

"That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration."

This is a simple measure. As the House will remember, there have been several Ordinances by which the services of several persons have been requisitioned by Government.

An Honourable Member: How many in all?

The Honourable Dr. B. R. Ambedkar: I am afraid I have not got the information but I think the general fact is quite well known. The Ordinance which requisitions the services of motor drivers is one of those. After the Ordinance was passed it was discovered that there was one provision which was present in other Ordinances, but was absent in the Motor Drivers Ordinance. That provision was that there was not anything in the Ordinance requiring the owner to re-employ a motor driver after his services were dispensed with by the authority which had requisitioned his services. It is to fill this gap that the present Bill has been brought in. The purposes of the amendment are three-fold. The amendment declares the employer's liability to re-employ a driver where his services have been dispensed with by Government. Secondly, it lays down a method for the settlement of disputes as to the liability of the employer. The Bill provides reference to authority nominated by the Provincial Government on their behalf; and thirdly, there is a penalty for non-compliance with the orders passed by the authority. Other provisions in the Bill relate to the limitations on the right of employment which has been given to a motor driver and they are two-fold. In the first place, a motor driver must have been in continuous service for a period of six months before he can claim the right to re-employment. Secondly, he must have applied for re-employment within two months from the date of discharge from the national service. These conditions being satisfied, this present Bill puts him on the same level with other persons whose services have been requisitioned. I have nothing more to say with regard to this Bill. With these remarks, Sir, I move.

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

"That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Clause 2.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, this is the main clause of the Bill, clause 2, so far as I can make out. I see that the reason for the Bill is to find employment for such motor drivers

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as may have been requisitioned by Government for war purposes and the attempt is to make the previous employer employ that motor driver under two conditions, provided he has been in the employment of the original employer for six months and he applies for employment within two months. But, Sir, if that motor driver had become unfit for service and he applies for re-employment, the original employer has only one remedy and that is to go to an authority that will be appointed by the Local Government to arbitrate in the matter. In the first place, the employer is deprived of the services of a driver who is a rare commodity in these days of great demand for motor drivers and then when motor drivers are to be found in large numbers, fit, efficient and well trained, the owner is made to take a man who may have become inefficient due to the strenuous services he may have had to perform and when he refuses he has to go to a court of arbitration. Now, there is nothing in the Bill which shows what sort of a court of arbitration is to be appointed or who is to be appointed and what are the measures the previous owner has to take and what amount of inconvenience he will have to suffer, what it will cost him to prove that the motor driver is inefficient or has become inefficient. I think that is putting too much of a burden on a man who willingly gives up the services of an efficient motor driver and I would ask the Honourable Member to make these points more clear in the Bill and not leave them for the Local Governments to decide later on. I may point out to the Honourable Member that if the previous employer desires to dodge the provisions of this Bill he may be able to do so. What is required is only a month's notice for dismissal, unless there is a contract. He will not contest the application for re-employment. He will re-employ him and within a short time give the driver a month's notice and there is no remedy in this Bill for such a step taken by a dishonest employer. These are two defects in the Bill which I think ought to be remedied. It is too small a measure most probably to go to a Select Committee. If the Honourable Member will take these points into consideration, he may take time over it. I think the Honourable Member will be doing well by the public and this Honourable House.

The Honourable Dr. B. R. Ambedkar: With regard to the observations which have fallen from my Honourable friend, Sir Cowasjee Jehangir, I am bound to say that he has really given a very big and a dark colour to what is likely to happen when an employer is called upon to reinstate his former driver. He seems to think that this matter, once it becomes a subject-matter of dispute, would assume a form which lawyers call a long civil suit. But I am sure it will be shorter than a shortcoat. We have made provision that the Provincial Government will appoint an authority and I have no doubt that that authority will be an authority which would be satisfactory to both sides.

Sir Cowasjee Jehangir: How are we to know that?

The Honourable Dr. B. R. Ambedkar: We must trust the Provincial Government to do its best.

Sir Cowasjee Jehangir: Does not the Honourable Member know that when such an authority is appointed, the rules and regulations are very elaborate and that it always causes considerable inconvenience, however simple the issue may be.

The Honourable Dr. B. R. Ambedkar: It cannot be so inconvenient as to make it difficult for people to settle the matter expeditiously and I therefore think that there is really no very great substance so as to compel me to withhold this measure. I think the points that may arise will be points of very small dimensions which could be settled without much difficulty or worry to either side.

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

That clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill

Clause 1 was added to the Bill.—

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

The motion was adopted.

THE MINES MATERNITY BENEFIT (AMENDMENT) BILL.

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

"That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration."

It might be desirable if I explain to the House why this amendment has become necessary. Under the Mines Maternity Benefit Act, a woman working in the mine is entitled to maternity benefit for a period of 8 weeks, at the rate of 8 annas per day. This period of 8 weeks is divided into two parts of four weeks each, one part preceding delivery and another part succeeding delivery. The four weeks before delivery is a period of optional rest during which a woman may work and get full wages or absent herself and get the maternity benefit. With regard to the four weeks succeeding delivery, it is a period of compulsory rest during which the woman must not work. In fact it is unlawful and criminal for her to work, and be content only with the maternity benefit. Section 5 of the Maternity Benefit Act provides for the payment of maternity benefit and if Honourable Members will refer to the words as they stand in line 9 of that section, they will find that the words as they stand are 'absent from work'. Now, it has been suggested that these words, particularly 'absent from work' or rather 'from work' are words which are ambiguous and I will briefly explain to the House why it is suggested that these words 'from work' introduce a certain amount of ambiguity.

It is said, suppose the mine was closed by the owner on a particular day, would the woman be entitled to maternity benefit? It is suggested that she would not be, because the implications of the words 'absent from work' mean that there is work, but when a mine is closed there is no work. Therefore, the existence of the words 'from work' has introduced this ambiguity. I have compared section 5 with the five different Maternity Benefit Acts which have been passed in the different provinces and I find that these words 'from work' do not exist. Consequently, it has become necessary to remove this ambiguity by removing these words. The amendment is sought to be carried out by two different amendments. One is to delete the words which have caused this ambiguity from section 5 and make the section read to the effect that 'for every day during the four weeks preceding delivery the woman would be entitled to maternity benefit. With regard to the days on which she chooses to attend—and as I told the House, the four weeks preceding delivery are periods of optional rest when she may choose to go and earn her full wages or stay at home and be content with maternity benefit—, we have added a proviso that she shall not be entitled to any maternity benefit at all. With these words, I move.

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

"That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move that the Bill be passed.

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

"That the Bill be passed."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I feel that the Honourable the Labour Member has done well in bringing forward this legislation in order to correct what I might call a mistake of the Act. But, Sir, I would like to

ask the Honourable Member for some information regarding what his Department is doing to remove the greater evils that at present exist in the mining area and from which the miners suffer. We are dealing with the problem of helping the women miners who work in the coal area, but recently I read in the papers that the Government of India is considering the question of allowing women to go under the mine and work which is prohibited under the law. I am told that the Government of India is considering this question. I would like the Honourable the Labour Member to consider, in the first place, why shortage of labour has taken place in the mining area. My own information is that the miners at present suffer very much on account of the low wages which they are being paid by the owners. The wages in the mining area have been very low for a long time and the miners have suffered very much. Their standard of life is very low. The Royal Commission on Indian labour had recommended that the question of wages should be considered. Besides the wages being very low, the miners, especially in coal mines, suffer on account of the inadequacy of the dearness allowance paid.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is going into questions which do not arise.

Mr. N. M. Joshi: I simply want the Honourable Member to tell us whether he proposes to take up this important question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no business to ask him now.

Mr. N. M. Joshi: I am not making a long speech. The Honourable Member has done well in bringing forward this measure. At the same time, he should take up the bigger questions very soon.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill be passed."

The motion was adopted.

THE RECIPROCITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): I wish to inform the House that I was under a mistaken impression that the copies of the Bill the consideration of which was sought to be moved by Dr. Khare had not been supplied to the Honourable Members in time. A statement was made by Dr. Banerjee that 5 days notice should be given. That is not correct; only three days notice is required. Copies of the Bill had been supplied three days before now. That being so, Dr. Khare was perfectly right in insisting that he should be allowed to move for consideration of the Bill.

As regards the amendments, notices were not given two days before today. Therefore, these amendments will stand over. I will allow Dr. Khare to move for the consideration of the Bill and the Bill will be considered clause by clause not today but on another day. Dr. Khare can now go on with his motion.

The Honourable Dr. N. B. Khare: Sir, I move:

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."

In moving this motion, I will not take much time of the House because the principle underlying this amending Bill has been accepted by the House so late as the last Budget Session. Recently, when it was thought that there was a possibility of applying this measure to the nationals of South Africa, it was found that this measure was defective and imperfect, it was therefore necessary to amend it. The principal section which we seek to amend today is only declaratory in nature. We had been given no power to impose specific disabilities on the subjects of those territories living in India. It was doubtful also whether section 6 would give effective power to Government to make rules. It was thought, therefore, desirable to amend this Bill and bring a measure before the House so that the intentions of giving power to Government might be fulfilled without any lacuna being left behind. In pursuance of that desire, I have got this Bill before the House. I do not think it is necessary to say much on this point and waste the time of the House. I, therefore, commend this Bill for the acceptance of the House.

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

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."

Sir Syed Raza Ali: Sir, since the motion has been made by the Honourable Member I would like to make a few remarks on this subject. Sir, this Bill has not been tabled for consideration a minute too soon. As the Honourable Member pointed out, this Bill is the result of certain legislation that was passed by the Union Government after this House adjourned after the Budget Session in April last. One would therefore expect, one would have expected, I should say, the Government to make a clean breast of the whole thing and explain fully the circumstances which had led them to bring forward this amending Bill. Instead of that the Government have adopted a very dubious, a doubtful and, I am sure, objectionable course in making an allegation in the Statement of Objects and Reasons appended to this Bill which would require a careful analysis because that makes a reflection on the capacity not only of the Select Committee to which the original Bill was referred in February last but also on the capacity and ability to judge of important questions on the part of this House itself. May I, Sir, invite your attention to the Statement of Objects and Reasons? It says "the Reciprocity Act No. IX of 1943 as it stands is virtually unworkable in practice". This means that the measure was drafted, considered and passed by people who did not know anything about their own business, including the Government. (Interruption.) Well, so far as the Government are concerned, they have not got much reputation to lose. But certainly there are some of us who are jealous of such little reputation as we might possibly have. May I, Sir, in this connection invite the attention of the Honourable Member to the Report of the Select Committee to which the original Bill was referred? Sir, that Report is signed by two Honourable Members sitting on the Treasury Benches, one is Sir Sultan Ahmed and the other was Mr. Aney who was then Member in charge of the Overseas Department. Both of them signed the Report of the Select Committee dated 18th February, 1943. Not only that, Sir, there is something more. The Secretary to the Department, Mr. Bozman, who I am sorry is not present here today, and who has been associated with this Department for a number of years and whom some of us look as an expert adviser, was present throughout the meetings of the Select Committee. There is something more to follow. There is a Government draftsman, who is generally believed to be an able man and who, so far as I know, is a competent draftsman. Mr. Bartley was present at the meetings of the Select Committee throughout. Not a single objection was taken on this score either by the Honourable Mr. Aney who was in the Chair or by Mr. Bozman or by the Government expert.

Now, Sir, I must say in fairness to Sir Sultan Ahmed that he was not present that day, he being out of the station. All the same, here is this document signed by the then Law Member. If the measure was so defective and so hopeless and so faulty as to be unworkable in practice, was it not the duty of the Law Member after reading the report to tell us that the whole thing was a rotten measure and will not work?

Mr. President (The Honourable Sir Abdur Rahim): That is the reason why they have brought forward this amending Bill.

Sir Syed Raza Ali: No, Sir. The reason why this amending Bill has been brought is very different and that I will state presently. I do not want to kick a dead horse. May I make a reference to the speech of the Honourable Member who was in charge of the Bill on 3rd March, 1943 when the original Bill was under consideration? Mr. Aney having resigned, the Government spokesman was Mr. Bozman, and this is what he had to say on the merits of the Bill, which is now alleged by Government to be unworkable in practice. Mr. Bozman pointed out in the course of his speech "as a retaliatory Bill it is to be regarded with care and, when it becomes an Act, to be administered with care." May I ask the Government Benches if a Bill is unworkable in practice, how can you possibly work it with care. If it is unworkable, you cannot make any use of it. This is playing with words. Mr. Bozman went on to say, 'it must, I submit, be Government's care to see that when this Act is applied no such adverse effects shall be caused to India by its application'. On that day,

Mr. Bozman was clearly of opinion that the Bill could be made use of and it could be applied, but on account of certain reasons it would be the duty of the Government to act with care. When did they discover that the Bill was unworkable? My submission is really this. The Government these days have a tendency to find scapegoats. When they blunder, when they err, when they make mistakes, they excuse themselves by laying the blame at the door of somebody else. That is exactly what the Government of India seem to have done in the present case. On 3rd March, this measure was a perfectly good measure capable of being put into practice, its provisions could be applied, and the only exhortation that was made was that the provisions should be used with care on the part of the Government. Today it is found to be unworkable in practice. That is a reflection on the Committee to which this Bill was committed and also to this House. On behalf of this House it is my duty to lodge a protest against the manner in which the Government have acted in using those words in the Statement of Objects and Reasons.

The Honourable Sir Sultan Ahmed (Member for Information and Broadcasting): May I know whether the Honourable Member feels that the Act as it stands is workable? Whoever may be responsible for it is immaterial, but is it workable on merits?

Sir Syed Raza Ali: We are arguing in a vicious circle. If it is unworkable why did the Government spokesman not say so? What was he doing between 19th February and 3rd March. I am really surprised at the courage of my Honourable friend in putting that question to me. Government Members know that it is unworkable and inapplicable and that it will not be put into practice and yet they put their solemn signatures to it. Is this the way in which members of any Government are expected to act? Is this the way, if I am not too personal, in which the late Law Member and the present Information Member as a responsible Member of Government is expected to act?

The Honourable Sir Sultan Ahmed: Sir, my answer to that is that I am not responsible at all. I was not there to begin with. My Honourable friend, Mr. Aney, was presiding and not I. There is no reflection on anybody. My friends were all members of the Select Committee. If there is any reflection at all, it is a reflection on the Act as it has been passed.

Mr. President (The Honourable Sir Abdur Rahim): The whole House is responsible for the Act. But the Honourable Member has dealt with that point long enough and he had better deal with the Bill now.

Sir Syed Raza Ali: As to the reasons, the real reason is that public opinion has been very much stirred on account of happenings in South Africa and anti-Indian discriminatory legislation being passed by the Union Government. Irresponsible though this Government may be, they also feel that the time has come when they must do something in order simply to justify their existence if for nothing else. Public opinion in this country has been stirred from corner to corner and from province to province; and I must acknowledge that my Honourable friend Dr. Khare has acted in a reasonable manner, both as an Indian and as a Member of Government, which would commend itself to the public. He called a meeting on the 7th of this month which he wanted to be very representative. Unfortunately the meeting did not prove to be as representative as he or others would have wished, but at the same time it was a representative meeting on the whole. It is not for me to disclose what happened at that meeting but I am sure I can say this that this present measure is the result of the advice given in a very unequivocal, strong and definite manner to the Honourable Member by those who were present there. But the better course for Government would have been, instead of making a scapegoat of somebody else, to acknowledge this fact and say what has led Government to amplify and amend Act IX of 1948.

The Bill contains six or seven clauses but there are two main points on which we should be quite clear as to what our policy is going to be. One is the date on which this Bill would come into force. The original Bill gave power to notify a date when the provisions of the Bill would be put into force by

[Sir Syed Raza Ali.]

Government. Now the wheels of Governmental machinery in every country,—and more so in India than in most other countries,—move very slow and sometimes too slow. The fear really is that if this power is left to Government they might possibly, specially if less pressure is exercised by public opinion, go to sleep again. But only fixing a date on which this Bill is to come into force would not solve the problem or obviate the difficulty in any way. The real thing is the making of rules for which power is taken by Government. I am one of those who have no objection to general rule-making power being taken by Government. But again the same objection applies to this. Practically nothing has been done by Government since Act IX of 1943 was passed by this House on the 3rd March, 1943. Perhaps the ready explanation given by the department would be that they were in correspondence with such and such officer or Government. These plausible explanations can always be offered, but nothing actually has been done by Government so far. Now if we give this rule-making power to Government to which I personally am not opposed, I am afraid there is no guarantee as to when the day would come when Government would publish these rules. On that point we have got to be quite clear. As I said, I have no objection to giving this power to Government except in one respect, namely, in regard to offences committed under the rules made under this Act. I should like punishments to be prescribed by this House, and on other questions I am prepared to leave the power to Government, if only the House is assured that Government will act in the same manner in which the present Overseas Member has acted in dealing with this question and do not go to sleep over this matter as soon as the Session of the Assembly is over.

Dr. P. N. Banerjee: Sir, I congratulate the Honourable Dr. Khare on the promptitude with which he has taken action on one of the recommendations of the conference which met here sometime ago. If this shows a change in the attitude of Government, it is a very welcome change. But whether Government will take further steps or not we do not know as yet. The credit, however, so far as this Bill is concerned, must go to the Honourable Dr. Khare.

Now, as regards the shortcomings of the existing Act, it has been pointed out by my Honourable friend, Sir Raza Ali, that the mention of these shortcomings is a reflection on this House and on the Select Committee which considered the Bill brought forward by a private Member. In a note issued to us sometime ago, emphasis was laid on the fact that the original Bill was sponsored by a private Member. I say, all credit was due to him, and that Member was none other than Mr. Govind V. Deshmukh, a member of the Nationalist Party. He laid down the main principles for reciprocity and if there were any imperfections from the administrative point of view these should have been made good by the official Members who were present in the Select Committee and in this House where there were so many official Members. If there are any imperfections, it is right that they should be removed and I am glad that at the present moment it is the desire of the Honourable Member for Indians Overseas to give effect, without delay, to the provisions of the Act and remove imperfections of the Act so that the Bill may be put into practice.

Sir, there are certain points which have been raised in the amendments of which notices have been given. I am sure that there will be time to consider these amendments and that the present Bill when it becomes law will become as perfect as possible.

I again thank the Honourable Dr. Khare for his promptitude in bringing forward this Bill.

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): Sir, I congratulate the Honourable Member on having brought forward this Bill at such a short notice. I do hope he will be prompt enough in giving effect to this Bill which he is sponsoring.

Now, let me point out certain facts: At the time when I brought forward my Bill and it was referred to the Select Committee and the matter was being discussed there, I expressed my apprehensions in the presence of Mr. Aney,

who was then the Member in charge, Mr. Bartley, who is the Draftsman, and the two Secretaries who were always present, regarding the making of rules to give effect to the Act. It surprises me very much now to find that if they thought that the Bill was unworkable why were they so anxious to get amendments included in the Bill in the form of provisos that the army officers in South Africa should be exempted from the operation of the Bill. If the Bill was so unworkable, why were they so anxious that its provisions should not be extended to the army officers? When I expressed my apprehensions—not once or twice, but thrice—that perhaps no effect would be given to this Act, I had in mind the Act which is now sought to be repealed—the Immigration Act of 1924. That Act was passed in 1924 but no rules were framed, and are framed, till now; in other words the Government is not anxious at all to move in this matter. It sits tight, and when the public opinion is very strong then only they move a little. It was then that I expressed my apprehensions, and not only in the Select Committee but on the floor of the House. Mr. Aney, when he was on the Select Committee, gave an assurance to me that every year a report regarding the administration of this Act—remember the words ‘administration of this Act’—will be brought forward in the form of a Report and it will be discussed before this House as the report of the Public Accounts Committee is discussed. I had a very strong reason when I said in my reply to the debate on the Bill that the Act will not be given effect to. How was it that all these Government Members who were speaking then about the workability of the Act, not one man stood up from the Government side, unless it was that they never wished to give effect to this Act knowing full well that the Act was defective. I would say that they were dishonest; they were not honest in giving effect to the Act. Otherwise I cannot explain. If a question is to be grasped and it is not so done I can only explain it in two ways; either the man is stupid and dull, or, if he is intelligent, he is dishonest when he does not suggest something which goes to the workability of this Act. Sir, I have said that at that time and under those circumstances, there was not the least doubt either on the part of the Members of this House or on the part of the Members of the Government that the Act is workable. Nobody ever thought that the Act was unworkable. This particular Bill has been introduced, and, as I have said in the beginning, I congratulate the Member in charge of that. But, again, I say remember the agitation that was going on in India regarding the steps taken by the South African Government, the Pegging Bill, remember the expropriation of the land of Indians in Natal and how that land was to be parcelled out. Remember that out of the European quarters the Indians were forcibly ejected. Where were they to live? Not in European quarters because an Indian is not supposed to be a sanitary being; not in other quarters because the land is to be expropriated. Where is the fellow to live? In the air? When the action taken by the South African Government was so strong that it made it uncomfortable for an Indian to live in South Africa or in Natal or in Durban, the Indians themselves who were living there and Indians in India started this agitation. And remember they would have made things very hard for the Government. I am very sorry that we did not have at this time a Viceroy as strong as we had in Lord Hardinge. Remember his speech when the South Africans wanted to take some steps against Indians, he threatened them in a speech from Madras. But now in spite of the agitation, for so many years, the Viceroy down to the Government officers were lying supine on their backs; they did not take things seriously and they did not move in the matter. As I said, this Government was helpless. When Sir Girja Shankar Bajpai, who is now Agent-General in America, was the Member in charge, he said, in reply to various motions which I moved then, “What can we do? All that is left to us is to carry on negotiations. There is no sanction behind us”. When we saw the position was so bad, the House tried to give a sanction, but even then we saw that the Government, or some of the Members of the Government, were not very sympathetic. They kept up an indifferent attitude, otherwise they could have done something in those days when the Act was being passed in order to set matters right. But

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nothing was done. The Pegging Act was passed, the agitation was started and we were advised to sit quiet in times of war and not alienate the feelings of those whom we were helping. The people whom we were helping and for whose security we shed our blood should go on doing what they like and we should not mind it; we should go on helping them! This sort of philosophy of suffering comes down from Mahatma Gandhi and now from the Indian Government Members when it is a question of the welfare of Indians. It is simply shocking, it is a matter for surprise. After passing this Act the Union Government did not sit quiet; it carried on its policy of ousting and expelling the Indians from their residential houses and from the shops where they were carrying on their business. They went to this extent, that if any Indian formed a part of a corporation of which other European members were the partners

The Honourable Dr. N. B. Khare: On a point of order; all this can be said to-morrow.

Mr. Govind V. Deshmukh: I have said that I have congratulated you.

Sir, it is a good thing that my friend has brought this Bill. He would have been failing in his duty, when the South African Government had gone so far, if he sat quiet. Under the Pegging Act, they have started prosecutions. They do not allow the Indian any ease or rest. What excuse could this Government have had if they did not proceed in the matter? Dr. Khare would have been condemned by meetings from the public platform and the press. As I said in the very beginning, I was

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat what he has said.

Mr. Govind V. Deshmukh: I want to say what they could do and why some of the amendments should be accepted.

Mr. President (The Honourable Sir Abdur Rahim): The amendments will not be considered today.

Mr. Govind V. Deshmukh: Then, Sir, as I have said, it will be a good thing if the House supports the motion for consideration of this Bill.

Mr. Hooseinbhoj A. Lalljee (Bombay Central Division: Muhammadan Rural): I rise to congratulate the Mover, the Honourable Dr. Khare. We must acknowledge that it is the first occasion on which the Government of India have risen to the occasion in time. This Bill has been on the anvil for more than two years and every time an attempt was made to bring it before the House, my friend Mr. Deshmukh was prevailed upon by the Treasury Benches not to move it, not to insist upon it. The excuses were that we were in the war, that Field-Marshal Smuts was very busy with the Prime Minister of Great Britain discussing the war situation in Africa, and that he was doing all he could for the war and that we must help him; consequently he did not press for the Bill. But things went the other way about. We were only concerned with the war and not the Field-Marshal and when we brought in this Bill we were told by the Treasury Benches that they were in full sympathy with us, and that we should pass it in a manner that would not give them any provocation lest I feel now that they feared that the Field-Marshal make a treaty with Germany. However, Sir, when this Bill came before this House we always believed that Government, as invariably they have been so far as overseas questions are concerned, would be in full sympathy with us. But I never believed that all throughout there was the same objection which kept the Bill from coming before the House for two years, *viz.*, that this Bill should not go through or should not be effective during the war, or probably at any time.

The charge has been laid that the Bill is unworkable. We have been always very fortunate to have 90 per cent. gentlemen on the Treasury Benches who are eminent lawyers. It has always been the practice of the Government of India to have such men, who are supposed to be the intelligentsia of the people, and who are expected to be relied upon to indicate correctly what the sentiments of the people are and what they desire. Well, this Bill has passed

through their hands as Treasury Benchers and I am sure because it involves a question of Indians overseas and of things beyond Government of India sufficient care was taken in the Executive Council as well to see that it did not provoke Field-Marshal Smuts and that at the same time something was done as an eye-wash to pacify Indian public opinion. I am really very sorry that under such circumstance the charge should have been framed against this House that it passed a Bill that was unworkable, in other words that it was eye-wash. My friend Mr. Jamnadas Mehta said something about face powder. I do not know whether that was also at that time also very cheap and it was applied throughout as a white wash in this House. Whatever it is, our feelings are very bitter.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammudan Rural): I never said that face powder was applied by the Honourable Members of this House.

Mr. Hooseinbhoj A. Lalljee: It may be that somebody else did. But we feel very bitterly about it, since during the war when we show consideration for nearly two years, being deadly and mortally afraid of displeasing Field-Marshal Smuts, that on the other hand that very Field-Marshal passes laws after this law has been passed, and still our Government sits still until the public raised their protest and until we had an Honourable Member who fully sympathised with the people's aspirations. Then it was that this Bill has been now brought forward. We want an explanation to that.

Then, Sir, we are told that rule-making power has again to be given to the Government. My friend, Mr. Deshmukh has told us that we suspected, and we still suspect—and let my friend Dr. Khare take a real example from what has happened to this Bill if he is really acting according to the wishes of the people of the country, and I hope that he will make proper provision for rule making and the rules will come into force as soon as possible.

With these words, Sir, I once more congratulate Dr. Khare of being able to realize with the people of this country from one end to the other—not the little conference that we had; it was a formal conference and quite nice; I was one of the members—that during the war when our Government has kept us out for over 2 years from doing anything with regard to this matter and when Field-Marshal Smuts is now attacking us irrespective of the condition of the war and treating us like pariahs, that something should be done without any further delay.

Sir F. E. James (Madras: European): Sir, the introduction of this Bill illustrates two very valuable facts. The first is that even the most intelligent of men can be misled into making mistakes; and the second is that this House is always able to correct any sins of omission or commission of which it may have been guilty.

I do not congratulate my Honourable friend, Dr. Khare, on this Bill, because he is only doing what he should have done. If this Bill is passed praise should go to my Honourable friend, Mr. Deshmukh, who was really responsible for fostering a measure based on principles to which this House has agreed. I was a little surprised when I learnt that the Bill that this House passed on a previous occasion was in fact unworkable. A number of intelligent Members of this House sat for some time and considered the previous Bill and they signed a unanimous Select Committee Report. The last sentence of that Report reads:

"We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended."

Naturally the House would accept a report of that kind. What the Committee should have said was: "We think that the Bill as now amended is unworkable: we recommend that it should be thrown out of the window." Therefore the House is certainly not to blame in assuring that the Select Committee had considered the Bill and found that it was workable. I do remember, I cannot go into the discussions of the Select Committee obviously, that the point as to the workability of this Bill was raised at a certain stage in our discussions and that we were assured on the best available authority that

[Sir F. E. James.]

there was no possible shadow of doubt whatever about it. Those who gave that advice at that time I think were responsible for the unanimous verdict of the intelligent Members of this House recommending that the Bill as then amended be adopted. We need not waste time on the events of past history.

Here is a Bill which we regard this time will be workable. If not, the House will demand Dr. Khare's head on a charger and that with some justice.

An Honourable Member: They will send him to Ceylon.

Sir F. E. James: But from my own reading it looks a very considerable improvement on the previous measure. But I am bound to say I feel embarrassed, when I remember coming away from the Select Committee after we had laboured many hours on the original Bill with the gratifying feeling that our duty had been done, only to find that we had made a mess of the thing and that we had misled the House into doing so.

It is a sad commentary on the position in the Empire today that a Bill of this nature should be considered necessary by this House, or by any Parliament in the Empire. In company with some Members of this House I recently paid a visit to the Middle East where we had the great privilege of visiting many of the Indian units which have been gaining for themselves great honour in the battlefields of Africa. We talked to many commanders of divisions and corps. We talked to the Commander-in-Chief of the Middle East. We talked to some of the Commanders in the Tripolitania area where the Eighth Army was fighting. We heard one unanimous view that the Indian units in the divisions in which they served were second to none, second to none of the Dominions, second to none of the other units from the different parts of the Empire which had taken part in these great and historic campaigns. That being so, what a tragedy it is that this House should be asked to enact a Bill with one intention, namely, to apply in a retaliatory manner those measures of discrimination in this country which are unfortunately imposed upon Indians in other parts of the Empire. I feel strongly that this method of approach to what is a difficult problem in certain parts of the Empire is not the right method and will never produce a lasting solution. We in our Party cannot complain of the desire of the House to place on the Statute-book a Bill of this character. At the same time we also feel equally strongly that the solution to these great imperial racial problems lies not in retaliation, not in provocation and subsequent retaliation, but in other methods under which the weapons that we are now placing in our hands are sheathed, and in their place consultation and conciliation are employed.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): And supplication.

Sir F. E. James: While we are therefore at one with other Parties in the House in accepting the principles of this Bill and in seeing that it passes through its various stages in this House, we would like also to say here, and if we can make our voice heard in other parts of the Empire also that this is not the end of the matter and should not be the end of the matter, that if the Empire is to continue to exist as an association, a free association of peoples of different races, a solution must be found in a different way. No one can complain that Indian public opinion feels that it has been provoked too long and that it must take into its hands a method,—the weapon of retaliation; still a solution will not be found in that way. Therefore, I hope that in the discussions on this Bill and possibly in the discussions on the Resolution concerning South Africa to-morrow or the day after, some of my colleagues will, with us, direct their attention to some other way in which possibly these difficult problems in the various parts of the Empire may the better be solved and solved in a more lasting and satisfactory manner. Having said that, on behalf of my Party I support this Bill and hope that the House will pass it with unanimity.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I am glad that the Honourable Dr. Khare is bringing up this Bill at the ripe moment, although it is still late enough. I would not have intervened

in this debate but for certain remarks which my Honourable friend, Sir Frederick James, made just now, and I must confess to a feeling of surprise that, in spite of the fact that he and his Party would support the Bill, he was rather reluctant in the support and he did not think that the approach was very correct.

Sir F. E. James: May I say I did not say that? I said that it would not provide a lasting solution.

Mr. Muhammad Nauman: In his opinion this is not a solution and the method of retaliation might provoke the Governments of the Dominions and we may not prove sufficiently strong to impose our decisions on them or retaliate in the manner in which we would like to. I think the only deficiency which may be with us is that we are not as yet an independent nation, to compel others to give us the same treatment as we give them in this country. This Bill does not propose any very strong measures of retaliation but only says that we will try to treat those people in the same manner in which they give treatment to us in their parts of the Empire. I would just remind the House as to how we have been treated all along. We have been making requests not only to the Dominion Governments but also to His Majesty's Government to interfere in the matter and they never thought it necessary to do so, for their own reasons. I wonder whether this approach even will be of as much use as we would have liked it to be. I think that is the minimum we could do at this moment and I hope that this will at least convince the Dominion Governments that we are preparing ourselves to a stage where we may be compelled to adopt methods by way of legislation. With these few remarks, I support the present Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the first question that arises is whether we should or should not congratulate the new Member who is piloting this Bill. For my part, I would not be very enthusiastic at this moment but would wait and see what his policy is going to be. I put a specific question to him the other day asking what his policy would be. I pointed out to him that the policy of the Government has been most defective and suicidal to the interests of the nationals in South Africa and I also pointed out that up to now the Government has remained more or less impotent to help the nationals of India on this point. We read in the papers that even the Secretary of State, Mr. Amery, expressed that he and the British Government could not interfere in the matter. I put a question on that also and his reply to that was not definite. The Honourable Member said that he does not know that. We want a real remedy and, therefore, I have been asking the Overseas Member to adopt his own policy, because the other policy has failed. Therefore I think I would not admire his wisdom of pressing today that this Bill should be discussed. He should have waited till tomorrow's discussion and then he would have seen the imperfections in this Bill. Several matters will be suggested to him tomorrow and it would be in the fitness of things that they should be considered and then suitable modifications could be made in the Bill. It may be necessary then to ask the Chair to either waive the Standing Order or to allow sufficient time for further amendments to be made.

Mr. President (The Honourable Sir Abdur Rahim): Amendments can be put in when the time comes. The Honourable Member can go on with his speech.

Mr. Lalchand Navalrai: I am telling the Honourable Member that he is too hasty in asking us to discuss the Bill today.

Mr. President (The Honourable Sir Abdur Rahim): I have allowed the motion to be moved today.

Mr. Lalchand Navalrai: I am conscious of that. I am telling him that he should not have asked for it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better go on with his speech.

Mr. Lalchand Navalrai: The point that has to be considered is what has happened up to now and whose fault is it that the Bill which has been passed, namely, the Deshmukh Act

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

STATEMENT OF BUSINESS.

The Honourable Sir Sultan Ahmed (Leader of the House): With respect to the business of the House from Monday next, for Monday, Tuesday, and Wednesday next week there will be a combined list of business comprising the outstanding legislative business of the Session, that is to say, any items on today's list which remain to be disposed of and the consideration and passing of the War Injuries Compensation Insurance Bill and the Delhi University Bill as reported by the Select Committee and also, subject to your consent, under the proviso to Standing Order 58, the Honourable the Commerce Member's Resolution recommending participation by Government in a contemplated scheme for the relief and rehabilitation of areas devastated by the war. On Thursday the war situation will be discussed on a formal motion by myself; and Friday, as Honourable Members are aware, has been allotted for non-official Resolutions. This will leave the Food debate outstanding. We understand that there is a general feeling that one day will be insufficient for the discussion of the food situation and I would ask you, Sir, to direct the Assembly to sit for the transaction of official business on Monday, the 9th and Tuesday, the 10th August. The business for these days will be any items on the list for Monday, Tuesday and Wednesday next week which are not disposed of on those days, followed by the Food debate; that is to say, the House will get two full days for the Food debate if the business for Monday, Tuesday and Wednesday next week is disposed of on those days, and otherwise two full days less the amount of time occupied in completing that business.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, the Honourable the Leader of the House most probably has naturally suited his own convenience but I am afraid he has forgotten the very important fact that the Food problem is the most important problem to be discussed in this House. Legislation in my opinion is of secondary importance compared to the food problem. To have postponed the discussion of the food problem right to the end of the Session, in my humble opinion, is not doing justice either to Government or to this House and I would therefore suggest that the food problem should take precedence over all legislation and should be discussed as soon as possible. I would suggest that the food problem should be discussed on the 4th as was originally arranged. Legislation can wait. Let us get over this most important question. I would most respectfully urge that the Leader of the House should take this point into consideration.

The Honourable Sir Sultan Ahmed: There would have been no objection at all but as we are allowing two days for the discussion of the food situation, that is the reason why we have fixed the 9th and 10th. Otherwise, if it is to be only one day, then our original proposal may stand but I am sure it is the wish of the House that the discussion should be for longer than one day.

Sir Cowasjee Jehangir: Why not the 4th and 5th. Why should legislation take precedence over this very important question?

The Honourable Sir Sultan Ahmed: Because I have made inquiries and it will be difficult to disarrange the plan for the discussion of the war situation. The secret session has been fixed for the 5th of August.

Sir Cowasjee Jehangir: Then let the 3rd and 4th of August be fixed for considering the food situation.

The Honourable Sir Sultan Ahmed: I fear, so far as we are concerned, the utmost that we could do has been done by us. We want to have a full discussion of the food situation. But perhaps my Honourable friend wants that discussion to take place earlier and thus become free and go away. He does not want to take part in the legislative business.

Sir Cowasjee Jehangir: But that is no reason why the House should be kept waiting.

Mr. President (The Honourable Sir Abdur Rahim): I direct on the desire of the Leader of the House that the Assembly shall sit on the 9th and 10th of August.

As regards the Resolution recommending participation by Government in a contemplated scheme for the relief and rehabilitation of areas devastated by the war, the Standing Order requires 15 days' notice. But under the circumstances I should be prepared to accept shorter notice if I do not find that it will interfere in any way with the convenience of the House.

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

The Assembly re-assembled after Lunch at Half Past Two of the clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

THE RECIPROCITY (AMENDMENT) BILL—*contd.*

Mr. Lalchand Navalrai: Before the House rose for Lunch, I was saying that this subject was very important and also a very vexed one. The Honourable Member for Overseas Department is more or less on his trial to show us what drastic measures he is going to take. The former Government failed to do anything. Though I greeted the Honourable Member from a distance, yet I knew him as my colleague on this side of the House. I also know that the Honourable Member will do justice to this matter. I have no doubt about that. It is a question on which, I must acknowledge that the Honourable Member has taken a good step in the very beginning. As soon as he has taken charge, he has taken the matter into his hands. This was the most important item of his portfolio. Having taken it, I was also glad to see that he called certain gentlemen interested in the matter in a conference and now he has introduced this Bill. Therefore from what I know of him and from his work when he was on this side of the House, I am certain that he will not leave this subject half done. He will try his best to see that what is necessary must be done, no matter if we are going to have retaliatory measures. Any measure which can help our nationals should be done by the British Government. Now, I will leave the matter there because we are going to hear so much about this tomorrow. Not only that, the Honourable Member will have to implement this Bill. There are many more points which will be brought to his notice tomorrow. He will have to consider all of them. He will have to use not only statutory powers but also executive powers. I hope whatever he can do, he will do.

With regard to the unworkable nature of the former Bill, I do not want to waste much of the time of the House. After all it is a matter which was done in good faith. I know it will be ungenerous and I think we will be ungrateful to Dr. Deshmukh who took the trouble of rousing the Government and forcing on them this Bill which the Government would not otherwise have cared to. In that respect I thank him very much and he also deserves the congratulations of this House. So far as the unworkability of the Bill is concerned, I do not agree. The Bill gave powers to the then Government to do what they could. If that Bill had been implemented and the rules had been made thereunder, by this time something would have been done. We know that the former Government were feeling that they could not do anything in the matter. So they were not taking up the matter in the manner in which they should have done wholeheartedly and find out some measures to meet the situation. Therefore, I should say at once that the former Act was not unworkable. If the Act had been implemented, we would have got many ways of meeting this question. But as the intention was not to work it out, therefore it was that they made no rules, they kept quiet until the Honourable Member has got into this Department and he has seen that the Bill should be implemented and something should be done. For that, we are also thankful again to the nationals outside who have been carrying on a persistent agitation from time to time and who have been rousing us. We have every sympathy for them. The officers and

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the authorities there in South Africa have all been against our nationals. I submit that the former Bill could have been worked. But that is past now. What this Bill wants now is this. Clause 5 substitutes a new section for section 6 of Act IX of 1943. It says:

"The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act."

This is again a power that is being given to the Government and the only consolation we will have is that the Honourable Member is in a mood to see that the rules are carried out. That is the only consolation we have. From past history we are disappointed. Even the former section gave power to the Government to make rules. Now the rules which are to be made are "in particular and without prejudice to the generality of the foregoing power, rules made under this section". The Rules will provide:

"(a) for the setting up of machinery to ascertain the disabilities in respect of any of the matters specified in section 3 to which persons of Indian origin are subject in any British possession."

Now this could have been done before. Not that there was any statutory impediment in doing that. They could have passed this rule. The second provision is:

"for the establishment of a suitable agency to administer the rules and for defining its functions and powers."

This also could have been done by the former Government. The third provision is:

"for specifying the disabilities that shall, when a direction has been made under section 3 be imposed in British India on persons not being of Indian origin who are domiciled in any British possession and for the imposition on them of the disabilities so specified".

Now, Sir, this also could have been done departmentally. Of course a specific provision is being made in clause 5, with regard to the condition of those domiciled in the British possession who are members of the armed force. For them power is being asked to be given and we have no objection to that. Therefore these rules, I submit, may be made but we do not agree that these are the only rules to be made. There may be other suggestions tomorrow and other rules may have to be made. We want to strengthen the hands of the Honourable Member so that this subject may be properly dealt with.

Then, Sir, I will only refer to what Sir Frederick James said with regard to other measures that should be adopted. I agree with him that if this matter can be settled in a compromising and conciliatory spirit that would be best for both countries. But we know the facts and the facts are that they are immovable on this point. The authorities there do not care for anything and every day they are passing their Acts to the prejudice of our countrymen. We have on our part tried the method of conciliation and when we fail in that we are forced to adopt this retaliatory measure, and the Honourable Member also sees no other alternative but to pass this Bill. In the end I wish to point out that the measure should not be such as to be unworkable but should be thorough and complete.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I rise to support this Bill but in doing so I should like to sound a note of warning of the actual position in which India stands. This is not a new question. It has agitated public opinion in this country for the last 30 or 35 years. We have had debates in this House on the question of the treatment of Indians in South Africa on more than one occasion. Now things have unfortunately come to a crisis in war time. I was hoping that if the South African Government felt that it was necessary to take further steps against the Indians in South Africa they would have had the patriotism and common sense to wait till after the war. But they have thought otherwise and I consider their action against Indians during war as unpatriotic to the commonwealth of nations of which they are members and, according to General Smuts, proud to be members. But we must not forget the very difficult position in which India is placed and I should like to emphasise the ineffectiveness of this Bill. To

me it appears merely a gesture of resentment. We will pass it but what is the effect of it going to be? We can have gestures of resentment in other ways; there have been public meetings throughout India and what is much more important is that throughout the period of agitation during the last 35 years we have had the support of the Government of India from the time of Lord Hardinge. This is one of those questions on which India is practically agreed; all sections of public thought are agreed and Government are agreed. What other steps can we forge to bring South Africans to their senses? This Bill provides for rules to be made by Government the result of which would be the same treatment to South Africans in India that they mete out to Indians in South Africa. That is the long and short of this Bill. I am told there are one hundred South Africans in India as against hundreds of thousands of Indians in South Africa. Suppose we did impose the strictest restrictions on these hundred South Africans, is it going to have the slightest effect on South Africa? These one hundred South Africans will leave India; they are connected, I am told, with one business firm in Calcutta and they will just wind up and go away. Some may remain under the plea that they are Englishmen but all admittedly South Africans will leave the country. What is the effect of that going to be?

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, may I interrupt the Honourable Member just for a minute? It seems to me that his remarks are based on the assumption that this Bill is going to be used against South Africans. I wonder if he has got any assurance from Government or from the Honourable Member in charge to that effect, because that would very much simplify matters and enable us to understand the position.

Sir Cowasjee Jehangir: I am not doubting the honesty of Government, specially when we have Dr. Khare with his previous history behind him as the Member in charge. I take it that Government will make full use of this Bill and will do all that they can to see that India does exert her very best efforts to bring South Africa to her senses. And the past history of Government's actions show that we need not doubt that position.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): We should doubt it.

Sir Cowasjee Jehangir: Why should we doubt it? Here is Dr. Khare who has brought forward this Bill and who is going to make these rules, and there is my Honourable friend the Nawabzada and others to see that these rules are as effective as they possibly can be.

Nawabzada Muhammad Liaquat Ali Khan: If we were in a position to see that there would be no necessity for rules.

Sir Cowasjee Jehangir: I wish that was true and that we had real Swaraj, and my friend the Nawabzada was on the Treasury Benches to take such action as would bring South Africa to its knees. But I doubt whether we will be in that position because India is in a difficult situation. India has thousands of her people in South Africa but there are only a hundred South Africans here. And India's relations with South Africa are of such a character that if any reprisals are thought of, the damage will be much greater to India than to South Africa. I am of opinion that the only method of bringing South Africa to her senses is trade retaliation. Treating the hundred South Africans in some way or another is not going to be of much use, but the only method which will make them wake up and think is trade retaliation. And there one has got to consider who is going to be damaged more, India or South Africa? And that is the only effective manner in which South Africa or any other country in this materialistic age can be brought to its senses.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Is not the Honourable Member somewhat too optimistic? India is a part of the British Empire and South Africa is part of the British Commonwealth. There is difference between Empire and Commonwealth, and India cannot retaliate.

Sir Cowasjee Jehangir: Human nature does not change, do what you like. It is your strong arm that is going to be effective. No amount of words on public platforms, no amount of words in this Assembly is going to be of any

[Sir Cowasjee Jehangir.]

use. It is your strong arm, and the only manner in which you can show your strong arm is, as far as I can see by trade retaliation. I am of course expressing my own opinion.

Dr. P. N. Banerjee: You are in favour of violence.

Sir Cowasjee Jehangir: Yes, always. I am not in favour of non-violence. I do not believe in it because it is against human nature, and I do not believe in non-violence because Providence made violence. Providence gave my friend, Dr. Banerjee, two hands to use; God gave my friend, Dr. Banerjee, a tongue to speak, and he gave him two legs not only to walk but to kick, and what Providence did no man is going to undo. When my Honourable friend, Dr. Banerjee, was a baby and something was done which he did not like, what did he do? I bet he used his hands first and his teeth when they began to grow. That is what Providence did and no man on earth is going to undo it. It is no use talking to me about non-violence. I definitely say that if I could use violence against South Africa I would do it, provided it will not go against our countrymen there.

Mr. Deputy President (Mr. Akhil Chandra Datta): No more discussion about non-violence please.

Sir Cowasjee Jehangir: Sir, I was interrupted by a member of your own Party. If you will kindly stop him from interrupting me. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): You have already said enough about non-violence.

Sir Cowasjee Jehangir: Sir, I am quite prepared to go in for violence if it is going to be effective, but I am not going to do so if it is going to do harm to my own countrymen. In regard to trade relations, we have hundreds of thousands of our countrymen there and, unfortunately, we cannot go in for such measures as we would like to without doing them harm. Therefore, we are in a very difficult position. I say to the Honourable Members, with a full sense of responsibility, that when this Bill is passed, it will merely be a gesture of resentment; they should not expect too much from it and from the rules that may be framed under it, because it is the intrinsic position of India *vis-a-vis* South Africa that is difficult. But the time may come, and I hope and pray that it will be not far distant, when India will be strong enough, powerful enough to make its words more effective than they are today, words behind which there is a real sanction, words which will carry with it the weight that they deserve to carry coming from a country with a population of four hundred millions. That position has not been attained today and, God willing, it may be attained if our countrymen choose that it shall be attained, but not as they are going on today because in that way those days will never come. But if our countrymen choose that they shall come by unity, by genuine strength—then we will have our say with South Africa on equal terms, and not till that day. And, therefore, I warn the House not to attach too much importance to gestures of resentment like these.

The Honourable Dr. N. B. Khare: Sir, I must say that I am feeling a debt of gratitude for the kind references made to me before this House from all sides. So much so that my Honourable friend, the Member from Sind, also paid me in his afternoon speech great credit for my action in introducing this Bill. In the morning, before lunch, he definitely said that he did not want to congratulate me but when he comes after lunch he forgets what he said in the morning. I think, the lunch did the trick.

Mr. Lalchand Navalrai: Was it better sense, or no sense.

The Honourable Dr. N. B. Khare: Absence. But, Sir, although I thank the Members from the bottom of my heart, I neither deserve any credit nor do I claim it. The whole credit for acceptance of the principle of reciprocity by this House goes to the Honourable Member from Nagpur, Mr. Govind V. Deshmukh and I give it to him. At the same time, the credit for bringing this Bill before the House so quickly goes to the Government.

Sir, Government is blamed always when things are done slowly; it is said that it is a slow bureaucratic machinery. And, Sir, as was seen in

the morning, when things are done very quickly—for we gave just three days notice for bringing forward this Bill—we are also taken to task for not giving sufficient time, so much so that obstructions were raised for its passage from some quarters.

Generally, on this Bill no adverse comments have so far been made, and there is no time to make them now, I believe, and that shows that the Bill is good. A Member, I do not see him in his seat now, when he rose up to speak in his formidable manner, in his grave manner, and words began to fall from his lips in a slow measured tone and in a deliberate manner and he began to make grave charges against the Government, my heart began to freeze within myself. I thought before long I would be converted into ice-cream! But, Sir, ultimately I found that in spite of all his formidable manner there was no substance in his charge. He let down from his lips some words as 'objectionable', 'dubious' and 'that Government should make clean breast of it'. But there is nothing of which the Government have to make clean breast of; they have been quite straightforward and frank. As far as I know, the assent of the Viceroy was received sometime in the 1st week of April. It is July now and it is the first Session after that and if Government brings forward a measure to correct the inaccuracies in the Act as quickly as that, I think the Government ought not to be blamed for it, but should be given credit for it.

Sir, much was said about the attitude of the Government towards the original measure of which this Bill is an amendment. Some said that the Select Committee was to blame and some said that the House was to blame. I think that in this matter nobody is to blame at all. If any reflection is to be made against anybody it is against human frailty. We are all human both in the Government as well as in the Assembly.

Sir, doubts have been raised on the floor of the House about the efficacy of the Bill. I grant that. There is no doubt that if the Bill is passed it will make no impression. It is patent to anybody. 3 P.M. Emphasis has also been laid on the fact that retaliation should not be made a weapon for a permanent solution of this vexed problem. I grant that. After all, it is proper to say that questions arise between man and man and country and country which by representation and conciliation could be settled. But if all these things fail, then what would my Honourable friend suggest in place of retaliation? May I ask him whether submission is always the way and what should be done after negotiation and representation have failed? I hope that things might change and that the tempest which has arisen might settle down. I do not know. The future alone can say.

Some misgivings have been expressed by certain Honourable Members about the honesty of Government. My Honourable friend, Mr. Deshmukh, said that when the Government allowed this Bill to be passed in the last Session it was dishonest.

Mr. Govind V. Deshmukh: I said it was either stupid or dishonest. I did not say it was stupid.

The Honourable Dr. N. B. Khare: That is the Honourable member's opinion. But Government has not been dishonest. I say when the Government took the first opportunity they could take to remedy the defect, I think it is not dishonesty at all, but it is rectitude, or promptitude if I may say so.

Amendments have been moved to compel the Government to do certain things specifically and within a certain time. There should be no necessity for it. I am sure we will frame the rules as soon as possible. Nobody should have misgivings about it.

I think I should not speak much more on this point and I commend the motion for the acceptance of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill to amend the Reciprocity Act, 1943, be taken into consideration."
The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Asoka Kumar Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The case for the Bill is fully explained in the Statement of Objects and Reasons. Honourable Members are aware that British Indian Courts have frequent occasion to issue commissions for the examination of witnesses residing in Indian States. Such commissions are issued to the Political Agent for the State concerned. As the law stands at present the Political Agent is required to execute the commission himself or to have it executed by an officer subordinate to him. The Political Agent and his officers have no power to compel the attendance of any witness and the co-operation of the Darbars is not always forthcoming. Even when the witness is ready to appear, much inconvenience is caused when the witness happens to reside at a distance from the headquarters of the Political Officer.

In these circumstances Political Officers on occasions send commissions to a State Court for execution. This practice has no legal authority and evidence taken on commission by a State Court is not legally admissible in the British India Courts. Honourable Members realise that such a state of affairs is undesirable and should not continue. The present Bill proposes to empower the Political Agent to forward a commission issued to him by a British Indian Court for execution by a State Court recognised by the Crown Representative for this purpose. The Bill does not render the Political Agent incompetent to execute the commission himself or through a subordinate of his own. It merely renders legally available the alternative of sending the commission for execution by a State Court recognised for the purpose. Honourable Members will have observed in the Statement of Objects and Reasons that a similar Bill which was introduced in and passed by the Council of State in 1921 evoked some opposition in the Assembly and was allowed to lapse. I ought to tell Honourable Members some of the facts regarding the previous Bill.

That Bill was introduced on the 19th September, 1921, in the Council of State and was passed by the Council of State. The matter came before the Legislative Assembly on a motion for consideration of the Bill as passed by the Council of State. On that occasion there was opposition by Sir Hari Singh Gour and he took two points. He raised the question as to the procedure which would be followed by a State Court in executing the commission, and he further raised the question as to how a witness giving false evidence on a commission executed by the State Court could be dealt with. As to the first point, it is quite clear that the matter would be regulated by the law of the State and I have no doubt that in all States whose Courts are found to merit recognition by the Crown Representative for the purpose in view the same procedure would be followed as obtains in British India. On the second point, the false witness would be punishable by the State Court in accordance with the law of the State. I cannot feel that any legitimate objection to the Bill can be based on either of these points. I should emphasise that this is merely an enabling provision. A Commission for the examination of witnesses is a matter in the discretion of the Courts. Examination of witnesses on commission is an exceptional procedure necessitated by the desire on the part of the Legislature to promote the ends of justice. When you have commissions for the examination of witnesses residing within the jurisdiction of a State, you necessarily must be to some extent in the hands of the State Courts. Honourable Members are aware that commissions out of jurisdiction are as much known to English law as to the Indian, and I do not think that the evidence of a witness recorded out of jurisdiction is inadmissible merely because the foreign court has a procedure of its own or because the court issuing such a commission cannot touch the witness so examined if he is found at the trial to have perjured or prevaricated. Honourable Members are all aware that the examination of a witness on commission can never be as satisfactory as examination in court. But all countries recognise the

desirability of having commissions for examination of witnesses outside their jurisdiction. All countries recognise the difficulty caused by a material witness being in such a place that his attendance cannot be compelled by a court. It is then that a commission for the examination of the witness becomes necessary. Honourable Members who have read the Bill and the Statement of Objects and Reasons will realise that this Bill is really intended to facilitate the examination of witnesses on commission—witnesses who reside in Indian States and who cannot be compelled to come to the British Indian courts for the purpose of giving evidence. With these words I move. I ought to mention that I have received to-day notice of an amendment for reference of this Bill to a Select Committee. I may say that I am prepared to accept the amendment if the House so desires, so that all questions which might be raised by Honourable Members could be thoroughly examined and thrashed out in the Select Committee. Notice of the amendment was received by me to-day but I am making no point of it. I am prepared to accept it if it is allowed to be moved. That is all I have to say.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

As no objection is taken, I allow the amendment to be moved.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): Since no objection has been taken, you will permit me to move my amendment even though the notice is not within time. I move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sardar Sant Singh, Mr. Lalchand Navalrai, Rao Bahadur N. Siva Raj, Mr. P. J. Griffiths, Syed Ghulam Bhik Nairang, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Since this amendment has been accepted by the Government I need not dwell at length on the necessity or the need for moving this amendment. The Statement of Objects and Reasons states that a similar Bill was introduced in this House in 1921 and that the House was not in a mood to pass it as it was introduced. The Bill then lapsed. Surely, when the Government were introducing a Bill in this House which formerly had been negatived by this House or this House had not accepted, they should have given us time to consider the Bill very carefully, but I am sorry that Government made this motion for consideration straight away. However, they have seen wisdom and are agreeing to Select Committee. Therefore I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, Sir George Spence, Sardar Sant Singh, Mr. Lalchand Navalrai, Rao Bahadur N. Siva Raj, Mr. P. J. Griffiths, Syed Ghulam Bhik Nairang, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The motion was adopted.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) , AMENDMENT BILL.

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

Sir, I move:

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

In commending this short Bill to the House I have little to add to what has been said in the Statement of Objects and Reasons. The principal object of the Bill is to ensure that Government have power to make recoveries in suitable cases, from the trade concerned, of the cost of "quality control", that is to say, cost of sample-taking and testing. Control of this kind is very necessary in the interests of the public and in the interests of the dealers under the "Agmark" system. At present expenditure on quality control is borne entirely by the Central Government and there is no power to recover cost of quality control from the trade concerned even where the trade is willing to bear the cost. The expansion of the Agmark system, that is to say, the system of grading and marking agricultural produce, which we think is in the interests of the producer

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and of the trader and of the public and which we think will also be, particularly useful for any expansion of the export trade of India after the war, can in the long run only take place if quality control is to an increasing extent self-supporting. The Government are prepared to bear the cost of quality control for so long as the graded commodity is establishing itself in the market but once the graded commodity has established itself in the market as a graded commodity and is valued by the public, because they know that they are getting a commodity of guaranteed purity and guaranteed standard, we feel that the further development of grading with respect to that commodity and the maintenance of grading with respect to that commodity should be borne by the commodity itself, setting free Government money for the application of marking and grading to other commodities.

The House will, I hope, appreciate that this is simply enabling legislation that I am moving at the moment, and, in asking the Legislature to amend the Act to give Government power to recover these charges, I wish to repeat on the floor of the House the principles by which Government intend to be guided in imposing the levy on any particular commodity at present subject, or later to be made subject, to the *Agmark* system. I repeat that we recognise that the graded product must be given time to establish itself in the market. We, therefore, propose, as the Statement of Objects and Reasons says, to recover the cost of quality control only in the case of commodities the grading of which has so established itself that there is a steady demand for the graded products; and in such a case we propose to fix the rates of recovery in consultation with the trade concerned and to fix rates sufficient only to cover the expenditure incurred by Government on quality control. In other words, we do not intend to fix rates to make a profit for Government. We have consulted Provincial Governments and the principle of the proposal has been almost unanimously accepted by them.

The House will see that the amendment also covers recoveries for publicity carried out for any particular *Agmark* commodity. Publicity of this kind is not normally the function of Government and we would not propose to undertake it unless the particular trade interested in the commodity in question, perhaps having no organised publicity of its own, agreed generally to central publicity on behalf of a particular *Agmark* commodity or group of commodities. We do not want to butt in where people have their own publicity organisation but we thought it might be useful to take power to assist in publicity for individual commodities if the trade concerned considers it to be helpful.

In conclusion, I would remind the House that of the various classes of commodities covered by the schedule to the parent Act only some are at present subject to the *Agmark* system, the system of grading and marking. The trades concerned, the producers and dealers, will of course be consulted before the Act is applied to any of the remaining commodities in the Schedule. That is the existing practice and there is no intention of departing from it. Even when a commodity is brought within the system of grading and marking, the employment of the *Agmark* system is entirely voluntary for the producers or the traders in that particular commodity. No one is compelled to grade or mark his product merely because we make the Act applicable to that particular product. Finally, the recovery which we now seek power to make will be made only from those producers or dealers who voluntarily come into the *Agmark* system in respect of the commodity in question. There is no question of a compulsory levy on the trade as a whole or a compulsory levy on all commodities that are graded under the Act. We shall treat each commodity separately as occasion arises and I would add that the safeguard that exists for the dealers in any particular trade is that we can only hope to recover the costs of quality control if the article that is graded can bear the extra burden. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

Mr. E. L. O. Gwillt (Bombay: European): I shall be grateful if the Honourable Member will give me some information, or a little more information, about

the amount of money which is going to be spent in publicity. He has made it clear that the Bill is to enable Government to recompense themselves for money spent on publicity in respect of a particular agricultural product and I would like to ask him whether that means that if eggs, for instance, are going to be "Agmarked", it is those people who voluntarily offer their eggs for marking and grading that will pay for the publicity in respect of their own particular product. I take it that there is no intention of treating it as a general overhead amongst all the agricultural producers who are contributors to the scheme.

The other point is also in respect of publicity. Government, I believe, spends money on advertising the name "Agmark" itself, not necessarily on any particular product. I would like to hear from the Honourable Member how the money is to be recovered on an advertising scheme of that nature.

The third point is in respect of Inspectors. The Bill, or rather the Act, provides for Inspectors and I shall be grateful if the Honourable Member will tell me how these Inspectors are appointed and how in practice they have carried out their duties.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): In the Statement of Objects and Reasons, it is stated that the expenditure falls under two heads, namely, expenditure in connection with the preparation of labels and expenditure on the supervision of grading. Further on I find that another expenditure is mentioned, that is the testing of samples. This is also the third object under this head. Is it meant to be a sort of a cess or a new tax on the consumers as I know that every tax or cess that has been levied by the Government falls ultimately on the consumers. The traders do not care for such taxes at all. They know that ultimately they can raise the prices and there will be no difficulty for them. Besides, is the Imperial Council of Agricultural Research not competent to deal with this question and to take up the expenditure? The Government of India and the public are to a certain extent a sort of subscribers. So, why this new cess or tax is being proposed under this Act? I am afraid it is a sort of back-door income which the Government wants to have again from the consumers. There is nothing more that I have to say now, but when we come to clauses I may have something to say. I repeat that this cess or tax should not be in the form as is mentioned in the Statement of Objects and Reasons so that the public may be saddled by it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, may I ask two questions? In the first place, agriculture is a provincial subject and I wish to know whether the Provincial Governments will be associated with the work of administering this Act. Secondly, this Act will affect agriculturists, traders and consumers. Will the representatives of agriculturists, traders and consumers be associated with the work of administering this Act? These are two questions on which I wish to have information.

Mr. J. D. Tyson: Sir, I am grateful to Honourable Members who have intervened in the debate to ask questions designed to clear up the position. I will do my best to answer them. I understand Mr. Gwilt's question to be whether the money which will be collected under this amended Act for publicity will be devoted to publicity for *Agmark* products as a whole or will be confined to publicity for specific commodities. The answer is that publicity for *Agmark*, such as one sees in posters or which one did see before the paper shortage discouraged them, is done by the Marketing Department. It is not proposed to make any recovery from the trade on that account. What we had in mind—and it is a matter that may never arise—was that if some particular trade, not very well organised, wanted to come under the *Agmark* Act and said that they wanted some publicity for their commodity, then the Central Government would be prepared to help them on a "no cost" basis to Government. They would get the benefit of all the publicity that the Government does for *Agmark* products as a whole, but if it came to a question of doing special publicity for one commodity—let us say eggs as eggs have been quoted—if it came to a question of doing special publicity for *Agmark* eggs, then the trade concerned would finance that publicity and Government would not themselves launch publicity

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for that purpose but would have to work with the people who deal in that commodity and draw up a scheme of publicity with them and agree with them as to the cost of such a scheme. And I may take this opportunity of saying that in administering the *Agmark* Act Government are very dependent upon the co-operation of the trade in each commodity. Without that co-operation and without our arranging the grading and standardization and the rules, to fit the views of the trade, we could not possibly expect anyone to participate in exploiting the *Agmark* system. We cannot get on without the co-operation of the trade in each commodity that comes up under the system. So the answer, I think, to Mr. Gwilt on that point is that we do not at present recover the cost of publicity for *Agmark* as a whole from any trade at all and we do not propose to do so. Only if those connected with some individual commodity approach Government, then we will arrange a scheme with them and recover the cost.

As regards the inspecting staff for carrying out quality control, arrangements differ naturally with the different commodities. We want different kinds of staff for dealing with Ghee, perhaps, than we want to deal with fruits. Then, again, it is not only a matter of the inspecting staff but very often you require laboratory staff as well. I can say straight away that as regards laboratory staff we naturally have duly qualified chemists and duly qualified assistants. The qualifications of Inspectors differ. I have only got details about one set of Inspectors. Those who inspect *sann* hemp. There are seven of them and the basic qualification is a degree *plus* experience and knowledge of fibres and they work under a Chief Inspector. I may say generally, with regard to the quality control of *Agmark*, that we have had no complaints about the quality of the Inspectors. We have had some complaints that there are not enough of them and that is one of the reasons why we should like to have more money,—to have more Inspectors to assist in this control.

Then, Mr. Azhar Ali seemed a little doubtful about the kinds of expenditure that there are. There is already some very small expenditure recovered from the commodities that come under the scheme, such as the cost of the labels that are pasted on the graded product to show that it is an *Agmark* product and what its grade is and the cost of the stencils and apparatus required for making these labels. That is already provided for in section 3(f) of the Rules and is recovered. Over and above that we have to incur expense on staff and equipment to take samples and test them: and if we are approached by the trade in any particular commodity, then they must bear the cost of doing publicity for the *Agmark* products of that commodity. I am afraid it is not practicable to expect the I. C. A. R. to bear this expenditure. The funds of the I. C. A. R. are intended for financing research. This has gone beyond the stage of research. I may say also that this is not an attempt to get what Mr. Azhar Ali called “a back-door income” for Government. I have already said that Government do not wish to make money out of quality control. They only wish to see a source of supply for expanding it in future without calling on Central Revenues. Otherwise, we fear that the desired expansion of the *Agmark* system will be hampered.

Finally, Sir, Dr. Banerjea asked me whether Provincial Governments would be concerned in the administration of this Act. It is a Central Act but we shall certainly hope to have, as we have at present, the assistance of Provincial Marketing officers in helping with quality control. Dr. Banerjea asked me one other question, namely whether representatives of the producers and the traders will be associated in the administration of the Act. Well, I think I have answered that already. They must certainly be associated. People who produce a commodity are associated from the very beginning of the administration of the *Agmark* Act in respect of any commodity because, to put it briefly, we cannot move a step without their assistance. We do not make the Act applicable to any of the scheduled commodities until we have got a pretty fair agreement among the dealers in the trade concerned that it is a desirable and practicable

thing. When we are going to extend the Act to a new commodity, we first of all say, "Will you come along and meet us and advise us as to the grades of the commodity that we should set up and the standards we should demand for the various grades?" And really, from first to last, we have to carry the trade with us.

Dr. P. N. Banerjee: What about the consumers?

Mr. J. D. Tyson: Well, I do not know how we can associate the consumers with it. We publish rules for objection and I suppose the consumers can put in their objections and they will certainly be considered. The consumers, of course, stand to gain by the application of grading, for then they will have an article the purity of which is guaranteed.

Mr. Muhammad Azhar Ali: Now, Sir, the I. C. A. R., has got a big staff for grading and marking of different commodities, it has also a very big office in the Provinces too. Will it not be convenient to transfer this work to them so that no more expenses may fall and the cost may not be realised from the public?

Mr. J. D. Tyson: No, Sir. As I said before, the province of I. C. A. R., as the name itself denotes, is research: and besides, we envisage grading and marking as destined ultimately to cover almost the whole of the production of India and the cost of quality control when things reach that stage will be far beyond anything which could be financed from I. C. A. R. funds.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. D. Tyson: Sir, I move that the Bill be passed.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill be passed."

The motion was adopted.

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

Mr. C. M. Trivedi (Secretary: War Department): Sir, I move:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

Sir, this is a simple and uncontroversial measure, and its purpose is explained in the Statement of Objects and Reasons. Clauses 2 and 3, and 6 and 7 amend the Indian Army Act and the Indian Air Force Act on the lines of the amendment in 1942 of the English Army Act and the English Air Force Act. Under section 50 of the Indian Army Act and section 26 of the Indian Air Force Act, only a court-martial has the power of ordering a penal deduction from the pay of an officer where loss, damage or destruction has been occasioned by the commission of an offence. Clauses 2 and 6 extend this power to the authority dealing summarily with a charge against that officer of an offence. The amendment will place officers subject to the Indian Army Act and the Indian Air Force Act on the same footing as officers subject to the Army Act and the Air Force Act.

Under section 86 of the Indian Army Act and section 91 of the Indian Air Force Act a person charged only with attempted desertion can be found guilty of desertion. We do not consider that this is fair, and following the amendment of the English Acts, clauses 3 and 7 provide that a man charged with attempted desertion cannot be found guilty of the substantive offence of desertion.

Section 103 of the Indian Army Act and section 108 of the Indian Air Force Act already provide for the substitution by the commuting authority in court-martial cases of a valid for an invalid sentence. It is desirable that a similar provision should exist as regards findings. Clauses 4 and 8 therefore provide for the substitution of a valid for an invalid finding.

[Mr. C. M. Trivedi.]

Sections 114 and 115 of the Indian Army Act make certain provisions for the disposal of property of deceased persons. Section 116 at present extends only the provisions of section 114 to the case of lunatics and persons missing on active service. It is desirable that the provisions of section 115 should also be extended to lunatics and persons missing on active service. Clause 5 provides for this. Clause 10 makes a similar provision in the Indian Air Force Act.

When the Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943, Act XIV of 1943, was in passage through the Legislature in March last, the necessity for amending section 116 of the Indian Air Force Act was overlooked. Clause 9, which provides for the communication of certain orders to officers-in-charge of Military and Air Force prisons, repairs that omission. Sir, I move:

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgris: Muhammadan): My Honourable friend has been very scanty in the information that he has given us just now. I should like to have some elucidation of clause 8 where he says the substitution of a valid finding or sentence for an invalid finding or sentence is provided. He just read out those words and said nothing in explanation thereof. I hope that when he comes to deal with the clauses he will just explain what he means by them.

Mr. C. M. Trivedi: If the Honourable Member reads clause 8 he will find the meaning very clear. An invalid finding is one which cannot be supported by facts or law, and this clause provides for the substitution of a valid finding for an invalid finding by a commuting authority.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, be taken into consideration."

The motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. C. M. Trivedi: Sir, I move that the Bill be passed.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill be passed."

The motion was adopted.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, as the Honourable the Finance Member has fallen ill he cannot move the motion which stands in his name.

The Assembly then adjourned till Eleven of the Clock on Friday, the 30th July, 1943.